



FEDERAL ELECTION COMMISSION  
1050 FIRST STREET, N.E.  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 8082  
Unknown Respondents, *et al.* )  
 )

**STATEMENT OF REASONS OF CHAIRMAN SEAN J. COOKSEY  
AND COMMISSIONERS ALLEN J. DICKERSON AND JAMES E. “TREY” TRAINOR, III**

INTRODUCTION

The Federal Election Campaign Act requires that the Commission first determine if there is “reason to believe” (“RTB”) a violation has occurred before opening an investigation.<sup>1</sup> That standard “is no rubber stamp.”<sup>2</sup> As the Commission explained nearly a quarter century ago, we may not find reason to believe based upon “mere speculation” or conclusory statements in a complaint, “especially when accompanied by a direct refutation.”<sup>3</sup> Rather, “[t]he Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of” the Act.<sup>4</sup> We are forbidden from invoking the powers of the federal government based on drive-by analysis or mere insinuation.

In this Matter, the Office of General Counsel (“OGC”) nevertheless urged the Commission to find RTB against a handful of now-defunct organizations on the theory that they served as pass-through entities for one or more Unknown Respondents.<sup>5</sup>

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<sup>1</sup> 52 U.S.C. § 30109(a)(2).

<sup>2</sup> Statement of Reasons of Vice Chair Dickerson and Comm’r Trainor at 3, MURs 7427 *et al.* (Nat’l Rifle Ass’n), Dec. 23, 2021.

<sup>3</sup> Statement of Reasons of Comm’rs Mason, Sandstrom, Smith, and Thomas at 2-3, MUR 4960 (Clinton), Dec. 21, 2000.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> First Gen’l Counsel’s Report (“FGCR”) at 46-47, MUR 8082 (Unknown Respondents), Sept. 29, 2023.

But “the Act does not permit us to proceed on an ‘RTB-of-the-gaps’ approach to law enforcement.”<sup>6</sup> Because the evidence for the wide-ranging conspiracy the Complaint alleges is exceedingly thin, and because it is rebutted by numerous categorical denials, many of them sworn under penalty of perjury, we voted to dismiss the Complaint.<sup>7</sup>

**I. While the Complaint alleges a wide-ranging conspiracy to engage in a conduit contribution scheme, the Office of General Counsel correctly recommended against finding reason to believe that central figures identified in the Complaint violated the law.**

The complaint in this Matter largely relies on press characterizations of a pitch memo and accompanying chart allegedly emailed by Jeff Pitts, a Florida political actor and the chief executive officer of Matrix, LLC. The relevant press reports included an image of the chart but not the accompanying memo.<sup>8</sup>

The chart shows how funds could flow from initial contributions by Florida Power and Light (“FPL”), through intermediary entities, and ultimately to three different nonprofit corporations—one of which, labeled “Fed Promise” (and bearing the cautionary note “Waiting on lawyers”), seemed to be directed toward federal activity.<sup>9</sup> The other two organizations were, similarly, directed toward Florida state and local elections.<sup>10</sup>

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<sup>6</sup> Statement of Reasons of Vice Chair Dickerson and Comm’r Trainor at 10, MURs 7427 *et al.* (Nat’l Rifle Ass’n), Dec. 23, 2021.

