



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

April 29, 2024

VIA EMAIL

Clayton Burrous
Grand Strand Brewing
819 North Kings Highway, Unit 101
Myrtle Beach, SC 29577
clayton@grandstrandbrewing.com

RE: MUR 8006 (Russell Fry, *et al.*)

Dear Mr. Burrous:

On July 19, 2023, the Federal Election Commission notified Grand Strand Brewing of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on March 26, 2024, voted to find no reason to believe that Grand Strand Brewing made a corporate contribution in violation of 52 U.S.C. § 30118(a) in connection with an August 5, 2021 campaign event at Grand Strand Brewing. Also on March 26, 2024, the Commission voted to close the file effective 30 days after the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday).

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Christopher Curran, the attorney assigned to this matter, at (202) 694-1362.

Sincerely,

Ana J. Peña-Wallace

Ana J. Pena-Wallace
Assistant General Counsel

Enclosures

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Russell Fry **MUR: 8006**
Fry for Congress and David Cole
in his official capacity as treasurer
Fry for House
Grand Strand Brewing, LLC
Hartsville Museum
Palmetto Post
Audrey Hudson

I. INTRODUCTION

The Complaint in this matter alleges violations of the Federal Election Campaign Act of 1971, as amended (the “Act”) and Commission regulations by 2022 U.S. House candidate Russell Fry, his principal campaign committee Fry for Congress and David Cole in his official capacity as treasurer (the “Federal Committee”), Fry for House (the “State Committee”), Grand Strand Brewing, LLC, the Hartsville Museum, and the Palmetto Post and its alleged founder Audrey Hudson. The Complaint first alleges that the State Committee paid for several of Fry’s federal campaign expenses in violation of the Commission’s regulation prohibiting transfers from a candidate’s nonfederal committee to their principal campaign committee. It also alleges that Grand Strand Brewing, LLC and the Hartsville Museum made, and that Fry and the Federal Committee knowingly accepted, prohibited corporate contributions in connection with campaign events held at Grand Strand Brewing and at “The Edition,” a facility in Hartsville, South Carolina. Next, the Complaint alleges that the Federal Committee failed to report the corporate contributions from Grand Strand Brewing and the Hartsville Museum and also failed to report amounts that Fry spent on “testing-the-waters” activity prior to his federal candidacy. Finally, the Complaint alleges that the Palmetto Post made impermissible in-kind contributions to Fry in

1 the form of online articles, social media posts, and emails that advocated for Fry's election to
2 Congress.

3 The Commission received three responses: one response from Fry and the Federal
4 Committee (the "Fry Response") as well as separate responses from Grand Strand Brewing and
5 the city of Hartsville, South Carolina ("city of Hartsville"), the apparent owner of the Edition
6 facility. We did not receive a separate response from the State Committee. Audrey Hudson and
7 the Palmetto Post did not respond. The Fry Response argues that the Complaint should be
8 dismissed because it is both without merit and politically motivated. Grand Strand Brewing
9 responded that it was not acting as a donor or supporter of Fry's campaign in permitting the
10 campaign event on its property in the same manner that it allows other groups to host events on
11 their premises. The city of Hartsville's response provided the rental application, contract, and
12 payment receipt for Fry's use of the Edition facility to demonstrate that the campaign paid the
13 facility's normal rental rate.

14 For the reasons set forth below, the Commission dismisses the allegation that Fry, the
15 State Committee, and the Federal Committee violated 11 C.F.R. § 110.3(d) in connection with
16 the State Committee's alleged payment of Fry's federal campaign expenses. The Commission
17 dismisses the allegation that Fry, the State Committee, and the Federal Committee violated
18 52 U.S.C. § 30125(e)(1)(A) in connection with the State Committee's alleged payment for Fry's
19 federal campaign website, signs, banner, campaign logo, and video footage. The Commission
20 also finds no reason to believe that Fry, the State Committee, and the Federal Committee
21 violated 52 U.S.C. § 30125(e)(1)(A) in connection with the State Committee's payment for an
22 online video titled "PUSHING BACK – A mid-session legislative update from the SC House"
23 (the "PUSHING BACK" video). Relatedly, the Commission dismisses the allegation that the

1 Federal Committee failed to report disbursements for such expenses in violation of 52 U.S.C.
 2 § 30104(b). The Commission also finds no reason to believe that Grand Strand Brewing and the
 3 Hartsville Museum made, or that Fry and the Federal Committee knowingly accepted, in-kind
 4 corporate contributions in violation of 52 U.S.C. § 30118(a) in the form of free goods and
 5 services. The Commission further finds no reason to believe that the Federal Committee failed
 6 to report the alleged in-kind contributions from Grand Strand Brewing and the Hartsville
 7 Museum. Next, the Commission finds no reason to believe that Fry and the Federal Committee
 8 violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 101.3 by failing to report disbursements for
 9 “testing-the-waters” activities. Finally, the Commission finds no reason to believe that the
 10 Palmetto Post or Audrey Hudson made, or that Fry and the Federal Committee knowingly
 11 accepted, excessive in-kind contributions in violation of 52 U.S.C. § 30116(a) and (f) in the form
 12 of coordinated communications.

13 II. FACTUAL BACKGROUND

14 Russell Fry represented State House District 106 (Horry County) in South Carolina’s
 15 General Assembly, having first won election in 2015.¹ Russell Fry for House appears to have
 16 been his state campaign committee.² On January 31, 2021, he announced that he was exploring a

¹ South Carolina Election Commission, State House of Representatives District 106 Special Election (Sept. 15, 2015), <https://scvotes.gov/state-house-of-representatives-district-106-special-election/>.

² Fry’s Response does not identify a separate state committee. Instead, it refers to Fry’s “state campaign.” Fry Resp. at 2 (June 22, 2022). While we have not found an entity specifically named “Fry for House” in the South Carolina Ethics Commission’s online database, the Internal Revenue Service lists an address of record for an entity named “Russell Fry for House” that matches Fry’s candidate disclosure reports with the South Carolina Ethics Commission. See IRS, Search for Political Organization Disclosure, <https://forms.irs.gov/app/pod/basicSearch/search> (last visited Feb. 7, 2024) (search “Russell Fry for House”); South Carolina Election Commission, Russell Fry Profile, <https://ethicsfiling.sc.gov/public/candidates-public-officials/person/profile?personId=13630&seiId=15613> (last visited Feb. 7, 2024). Because South Carolina requires state candidates open a separate checking account for campaign contributions and expenditures, and because the Complaint specifically includes allegations against Fry’s “state campaign committee” and “Fry for House,” —which appears to be a legally distinct entity that matches the contact information for Russell Fry currently on file with the South Carolina Ethics Commission—we use “State Committee” to refer to that account and the person(s)

potential federal candidacy to represent South Carolina’s 7th Congressional District.³ A little over six months later, on August 9, 2021, Fry filed his initial statement of candidacy.⁴ Fry for Congress is his principal campaign committee.⁵ According to filings with the South Carolina State Ethics Commission, the State Committee accepted corporate contributions.⁶

For the 2021-2022 election cycle, the Federal Committee reported total disbursements of \$1,218,494.55 and total receipts of \$1,428,232.⁷ The Federal Committee’s first report was the 2021 October Quarterly Report. In that report, the Federal Committee disclosed, among other things, \$4,039.98 in total disbursements, all to the vendor Anedot for “E-Merchant Fees” with

responsible for it. See State Ethics Commission Candidate Newsletter (2023), <https://ethics.sc.gov/sites/ethics/files/Documents/Brochures/2023CandidateNewsletter.pdf>.

