

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

OFFICE OF
GENERAL COUNSEL

2020 FEB 12 PM 2:13

MUR #

7694

BRUCE LEAL
100 Florida Ave. NE
Washington, DC 20002

v.

URBINA FOR CONGRESS
P.O. Box 3114
Hyattsville, MD 20784

ANDRES URBINA, in his official capacity as TREASURER
of URBINA FOR CONGRESS
P.O. Box 3114
Hyattsville, MD 20784

COMPLAINT

1. This complaint is filed pursuant to, and is based on information providing reason to believe that Briana Urbina's campaign committee, Urbina for Congress ("UFC"; FEC ID #C00705087), violated reporting requirements of the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, *et. seq.*, and Federal Election Commission regulations.
2. Specifically, based on personal knowledge and information and belief, as well as publicly available data, Complainant has reason to believe that UFC has failed to properly report certain debts and obligations owed by the campaign as required.
3. UFC has knowingly and willfully committed violations of the FECA, and caused the submission of false information to the Commission by fraudulently deleting debts owed to Complainant and misrepresenting UFC's campaign expenditures. 52 U.S.C. § 30109 (d)(1)(A)(ii).
4. UFC has fraudulently misrepresented Complainant's authority by willfully and knowingly forging Complainant's signature on numerous FEC reports in violation of the FECA, 52 U.S.C. § 30124, and Commission regulations.
5. Mrs. Urbina has knowingly and willfully converted campaign funds for her personal use by using campaign donations to pay for clothing expenses from "Rent the Runway", in violation of 52 U.S.C. § 30114(b)(2)(B).
6. Complainant submits this complaint in accordance with 52 U.S.C. § 30109. "If the Commission, upon receiving a complaint...determines...that it has reason to believe that a person has committed, or is about to commit, a violation of the Act...[t]he Commission shall make an investigation of such alleged violation." 52 U.S.C. § 30109(a)(2).

FACTS

1. In June 2019, Mrs. Urbina converted campaign funds for her personal use by using campaign donations to pay for a dress rented from a vendor (Rent the Runway) and willfully caused UFC agents to conceal this expenditure on its FEC reports.
2. Complainant was employed by UFC as Campaign Manager from May 20, 2019 through July 25, 2019, when Complainant was terminated by Mrs. Urbina.
3. Complainant was paid for the month of May in three separate installments. On June 29, 2019, Complainant was paid \$1,200; on July 2, 2019 Complainant was paid \$800; and on July 8, 2019, Complainant was paid \$310.
4. According to Complainant's employment contract with UFC, he was to be paid again in July and August for work performed in June and July. At the time of this filing, Complainant has still not received his final wages for the work he completed in June and July.
5. On July 15, 2019, UFC filed its July Quarterly FEC report (**FEC-1341180**) which listed debts owed to Complainant in the amounts of \$1,110 (ID: 1250000414), \$750 (ID: 1250000415), and \$6,300 (ID: 1250000416) for a total of \$8,160.
6. On September 16, 2019, UFC filed an amended July Quarterly FEC report (**FEC-1352148**) which listed debts owed to Complainant in the amounts of \$1,110 (ID: 1250000414) and \$6,300 (ID: 1250000416) for a total of \$7,410; however, UFC knowingly and willfully caused the submission of false information to the Commission by 1) deleting an unpaid debt owed to the Complainant in the amount of \$750 (ID: 1250000415) and 2) fraudulently misrepresenting Complainant's authority by forging his signature on UFC's FEC report.
7. On October 14, 2019, UFC filed its October Quarterly FEC report (**FEC-1356434**) which listed a debt owed to Complainant in the amount of \$5,675 (ID: 1250000416); however, UFC knowingly and willfully caused the submission of false information to the Commission by 1) failing to disclose an unpaid debt owed to the Complainant in the amount of \$750 (ID: 1250000415), 2) fraudulently misrepresenting Complainant's authority by forging his signature on UFC's FEC report, and 3) fraudulently misrepresenting campaign expenditures by reporting a false disbursement to Complainant in the amount of \$625 (ID: 500259334) which was never actually paid to Complainant.
8. On October 14, 2019, UFC filed an amended October Quarterly FEC report (**FEC-1356501**) which listed a debt owed to Complainant in the amount of \$5,675 (ID: 1250000416); however, UFC knowingly and willfully caused the submission of false information to the Commission by 1) fraudulently deleting an unpaid debt owed to the Complainant in the amount of \$750 (ID: 1250000415), and 2) fraudulently misrepresenting campaign expenditures by reporting a false disbursement to Complainant in the amount of \$625 (ID: 500259334) which was never actually paid to Complainant.
9. On October 18, 2019, UFC filed another amended October Quarterly FEC report (**FEC-1359808**) which listed no debts owed to Complainant; however, UFC knowingly and willfully caused the submission of false information to the Commission by 1) fraudulently deleting debts owed to Complainant in the amount of \$6,425, and 2) fraudulently misrepresenting campaign expenditures by reporting a false disbursement

to Complainant in the amount of \$625 (ID: 500259334) which was never actually paid to him.