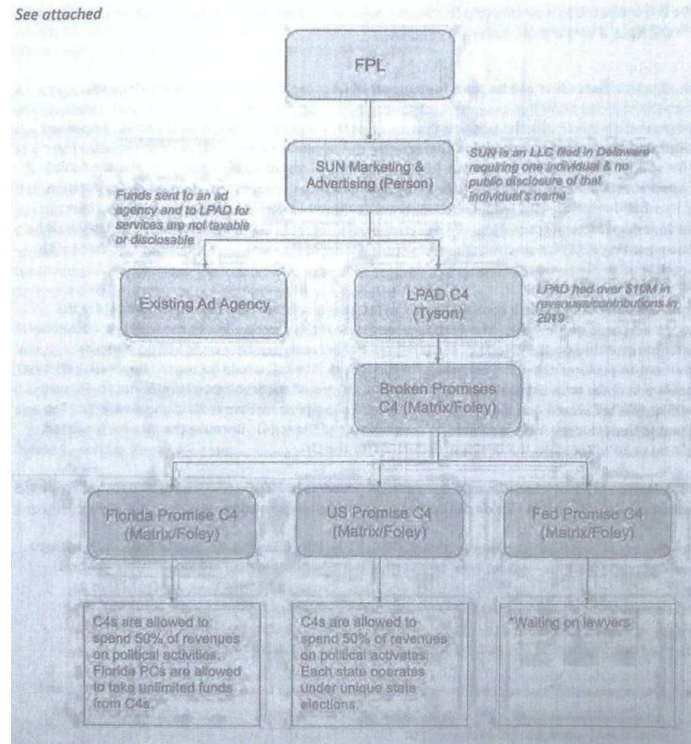
<sup>7</sup> *Dem. Cong. Campaign Comm. v. Fed. Election Comm’n*, 831 F.2d 1131, 1135 (D.C. Cir. 1987) (“The Commission or the individual Commissioners” must provide a statement of reasons why the agency “rejected or failed to follow the General Counsel’s recommendation”).

<sup>8</sup> FGCR at 34.

<sup>9</sup> Complaint at 15, ¶ 33.

<sup>10</sup> *Id.*

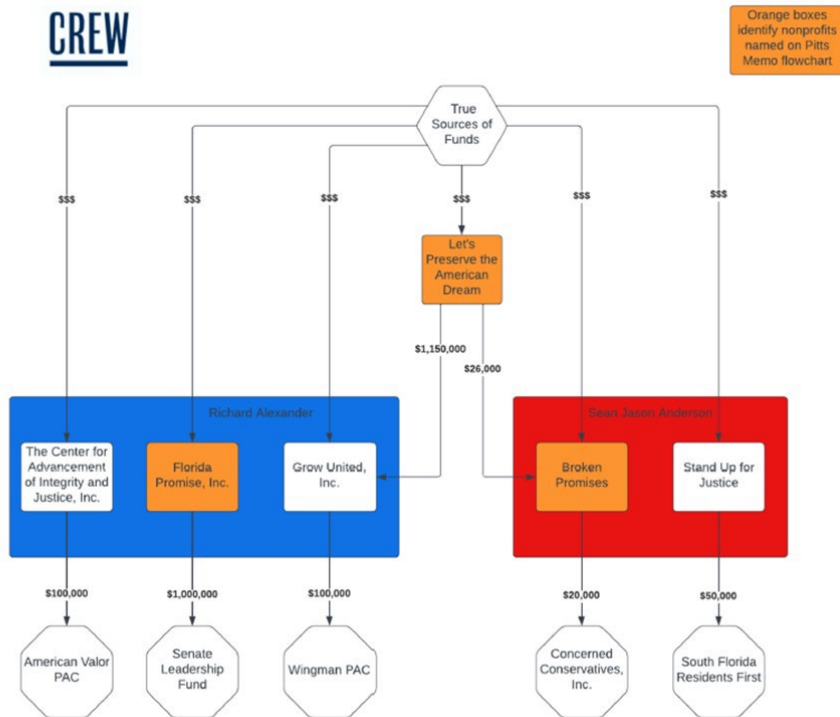
See attached



As the Complaint itself concedes, this precise scheme was never put into effect.<sup>11</sup> Instead, the Complainant created an entirely new theory. Given its complexity, the Complaint includes a helpful chart explaining its view of a potential conspiracy to violate campaign finance rules.<sup>12</sup>

<sup>11</sup> *Id.* at 19, ¶ 41 (“[D]uring the 2020 election the Unknown Respondents...appear to have used a *version* of the funding structure laid out in the Pitts Memo”) (emphasis supplied).