³ Russell Fry, FACEBOOK, <https://www.facebook.com/RussellFrySC/posts/fry-for-congresswhen-you-receive-an-unsolicited-word-of-encouragement-to-run-you/3963959670301885/> (last visited Feb. 7, 2024); Tyler Fleming and Jamie Lovegrove, *Rep. Russell Fry Explores Challenging SC GOP-Censured Tom Rice For Congressional Seat*, THE POST AND COURIER (Jan 31, 2021), https://www.postandcourier.com/myrtle-beach/politics/rep-russell-fry-explores-challenging-sc-gop-censured-tom-rice-for-congressional-seat/article_863c46ce-630f-11eb-ad62-1395483202ca.html.

⁴ Statement of Candidacy, Russell Fry (Aug. 9, 2021), <https://docquery.fec.gov/pdf/570/202108099466213570/202108099466213570.pdf>.

⁵ Statement of Organization, Fry for Congress (Aug. 9, 2021), <https://docquery.fec.gov/pdf/560/202108099466213560/202108099466213560.pdf>.

⁶ Attach. 1 (showing State Committee’s contributions received).

⁷ *FEC Financial Summary*, FEC.gov, <https://www.fec.gov/data/committee/C00786657/?tab=summary&cycle=2022> (last visited Feb. 7, 2024) (reflecting Federal Committee’s disbursements and receipts during the 2021-2022 election cycle).

the first disbursement occurring on August 10, 2021.⁸ The Federal Committee also disclosed a \$7,304.97 debt to Ivory Tusk Consulting for “fundraising consulting.”⁹

Grand Strand Brewing is a restaurant and brewery located in Myrtle Beach, South Carolina.¹⁰ It organized as a limited liability company in South Carolina on February 12, 2019.¹¹ Fry held a campaign event at Grand Strand Brewing on August 5, 2021.¹²

The Edition is a “modern event space” that is part of the Hartsville Museum in Hartsville, South Carolina.¹³ The Edition is owned by the city of Hartsville, South Carolina.¹⁴ Fry held a campaign event at The Edition on February 24, 2022.¹⁵

A. The Complaint

The Complaint alleges that Fry and the Federal Committee incurred campaign expenses *prior* to August 10, 2021, and that the Federal Committee’s failure to report any disbursements before that date suggests that the State Committee paid for those expenses in violation of 11 C.F.R. § 110.3(d). According to the Complaint, the specific expenses at issue consist of the following:

⁸ Fry for Congress, 2021 October Quarterly Report at 78-86 (July 1, 2021), <https://docquery.fec.gov/pdf/421/202110159467647421/202110159467647421.pdf>.

⁹ *Id.* at 88 (July 1, 2021), <https://docquery.fec.gov/pdf/421/202110159467647421/202110159467647421.pdf>. Ivory Tusk Consulting was founded by R.J. May, III and is a “full-service political consulting and public relations agency.” Ivory Tusk Consulting, FACEBOOK, <https://www.facebook.com/IvoryTuskConsulting/> (last visited Dec. 19, 2023); Ivory Tusk Consulting, <https://web.archive.org/web/20220204080743/https://ivorytuskconsulting.com/> (last visited Dec. 19, 2023). The Federal Committee reported paying the entire \$7,304.97 debt on its next report. *See* Fry for Congress, 2021 Year-End Report at 70 (Jan. 31, 2022), <https://docquery.fec.gov/pdf/325/202201319485566325/202201319485566325.pdf>.

¹⁰ Grand Strand Brewing Company, <https://www.grandstrandbrewing.com/> (last visited Dec. 19, 2023).

¹¹ South Carolina Secretary of State, Business Entities Online Business Name Search (search “Grand Strand Brewing”), <https://businessfilings.sc.gov/BusinessFiling/Entity/Search> (last visited Feb. 7, 2024).

¹² Grand Strand Brewing Resp. (Aug. 8, 2023); Compl. at Ex. D.

¹³ <https://hartsvillemuseum.org/about> (last visited Sept. 21, 2023).

¹⁴ City of Hartsville Resp. at 1 (Aug. 15, 2023).

¹⁵ *Id.*; Compl. at Ex. E.

- A “professionally produced campaign-style video¹⁶ entitled PUSHING BACK – A mid-session legislative update,” that “increase[d] [Fry’s] favorability and name identification in the lead up to his federal candidacy” that was posted on Fry’s YouTube page on April 8, 2021;¹⁷
- A “professionally created ‘Russell Fry for Congress’ logo”¹⁸ that was first used by Fry in a July 31, 2021 invitation to a campaign event at Grand Strand Brewing;
- A campaign website “RussellFrySC.com” that was first publicized by Fry in a July 31, 2021 invitation to a campaign event at Grand Strand Brewing;¹⁹
- “Professionally created campaign signs” used by Fry’s campaign at a campaign event at Grand Strand Brewing on August 5, 2021;²⁰ and
- A large banner with Fry’s federal campaign logo displayed at a campaign event at Grand Strand Brewing on August 5, 2021.²¹

Second, the Complaint alleges that, following Fry’s federal candidacy, the State

Committee provided video footage from Fry’s April 8, 2021 legislative update for a federal campaign video posted to YouTube on September 22, 2021, in violation of 11 C.F.R. § 110.3(d).²²

Third, the Complaint alleges that Grand Strand Brewing and the Hartsville Museum made, and Fry and the Federal Committee knowingly accepted, in-kind corporate contributions in violation of 52 U.S.C. § 30118(a). Based on pictures of the events, and because the Federal

¹⁶ Russell Fry, PUSHING BACK – A mid-session legislative update from the SC House, YOUTUBE (Apr. 8, 2021), <https://www.youtube.com/watch?v=xdFZ2xcirgQ>. A transcript of the video can be found at Attachment 2.

¹⁷ Compl. at 2, 6 (citing the State Campaign’s payment of \$15,633.86 to Ivory Tusk Consulting on July 5, 2021 for “Spring legislative update and survey mailer, postage, state house website update, graphic design, and legislative update video shoot”).

¹⁸ *Id.* at 3.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 3, 6.

²² *Id.* at 4, 6.

Committee did not disclose any disbursements to Grand Strand Brewing or to the Edition or the Hartsville Museum, the Complaint asserts that Grand Strand Brewing provided free event space, food, and drinks for Fry’s August 5, 2021 campaign event and that the Hartsville Museum provided free event space and catering for Fry’s February 24, 2022 campaign event at The Edition.²³

Fourth, the Complaint alleges that Fry and the Federal Committee violated 11 C.F.R. § 101.3 by failing to report any disbursements for “testing-the-waters activities,” despite the six-month gap between announcing his intention to explore a federal candidacy and his eventual announcement of his decision to seek federal office, as well as the existence of campaign signs, banners, logos and a website prior to Fry’s August 5, 2021 campaign event at Grand Strand Brewing.²⁴

Finally, the Complaint alleges that the Palmetto Post, an online publication, is controlled by Audrey Hudson, who it also alleges is a paid staffer of the Fry campaign and that the publication’s online articles, social media posts, and emails advocating for Fry’s election constitute “impermissible coordinated communications.”²⁵

B. The Responses

The Fry Response argues that the Complaint lacks evidence of wrongdoing—demonstrated, it says, by the Complaint’s use of language such as “it appears,” “ostensibly,” “one is left to assume,” and “[i]t strains credulity.”²⁶ The Fry Response also claims that the Complaint is politically motivated, pointing to the fact that it was filed by the spouse of the chief

²³ *Id.* at 3, 6-7.

