

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL LEGAL AND POLICY CENTER
107 Park Washington Court
Falls Church, Virginia 22046

Plaintiff,

V.

FEDERAL ELECTION COMMISSION,
1050 First Street, N.E.
Washington, D.C. 20463

Defendant.

Civil Action No. _____

**PETITION AND COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Plaintiff National Legal and Policy Center (NLPC) is a national nonprofit public interest group that seeks to hold public officials, including Members of Congress, accountable for their conduct both in office and as candidates for office.¹ NLPC brings this action against the Federal Election Commission (“FEC”) for declaratory and injunctive relief under the Federal Election Campaign Act (“FECA”), 52 U.S.C. § 30109(a)(8)(A) and the Administrative Procedure Act (“APA”), 5 U.S.C. 552, *et seq.*, for dismissing or otherwise terminating its Complaint filed on March 4, 2019, against Alexandria Ocasio-Cortez; Frank Llewellyn, her

¹ NLPC's, whose motto is "promoting ethics in public life," regularly files complaints with appropriate governmental bodies, including the Federal Election Commission, as part of its Government Integrity Project. See <https://www.nlpc.org/government-integrity-project/>

campaign Treasurer; Chaikat Sakrabarti, her former Chief of Staff and Campaign Chair; and connected and affiliated political committees, their treasurers, and private fundraising entities owned or controlled by Mr. Sakrabarti, alleging that they failed to properly disclose hundreds of thousands of dollars in fundraising expenses and violated campaign contribution limits and requested that the FEC investigate the allegations and conduct an audit of the respondents' FEC filings.

JURISDICTION AND VENUE

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties under 52 U.S.C. § 30109(a)(8)(A) and/or 5 U.S.C. § 702. This Court also has jurisdiction over this action under 28 U.S.C. §§ 1331, 2201(a), and/or 2202.

3. This action is timely filed within 60 days of the FEC's final agency action dismissing Plaintiff's complaint and/or taking final agency action on January 27, 2022 and closing its file in this matter on February 15, 2022.

4. Venue lies in this district under 52 U.S.C. § 30109(a)(8)(A), 28 U.S.C. § 1391(e), and/or 5 U.S.C. § 703.

Administrative and Judicial Process

5. Any person who believes there has been a violation of FECA may file a sworn complaint before the FEC. 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.4.

6. The complaint is first reviewed by the staff of the FEC's Office of General Counsel ("OGC") and is sent to the Respondents within 5 days for their response.

7. Based on the complaint, the response from the person or entity alleged to have violated FECA, facts developed by OGC, and OGC's recommendation, the FEC votes whether there is "reason to believe" a violation of FECA has occurred. 52 U.S.C. § 30109(a)(2). A "reason to

believe” exists where a complaint “credibly alleges” a violation of FECA “may have occurred.” FEC, *Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process*, 72 Fed. Reg. 12,545 (Mar. 16, 2007).

8. If the FEC finds reason to believe that a violation has occurred, it conducts an investigation. 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.10. As part of this investigation, it may submit written questions under order; issue subpoenas and subpoenas duces tecum; take depositions; and conduct field investigations or audits. 52 U.S.C. §§ 30107(a)(1)-(4), 30109(a)(2); 11 C.F.R. §§ 111.10-12.

9. Under FECA, “any party aggrieved by an order of the Commission dismissing a complaint filed by such party . . . may file a petition” in this Court, and “the court may declare that the dismissal of the complaint. . . is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.” 52 U.S.C. §§ 30109(a)(8)(A), (C).

PARTIES

10. Plaintiff NLPC is a national nonprofit public interest law and policy center based in the Washington, D.C. area that seeks to hold public officials, including Members of Congress, accountable for their conduct both in office and as candidates for office and often files complaints against them with appropriate government agencies, including the FEC, for violations of disclosure laws and ethics rules.

11. Defendant Federal Election Commission is an independent federal agency charged with the administration and civil enforcement of FECA. 52 U.S.C. § 30106.

FACTUAL BACKGROUND

12. On or about March 4, 2019, NLPC filed a notarized complaint signed by its Chairman Peter Flaherty with the FEC against the following respondents: Alexandria Ocasio-Cortez, Alexandria Ocasio-Cortez for Congress, Frank Llewellyn (Treasurer for Alexandria Ocasio-Cortez for Congress), Brand New Congress PAC, Isra Allison (Treasurer for Brand New Congress), Brand New Congress LLC, Brand New Campaign LLC, Saikat Chakrabarti (then Chief of Staff for Alexandria Ocasio-Cortez), Justice Democrats PAC, and Alexandra Rojas (Treasurer for Justice Democrats). See Exhibit A.

13. The complaint, docketed as MUR (Matter Under Review) 7575, alleges that the respondents, individually or collectively, violated FECA's disclosure and contribution limits.

14. In particular, NLPC alleged, *inter alia*, that according to FEC filings, Alexandria Ocasio-Cortez for Congress disbursed \$18,720.86 to Brand New Congress LLC for "strategic consulting" in the 2018 election cycle; Justice Democrats PAC disbursed \$605,849.12 for "strategic consulting" to Brand New Congress LLC in the 2018 election cycle; and Brand New Congress PAC disbursed \$261,165.18 to Brand New Congress LLC for "strategic consulting" in the 2018 election cycle, and that "strategic consulting" was a mischaracterization of a wide range of activities that should have been reported individually and with particularity as expenses by the reporting entities. See Exhibit A.