<sup>12</sup> Complaint at 21, *fig. 2*.



It goes without saying that this chart is not, itself, evidence of anything. It is merely a demonstrative exhibit created by the Complainant. Nevertheless, it is worth noting that, of the eleven named organizations in the Complainant's diagrammed conspiracy, eight have seemingly sprouted anew and have no basis in the chart allegedly shopped around by Pitts.<sup>13</sup> Key players, including Florida Power and Light and Fed Promise, among others, are nowhere to be found. Only three organizations from the original reporting, marked in orange, find a place in the Complainant's refashioned scheme.

The most notable change is at the top: Florida Power and Light has been replaced by unspecified "Sources of Funds"—the titular "Unknown Respondents" in this Matter. The Complaint does not absolve FPL, but neither does it insist that FPL is the "original source" of the contributions made at the bottom of the chart.

As it happens, this is for good reason. Florida Power and Light filed a lengthy response, including an affidavit from Eric Silagy, "the former chairman, president,

<sup>13</sup> Commission staff nevertheless named groups from the *Pitts* chart as respondents, such as SUN Marketing and Advertising. Tim Fitzpatrick, the sole member of SUN Marketing and Advertising, filed a response with the Commission stating that it "did not make any payments or contributions to any political candidates, political campaigns, political action committees[,] or to any 501(c)(4) entity." Fitzpatrick Resp. at 1. This statement is un rebutted in the record before us.

and chief executive officer” of the company who “oversaw all aspects of FPL’s operations, including its government affairs and political activities throughout 2020.”<sup>14</sup> Mr. Silagy categorically denied “direct[ing] any of the nonprofit organizations to make any contribution of FPL funds to any of the federal PACs,” “enter[ing] into an agreement with any of the nonprofit organizations to earmark any contributions from FPL to the federal PACs,” “exercis[ing] control over how the nonprofit organizations used any FPL contributions,” or “authoriz[ing] any other FPL employee” to do the same.<sup>15</sup> For good measure, Mr. Silagy also denied “aware[ness] of any other FPL employee engaging in any of the activities described.”<sup>16</sup> Despite OGC’s quibbles,<sup>17</sup> Mr. Silagy’s affidavit is un rebutted, and OGC does not recommend RTB as regards FPL.

Without reason to believe that FPL served as the source of funds involved in the alleged conduit scheme, the Complaint runs into an obvious problem. Where did the funds behind this intricate conspiracy originate? The best answer we receive is the bare assertion that Matrix “pitched the...plan” to other potential funders and that one or more of those unidentified persons presumably agreed to break the law.<sup>18</sup>

But there is no evidence whatsoever for that assertion. The next best thing is a single quote, which OGC mentions almost in passing, noting that an FPL spokesperson stated his “understand[ing]” that “Matrix created a proposal to fund their *clients’* communication and outreach activities during 2020.”<sup>19</sup> That statement cannot possibly bear the weight thrust upon it. The italicized word – emphasis added by OGC – is the thin reed upon which the Complaint’s elaborate structure is based. A spokesperson’s “understanding” is the remotest of hearsay, and even if Matrix created a proposal, and even if it was shared with other clients – none of which the spokesperson actually said – that provides no basis beyond bare speculation for believing some other entity stepped into FPL’s shoes. And if Matrix *didn’t* pitch the plan to others, the Complaint falls apart.

So much for the source of funds. What of the contributions eventually made, the bottom of the Complaint’s explanatory flowchart?

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<sup>14</sup> Silagy Decl. at 1, ¶¶ 1, 4.

<sup>15</sup> *Id.* at ¶ 5

<sup>16</sup> *Id.*

<sup>17</sup> FGCR at 41-42.

<sup>18</sup> FGCR at 10.