²⁴ *Id.* at 4, 8.

²⁵ *Id.* at 9.

²⁶ Fry Resp. at 1-2.

of staff of Fry’s primary election opponent seven days before the election.²⁷ With respect to the Complaint’s specific allegations, the Fry Response does not address the State Committee’s alleged payment of Fry’s federal campaign expenses or the federal campaign’s alleged failure to disclose testing-the-waters expenses other than to say the Complaint lacks evidence.²⁸ As for the alleged corporate contributions, the Fry Response asserts that there were no disbursements to Grand Strand Brewing for Fry’s “August 5, 2021 announcement because it was a ‘pay your own way’ event” and that there were no payments to the Edition because the facility is owned by the town of Hartsville.²⁹ Finally, the Fry Response states that Audrey Hudson is a supporter of Fry, “is not a staffer on the Fry campaign, nor has she ever received any money from the campaign,” and that her social media posts were “exclusively and uniquely her own content.”³⁰

Grand Strand Brewing responded that they “host groups like this regularly without a private event rental fee, but rather reserve portions of the brewery in exchange for the business their guests will bring.”³¹ As for the specifics of the August 5, 2021 event, Grand Strand Brewing states that it was contacted by a member of Fry’s campaign team, who inquired about the possibility of hosting an event for approximately 75 people, on July 23, 2021.³² Grand Strand Brewing asserts that all guests were told that they would “be on their own tab.”³³ Grand Strand Brewing’s Response further states that “there was no catering nor special pricing provided to anyone on Russel[l] Fry’s team or any guests” and that Grand Strand Brewing was

²⁷ *Id.*

²⁸ *Id.* at 2.

²⁹ *Id.*

³⁰ *Id.*

³¹ Grand Strand Brewing Resp.

³² *Id.*

³³ *Id.*

1 “not acting as a donor or supporter of Fry’s campaign in permitting the campaign event on its
2 property.”³⁴

3 The city of Hartsville’s Response states that “the organizers of the [Fry] event paid the
4 normal hourly rate charged for rental of the facility for the [February 24, 2022] event.”³⁵ In
5 addition, the city of Hartsville’s Response attached the rental application for the Edition, the
6 contract for the use of the Edition, a payment receipt showing the amount paid for use of the
7 Edition, and a certificate of insurance for the February 24, 2022 event.³⁶

8 Neither Audrey Hudson nor the Palmetto Post responded to the Complaint.

³⁴ *Id.*

³⁵ City of Hartsville Resp. at 1. The rental form for the Edition space was signed by Phillip Habib, Fry’s campaign manager, and showed that the cost to rent the facility was a \$200 rental fee plus \$200 deposit, which corresponds with the cost to rent the entire space for two hours. *Id.* at 2, 5; *see also* First Tuesday Strategies, Who We Are, Phillip Habib, https://www.firsttuesdaystrategies.com/our_team/phillip-habib/ [https://web.archive.org/web/20230928034346/https://www.firsttuesdaystrategies.com/our_team/phillip-habib/].

³⁶ City of Hartsville Resp. at 2-9.

1 III. LEGAL ANALYSIS

2 A. The Commission Finds No Reason to Believe that Fry, the State Committee, 3 and the Federal Committee Violated 52 U.S.C. § 30125(e)(1)(A) and 4 Dismisses the Allegation that Fry, the State Committee, and the Federal 5 Committee Violated 11 C.F.R. § 110.3(d)

6 Transfers of funds or assets from a candidate’s campaign committee or account for a
 7 nonfederal election to his or her principal campaign committee for a federal election are
 8 prohibited.³⁷ The prohibition on transferring funds or assets applies broadly and includes
 9 payment by the state committee for goods or services to the federal committee.³⁸ The
 10 Commission, however, permits the transfer of a nonfederal committee’s assets to the campaign
 11 committee of a candidate for federal office if such transfer is conducted under current market
 12 practices and at the usual and normal charges.³⁹ “Usual and normal charge” means “the price of
 13 those goods in the market from which they ordinarily would have been purchased at the time of
 14 the contribution.”⁴⁰ When the state committee does not own the asset transferred, the federal
 15 committee must pay the usual and normal charge for use of the asset to the proper owner.⁴¹

16 In addition to 11 C.F.R. § 110.3(d), 52 U.S.C. § 30125(e)(1)(A) may also be implicated in
 17 such cases where a candidate’s state campaign pays for their federal campaign expenses.⁴²
 18 52 U.S.C. §30125(e)(1)(A) and the Commission’s implementing regulation prohibit candidates,

³⁷ 11 C.F.R. § 110.3(d).

³⁸ Factual and Legal Analysis (“F&LA”) at 5, MUR 6267 (Paton For Senate, *et al.*) (candidate’s federal committee “effectively received prohibited transfer of funds in violation of [52 U.S.C. § 30125(e)] and 11 C.F.R. § 110.3(d) when the candidate’s state committee paid for expenses that were incurred in connection with his federal election.”); F&LA at 12-16, MUR 5646 (Cohen for New Hampshire) (candidate’s federal committee received prohibited transfer of funds when he used state campaign funds to pay for federal campaign expenses); Conciliation Agreement at IV.11, V.1-2.

³⁹ *See* Transfer of Assets from State to Federal Campaigns, 58 Fed. Reg. 3474, 3475 (Jan. 8, 1993); Advisory Opinion 1992-19 (Mike Kreider for Congress Committee).

⁴⁰ 11 C.F.R. § 100.52(d)(2).

⁴¹ *See id.* § 100.52(d).

individuals holding Federal office, agents of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained, or controlled (“EFMC”) by or acting on behalf of one or more candidates or individuals holding Federal office from “solicit[ing], receiv[ing], direct[ing], transfer[ing], or spend[ing] funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of th[e] Act”⁴³ and from “solicit[ing], receiv[ing], direct[ing], transfer[ing], or spend[ing] funds in connection with” a nonfederal election unless the funds are subject to the Act’s amount limitations and source prohibitions.⁴⁴ The Commission has determined that a state campaign committee of a federal candidate is, as a matter of law, EFMC’d by the federal candidate and acts on that candidate’s behalf.⁴⁵

The Commission has provided guidance on the types of activities that are “in connection” with an election under 52 U.S.C. § 30125(e). Such activities include, but are not limited to: (1) contributing to a candidate committee; (2) contributing to a political party organization; (3) soliciting funds for a candidate committee; (4) expending funds to obtain information that will be shared with a candidate committee; (5) expressly advocating the election or defeat of a candidate; and (6) “federal election activity,” as defined by the Act, which includes public

⁴² See, e.g., F&LA at 4, MUR 6253 (Trey Gowdy for Congress, *et al.*); F&LA at 116, MUR 5646 (Cohen for New Hampshire); Gen. Counsel’s Rpt. (“GCR”) at 1, 3, MUR 6340 (McDowell for Congress, *et al.*), & Certification (“Cert.”), MUR 6340 (McDowell for Congress).

