



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

April 14, 2025

**VIA ELECTRONIC MAIL**

[robinson.jess@gmail.com](mailto:robinson.jess@gmail.com)

Jessica Robinson  
Trister, Ross, Schadler & Gold PLLC  
1666 Connecticut Avenue, NW, Suite 550  
Washington, DC 20009

RE: MUR 8326  
Maxwell Alejandro Frost for Congress, *et al.*

Dear Ms. Robinson:

On October 17, 2024, the Federal Election Commission notified your clients, Maxwell Alejandro Frost for Congress (the "Committee") and Sandra Argibay in her official capacity as Treasurer of the Committee of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied in response, the Commission, on March 12, 2025, voted to dismiss this matter and close the file effective April 14, 2025. The General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

*Mark Shonkwiler*

BY: Mark Shonkwiler  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 8326

**Respondents:** Maxwell Alejandro Frost for Congress and Sandra Argibay in her official capacity as treasurer ActBlue and George Gilmer in his official capacity as treasurer

**Complaint Receipt Date:** Oct. 9, 2024

**Response Dates:** Nov. 7, 2024; Nov. 27, 2024

██████████

**Alleged Statutory/**

**Regulatory Violations:**

52 U.S.C. §§ 30104, 30116, 30122

11 C.F.R. §§ 104.3, 110.3, 110.4

The Complaint alleges that 2024 congressional candidate Maxwell Alejandro Frost and his principal campaign committee, Maxwell Alejandro Frost for Congress and Sandra Argibay in her official capacity as treasurer (the “Committee”),<sup>1</sup> knowingly accepted excessive contributions made in the name of another through ActBlue,<sup>2</sup> a hybrid PAC with a non-contribution account that serves as a conduit for contributions to candidates and committees, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>3</sup> According to federal and state disclosure reports, on June 30, 2023, 229 contributors made contributions totaling \$7,859 through ActBlue to the Committee (as well as made contributions in the same amounts to a state candidate).<sup>4</sup> The Complaint alleges that the location (many from outside Frost’s district), timing (end of an FEC reporting period), and pattern (most below the \$200

<sup>1</sup> Maxwell Alejandro Frost for Congress, Amended Statement of Organization (Jan. 26, 2024).

<sup>2</sup> ActBlue, Amended Statement of Organization (July 29, 2024).

<sup>3</sup> Compl. at 2-3 (Sept. 30, 2024). The Complaint also alleges that both the Committee and ActBlue inaccurately reported the contributions. *Id.* at 3-4.

<sup>4</sup> *Id.* at 3., Ex. 1 (chart comparing contributor information from ActBlue’s FEC disclosure report and the state disclosure report of the nonfederal candidate).

1 itemization threshold and in amounts matching contributions the same individual made to  
2 another state candidate the same day), suggest that Respondents disguised excessive  
3 contributions from unknown, true contributors as a series of smaller contributions made by  
4 individuals who did not, in actuality, make the contributions reported in their names.<sup>5</sup>

5 Respondents deny the allegations, stating that the contributions were made through a  
6 feature on the ActBlue website that allows contributors to split their contributions among  
7 multiple candidates, which explains why the amounts some individuals contributed to Frost  
8 match what they contributed to a state candidate on the same day.<sup>6</sup>

9 Based on its experience and expertise, the Commission has established an Enforcement  
10 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
11 assess whether particular matters warrant further administrative enforcement proceedings. These  
12 criteria include (1) the gravity of the alleged violation, taking into account both the type of  
13 activity and the amount in violation; (2) the apparent impact the alleged violation may have had  
14 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent  
15 trends in potential violations and other developments in the law. This matter is rated as low  
16 priority for Commission action after application of these pre-established criteria. Given that low  
17 rating, as well as the low apparent dollar amount at issue, we recommend that the Commission  
18 dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine  
19 the proper ordering of its priorities and use of agency resources.<sup>7</sup> We also recommend that the  
20 Commission close the file effective 30 days from the date the certification of this vote is signed

---

<sup>5</sup> *Id.* at 4.

<sup>6</sup> ActBlue Resp. at 1-2 (Nov. 27, 2024); Maxwell Alejandro Frost for Congress Resp. at 2 (Nov. 7, 2024).

<sup>7</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

MUR 8326 (Frost for Congress, *et al.*)  
EPS Dismissal Report  
Page 3 of 3

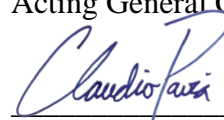
1 (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and  
2 send the appropriate letters.

3  
4

Lisa J. Stevenson  
Acting General Counsel

5 2/26/25

BY:



6 Date

\_\_\_\_\_  
Claudio J. Pavia  
Deputy Associate General Counsel

7

*Mark Shonkwiler*

8

\_\_\_\_\_  
Mark Shonkwiler  
Assistant General Counsel

9

10

*Isaac R. Campbell*

11

12

13

\_\_\_\_\_  
Isaac R. Campbell  
Attorney