



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert San Luis
Warrior PAC
1048 Irvine Avenue
Newport, California 92660

JUL 25 2018

RE: MUR 7436
Warrior PAC and Robert San Luis in
his official capacity as treasurer

Dear Mr. San Luis:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting Warrior PAC (the "Committee") and you, in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 17, 2018, the Commission found reason to believe that the Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(g), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

We have also enclosed a brief description of the Commission's procedures for handling possible violations of the Act. In addition, please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519. This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to you as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that you violated the law.

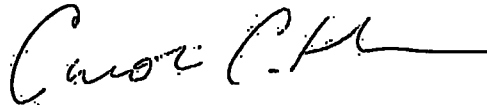
If you are interested in engaging in pre-probable cause conciliation, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548 or (800) 424-9530, within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if you are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at http://www.fec.gov/em/respondent_guide.pdf.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Designation of Counsel form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

We look forward to your response.

On behalf of the Commission,



Caroline C. Hunter
Chair

Enclosures

Factual and Legal Analysis

7-11-10 10:00 AM

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Warrior PAC and Robert San Luis MUR 7436
4 in his official capacity as treasurer
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6

7 **I. INTRODUCTION**

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9 This matter was generated based on information ascertained by the Federal Election
10 Commission (“Commission”) in the normal course of carrying out its supervisory
11 responsibilities, *see* 52 U.S.C. § 30109(a)(2). The Commission’s Reports Analysis Division
12 (“RAD”) referred Warrior PAC and Robert San Luis in his official capacity as treasurer
13 (“Committee”) to the Office of General Counsel for failing to file four 48-Hour Reports of
14 Independent Expenditures (“IEs”) during the 2016 election cycle.¹ For the reasons set forth
15 below, the Commission finds reason to believe that the Committee violated 52 U.S.C.
16 § 30104(g).

17 **II. FACTS**

18 The Committee is an independent-expenditure-only political committee that registered
19 with the Commission in June 2016.² In its October 2016 Quarterly Report, the Committee
20 disclosed on Schedule E that on September 17, it disseminated an IE supporting U.S. Senate
21 candidate Robert L. Maness in the Louisiana general election totaling \$108,662.40.³ That

¹ RAD Referral 17L-43 (Warrior PAC (Nov. 13, 2017) (“Referral”), incorporated herein by reference.

² *See* Statement of Organization, June 8, 2016. In an amended Statement of Organization filed on July 6, 2016, Warrior PAC clarified its intention to be organized as an independent-expenditure-only committee by attaching a miscellaneous text form with language from the decision in *SpeechNow v. FEC*, 599 F.3d 686 (D.C. Cir. 2010). The Committee has submitted a termination request, and RAD informed the Committee that it may not terminate until the instant matter is resolved.

³ *See* October 2016 Quarterly Report (Oct. 14, 2016).

1 Report also disclosed another IE supporting Maness on September 19 totaling \$200,000.⁴ In its
2 12-Day Pre-General Report, the Committee disclosed disseminating an IE on October 12 totaling
3 \$280,000 and another on October 16 totaling \$16,000, both also supporting Maness.⁵

4 On February 9, 2017, RAD sent the Committee Requests for Additional Information
5 (“RFAIs”) regarding both reports for failing to file corresponding 48-Hour Reports disclosing the
6 IEs noted above. In response, the Committee filed late 48-Hour Reports on February 15 and
7 March 14, 2017.

8 III. LEGAL ANALYSIS

9 Political committees registered with the Commission must file periodic reports disclosing
10 their receipts and disbursements.⁶ An independent expenditure is an expenditure that expressly
11 advocates the election or defeat of a clearly identified federal candidate, and is not made in
12 concert or cooperation with or at the request or suggestion of such candidate, the candidate’s
13 authorized political committee, or their agents.⁷ In addition to a political committee’s regular
14 reporting obligations, the Act further requires additional independent expenditure reporting
15 within 24 hours of the expenditure when a person makes or contracts to make independent
16 expenditures aggregating \$1,000 or more after the 20th day but more than 24 hours before the
17 date of an election.⁸

⁴ See *id.*

⁵ See 12-Day Pre-General Report (Oct. 25, 2016).

⁶ 52 U.S.C. § 30104(a).

⁷ 52 U.S.C. § 30101(17); see also 11 C.F.R. § 100.22(a), (b) (definition of “expressly advocating”).

⁸ See 52 U.S.C. § 30104(g); 11 C.F.R. § 109.10(d).

1 Further, a political committee that makes or contracts to make independent expenditures
2 aggregating \$10,000 or more outside of that 20-day period, up to and including the 20th day,
3 must file a report describing those expenditures within 48 hours.⁹ These reports must be filed
4 within 48 hours “following the date on which a communication that constitutes an independent
5 expenditure is publicly distributed or otherwise publicly disseminated.”¹⁰

6 In 2016, the 20-day period for the Louisiana general election began on October 20;¹¹
7 thus, an independent expenditure made by a political committee before that date aggregating
8 \$10,000 or more needed to be additionally disclosed in a 48-Hour Report.

9 **Table One: Untimely Filed 48-Hour Reports**

Report where Expenditure disclosed on Schedule E	Dates of Independent Expenditures	Number of Reports that were untimely filed (after RFAI)	Number of days late	Cumulative Amount
2016 October Quarterly Report	9/17/16 9/19/16	2	177 175	\$308,662.40
2016 12 Day Pre-General Report	10/12/16 10/16/16	2	125 121	\$296,000
Totals		4		\$604,662.40

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11 In communications with RAD and in response to the Referral, the Committee’s treasurer
12 said that he found the chart on the Commission’s website listing the IE reporting dates confusing,
13 and he believed that October 19, 2016, the date noted in the chart under “Independent
14 Expenditures 48-Hour Notice Period,” indicated the start of the 48-Hour reporting period, not its

⁹ 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

¹⁰ 11 C.F.R. § 104.4(b), (c).

¹¹ See https://transition.fec.gov/info/charts_ie_dates_2016.shtml (Commission’s archive of IE reporting dates).

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1 end.¹² The RAD analyst referred the treasurer to the Commission’s regulations, which may also
2 be accessed from the IE reporting page on the Commission’s website.

3 Respondent, however, does not dispute that the Committee failed to timely file the
4 48-Hour Reports. Therefore, there is reason to believe that Warrior PAC and Robert San Luis in
5 his official capacity as treasurer violated 52 U.S.C. § 30104(g).

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¹² See Referral at 2; Resp. at 1. For 2018, the chart on the Commission’s website page for IE reporting specifically states, “Independent Expenditures 48-Hour Period Ends On.”