⁴³ 52 U.S.C § 30125(e)(1)(A); 11 C.F.R. § 300.61.

⁴⁴ 52 U.S.C § 30125(e)(1)(B); 11 C.F.R. § 300.62.

⁴⁵ See F&LA at 8-9, MUR 7853 (Lance Harris, *et al.*); F&LA at 6, MUR 7337 (Debbie Lesko and Re-Elect Debbie Lesko for Senate); F&LA at 9, MUR 7246 (Buddy Carter for Congress, *et al.*); F&LA at 4, MUR 6985 (Zeldin for Senate, *et al.*) (citing AO 2009-26 at 5 (Coulson), AO 2007-01 at 3 (McCaskill), and F&LA at 9, MUR 6601 (Oelrich for Congress)).

1 communications referring to a clearly identified federal candidate and that promote, support
 2 attack, or oppose (“PASO”) a candidate for that office.⁴⁶

3 Fry, a federal candidate, EFMC’d the State Committee within the meaning of 52 U.S.C.
 4 § 30125(e)(1).⁴⁷ Therefore, any funds the State Committee solicited, received, directed,
 5 transferred, or spent in connection with a federal election after Fry became a federal candidate
 6 were required to be federally permissible.⁴⁸ Because South Carolina state law permits corporate
 7 contributions and the State Committee’s disclosure reports show that it accepted corporate
 8 contributions, the State Committee was prohibited from spending or transferring funds in
 9 connection with a federal election.⁴⁹

⁴⁶ See F&LA at 6, MUR 7954 (Kevin Mullin for Congress, *et al.*) (citing F&LA at 3, MUR 7106 (Citizens for Maria Chappelle-Nadal.) (citing among others Advisory Opinion 2009-26 at 5 (Coulson))).

⁴⁷ See 52 U.S.C. § 30125(e)(1) (applying to *entities* EFMC’d by federal candidates and officeholders).

⁴⁸ See, e.g., F&LA at 4, MUR 6253 (Trey Gowdy for Congress, *et al.*).

⁴⁹ See South Carolina Ethics Commission Advisory Opinion 92-187 (Nov. 18, 1992), <https://ethics.sc.gov/sites/ethics/files/Documents/Advisory%20Opinions/Advisory%20Opinion%20Topics/1992/AO92187N.NEW.pdf>.

1 1. The “PUSHING BACK” Video

2 a. 11 C.F.R. § 110.d(3)

3 i. *The State Committee’s Payment for Fry’s YouTube Video*
 4 *Titled: “PUSHING BACK – A mid-session legislative*
 5 *update from the SC House”*

6 The Commission has explained that, because a state committee is prohibited from
 7 transferring funds to a federal committee under 11 C.F.R. § 110.3(d), it follows that a state
 8 committee is prohibited from making expenditures on behalf of a potential federal campaign.⁵⁰
 9 Thus, once an individual becomes a candidate, their state committee’s earlier testing-the waters
 10 expenditures become in-kind contributions to the federal committee and constitute a prohibited
 11 transfer.

12 In support of its allegation that the “PUSHING BACK” video was to support a potential
 13 Fry federal candidacy the Complaint highlights that the video was “professionally produced,”
 14 was part of the State Committee’s single largest expenditure in its history, and that Fry had never
 15 posted such a well-produced video before.⁵¹

16 Nevertheless, the information before the Commission does not support finding reason to
 17 believe that a violation occurred. The heart of the Complaint’s 11 C.F.R. § 110.3(d) allegation
 18 regarding the “PUSHING BACK” video is that it benefited Fry’s future candidacy by increasing
 19 his favorability and name recognition and therefore constituted an expense in support of Fry’s

⁵⁰ F&LA at 15, MUR 4323 (Huckabee Election Committee) (concluding that a state committee “could not . . . use funds it could not otherwise legally have transferred to make direct expenditures on behalf of a potential [] federal campaign”); *see* Transfers of Funds from State to Federal Campaigns, 57 Fed. Reg. 36,344, 36,345 (Aug. 12, 1992) (explaining the transfer prohibition was intended to prevent “indirect” use of impermissible funds); F&LA at 4-5, MUR 6267 (Paton for Senate) (finding Paton’s federal committee received prohibited transfers of funds when Paton’s state senate committee paid for polling and a survey benefiting his federal campaign).

⁵¹ Compl. at 2.

1 federal campaign.⁵² But while the “PUSHING BACK” video may be complimentary to Fry, that
 2 alone does not translate into supporting or promoting his potential federal candidacy.

3 Other information further undermines the Complaint’s arguments for viewing the
 4 “PUSHING BACK” video as being on behalf of a potential federal campaign. First, the
 5 Complaint argues that the “PUSHING BACK” video was a federal campaign expense because
 6 the State Committee reported payments to ITC rather than “Ivory Tusk Consulting”—allegedly
 7 in an attempt to conceal the connection with a consultant used by Fry’s eventual federal
 8 campaign.⁵³ But the State Committee had reported payments to “ITC” dating back to 2018, long
 9 before Fry’s federal candidacy;⁵⁴ and publicly available records connect ITC’s reported address
 10 with Robert May—the President of Ivory Tusk Consulting. Thus, the Complaint’s claim that the
 11 State Committee hid Fry’s connection with Ivory Tusk Consulting appears unfounded.

12 Second, the Complaint argues that the video was really intended to benefit Fry’s potential
 13 federal campaign because it was a “campaign-style” video that focused on national political
 14 issues and Fry’s resume.⁵⁵ But this argument incorrectly rules out the possibility that issues such
 15 as firearms and the Second Amendment, election administration, drugs, school choice, and
 16 human trafficking are also important at the state and local levels.

17 Third, the Commission does not view “statement[s] of a federal candidate’s previous or
 18 ongoing legislative efforts” as inherently PASOing that candidate.⁵⁶ Here, the “PUSHING

⁵² Compl. at 6.

⁵³ *Id.* at 3.

⁵⁴ See Attach. 3 (showing State Committee’s reported expenditures).

⁵⁵ Compl. at 2.

⁵⁶ F&LA at 6, MUR 7954 (Kevin Mullin for Congress, *et al.*) (citing F&LA at 3, MUR 7106 (Citizens for Maria Chappelle-Nadal); see also AO 2009-26 at 5-6 (Coulson) (proposed senior event sponsored by a federal candidate and simultaneous state officeholder did not violate the Act’s soft money ban because it was a “service to .