15. NLPC further alleged that respondent "Saikat Chakrabarti stated on national television on May 19, 2016, that Brand New Congress LLC created the campaign infrastructure and ran all of the fundraising and volunteering operations for the campaigns. In his own words concerning Brand New Congress, 'Campaign infrastructure and fundraising is set aside from the candidates.'" *Id.*

16. NLPC further alleged that, "A post dated May 8, 2018 on the Justice Democrats website went further to say, 'we created Brand New Congress, LLC to keep things simple, we put all our staff in that LLC and had it act as the vendor for both the PAC and all the candidates.' The actual vendors, staff, and fundraising expenses were not disclosed. Brand New Congress LLC was simply a cutout." *Id.*

17. NLPC further noted that FEC had found much less egregious conduct violative of FECA: "The Commission has taken action when presented with similar circumstances in the past. See MUR 4872 (Jenkins), MUR 6724 (Bachmann for President et al), and MUR 3847 (Stockman). In all three cases, cutouts were used to hide the true destination of money disbursed to influence federal elections." *Id.*

18. Shortly after its filing, several news articles were published about the complaint and several FEC experts, including former FEC commissioners, opined on the seriousness of the allegations made by NLPC:

(a) Hans A. von Spakovsky, *"Ocasio-Cortez and Top Aide Should Be Investigated for Possible Campaign Finance Violations"* (Heritage Foundation) ("As a former FEC commissioner who has studied the complaint against Ocasio-Cortez and Chakrabarti, I have concluded that there is unquestionably more than enough evidence to justify the FEC opening a civil investigation. And there's also enough evidence for the U.S. Justice Department to seriously consider opening a criminal investigation.").²

(b) Michelle Ye Hee Lee, *Payments to company owned by Ocasio-Cortez aide come under scrutiny* (Washington Post) (Mar. 5, 2019) ("In a normal situation, if all you saw was a PAC that

² <https://www.heritage.org/election-integrity/commentary/ocasio-cortez-and-top-aide-should-be-investigated-possible-campaign>

disbursed hundreds of thousands of dollars to an affiliated entity to pay the salaries of people who were really working for the PAC, that looks like . . . a PAC that takes in money to engage in political activity but is actually enriching its owners,” said Adav Noti, former Federal Election Commission lawyer who is now chief of staff of the Campaign Legal Center, a group that advocates for greater transparency in campaign finance.”);³

(c) Alana Goodman, AOC’s chief of staff ran \$1M slush fund by diverting campaign cash to his own companies (Washington Examiner) (Mar. 4, 2019) (“Bradley A. Smith, a former chairman of the FEC, said he has never seen such an arrangement. ‘It’s a really weird situation,’ he said. ‘I see almost no way that you can do that without it being at least a reporting violation, quite likely a violation of the contribution limits. You might say from a campaign finance angle that the LLC was essentially operating as an unregistered committee.’”).⁴

(d) Mary Kay Linge and Jon Levine, Feds probing AOC’s chief of staff Saikat Chakrabarti after sudden resignation (New York Post) (Aug. 4, 2019).⁵

19. On or about February 25, 2022, Mr. Flaherty received a certified letter from the FEC notifying him that on January 27, 2022, almost a month earlier,

the Commission considered the allegations raised in your complaint and voted to dismiss the allegation that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC. The Commission was equally divided on whether to find reason to believe, and whether to

³ https://www.washingtonpost.com/politics/payments-to-corporation-owned-by-ocasio-cortez-aide-come-under-scrutiny/2019/03/05/ae5045ee-3f61-11e9-9361-301ffb5bd5e6_story.html

⁴ <https://www.washingtonexaminer.com/tag/alexandria-ocasio-cortez?source=%2Fpolitics%2Focasio-cortezs-chief-of-staff-ran-1m-slush-fund-by-diverting-campaign-cash-to-his-own-companies>

⁵ <https://nypost.com/2019/08/03/feds-probing-aocs-chief-of-staff-saikat-chakrabarti-after-sudden-resignation/>

dismiss, the allegations that Brand New Congress and Hosseh Enad in his official capacity as treasurer and Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for and misreporting the payee of, disbursements to Brand New Congress, LLC. Accordingly, on February 15, 2022, the Commission closed the file in this matter.

See Exhibit B.

20. The FEC letter did not provide NLPC with the reasons for the delay in notifying it of the dismissal of its complaint nor the reasons justifying its dismissal with respect to Alexandria Ocasio-Cortez respondents and reasons for the deadlocked 3-3 vote with respect to the allegations against Brand New Congress respondents, stating only that such reasons “will follow.” See Exhibit B.

21. The FEC further noted in its January 27, 2022 letter that on February 15, 2022, “the Commission closed the file in this matter.” *Id.* As of the date of this Complaint, the FEC has yet to provide the Statement of Reasons for its actions that it took almost two months ago in disposing of MUR 7575. While the FEC notes on its website that “*By law, all enforcement cases must remain confidential until they’re closed,*”⁶ the FEC has yet to publicly release any information on MUR 7575 since it was closed on February 15, 2022 almost 40 days ago..

CAUSES OF ACTION

Count I (Failure to Investigate Plaintiff’s Complaint)

22. Plaintiff realleges the allegations in paragraphs 1-21.

23. The FEC’s failure to find “reason to believe” a violation occurred and conduct an investigation under 52 U.S.C. § 30109(a)(2) and 11 C.F.R. § 111.10, was arbitrary, capricious, and contrary to law under 52 U.S.C. § 30109(a)(8)(A) and 5 U.S.C. 706.

⁶ <https://www.fec.gov/legal-resources/enforcement/>

Count II (Dismissal of Plaintiff's Complaint)

24. Plaintiff realleges the allegations in paragraphs 1-23.

25. The FEC's dismissal of Plaintiff's Complaint and closing its file in MUR 7575 were arbitrary, capricious, and contrary to law under 52 U.S.C. § 30109(a)(8)(C) and 5 U.S.C. 706.

Count III (Failure to Issue Statement of Reasons)

26. Plaintiff realleges the allegations in paragraphs 1-25.

27. The FEC's failure to issue its Statement of Reasons for dismissing Plaintiff's Complaint was arbitrary, capricious, contrary to law and unlawfully withheld or unreasonably delayed under 52 U.S.C. § 30109(a)(8)(C) and 5 U.S.C. 706.

REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- a) Declare that the FEC's failure to find "reason to believe" a violation of FECA occurred and conduct an investigation was arbitrary, capricious, and contrary to law under 52 U.S.C. § 30109(a)(8)(C) and 5 U.S.C. § 706;
- b) Declare that the FEC's dismissal of Plaintiff's administrative complaint and closing its file was arbitrary, capricious, and contrary to law under 52 U.S.C. § 30109(a)(8)(C) and 5 U.S.C. § 706;
- c) Declare that the FEC's failure to issue its Statement of Reasons for its action in MUR 7575 was unlawfully withheld or unreasonably delayed in violation of 52 U.S.C. § 30109(a)(8)(C) and 5 U.S.C. § 706;
- d) Order the FEC to issue its Statement of Reasons for its action in MUR 7575, which was

unlawfully withheld or unreasonably delayed;

- e) Order the FEC to conform with this declaration within 30 days, under 52 U.S.C. §§ 30109(a)(8)(A)-(C), failing which Plaintiff may bring, in its own names, a civil action to remedy the violation involved in the original complaint, under § 30109(a)(8)(C);
- f) Award legal fees and costs of suit incurred by Plaintiff; and
- g) Grant such other and further relief as this Court deems just and proper.

Dated: March 25, 2022

Respectfully submitted,

/s/Paul D. Kamenar

Paul D. Kamenar

D.C. Bar 914200

1629 K Street, N.W. Suite 300

Washington, D.C. 20006

Telephone: (301) 257-9435

paul.kamenar@gmail.com

EXHIBIT A

BEFORE THE
FEDERAL ELECTION COMMISSION
OF THE
UNITED STATES OF AMERICA

In the Matter of:

National Legal and Policy Center

v.

Rep. Alexandria Ocasio-Cortez

Brand New Congress (C00613810)

Isra Allison

MUR _____

Brand New Congress LLC

Saikat Chakrabarti

Frank Llewellyn

Alexandria Ocasio-Cortez for Congress (C00639591)

Justice Democrats (C00630665)

Alexandra Rojas

Complaint

National Legal and Policy Center, a corporation organized and existing under the District of Columbia Non-Profit Corporation Act and having its offices and principal place of business at 107 Park Washington Court, Falls Church, Va. 22046, files this complaint with the Federal Election Commission pursuant to 2 USC 434(b)(5), (6) 11 CFR 104.3(b)(4)(i), (vi) ; 104.9(a), (b) (political committees).

The primary purpose of the National Legal and Policy Center, a charitable and educational organization described in section 501(c)(3) of the Internal Revenue Code, is to foster and promote ethics in government and public life.

Respondents include an individual candidate for federal office, a federal candidate campaign committee and its treasurer, an unauthorized committee and its treasurer, the federal candidate's chief of staff and an LLC run by the chief of staff . The complaint documents an elaborate scheme to avoid proper disclosure of campaign expenditures in accordance with 2 USC 434(b)(5), (6) 11 CFR 104.3(b)(4)(i), (vi) ; 104.9(a), (b) (political committees).

Respondents

Alexandria Ocasio-Cortez 229 Cannon HOB, Washington, DC 20515

Alexandria Ocasio-Cortez for Congress PO Box 680080, Corona, NY 11368

Frank Llewellyn (Treasurer for Alexandria Ocasio-Cortez for Congress), PO Box 680080, Corona, NY 11368

Brand New Congress (C00613810) 2830 Wesley Avenue, Charlotte, NC 28205

Isra Allison (Treasurer for Brand New Congress) 2930 Wesley Avenue, Charlotte, NC 28205

Brand New Congress LLC 714 S. Gay St., Knoxville, Tn. 37902

Brand New Campaign LLC 714 S. Gay St., Knoxville, Tn. 37902

Saikat Chakrabarti (Chief of Staff for Alexandria Ocasio-Cortez) 229 Cannon HOB, Washington, DC 20515

Justice Democrats (C00630665) PO Box 910, Knoxville, Tn. 37902

Alexandra Rojas (Treasurer for Justice Democrats) PO Box 910, Knoxville, Tn. 37902

Facts

The facts supporting this complaint are all taken from materials publicly available, including Federal Election Commission records. All material facts relied upon in this complaint are cited as to their source.

On April 5th 2016, Brand New Congress PAC filed a statement of Organization with the Federal Election Commission. See Exhibit 1. On its website, Brand New Congress PAC states that it was founded “to recruit candidates who were not thinking about running already and to actually fully run all of their campaigns as if it was one big presidential race.”

Respondent Saikat Chakrabarti was one of the founders of Brand New Congress PAC. Most of the money it raised was paid to Brand New Campaign LLC, not to be confused with Brand New Congress, LLC. Brand New Campaign LLC used the same address at which Chakrabarti was paid by the Bernie 2016 committee in 2016. See Exhibits 2 and 3.

According to FEC filings, Brand New Congress PAC raised \$252,562.56 in the 2016 cycle. Nearly 90% of that money came in the form of unitemized contributions, yet no expenses were disclosed by Brand New Congress PAC for fundraising, administrative expenses, travel, communications, or staff salary.

On its website, Justice Democrats states Justice Democrats was formed on January 9th 2017 in partnership with Saikat Chakrabarti and Brand New Congress LLC to “get a campaign going from 0 to 60 in a very short period of time and extremely cheaply.” See Exhibit 4.

Ten campaigns were launched by Justice Democrats in April of 2017 through Brand New Congress LLC. Brand New Congress PAC, and Justice Democrats continued running campaigns for federal candidates through the 2018 elections cycle.

Brand New Congress LLC's apparent role in this endeavor was to act as a conduit for money raised by federal candidates, Brand New Congress PAC, and Justice Democrats PAC

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Alexandra Rojas (Treasurer for Justice Democrats) PO Box 910, Knoxville, Tn. 37902

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Brand New Congress LLC’s apparent role in this endeavor was to act as a conduit for money raised by federal candidates, Brand New Congress PAC, and Justice Democrats PAC

throughout this period. Brand New Congress LLC employed all of the staffers working for federal campaigns throughout the country during the 2018 cycle. Yet none of the work was disclosed by Brand New Congress PAC, Justice Democrats PAC, Alexandria Ocasio-Cortez for Congress or any of the other federal campaigns being run by Brand New Congress LLC.

A search of all 50 states could not confirm the existence of Brand New Congress LLC as an incorporated entity. National Legal and Policy Center was able to confirm Brand New Congress exists as a 527, but no contribution or expenditure reports has been filed to date with the IRS.