10. The amount of final wages owed to Complainant by UFC exceeds \$10,000, and Complainant has reason to believe that other individuals who worked for UFC in support of Mrs. Urbina's campaign have not been paid their final wages as of the date of this complaint, either.
11. Previous demands for payment by Complainant to UFC were made in 2019 on July 29th, August 1st, and August 29th.

SUMMARY OF THE LAW

12. FECA and Commission regulations require committees to report debts and obligations continuously if they exceed \$500 or have been outstanding 60 days or more.
13. A debt of \$500 or less is reportable once it has been outstanding 60 days from the date incurred, and the debt must be disclosed on the next regularly scheduled report. A debt exceeding \$500 must be disclosed in the report covering the date on which the debt was incurred and must be reported on Schedule D until it is repaid in full. 11 CFR 104.3(d) and 104.11
14. A person involved in a transaction reportable under the FECA who attempts to disguise it, or misrepresents its source, purpose, or amount, "willfully causes" the treasurer of the recipient committee to furnish false information concerning the transaction to the Commission in violation of 18 U.S.C. § 2(b) and 1001. This information is "material" to the "jurisdiction" of the Commission in that it impacts adversely upon the Commission's statutory duties to make public an accurate count of financial transactions done for the purpose of influencing a federal election and, in situations when the concealed fact itself constitutes a violation of the FECA, to enforce the law.
7. Any person who knowingly and willfully commits a violation of any provision of the FECA which involves the making, receiving, or reporting of any contribution, donation, or expenditure...aggregating \$2,000 or more (but less than \$25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both. 52 U.S.C. § 30109 (d)(1)(A)(ii).
15. If a respondent knowingly and willfully violates the FECA, the FECA provides for a civil penalty "which does not exceed the greater of \$10,000 or an amount equal to 200 percent of any contribution or expenditure involved." 52 U.S.C. § 30109(a)(5)(B). In accordance with 18 U.S.C. § 1519, "[w]hoever knowingly...conceals, covers up, falsifies, or makes a false entry in any record [or] document...with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States...or in relation to or contemplation of any such matter or case" commits a twenty-year felony.
16. If the Commission determines that there is probable cause to believe that knowing and willful violations occurred, it may refer such violations to the Attorney General of the United States for possible criminal prosecution. 52 U.S.C. § 30109(a)(5)(C).
17. A contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign. Section 30114(b)(2) lists nine specific examples of prohibited uses of campaign funds, such as clothing expenses. 52 U.S.C. § 30114(b)(2)(B). Even temporary diversion can give rise to

criminal prosecution. *See e.g. United States v. Taff*, 400 F. Supp. 2d 1270 (D. Kan. 2005) (rejecting motion to dismiss indictment charging Section 30114 based on candidate's temporary use of campaign funds for house closing).

PRAYER FOR RELIEF

18. The filings on which this complaint is based were false to a point that they had the potential to mislead or disrupt the Commission's ability to discharge its statutory responsibilities. Therefore, Complainant respectfully requests that the Commission find reason to believe that UFC violated the FECA and Commission regulations by willfully and knowingly causing the submission of false information to the Commission in violation of 18 U.S.C. § 1001 and § 2. In accordance with 52 U.S.C. § 30109, Complainant further requests that the Commission open an investigation to determine and impose appropriate sanctions for any and all violations, enjoin respondent(s) from any and all violations in the future, and impose any additional remedies as are necessary and appropriate to ensure compliance with the FECA and Commission regulations.

February 7, 2020

Respectfully submitted,



Bruce Leal
100 Florida Ave. NE
Washington, DC 20002

District of Columbia: SS

Subscribed and sworn to before me, in my presence,
this 7th day of February, 2020

Donald W. Henshaw, Notary Public, D.C.

My commission expires August 14, 2022.