1 “BACK” video was posted to YouTube more than four months before Fry declared his federal
 2 candidacy and references Fry only in his capacity as a South Carolina State Representative. The
 3 “PUSHING BACK” video focuses on state legislative accomplishments Fry professes to have
 4 helped achieve during the “three short months South Carolina’s statehouse has been in session”
 5 and what he hopes to achieve “in the final months of the session.” While the “PUSHING
 6 BACK” video does include a statement by Fry that “we all want to take back Congress next year
 7 and the White House in 2024” it is immediately followed by Fry stating, “we can’t wait that
 8 long, states must act now,” which suggests that the video’s focus is on state legislative issues. In
 9 sum, the video focuses on Fry’s previous and ongoing legislative efforts, and a fleeting reference
 10 to the 2022 and 2024 federal elections does not transform it into a video on behalf of a potential
 11 federal campaign. Therefore, the video does not qualify as “federal election activity” under 52
 12 U.S.C. § 30125(e)(1)(A).⁵⁷

13 Finally, the State Committee’s disclosure reports described the payment for the
 14 “PUSHING BACK” video as part of Fry’s “spring legislative update,” which, on its face, gives
 15 no indication that the video was to further a potential Fry federal candidacy. Moreover, the State
 16 Committee had previously paid for a “legislative update” in 2019, and paid for another

... constituents” and was to be “held as part of her State officeholder duties and in a manner consistent with similar events she held in previous years when she was not a Federal candidate”).

⁵⁷ F&LA at 6-7, MUR 6253 (Trey Gowdy for Congress, *et al.*) (finding no reason to believe that funds spent by U.S. Representative Trey Gowdy’s state committee to develop a website (which included video footage of Gowdy) were, in fact, used to develop Gowdy’s federal campaign website because affidavits stated that the videos concerned reform to the South Carolina criminal justice system and did not mention Congress or a potential run for Congress).

1 legislative update in 2022.⁵⁸ This further indicates that the “PUSHING BACK” video (itself
 2 titled, in part, as a “legislative update”) was indeed related to Fry’s state office.⁵⁹

3 2. Signs, Banner, Logo, Website, and Video Footage

4 The Complaint asserts that it is “undeniable” that the State Committee paid for the costs
 5 of Fry’s federal campaign website, signs, banner, and a campaign logo because the Federal
 6 Committee “failed to list a single disbursement to vendors or consultants who would have
 7 created” such items.⁶⁰ Similarly, the Complaint alleges that the State Committee provided
 8 footage used in the “PUSHING BACK” video to Fry’s federal campaign because the Federal
 9 Committee did not report any disbursement to vendors or consultants who would have recorded
 10 such footage.⁶¹

11 But the Complaint overlooks the Federal Committee’s 2021 October Quarterly Report—
 12 the Federal Committee’s first report following Fry’s federal candidacy—where it disclosed a
 13 \$7,304.97 debt to Ivory Tusk Consulting that would have been incurred between July 1, 2021

⁵⁸ See Russell Fry, Quarter 2, 2022 Report at 2 (July 2, 2022), <https://ethicsfiling.sc.gov/public/candidates-public-officials/person/campaign-disclosure-reports/report-detail?personId=13630&seiId=15613&officeId=44188&reportId=320219> (showing \$19,021.49 payment to ITC for “Midsession legislative update mailer”); Russell Fry, Quarter 1, 2019 Report at 2 (Apr. 10, 2019), <https://ethicsfiling.sc.gov/public/candidates-public-officials/person/campaign-disclosure-reports/report-detail?personId=13630&seiId=15613&officeId=44188&reportId=147997> (showing \$2,986.57 payment to Starboard Communications for “Midsession Legislative Update”).

⁵⁹ F&LA at 14, MUR 8083 (Tom Patti for Congress, *et al.*) (finding no reason to believe state committee of federal candidate paid for federal campaign expenses in the form of e-newsletters and digital communications and noting that “officeholder mailers and newsletters of the type that state officeholders routinely send to their constituents” do not violate the Act’s soft money prohibition) (internal quotation marks omitted); AO 2009-26 at 5-6 (Coulson); *see also* First GCR at 5, MUR 5416 (Wayne Christian, *et al.*) (fact that candidate’s state committee had paid vendors before and after his federal candidacy suggested that the expenditures “were all related to his state office, which he continued to hold throughout th[e] time period”) & Cert. (Nov. 8, 2004) (finding no reason to believe).

⁶⁰ Compl. at 6.

⁶¹ *Id.* at 4, 6.

1 and September 30, 2021.⁶² Given that the State Committee had previously paid Ivory Tusk
 2 Consulting for, among other things, “printing” and “design” services and to update Fry’s state
 3 house website, it appears likely that Fry also used Ivory Tusk Consulting for similar services in
 4 connection with his federal candidacy and reported the costs as a debt.⁶³ The city of Hartsville’s
 5 Response, which shows that Ivory Tusk Consulting paid the deposit for the Edition space used
 6 by Fry’s federal campaign, bolsters that conclusion.⁶⁴

7 Ivory Tusk Consulting was also the vendor the State Committee used to produce the
 8 “PUSHING BACK” video.⁶⁵ Footage from the “PUSHING BACK” video was subsequently
 9 used in a federal campaign video that was posted to Fry’s YouTube page on September 22,
 10 2021.⁶⁶ We have no information directly establishing that the Federal Committee paid for that
 11 footage.

12 The Commission has previously said that a state committee’s video footage qualifies as
 13 an asset under 11 C.F.R. § 110.3(d) requiring payment at the usual and normal charge.⁶⁷ But
 14 here, neither the Complaint nor the Response provides information indicating who owned the
 15 footage used in the “PUSHING BACK” video, and there is no such information in the record.
 16 Given Fry’s longstanding use of Ivory Tusk Consulting for his needs at both the state and federal

⁶² Fry for Congress, 2021 October Quarterly Report at 88 (July 1, 2021), <https://docquery.fec.gov/pdf/421/202110159467647421/202110159467647421.pdf>. The Federal Committee reported paying the entire \$7,304.97 on its next report. Fry for Congress, 2021 Year-End Report at 70 (Jan. 31, 2022), <https://docquery.fec.gov/pdf/421/202110159467647421/202110159467647421.pdf>.

⁶³ See Attach. 3.

⁶⁴ City of Hartsville Resp. at 7-8.

⁶⁵ See Attach. 3; Compl. at 2-3.

⁶⁶ Compare Russell Fry, PUSHING BACK – A Mid-Session Legislative Update From the SC House, YOUTUBE (Apr. 8, 2021), with Russell Fry, *America is Worth Fighting For*, YOUTUBE (Sept. 22, 2021), <https://www.youtube.com/watch?v=waZ3avOmQhI>.

⁶⁷ Statement of Reasons, Comm’rs Walther, Petersen, Bauerly, Hunter, & Weintraub, MUR 5964 (Schock for Congress, *et al.*).

level, the possibility that Ivory Tusk Consulting owned the footage used in the “PUSHING BACK” video, and the Fry Response’s denial that the State Committee was used to further Fry’s federal candidacy, it is plausible that the Federal Committee’s reported debt to Ivory Tusk Consulting in its 2021 October Quarterly Report encompassed the costs for the “PUSHING BACK” video footage. Under these circumstances, resolving the question of ownership through an investigation would not be a prudent use of the Commission’s resources.

b. 52 U.S.C. § 30125(e)(1)

The “PUSHING BACK” video does not satisfy any of the Commission’s factors for being in connection with a federal election. It does not solicit funds for a candidate committee, does not appear aimed at obtaining information that will be shared with a candidate committee, and does not expressly advocate the election or defeat of a candidate.⁶⁸ And because it was posted on YouTube, an internet platform on which videos are placed without charge, the “PUSHING BACK” video is not a *public communication* that refers to a clearly identified candidate for federal office and that PASOs a candidate for that office.⁶⁹ Accordingly, the “PUSHING BACK” video fails to satisfy the Commission’s described test for being “in connection with a federal election” and so the State Committee’s payment for it does not violate 52 U.S.C. § 30125(e)(1)(A).