Apparent Violations

Complainant National Legal and Policy Center has found reason to believe Respondents knowingly and willfully violated 2 U.S.C. 434(b)(5)(A). The Federal Election Campaign Act of 1971, as amended, requires each treasurer of a political committee to file reports of receipts and disbursements in accordance with the provisions of the Act. 2 U.S.C. 434(a). With respect to disbursements, the reports must include, among other things, the total amount of all disbursements and all disbursements for expenditures made to meet candidate or committee operating expenses. 2 U.S.C. 434(b)(4)(a). The report of disbursement must include the name and address of each:

person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

According to FEC filings, Alexandria Ocasio-Cortez for Congress disbursed \$18,720.86 to Brand New Congress LLC for “strategic consulting” in the 2018 election cycle.

According to FEC filings, Justice Democrats PAC disbursed \$605,849.12 for “strategic consulting” to Brand New Congress LLC in the 2018 election cycle.

According to FEC filings, Brand New Congress PAC disbursed \$261,165.18 to Brand New Congress LLC for “strategic consulting” in the 2018 election cycle.

It appears “strategic consulting” was a mischaracterization of a wide range of activities that should have been reported individually. In fact, Saikat Chakrabarti stated on national television on May 19, 2016 that Brand New Congress LLC created the campaign infrastructure and ran all of the fundraising and volunteering operations for the campaigns. In his own words concerning Brand New Congress, “Campaign infrastructure and fundraising is set aside from the candidates.”

A post dated May 8, 2018 on the Justice Democrats website (Exhibit 4) went further to say, “we created Brand New Congress, LLC to keep things simple, we put all our staff in that LLC and had it act as the vendor for both the PAC and all the candidates.” The actual vendors, staff, and fundraising expenses were not disclosed. Brand New Congress LLC was simply a cutout.

A cursory look at social media and Respondent’s websites reveals examples of significant campaign work performed for federal candidates or PAC’s that have no corresponding expenditures on disclosure forms. For instance:

- On June 24, 2017, Brand New Congress announced they created a “20,000 person national door knocking and phone canvassing campaign.” See Exhibit 5.

- On October 14, 2018, Brand New Congress hosted an organizing rally at The Sanctuary in McKinney, Texas for federal candidate Lorie Burch. See Exhibit 6.
- On October 13, 2018, Brand New Congress hosted an organizing rally at Armadillo Ale Works in Denton, Texas for federal candidate Linsey Fagan. See Exhibit 7.
- On June 27, 2017, Brand New Congress announced they organized the “#KnockDowntheHouse” event where, “thousands of people learned first-hand about Brand New Congress candidates this weekend thanks to hundreds of volunteers who knocked on more than 6,300 doors from Seattle to Charleston, New York to Houston, Illinois to Arkansas.” See Exhibit 8.
- On August 9, 2017, Brand New Congress PAC announced they were a “premier sponsor for the Netroots Nation 2017 conference.” See Exhibit 9.

Respondent’s actions appear to be coordinated. From the Justice Democrats May 8, 2018 website posting:

Justice Democrats started off running full campaigns for candidates and the only way to do that legally is with a vendor. Therefore, since the entire staff of JD was within that vendor, there are large expenditures to Brand New Congress, LLC in 2017. We’ve since moved to a mix of candidates and therefore are able to do this work through a fee-for-service model through Justice Democrats PAC. All JD staff now work directly for JD and their salaries are published in our latest FEC reports.

Rep. Alexandria Ocasio-Cortez was a board member of Justice Democrats when money was being disbursed to Brand New Congress LLC. Rep. Ocasio-Cortez spoke at the Netroots National 2017 event, of which Brand New Congress PAC was a premier sponsor. This event gave unknown candidate Ocasio-Cortez much needed exposure. Following the 2018 election, Charkrabarti became Rep. Ocasio-Cortez’s Chief of Staff.

Conclusion

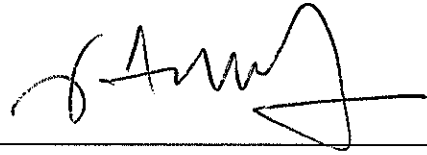
Complainant National Legal and Policy Center is asking the Commission to conduct an investigation, including an audit of named respondent committees, in accordance with the Federal Election Campaign Act of 1971, as amended, for the purpose of identifying expenditures by Brand New Congress, LLC that were made in connection with Congressional elections in 2018.

It appears that Respondents orchestrated an extensive off-the-books operation to make hundreds of thousands of dollars of expenditures in support of multiple candidates for federal office. The relationship between the Respondents appears to be incestuous, with the likelihood that they were aware, or should have been aware, of the sweeping and apparently illegal nature of the enterprise.

Disclosure of receipts and expenditures is the heart of the Federal Election Campaign Act. Failure to enforce the disclosure provisions of the Act would render it meaningless.

The Commission has taken action when presented with similar circumstances in the past. See MUR 4872 (Jenkins), MUR 6724 (Bachmann for President et al), and MUR 3847 (Stockman). In all three cases, cutouts were used to hide the true destination of money disbursed to influence federal elections.

Complainant, upon information and belief, swears under penalty of perjury that the statements and facts of this complaint are true and correct to the best of his knowledge and belief.