<sup>19</sup> *Id.* (emphasis in original).

There is no allegation that any of those contributions was itself unlawful. Each contributor had the acknowledged First Amendment right to make contributions to fund independent expenditures in federal campaigns.<sup>20</sup> The legal question is whether these contributions were in fact made by others, using the titular contributors as mere conduits. The fact that the contributions were made tells us nothing on that score. In any event, the various recipient committees also filed responses, each of which disclaimed any role in any conspiracy to evade the federal disclosure laws.<sup>21</sup> Nothing in the record before us contradicts these responses.

This leaves us with the middle of the chart, which names six entities. The first, and one of the few organizations named in both the original press reports and the Complaint, is Let's Preserve the American Dream ("LPAD"). The Complaint suggests that LPAD served as a conduit whereby unknown parties provided it with funds earmarked for eventual political contributions, and that it in fact gave \$1,115,000 to Grow United, Inc. and \$26,000 to Broken Promises toward that end. LPAD filed a response stating the obvious: while "some of the nonprofit organizations identified in Mr. Pitts' memo eventually made contributions to certain political committees, that does not show that a plan resembling the one detailed in the flowchart was ever put into effect...the Complaint presents no evidence that the contributions at issue in this

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<sup>20</sup> *SpeechNow.org v. Fed. Election Comm'n*, 599 F.3d 686 (D.C. Cir. 2010) (*en banc*).

<sup>21</sup> Resp. of Concerned Conservatives, Inc. at 1-2 ("If read devoid of speculations and legal conclusions, the Complaint demonstrates that the Respondents followed the law and Commission regulations. The Respondents received a \$20,000 contribution from Broken Promises—a small portion of the \$509,357 the Respondents raised in the 2020 cycle. There was and still is nothing suspicious about the contribution"); Resp. of South Fla. Residents First ("SFRF") at 1 ("SFRF had no knowledge or reason to believe that Stand Up for Justice's contribution was from anyone other than Stand Up for Justice"); Resp. of Senate Leadership Fund at 2 ("Senate Leadership Fund is not referenced in any way in this flowchart...CREW presents no evidence suggesting that Senate Leadership Fund had any knowledge of the scheme CREW alleges or that Senate Leadership Fund had any reason to doubt the 'true source' of the contribution it received from Florida Promise, Inc."); Resp. of Am. Valor PAC at 1-2 ("Instead, the Complainant makes conclusory statements that the AVP knew that Center for Advancement of Integrity & Justice's contribution was in the name of another without providing any reasoning or support for that statement. The reason they cannot provide such evidence is because AVP had no knowledge or reason to believe that Center for Advancement of Integrity & Justice's contribution was from anyone other than Center for Advancement of Integrity & Justice"); Resp. of Conservative Action Fund ("CAF") (f/k/a Wingman PAC) at 1 ("The Complainant's allegations, as applied to CAF, are meritless, as CAF had no knowledge, nor any reason to believe, that Grow United's contribution was made on behalf of anyone other than Grow United"); Resp. of Abby Dupree ("Ms. Dupree was not aware of who contributed to Grow United, Inc., nor was the investigation of same part of her duties or responsibilities as treasurer for Wingman PAC. Ms. Dupree was not involved in the creation of Grow United, Inc., did not assist in soliciting funds on Grow United, Inc.'s behalf nor did she serve in any executive or administrative role whatsoever for that entity")

[M]atter were made as part of a collaborative scheme to evade federal disclosure requirements.”<sup>22</sup>