As discussed above, the Federal Committee may have paid the costs for Fry’s federal campaign website, signs, banner, campaign logo, and September 22, 2021 YouTube video footage.

⁶⁸ See Attach. 2.

⁶⁹ The term “public communication” excludes communications over the Internet, except for communications placed for a fee on another person’s website, digital device, application, or advertising platform. 11 C.F.R. § 100.26; *see also* Internet Communication Disclaimers and Definition of “Public Communication,” 87 Fed. Reg. 77,467, 77,471 (Dec. 19, 2022) (amending definition of “public communication”).

* * *

The State Committee’s payment for the “PUSHING BACK” video does not appear to be in connection with an election for federal office. Accordingly, the Commission finds no reason to believe that Fry, the State Committee, and the Federal Committee violated 52 U.S.C. § 30125(e)(1)(A) in connection with the State Committee’s payment for that video.

The allegation that the State Committee paid for Fry’s federal campaign expenses—consisting of the “PUSHING BACK” video, website, signs, banner, campaign logo, and video footage in violation 11 C.F.R. § 110.3(d)—is not supported by the available information. With respect to the “PUSHING BACK” video, the overall evidence does not establish its purpose was supporting a potential Fry candidacy. With respect to the website, signs, banner, campaign logo, and video footage, the Complaint overlooks the possibility that the Federal Committee’s debt to Ivory Tusk Consulting reported on its 2021 October Quarterly Report may have encompassed those expenses. Accordingly, there is insufficient information to support that the expenses for the website, signs, banner, logo, and YouTube video were not paid for by the State Committee.

Under these circumstances, the Commission dismisses the allegation that Fry, the State Committee, and the Federal Committee violated 11 C.F.R. § 110.3(d) in connection with the “PUSHING BACK” video, and dismiss the allegation that Fry, the State Committee, and the Federal Committee violated 11 C.F.R. § 110.3(d) and 52 U.S.C. § 30125(e)(1)(A) in connection with the expenses paid for Fry’s federal campaign website, signs, banner, campaign logo, and video footage. Finally, the Commission dismisses the allegation that the Federal Committee failed to report the costs for the website, signs, banner, campaign logo, and September 22, 2021 YouTube video in violation of 52 U.S.C. § 30104(b).

B. The Commission Finds No Reason to Believe that Grand Strand Brewing and the Hartsville Museum made, or that Fry and the Federal Committee Knowingly Accepted, In-kind Corporate Contributions in Violation of 52 U.S.C. § 30118(a) in the Form of Free Goods and Services.

The term “contribution” includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election to Federal office.”⁷⁰ The term “anything of value” includes “all in-kind contributions.”⁷¹ “In-kind contributions,” include “the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution.”⁷² The difference between the usual and normal charge for the goods or services at the time of the contribution and the amount actually charged is treated as an in-kind contribution.⁷³ The “usual and normal charge” for goods means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution; and usual and normal charge for any services means “the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.”⁷⁴

The Act prohibits corporations from making contributions to federal candidates and bars candidates and political committees, other than independent expenditure-only political committees and committees with hybrid accounts, from knowingly accepting or receiving

⁷⁰ 52 U.S.C. § 30101(8)(A). For the purposes of section 30118, the term “contribution” includes the definition provided at 52 U.S.C. § 30101(8)(A) and also includes “any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section” 52 U.S.C. § 30118(b); 11 C.F.R. § 114.1(a).

⁷¹ 11 C.F.R. § 100.52(d)(1).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* (“Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.”).

1 corporate contributions.⁷⁵ The Act also prohibits corporate officers and directors from
 2 consenting to such contributions.⁷⁶ This prohibition extends to a campaign's unreimbursed use
 3 of a corporation's facilities.⁷⁷

4 Any candidate or political committee that uses a corporation's resources must reimburse
 5 the corporation in full at the normal and usual rental charge within a commercially reasonable
 6 time.⁷⁸ A corporation may offer its meeting rooms to a candidate or a political committee at a
 7 discount or for free if: (1) it customarily makes the meeting rooms available to clubs, civic or
 8 community organizations or other groups at a discount or for free; (2) it makes the meeting
 9 rooms available on the same terms given to the other groups using the meeting rooms; and (3) it
 10 makes the meeting rooms available to any other candidate or political committee upon request.⁷⁹

11 The Complaint does not allege that Grand Strand Brewing does not customarily make its
 12 space available to clubs, civic or community organizations, or other groups. Nor does the
 13 Complaint allege that Grand Strand Brewing failed to make its space available to any other
 14 candidate or committee upon request. Grand Strand Brewing states that portions of the brewery
 15 are "regularly" made available for groups on request and without charge.⁸⁰ We have no
 16 information to the contrary. Nor do we have any information that Grand Strand Brewing failed
 17 to make its space available to any other candidate or political committee upon request.

⁷⁵ 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), Note to Paragraph (b) (explaining that corporations and labor organizations may make contributions to nonconnected political committees that make only independent expenditures, or to separate accounts maintained by nonconnected political committees for making only independent expenditures).

⁷⁶ 52 U.S.C. § 30118(a).

⁷⁷ 11 C.F.R. § 114.9(a).

⁷⁸ *Id.* §§ 114.2(f)(2)(B), 114.9(d).

⁷⁹ *Id.* § 114.13.

⁸⁰ Grand Strand Brewing Resp.

1 Accordingly, the record does not indicate that Grand Strand Brewing made a corporate
2 contribution to Fry or the Federal Committee in connection with Fry's August 5, 2021 campaign
3 event.

4 The Complaint's allegation with respect to the alleged free use of the Edition is against
5 the Hartsville Museum, an alleged corporation.⁸¹ However, it appears that the Edition is, in fact,
6 owned by the city of Hartsville.⁸² There is no information in the record indicating that Hartsville
7 is a corporation. Regardless, the record shows that the city of Hartsville did not make a
8 contribution because it did not provide goods or services at less than the usual and normal
9 charge.⁸³ The city of Hartsville's response, submitted by the City Clerk, states that "the
10 organizers of the event paid the normal hourly rate charged for rental" of the Edition space.⁸⁴
11 The city of Hartsville's response includes what appears to be a standard application form titled
12 "The Edition Rental Form" displaying predetermined fees that apply to conference rooms and
13 the entire space, along with rules and regulations that apply to all rentals.⁸⁵ The application form
14 shows that Phillip Habib, Russell Fry's campaign manager for the federal campaign,⁸⁶ applied to
15 rent the Edition space for two hours on February 24, 2022, for a "political meet and greet" and

⁸¹ See Compl. at 5, 7.

⁸² City of Hartsville Resp. at 1.