Peter Flaherty, Chairman

3RD Day March, 2019, Personally Known to Me.
Peter Flaherty appeared to me.
Janet Buckley
3/3/2019

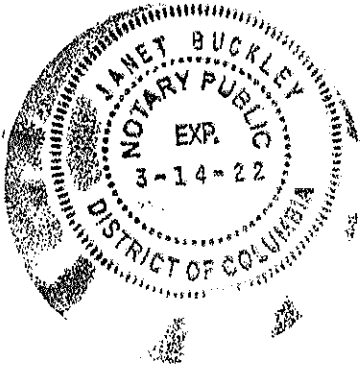


EXHIBIT 1

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04/05/2016 11:30

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**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Brand New Congress

ADDRESS (number and street)

PO Box 416

◀ (Check if address is changed)

Crane

CITY ▲

MO

STATE ▲

65633

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

◀ (Check if address is changed)

zackexley@gmail.com

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)

◀ (Check if address is changed)

brandnewcongress.org

2. DATE

M M / D D / Y Y Y Y
04 05 2016

3. FEC IDENTIFICATION NUMBER ▶

C C00613810

4. IS THIS STATEMENT ☒ NEW (N) OR ☐ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Zack Exley

Signature of Treasurer

Zack Exley

[Electronically Filed]

Date

M M / D D / Y Y Y Y
04 05 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

FEC Form 1 (Revised 02/2009)

Page 2

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation _____ Office Sought: _____ House _____ Senate _____ President _____ State _____ District _____

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation _____ Corporation w/o Capital Stock _____ Labor Organization _____
Membership Organization _____ Trade Association _____ Cooperative _____

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) ☒ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number: C _____

2. _____ FEC ID number: C _____

3. _____ FEC ID number: C _____

4. _____ FEC ID number: C _____

Image# 201604059012223246

FEC Form 1 (Revised 02/2009)

Page 3

Write or Type Committee Name

Brand New Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☒ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Carrie Olson

Mailing Address 1408 Grant St

Berkeley

CA

94703

Title or Position

CITY

STATE

ZIP CODE

Telephone number

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Zack Exley

Mailing Address PO Box 416

Crane

MO

65633

Title or Position

Treasurer

CITY

STATE

ZIP CODE

Telephone number

Image# 20160405901223247

FEC Form 1 (Revised 02/2009)

Page 4

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Wells Fargo

Mailing Address

1 California St

San Francisco

CA

94111

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

EXHIBIT 2

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 11 OF 11

☒ 21b ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26
☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29 ☐ 30b

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NAME OF COMMITTEE (In Full)

BRAND NEW CONGRESS

Full Name (Last, First, Middle Initial)

A. ActBlue Technical Services

Mailing Address 366 Summer Street

City Somersville State MA Zip Code 02114

Purpose of Disbursement
Credit Card Processing Charges

Candidate Name

Office Sought: ☐ House ☐ Senate ☐ President
State: District:

Disbursement For: ☐ Primary ☐ General
☐ Other (specify) ▼

Category/
Type

Date of Disbursement

MM / DD / YYYY
06 / 30 / 2016

Transaction ID : SB21B.5007

Amount of Each Disbursement this Period

3379.01

Full Name (Last, First, Middle Initial)

B. Brand New Campaign LLC

Mailing Address 57 Christopher St

City New York State NY Zip Code 10114

Purpose of Disbursement
Strategic Consulting

Candidate Name

Office Sought: ☐ House ☐ Senate ☐ President
State: District:

Disbursement For: ☐ Primary ☐ General
☐ Other (specify) ▼

Category/
Type

Date of Disbursement

MM / DD / YYYY
05 / 17 / 2016

Transaction ID : SB21B.5002

Amount of Each Disbursement this Period

10000.00

Full Name (Last, First, Middle Initial)

C. Brand New Campaign LLC

Mailing Address 57 Christopher St

City New York State NY Zip Code 10114

Purpose of Disbursement
Strategic Consulting

Candidate Name

Office Sought: ☐ House ☐ Senate ☐ President
State: District:

Disbursement For: ☐ Primary ☐ General
☐ Other (specify) ▼

Category/
Type

Date of Disbursement

MM / DD / YYYY
06 / 17 / 2016

Transaction ID : SB21B.5004

Amount of Each Disbursement this Period

10000.00

SUBTOTAL of Disbursements This Page (optional).....▶

23379.01

TOTAL This Period (last page this line number only).....▶

23379.01

EXHIBIT 3

Image# 201606149017899118

**SCHEDULE B-P
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 318483 / 319900

<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26	<input type="checkbox"/> 27a
<input type="checkbox"/> 27b	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Bernie 2016

Full Name (Last, First, Middle Initial)

A. Saikat Chakrabarti

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
03			30			2016			

Mailing Address 57 Christopher St
Apt 4BCity State Zip Code
New York NY 10014-3534Purpose of Disbursement
Payroll

Candidate Name

Category/
Type

Transaction ID : VPE83A15XN7

Amount of Each Disbursement this Period

1073.76

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For: 2016
☒ Primary ☐ General
☐ Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

B. William Chandler

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
03			30			2016			

Mailing Address 306 Madison Hills Blvd
Apt 1City State Zip Code
Richmond KY 40475-8108Purpose of Disbursement
Payroll

Candidate Name

Category/
Type

Transaction ID : VPE83A15W24

Amount of Each Disbursement this Period

1202.28

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For: 2016
☒ Primary ☐ General
☐ Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

C. Daphne Charette

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
03			30			2016			

Mailing Address PO Box 14227

City State Zip Code
Richmond VA 23221Purpose of Disbursement
Payroll

Candidate Name

Category/
Type

Transaction ID : VPE83A165Z3

Amount of Each Disbursement this Period

1528.22

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For: 2016
☒ Primary ☐ General
☐ Other (specify) ▼

State: District:

Subtotal Of Receipts This Page (optional)..... 0.00

Total This Period (last page this line number only).....

EXHIBIT 4

When I look at the FEC report for Justice Democrats in 2017, why are there so many expenditures to "Brand New Congress"?

Modified on: Tue, May 8, 2018 at 2:24 PM

This is a longer answer because we'd like to be as transparent as possible about how we got started and why this is the case.