Having articulated the central problem with the Complaint, LPAD went further, informing the Commission that “[a]s a matter of course, whenever it has received donations, LPAD confirms in writing that any decisions concerning the disposition of the funds are left solely to LPAD’s discretion” and “[l]ikewise, whenever LPAD has donated to other organizations (including when it made the two donations identified above), a contemporaneous assurance letter confirms that the recipient is vested with sole discretion over the use of the donated funds.”<sup>23</sup> Additionally, Ryan Tyson, the executive director of LPAD (who is obliquely mentioned in the Pitts chart), filed a sworn statement with the Commission affirming that practice, and stating that “LPAD had no involvement in the alleged scheme detailed in the Complaint, nor do I have any reason to conclude that any plan like the one proposed by Mr. Pitts was ever implemented.”<sup>24</sup> Nothing before us contradicts Mr. Tyson’s sworn statement.<sup>25</sup>

To summarize, the Complaint is premised upon press reports asserting a wide-ranging conduit-contribution scheme. But upon review of the evidence, the Office of General Counsel correctly declined to recommend RTB against two of the central figures in the allegations – including the originally-reported source of the funds contributed, and the principal conduit alleged in the original press reporting.

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<sup>22</sup> LPAD Resp. at 2.

<sup>23</sup> *Id.* at 4.

<sup>24</sup> Tyson Decl. at 1-3.

<sup>25</sup> Despite not recommending RTB against LPAD, OGC attempts to jiu-jitsu exculpatory evidence submitted by a respondent to cast doubt on Mr. Tyson’s statement, pointing to testimony in another legal proceeding. FPL Resp. Ex. A. In that deposition, Mr. Tyson stated that Pitts referred him to Grow United when Tyson asked him about “social welfare groups that are interested in working on issues...purely on the center left spectrum and on issues that are center left.” FGCR at 24.

This is *exculpatory* for LPAD (and for Grow United and Pitts). Mr. Tyson’s statement undermines the allegation that LPAD sought to work with Grow United to back federal *candidates*, as opposed to merely engaging in issue speech activity outside the Commission’s jurisdiction. *Id.* at 24 (quoting Tyson Dep. at 17:10-14).

**II. Despite the lack of evidence indicating that the Complaint’s alleged conspiracy was put into effect, the Office of General Counsel recommended reason to believe against five now-defunct organizations.**

Despite recognizing the clear flaws in the Complaint’s speculative theory and declining to recommend RTB against its central players, OGC recommended RTB as to the other five Contributing Corporations detailed in the Complaint’s chart:<sup>26</sup> Florida Promise, Inc.; the Center for Advancement of Integrity and Justice, Inc. (“CAIJ”); Grow United, Inc.; Broken Promises; and Stand Up for Justice.

OGC principally relies upon the purportedly close relationship between these organizations and Matrix, as demonstrated through connections between Pitts and two men, Richard Alexander and Sean Anderson, affiliated with the Contributing Corporations. In its telling, “the five contributions” made by these corporations are “consistent with the conduit contributions proposed by Pitts and Matrix,” and “all five” of the corporations “appear to be controlled by or associated with Pitts and Matrix.”<sup>27</sup>

It is not clear why these connections should matter. OGC’s theory hinges on the fact the organizations’ contributions are “consistent” with Pitts’ purported conduit scheme. But, as already explained, there is no evidence Pitts approached anyone to serve as the original source of the funds for that scheme, and no evidence anyone he may have approached agreed to participate.<sup>28</sup> In other words, there is no evidence the scheme was carried out or that the “original funds” even existed. Without that crucial step, OGC’s theory is circular: Pitt’s connection to the alleged conduits is proof the original scheme was put into effect, but the evidence for these corporations being conduits is the existence of the scheme itself. OGC’s theory fails for this independent reason.

Moreover, OGC resists the obvious implication of the evidence before it: that Pitts and Matrix intended to comply with the law, sought legal advice to ensure they did, and ultimately did not engage in a clearly unlawful conduit scheme contrary to that advice. By contrast with the complete lack of evidence supporting the

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<sup>26</sup> FGCR at 46-47. OGC refers to these organizations as the “Conduit Corporations,” but that label stacks the deck (and begs the question). The issue is whether there is reason to believe they *are* conduits.