⁸³ The Act's definition of "person" does not exclude a state or local government. See 52 U.S.C. § 30101(11); F&LA at 5, MUR 5815 (Madrid for Congress, *et al.*) (citing AO 2000-05, AO 1999-7, MUR 3986, and MUR 1686 as support for interpreting "person" to include state governments). Therefore, if the city of Hartsville was not a corporation, it would still be subject to the Act's contribution limits. See 52 U.S.C. § 30116(a), (f). Because Hartsville did not provide goods or services at less than the usual and normal charge, it would not have made an excessive kind contribution in violation of 52 U.S.C. § 30116(a), (f).

⁸⁴ City of Hartsville Resp. at 1.

⁸⁵ *Id.* at 2 (listing hourly and daily rates for the use of a conference room and hourly and daily rates for the use of the entire space).

⁸⁶ See First Tuesday Strategies, Who We Are, Phillip Habib, https://www.firsttuesdaystrategies.com/our_team/phillip-habib/ [https://web.archive.org/web/20230928034346/https://www.firsttuesdaystrategies.com/our_team/phillip-habib/].

1 listed “RJ May” from Ivory Tusk Consulting as a contact who would be reachable the day of the
2 event, as well the name of a caterer.⁸⁷ The record also shows that Robert J. May, III, founder and
3 owner of Ivory Tusk Consulting,⁸⁸ paid \$400 to rent the Edition space: the \$200 rental price for
4 two hours, plus a \$200 deposit.⁸⁹ Because the amount paid appears to have been the normal
5 charge to rent the entire space for two hours, as listed on the rental form, it does not appear that
6 the event space at the Edition for Fry’s February 24, 2022 campaign event was provided without
7 charge or at less than the usual and normal charge. Moreover, because Westwood BBQ is listed
8 as the caterer for Fry’s February 24, 2022 campaign event, it also appears that the city of
9 Hartsville did not provide catering services at less than the usual and normal charge.⁹⁰

10 Grand Strand Brewing appears to have met the requirements of 11 C.F.R. § 114.13 with
11 respect to the Fry campaign event on its premises on August 5, 2021. Accordingly, the
12 Commission finds no reason to believe that Grand Strand Brewing made, or that Fry and the
13 Federal Committee knowingly accepted, a corporate contribution, in violation of 52 U.S.C.
14 § 30118(a), in connection with that event. Further, the Commission finds no reason to believe
15 that the Hartsville Museum made, or that Fry and the Federal Committee knowingly accepted, a
16 corporate contribution, in violation of 52 U.S.C. § 30118(a), in connection with the Fry
17 campaign event held at the Edition on February 24, 2022. And because the Federal Committee
18 did not accept the alleged corporate contributions from Grand Strand Brewing and the city of

⁸⁷ City of Hartsville Resp. at 2.

⁸⁸ See Ivory Tusk Consulting, Facebook, <https://www.facebook.com/IvoryTuskConsulting/> (last visited Dec. 19, 2023); Ivory Tusk Consulting, <https://web.archive.org/web/20220204080743/https://ivorytuskconsulting.com/> (last visited Dec. 19, 2023).

⁸⁹ City of Hartsville Resp. at 2, 7.

⁹⁰ *Id.* at 2.

Hartsville, the Commission finds no reason to believe that the Federal Committee violated 52 U.S.C. § 30104(b) by failing to report those alleged contributions.

C. The Commission Finds No Reason to Believe that Fry and the Federal Committee Violated 11 C.F.R. § 101.3 by Failing to Report Disbursements for “Testing-the-Waters” Activities

The Act defines a “candidate” as “an individual who seeks nomination for election, or election, to Federal office.”⁹¹ Under the Act, an individual is deemed to seek nomination for election, or election, to Federal office when such individual “has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000.”⁹²

An individual who is not a “candidate” may decide to “test the waters” prior to declaring candidacy.⁹³ Money raised and spent solely to “test the waters” does not count towards the \$5,000 candidate threshold until the individual decides to run for federal office or conducts activities that indicate they have decided to become a candidate.⁹⁴ To “test the waters,” the individual may, among other things, conduct polls, make telephone calls, and travel to determine the viability of their potential candidacy.⁹⁵ While testing the waters, the individual need not file reports with the Commission disclosing money received and spent for the purpose of exploring their viability, although all funds received and spent for such activities remain subject to the Act’s limits and prohibitions.⁹⁶ If the individual subsequently becomes a candidate, those funds must be reported in the first report filed by that candidate’s principal campaign committee.⁹⁷

⁹¹ 52 U.S.C. § 30101(2).

⁹² *Id.* § 30101(2)(A).

⁹³ 11 C.F.R. §§ 100.72, 100.131.

⁹⁴ 11 C.F.R. §§ 100.72, 100.131.

⁹⁵ 11 C.F.R. §§ 100.72, 100.131.

⁹⁶ 11 C.F.R. §§ 100.72, 100.131.

⁹⁷ 11 C.F.R. §§ 100.72, 100.131.

1 The Complaint’s allegation with respect to unreported testing-the-waters expenses rests
2 on its assertions that Fry must have incurred travel costs in order to gauge interest in a possible
3 federal candidacy and that Ivory Tusk Consulting must have been providing guidance to Fry
4 about a possible federal candidacy.⁹⁸ Without any facts to support its assertion, the Complaint’s
5 allegation is entirely speculative and insufficient grounds to find reason to believe.⁹⁹
6 Accordingly, the Commission finds no reason to believe that Fry and the Federal Committee
7 violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 101.3 by failing to report disbursements for
8 “testing-the-waters” activities.¹⁰⁰

⁹⁸ Compl. at 8.

⁹⁹ See *Common Cause Georgia v. FEC*, 2023 WL 6388883 at *6 (D.D.C. 2023) (“speculation is not enough” to find reason to believe); see also Statement of Reasons, Comm’rs Mason, Sandstrom, Smith & Thomas at 1-2, MUR 4960 (Hillary Rodham Clinton for US Senate Expl. Comm., Inc., *et al.*) (“The 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]. . . . [M]ere speculation . . . will not be accepted as true.”).

¹⁰⁰ See F&LA 8099 (Kevin McCarthy, *et al.*) (finding no reason to believe “[i]n light of the minimal and speculative information supporting the allegations and the denials” of the respondents”).

D. The Commission Finds No Reason to Believe that the Palmetto Post Made, or that Fry and the Federal Committee Knowingly Accepted, Excessive Contributions in Violation of 52 U.S.C. § 30116(f) in the Form of Coordinated Communications

The Act prohibits any person from making contributions to any candidate and the candidate's authorized political committee in excess of the limits at 52 U.S.C. § 30116(a), and candidate committees are prohibited from knowingly accepting excessive contributions.¹⁰¹ The Complaint alleges that the Palmetto Post's online articles, social media posts, and emails were coordinated communications and thus in-kind contributions to Fry's campaign.¹⁰² As stated above, in-kind contributions include the "provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services."¹⁰³ In-kind contributions also include "coordinated expenditures," that is, expenditures "made by any person in cooperation, consultation or in concert, with, or at the request or suggestion of, a candidate, his [or her] authorized committees, or their agents."¹⁰⁴

Commission regulations set forth a three-prong test for when a communication is "coordinated" with a candidate, an authorized committee, a political party committee, or agent thereof, and treated as an in-kind contribution: (1) the communication is paid for, partly or entirely, by a person other than the candidate, authorized committee, political party committee, or agent thereof; (2) the communication satisfies at least one of the "content standards" at 11 C.F.R. § 109.21(c); and (3) the communication satisfies at least one of the "conduct

¹⁰¹ 52 U.S.C. § 30116(f).