To give some context, many of the founding members of Justice Democrats also helped start Brand New Congress in April of 2016. At that time, the goal was not just to endorse existing candidates who have campaigns. Our goal with Brand New Congress was to recruit candidates who were not thinking about running already and to actually fully run all of their campaigns as if it was one big presidential race. This was right after the Bernie campaign, so this was our thought for how to recreate that Bernie movement in a giant 400-candidate national race. This would let us have all kinds of efficiencies that come with a big national race and also, we believed, was one way we could create a national movement around taking over Congress. It would also, we believed, let us recruit different kinds of candidates who may not have had a lot of experience running campaigns but who believed in this big vision to change our country. Normally, running a campaign requires all kinds of ops and legal headaches, but we thought we could possibly short circuit that by having this big national campaign that all the candidates could plug into and one central team was doing the annoying work of keeping the actual campaign logistics running. That way each candidate would not have to become an expert in campaigns -- they would just need to be an expert in the policies and getting the message out. It was definitely a very new idea in the world of politics in the US (though anyone familiar with parliamentary politics in Europe would find this to be a very obvious idea as this is basically how new parties work there), and in hindsight was perhaps too ambitious, but we did believe it could be possible if we could unleash a movement similar in size to the one Bernie had just unleashed. Here's a video of us talking about this model on MSNBC from April of that year: <https://www.youtube.com/watch?v=rvGtVu8gmtg> (<https://www.youtube.com/watch?v=rvGtVu8gmtg>)

Legally, however, this was incredibly complicated. One thing we knew we needed to have was a Federal PAC (not a SuperPAC -- Federal PACs have a \$5,000 donation limit, and we wanted to make sure that we had a cap on donations). This PAC would be necessary to do the work of policy development and candidate recruiting. So we created Brand New Congress as a PAC. But actually running the campaigns -- meaning doing direct work for campaigns -- is not something a PAC can do for a candidate for free. If a PAC did free work for a campaign, that would literally be the definition of dark money (technically, a PAC can 'in-kind' work like this, but we'd be capped at \$5,000 worth of work). The FEC puts value on many kinds of campaign work (e.g. direct message consulting, writing press statements, any field work or voter outreach work, etc.). So, we knew that in addition to a PAC to recruit and train candidates, we needed some mechanism to charge the campaigns for the work we'd be doing for them as cheaply as possible while doing it all legally and according to FEC rules.

We originally thought that we could set ourselves up similar to PCCC (boldprogressives.org). They do something similar, where the PAC is set up to do activities like training and recruiting candidates, and then they provide some campaign services for a fee to candidates. However, when we talked to our lawyer, he explained to us that this kind of 'fee-for-service' work has to be a small percentage of a PAC's total work. With BNC, our plan was to essentially run the full campaigns for the vast majority of our candidates, so we were advised that this would definitely be too much fee-for-service work for a Federal PAC to do and still maintain its status as a Federal PAC. The ONLY way to do work for multiple candidates legally at this scale is to create an LLC and act as a vendor.

For that reason, we created Brand New Congress, LLC. To keep things simple, we put all our staff in that LLC and had it

act as the vendor for both the PAC and all the candidates. We had in our operating agreement that the goal of the LLC was not to make a profit, and as such, we made our prices as low as possible while still satisfying the FEC's requirement that we are charging something reasonable because, again, if we weren't we would essentially be doing heavily discounted work for candidates and that is illegal and immoral since fighting dark money is literally what we want to do. To try to make this as clean as possible, we not only had the language in our operating agreement about the LLC's purpose, but we also made sure that Saikat Chakrabarti was the only controlling member of the LLC, and that he took no salary (either from the LLC, from Justice Democrats, or from Brand New Congress the PAC). Saikat is lucky to have a small side business that generates him enough income that he is able to do all of this work as a volunteer.

Fast forward to January. Cenk Uygur and Kyle Kulinski approached us with the idea of starting Justice Democrats. We decided to partner up, so Saikat was a co-founder of Justice Democrats and we decided to keep the same structure because with JD, at that stage, we still wanted to recruit non-traditional candidates and give them the infrastructure to run their campaigns. The first 10 campaigns we launched in April had this setup -- at that stage we were not sure we'd be able to get to a big national campaign, but we realized that with our LLC structure we had two big advantages: 1) we were able to get a campaign going from 0 to 60 in a very short period of time and extremely cheaply and 2) we were able to keep DCCC consultants from taking over the campaigns. Our experience with campaigns at this stage has taught us that the DCCC consultants are a big part of the problem -- they push candidates to move away from progressive ideas as the strategy to 'win' and we all know how well that's worked for Democrats. Of course, there are good progressive campaign workers out there too, and so we began to make it our job to try to get as many campaigns as possible to start hiring these progressive workers.

Fast forward to today. JD has moved away from the model of fully running campaigns from the bottom-up and has now backed a number of candidates whose campaign teams are at various stages of formation. We moved to this model for a few reasons: 1) An unprecedented number of progressives began running for office on their own so it started to make sense for us to back those candidates instead of trying to continue putting lots of effort into recruiting new candidates and running their full campaigns, 2) A lot of great progressive campaign workers who came out of the Bernie movement have continued working on campaigns, and 3) We did not ignite a movement as big as the Bernie Sanders presidential campaign, so our all-in-one model for running these candidates as a big national race no longer made sense.

We still have a number of campaigns where we are doing most of the work, but we also have a number that have a large campaign team doing their work for them and where we help in other ways like providing organizing support or connecting their campaign workers with our supporters. This mix of candidates is something that started to become the case at around August of 2017 as tons of new progressives began running for office, so we made the decision in September of 2017 to move all our staff from the LLC onto Justice Democrats PAC and have moved to a aforementioned 'fee-for-service' model in which we charge for services at-cost because it is no longer a majority of the PAC's business (since the majority of our campaigns don't need to rely fully on us for their work). This is the reason that when you look at the FEC reports for Justice Democrats from 2017, you will see large expenditures to Brand New Congress, LLC because the entire staff of Justice Democrats was working within that LLC.

TLDR: Justice Democrats started off running full campaigns for candidates and the only way to do that legally is with a vendor. Therefore, since the entire staff of JD was within that vendor, there are large expenditures to Brand New Congress, LLC in 2017. We've since moved to a mix of candidates and therefore are able to do this work through a fee-for-service model through Justice Democrats PAC. All JD staff now work directly for JD and their salaries are published in our latest FEC reports.

EXHIBIT 5

202-769-3944 (Main) 606-312-1410 (Press) us@brandnewcongress.org



BRAND NEW CONGRESS

Main menu

Missouri at Heart of Enormous National Door-Knocking Campaign for 2018 Elections

by | Jun 24, 2017 | News | 0 comments

Responding to Democrat Jon Ossoff's defeat Tuesday night in Georgia's 6th district election, Cori Bush, candidate for Missouri's 1st Congressional District, will lead part of Brand New Congress' 20,000-person national door-knocking and phone canvassing campaign on June 24. Its aim is to boost hundreds of grassroots progressive candidates into Congress in 2018.