<sup>27</sup> FGCR at 5.

<sup>28</sup> Except for FPL, which credibly denied the allegations against it and for which OGC concedes RTB does not currently exist.



Complaint’s insinuations, the legal memoranda upon which it relies apparently<sup>29</sup> emphasized that the purported plan was to “develop a structure for funding 2020 activities... *where laws allow*,” and to provide legal counsel concerning “*the legalities* of using nonprofits to spend money on federal elections.”<sup>30</sup> There is no indication that counsel blessed an unlawful name-of-another scheme, and even the chart on which the Complaint heavily relies notes that any involvement with “Fed Promise” was “[w]aiting on lawyers.”<sup>31</sup>

OGC ties itself in knots, attempting to shift the burden by repeatedly suggesting that there is no evidence *disproving* a reading of Pitts’ chart as an unlawful contribution scheme (while failing to even address the chart itself referencing a need to consult with counsel).<sup>32</sup> But the clear best reading of the limited information available is that Pitts and Matrix sought and complied with legal counsel.

Unless there is reason to believe the purported scheme was ever put into effect, Matrix’s level of control or influence over the Contributing Corporations is irrelevant. But even if there were an anonymous donor that gave to each of those entities, OGC is mistaken in arguing that there is RTB that each Corporation knowingly permitted its name to be used in connection with conduit contributions.

The nonprofits are defunct, which means they cannot file responses with the Commission. But Richard Alexander and Sean Anderson, who “each served in various director and officer capacities for” those groups, filed a joint response, arguing that “the Complaint does not provide any evidence or other indication” other than the complainant’s own assertion “that any ‘true source’ of funds directed and controlled funds through the five social welfare organizations associated with Messrs. Alexander and Anderson to one or more specific federal candidates or committees...[a]t most, the Complaint alleges that a donor may have contributed funds to one or more nonprofit organizations as part of a broader political engagement

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<sup>29</sup> Like OGC, we have only press reports characterizing these memoranda. To the best of our knowledge, neither the Complainant nor OGC has seen them.

<sup>30</sup> Complaint at 14, 17-18, ¶¶ 32 and 38 (emphasis supplied, quotation marks omitted).

<sup>31</sup> OGC chooses to read this phrase as expressing doubts as to the *purpose* of Fed Promise rather than a need for legal clearance generally. FGCR at 34, n. 162 and accompanying text. In the absence of any corroboration for that view – after all, neither the Complainant nor OGC has read the memos – we believe the best reading of this evidence is that Pitts intended to consult with counsel, as he in fact did.

<sup>32</sup> FGCR at 32-34.

strategy” but not “with the intent to direct and control the funds through the organization to one or more ultimate recipients.”<sup>33</sup>

Just so. Under 52 U.S.C. § 30122, there must be reason to believe the Contributing Corporations made their contributions at the direction of another. But there is no support—none—for that proposition. Instead, OGC zeroes in on assertions in news articles<sup>34</sup> in an effort to show close connections between Matrix, Pitts, and the Contributing Corporations.<sup>35</sup> Even that evidence is thin.

OGC’s central theory is that the Contributing Corporations all “appear to have been controlled by or associated with Pitts and/or Matrix” because each of them was managed in some manner by either Richard Alexander or Sean J. Anderson.<sup>36</sup> As a preliminary matter, there is a vast difference between being “controlled by” someone and being “associated with” that person, a difference OGC does not explore.

On the evidence, OGC’s first problem is its source. The overwhelming majority of support for the Complaint comes from anonymously-sourced reporting in the press.<sup>37</sup> The Commission has long declined to proceed on the basis of such

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<sup>33</sup> Alexander/Anderson Resp at 1-3.

<sup>34</sup> And OGC seems to reverse the burden of proof, suggesting that Alexander and Anderson’s failure to categorically deny those press reports cuts against their defense. FGCR at 31 (“[Respondents]...do not contend that the news articles’ description of Pitts’s and Matrix’s plan to anonymize political activities was incorrect”).