"The defeat in Georgia this week showed that the establishment Democrat playbook of big money donations is not going to get us back into office. We need strong policies, platforms, and people," said Bush.

"In Missouri, we need politicians that represent the people, not profit. I'm championing Medicare for All, new schools, and opportunity for all," said Bush. "That's why today tens of thousands of people are getting out on the doorstep."

Brand New Congress is building momentum for its populist, non-partisan platform following the recent launch of 14 candidates for national office. The organization, founded last year by former staffers of the Bernie Sanders campaign, is committed to repairing the nation's infrastructure, a 100% clean energy economy, Medicare for All and debt-free college. Bush and her fellow Brand New Congress candidates all reject corporate donations, opting only for individual small donations.

Signup Form

Join Brand New Congress!

SUBSCRIBE

First Name

Last Name

Email *

Zip/Postal Code *

PREFERRED PHONE?

###-###-####

MAY WE TEXT YOU OCCASIONALLY?

- ☐ yes
☐ no

GENDER

- ☐ Male
☐ Female
☐ Other

Add Your Name

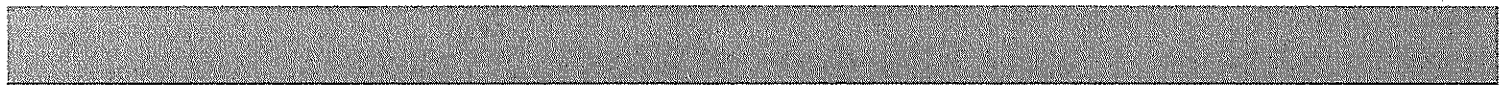
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Paid for by Brand New Congress , not authorized by any candidate or candidate committee P.O Box
5612 Charlotte, NC 28299 Contact Us: 202-769-3944

EXHIBIT 6




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Lorie Burch
Candidate U.S. Congress TX-03



Isra Allison
BNC Executive Director

Organizing Rally with Brand New Congress and Lorie Burch



SUNDAY, OCTOBER 14TH
THE SANCTUARY
6633 VIRGINIA PKWY #102
MCKINNEY, TX 75070
5:30-7:00 P.M.

CONGRESS IS BROKEN, LET'S FIX IT

OCT 14 Organizing Rally with Brand New Congress and Lorie Burch

Public · Hosted by Brand New Congress

★ Interested ✓ Going

🕒 Sunday, October 14, 2018 at 5:30 PM – 7 PM CDT
about 4 months ago

📍 6633 Virginia Pkwy, McKinney, TX 75071-5513, United States

📍
Show Map



Hosted by Brand New Congress

Message Host

About

Discussion

17 Went · 28 Interested

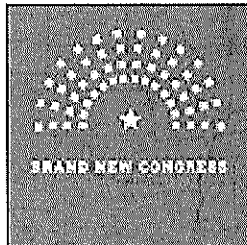
Share this event with your friends

Details

Learn about Brand New Congress' mission, challenges, successes and next steps. Hear from Lorie Burch and discuss what this movement means for her

Causes

About Brand New Congress



Brand New Congress

Political Organization

We're building a Brand New Congress #ByThePeople

#ForThePeople by championing congressional candidates who

#WontBeBought by Corporate PACs and Lobbyists

Gallery



See All Photos

EXHIBIT 7

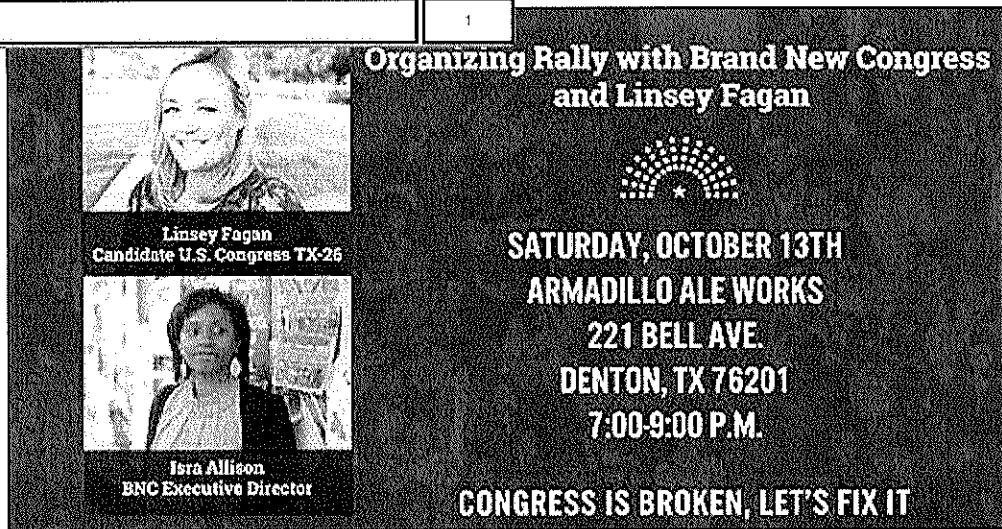
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1


Events

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Organizing Rally with Brand New Congress and Linsey Fagan



Linsey Fagan
Candidate U.S. Congress TX-26



Isra Allison
BNC Executive Director

SATURDAY, OCTOBER 13TH
ARMADILLO ALE WORKS
221 BELL AVE.
DENTON, TX 76201
7:00-9:00 P.M.

CONGRESS IS BROKEN, LET'S FIX IT

OCT
13

Organizing Rally with Brand New Congress and Linsey Fagan

Public Hosted by Brand New Congress

★ Interested ✓ Going

🕒 Saturday, October 13, 2018 at 7 PM – 9 PM CDT
about 4 months ago

Armadillo Ale Works
221 S Bell Ave, Denton, Texas 76201



Show Map



Hosted by Brand New Congress

Message Host

About

Discussion

9 Went · 19 Interested

Share this event with your friends

Details

Learn about Brand New Congress' mission, challenges, successes and next

steps. Hear from Linsey Fagan and discuss what this movement means for her and how you can help take back our democracy by volunteering on a campaign and helping us win in November.

Causes

Recent Posts



Beth Porter Varma — With Linsey, "We will fix it."

October 14, 2018

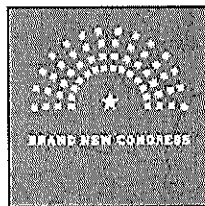


Pamela Gail Johnson — There's still time to join us ...

October 13, 2018

[See All Posts](#)

About Brand New Congress



Brand New Congress

Political Organization

We're building a Brand New Congress. #FixTheSenate
#ForThePeople by eliminating congressional candidates who
#WontBeTought by Corporate PACs and Lobbyists

About the Venue



[Go to Page](#)

More Events at Armadillo Ale Works

MAR 6 Armadillo Ale Works Pint Night
Wed 8 PM 48 people are going or interested

MAR Dffapac City Council Candidate Forum

★ Interested

EXHIBIT 8

202-769-3944 (Main) 606-312-1410 (Press) | us@brandnewcongress.org



BRAND NEW CONGRESS

Main menu

Summer of Action kicks off with #KnockDowntheHouse event

by | Jun 27, 2017 | News | 0 comments



Sarah Smith, running for the Washington 9th District, stands with volunteer canvassers at the BNC Campaign Kickoff event last weekend.

Thousands of people learned first-hand about Brand New Congress candidates this weekend thanks to hundreds of volunteers who knocked on more than 6,300 doors from Seattle to Charleston, New York to Houston, Illinois to Arkansas. Candidates and their canvassers also flocked to Pride and other events throughout the weekend, connecting with thousands of voters in their districts, and spreading the word about their campaigns. People who couldn't attend a weekend event person were invited to phonebank instead.

This weekend's event was a promising sign for the 2018 primary elections. Our current congressional representatives (on both sides of the aisle) do more finger pointing than actually putting their fingers on the pulse of what their constituents really want—and need.

While Republicans continue to push forward a "healthcare" bill that will kick at least 22 million people off of health insurance according to the latest report from the Congressional Budget Office, Democrats cling to corporate-friendly ideals and scratch their heads when they lose elections despite throwing millions of dollars at chosen candidates. Republicans and Democrats in congress are out of touch with

the realities middle- and working-class people face every day.

Brand New Congress candidates do not accept corporate cash, they rely on small-dollar donations from people like you. The BNC platform puts people before profits and offers real solutions to issues related to healthcare, money in politics, revitalizing the economy, clean energy and so much more.

Last weekend's nationwide event proved that when you have a message that resonates, people will turn out to support you.





To learn more about Brand New Congress visit brandnewcongress.org.

Signup Form

Join Brand New Congress!

SUBSCRIBE

First Name

Last Name

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Zip/Postal Code *

PREFERRED PHONE?

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- ☐ yes
☐ no

GENDER

- ☐ Male
☐ Female
☐ Other

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☒ Opt in to updates from Brand New Congress

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5612 Charlotte, NC 28299 Contact Us: 202-769-3944

EXHIBIT 9

202-769-3944 (Main) 606-312-1410 (Press)

us@brandnewcongress.org



BRAND NEW CONGRESS

Main menu

Brand New Congress Candidates Head to Atlanta for Netroots Nation Conference

by | Aug 9, 2017 | News | 0 comments

Brand New Congress will be participating in this year's Netroots Nation, the largest annual political organizing conference in the United States.

The event takes place from August 10-13 in Atlanta and will include training, panels and keynote speakers. Brand New Congress joins the National Education Association, The Action Network, the Center for Constitutional Rights and others as a premier sponsor for the Netroots Nation 2017 conference.

"This conference brings people together from all across the country to come together to discuss solutions to the issues Americans are facing today," said Paula Jean Swearengin, Brand New Congress candidate for the U.S. Senate in West Virginia. "America is crying out for common sense solutions on health care, the economy, immigration and more. What we've seen is that if we don't provide any answers, false prophets like Donald Trump end up in the White House."

Swearengin will be joined by three other Brand New Congress candidates, all of whom are running for Congress in the 2018 midterms: Adrienne Bell (TX-14), Robb Ryerse (AR-03), and Alexandria Ocasio-Cortez (NY-14).

On August 11, all four will host a panel discussion on how to run a grassroots campaign that puts people above party.

In the past, Netroots Nation featured speakers such as Senators Elizabeth Warren, Al Franken and Bernie Sanders, Rev. Dr. William Barber II, and Linda Sarsour. But the heart of the convention are the panel discussions, led by activists and political organizers in the fields of criminal justice reform, immigration rights, renewable energy, and more.

All Brand New Congress candidates have committed to putting people before profit by not taking any corporate donations.

EXHIBIT B



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 23, 2022

Peter Flaherty
National Legal and Policy Center
107 Park Washington Court
Falls Church, VA 22046

RE: MUR 7575

Dear Mr. Flaherty:

This is in reference to the complaint you filed with the Federal Election Commission on March 4, 2019. On January 27, 2022, the Commission considered the allegations raised in your complaint and voted to dismiss the allegation that Alexandria Ocasio-Cortez for Congress and Frank Llewellyn in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for, and misreporting the payee of, disbursements to Brand New Congress, LLC. The Commission was equally divided on whether to find reason to believe, and whether to dismiss, the allegations that Brand New Congress and Hosseh Enad in his official capacity as treasurer and Justice Democrats PAC and Natalie Trent in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(3) and (b)(4) by failing to include sufficient descriptions showing the purposes for and misreporting the payee of, disbursements to Brand New Congress, LLC. Accordingly, on February 15, 2022, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A Statement of Reasons providing a basis for the Commission's decision will follow.

MUR 7575
Letter to Peter Flaherty
Page 2

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Thaddeus H. Ewald, the attorney assigned to this matter, at (202) 694-1650 or tewald@fec.gov.

Sincerely,

Lisa Stevenson
Acting General Counsel

Mark Shonkwiler

BY: Mark Shonkwiler
Assistant General Counsel