<sup>35</sup> FGCR at 33 (“Moreover, the conduits depicted on the flowchart appear to have been in fact controlled by or associated with Matrix...the layers of corporations depicted on the flowchart appear to be linked together because they are controlled by persons associated with Pitts or Matrix”); *id.* at 35 (“[T]he persons nominally in charge of the alleged Conduit Corporations, Alexander and Anderson, had close relationships with Pitts and Matrix”); *id.* at 36, n.168 (“reporting Pitts as having attended Anderson’s bachelor party”); *id.* at n.170 (“reporting that Matrix offered a city councilman a job on behalf of FPL using Grow United’s name”); *id.* at n.171 (“reporting that internal Matrix records included a text message from [April] Odom stating that she procured access to the bank accounts of CAIJ and Grow United”).

<sup>36</sup> FGCR at 10 (capitalization altered for clarity).

<sup>37</sup> OGC disagrees, arguing that “the news articles stated that the sources of the documents were from Matrix itself, noting that the documents were internal Matrix documents.” FGCR at 31. But OGC truncates the quote; the article explicitly states that the “cache of documents” was “*anonymously delivered*” to the reporters. Jason Garcia & Annie Martin, *Operative Pitched Secretive Political Spending Plan to FPL Exec’s Email Alias, Records Reveal*, Orlando Sentinel, Jan. 24, 2022 (emphasis supplied).

information.<sup>38</sup> As one of us has noted, relying on anonymously-sourced media articles as complaint fodder is “antithetical to due process” because “decisions to find RTB and set the machinery of government in motion against respondents based upon anonymously sourced media reports will necessarily reflect commissioners’ subjective views of particular publications and journalists.”<sup>39</sup>

Here, OGC took assertions from Florida news articles at face value. For instance, OGC’s enforcement theory relies heavily on reporters’ characterizations of the memo accompanying the flowchart assembled by Mr. Pitts—a memo OGC has never seen. Similarly, OGC argues that the president and chairman of Broken Promises “has a history of allowing Pitts to control the nonprofits that [Anderson] purportedly ran.”<sup>40</sup> OGC’s support for this broad accusation? Media reports about a single text message allegedly sent by Pitts to the vice president of Florida and Power Light—a text that was not even fully quoted in the original article (a fact OGC’s Report fails to mention).<sup>41</sup> In another such instance, OGC claims that April Odom, a Matrix employee, “procured access to Grow United’s bank account.”<sup>42</sup> OGC’s sole source for this assertion is a purported text message included as one component of an illustration.<sup>43</sup> And even that graphic does not “state” what OGC says it does.<sup>44</sup>

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<sup>38</sup> Policy Statement of Chairman Dickerson Regarding the Commission’s Use of Anonymous Sources Reported in the Press at 2-4, Oct. 5, 2022 (collecting precedent).

<sup>39</sup> *Id.* at 8.

<sup>40</sup> FGCR at 33.

<sup>41</sup> The original form of the quote is modified and does not include an explicit reference to any particular nonprofit. Mary Ellen Klas, *et al.*, ‘*Nightmare Scenario: How FPL Secretly Manipulated a Florida State Senate Election*, Miami Herald, Aug. 29, 2022 (“Bottom line is we are the ones with the check books and in control [of the nonprofits] 100 percent,’ Pitts told Martell”) (brackets in original).

<sup>42</sup> FGCR at 17.

<sup>43</sup> FGCR at 14, n. 53; *Id.* at 17., n. 68. OGC frames this text message as being included among “Matrix internal records,” *id.* at 17, but the article itself doesn’t say that. In fact, it never explains the graphic upon which OGC relies.

<sup>44</sup> Compare FGCR at 17 (“Matrix’s internal records also reportedly include a September 23, 2020 message from Odom stating that she procured access to Grow United’s bank account”) with Garcia & Martin, *Florida’s dark money playbook: How ‘ghost’ candidate scheme revealed secretive political tactics*, Orlando Sentinel Dec. 30, 2021 (“Got the bank accounts for Grow United and Center for Advancement of Integrity and Justice”). The difference is important – the original text is ambiguous and says nothing about access or control. Odom could have received access to the accounts themselves, or could have received bank statements or other information *about* the accounts.

These examples illustrate why the Commission has wisely chosen not to proceed with enforcement on the basis of anonymously sourced press reports. Not only do we lack necessary context for reporters' characterizations and assertions, but we avoid the great temptation to fill in the gaps and interpret ambiguities against respondents. Where, as here, anonymously-sourced reporting, double hearsay, is "the main evidence" supporting enforcement, we will not find RTB.<sup>45</sup>

There are other problems with OGC's approach. It suggests that Pitts controlled the five Contributing Corporations through Alexander and Anderson, but in some cases its basis for that assertion is weak. For instance, the Report leans heavily on the facts that "Alexander's sister, April Odom, was a Matrix contractor" and that Anderson was friends with Pitts.<sup>46</sup> Indeed, as regards Florida Promise, Inc.—whose \$1,000,000 contribution to the Senate Leadership Fund represents more than three quarters of the contributed funds in the Complaint's chart—the *only* evidence OGC could point to supporting RTB was the organization's inclusion on Matrix's original chart and the bare fact that Alexander was the organization's chairman.<sup>47</sup>

At the end of the day, these minor issues are not the crux of the matter. The Complaint is premised upon press reports suggesting a specific scheme involving Florida Power and Light. But that allegation did not pan out. Numerous individuals and entities credibly denied their involvement, and their testimony is for the most part unrebutted. Accordingly, there is insufficient information to find reason to believe that Florida Power and Light, or any other entity, funded an unlawful conduit contribution scheme, or that any particular entity acted as a conduit by making contributions at the direction of another. OGC's effort to salvage the Complaint by recommending RTB against defunct organizations based upon vague social connections and financial entanglements fails for the simple reason that there is no reason to believe the overall scheme was ever carried out.

## CONCLUSION

The Federal Election Commission "will not pursue enforcement-by-rumor,"<sup>48</sup> nor by hunch, especially where "OGC's proposed theory is predicated upon factual

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<sup>45</sup> Statement of Reasons of Chairman Dickerson and Comm'rs Cooksey and Trainor at 6, MURs 7581/7614 (Yang a/k/a Gong), Sept. 6, 2022 (quotation marks omitted); *id.* at n.30 (collecting cases).

<sup>46</sup> FGCR at 10-11.

<sup>47</sup> FGCR at 11-12.

<sup>48</sup> Statement of Reasons of Chairman Dickerson and Comm'rs Cooksey and Trainor at 1, MUR 7784 (Make Am. Great Again PAC), June 9, 2022 (emphasis supplied).

assumptions about which the record is—at the very best—ambiguous,” and at the worst, the product of the type of unreliable pattern-seeking for which humans are justifiably infamous.<sup>49</sup>

Because the evidence before the Commission was insufficient to find reason to believe that any of the Contributing Corporations knowingly permitted its name to be used for contributions made by an Unknown Contributor, we voted to dismiss the complaint.



Sean J. Cooksey  
Chairman

April 8, 2024

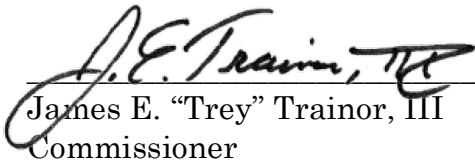
Date



Allen J. Dickerson  
Commissioner

April 8, 2024

Date



James E. “Trey” Trainor, III  
Commissioner

April 8, 2024

Date

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<sup>49</sup> *Id.* at 12 (emphasis omitted).