¹⁰² Compl. at 9.

¹⁰³ 11 C.F.R. § 100.52(d) (listing examples of goods or services, such as securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists).

¹⁰⁴ 52 U.S.C. § 30116(a)(7)(B); 11 C.F.R. § 109.20.

standards” at 11 C.F.R. § 109.21(d).¹⁰⁵ All three prongs must be satisfied for a communication to be considered coordinated under the regulations. Agreement or formal collaboration is not required for a communication to be a coordinated communication.¹⁰⁶

Here, the Palmetto Post’s online articles, social media posts, and emails do not satisfy the content prong of the Commission’s coordinated communication regulation.¹⁰⁷ For a communication to satisfy the content prong, it must, among other things, be either an “electioneering communication” or a “public communication.”¹⁰⁸ Communications over the internet are specifically exempted from the definition of electioneering communication and the term “public communication” also excludes communications over the Internet, except for communications placed for a fee on another person’s website, digital device, application, or advertising platform.¹⁰⁹ The record does not indicate that any of the Palmetto Post’s online articles, social media posts, and emails complained of in this matter were placed for a fee. Thus, those communications are neither electioneering communications nor public communications and therefore, do not satisfy the content prong of the coordination analysis.¹¹⁰ In turn, because

¹⁰⁵ 11 C.F.R. § 109.21(a)-(d).

¹⁰⁶ *Id.* § 109.21(e).

¹⁰⁷ If Audrey Hudson was acting as Fry’s agent, any payment by her for the Palmetto Post’s online articles, social media posts, and emails would not satisfy the regulation’s payment prong. *See id.* § 109.20 (coordination regulations’ reference to candidate, candidate’s authorized committee, or a political party committee “includes an agent thereof”); *id.* at § 109.21(a)(1) (requiring communication be paid for by a person *other than* the candidate, candidate’s authorized committee, or political party committee to satisfy the payment prong).

¹⁰⁸ *See id.* § 109.21(c).

¹⁰⁹ *Id.* §§ 100.26, 100.29(c); *see also* Internet Communication Disclaimers and Definition of “Public Communication,” 87 Fed. Reg. 77467, 77471 (Dec. 19, 2022) (amending definition of “public communication”).

¹¹⁰ 11 C.F.R. §§ 100.26, 100.29(c). *See, e.g.* F&LA at 12-13, MUR 7788 (Pallotta for Congress, *et al.*) (electronic mail fails content prong of 11 C.F.R. § 109.21).

1 the Palmetto Post's online articles, social media posts, and emails are not coordinated
2 communications, their costs are not treated as in-kind contributions.¹¹¹
3 Accordingly, the Commission finds no reason to believe that the Palmetto Post or Audrey
4 Hudson made, or that Fry and the Federal Committee knowingly accepted, excessive in-kind
5 contributions in violation of 52 U.S.C. § 30116(a) and (f) in the form of coordinated
6 communications via the Palmetto Posts' online articles, social media posts, and emails.

¹¹¹ Because the Commission concludes that the costs of the online articles, social media posts, and emails are not coordinated communications, it does not separately address whether the media exemption would also exclude those costs from treatment as a contribution. *See* 11 C.F.R. § 100.73.

STATE COMMITTEE'S CONTRIBUTIONS

| Date | Contributor | Amount | Report | Type (apparent) |
|-------------|--|---------------|---------------|----------------------------|
| 10/8/2019 | Anheuser Busch Companies | \$500.00 | 2019 - Q4 | Corp. |
| 10/8/2019 | Walmart Inc. | \$500.00 | 2019 - Q4 | Corp |
| 10/8/2019 | Altria Client Services, LLC | \$1,000.00 | 2019 - Q4 | Corp |
| 12/6/2019 | Pete Strom | \$1,000.00 | 2019 - Q4 | Individual |
| 12/31/2019 | South Carolina Orthopaedic Association | \$1,000.00 | 2019 - Q4 | Corp. |
| 12/31/2019 | HCA Good Government Fund of SC | \$500.00 | 2019 - Q4 | PAC |
| 12/31/2019 | Caremark RX, Inc. | \$500.00 | 2019 - Q4 | Corp |
| 1/16/2020 | Dwayne Kratt | \$250.00 | 2020 - Q1 | Individual |
| 1/31/2020 | South Carolina Bankers Association State PAC | \$500.00 | 2020 - Q1 | PAC |
| 2/7/2020 | Defender Services, Inc. | \$100.00 | 2020 - Q1 | Corp |
| 2/8/2020 | Gerald Harmon | \$100.00 | 2020 - Q1 | Individual |
| 2/10/2020 | Kelaher, Connell & Connor, P.C. | \$500.00 | 2020 - Q1 | Corp |
| 2/17/2020 | SCBWA PAC | \$500.00 | 2020 - Q1 | PAC |
| 2/18/2020 | Wine and Spirits Wholesalers Association of SC PAC | \$500.00 | 2020 - Q1 | PAC |
| 2/19/2020 | SC Optometric Physicians Association | \$250.00 | 2020 - Q1 | Corp |
| 2/21/2020 | Duke Energy Corporation PAC | \$500.00 | 2020 - Q1 | PAC |
| 2/24/2020 | Credit Union PAC CUPAC of SC | \$300.00 | 2020 - Q1 | PAC |
| 2/29/2020 | Island Vista | \$500.00 | 2020 - Q1 | LLC |
| 5/6/2020 | SC Optometric Physicians Association | \$250.00 | 2020 - Q2 | Corp |
| 5/6/2020 | Brian Sweeney | \$100.00 | 2020 - Q2 | Individual |
| 5/27/2020 | SC REALTORS Political Action Committee | \$1,000.00 | 2020 - Q2 | PAC |
| 5/27/2020 | SCADA Dealer PAC | \$999.20 | 2020 - Q2 | PAC |
| 6/19/2020 | Independent Consumer Finance Assoc. of SC | \$250.00 | 2020 - Q2 | Corp. |
| 7/27/2020 | Walmart Inc. | \$500.00 | 2020 - Q3 | Corp. |
| 10/14/2020 | Friends of Farm Bureau | \$750.00 | 2020 - Q3 | PAC |
| 10/14/2020 | SC Retail Political Action Committee | \$500.00 | 2020 - Q3 | PAC |
| 10/14/2020 | Trucking Industry Non-Partisan PAC | \$500.00 | 2020 - Q3 | PAC |
| 11/16/2020 | SC Assoc. for Justice PAC | \$1,000.00 | 2020 - Q4 | PAC |
| 11/27/2020 | Caremark RX, Inc. | \$500.00 | 2020 - Q4 | Corp. |
| 12/30/2020 | Mobley Drugs, Inc. | \$250.00 | 2020 - Q4 | Corp. |
| 12/30/2020 | Publix Super Markets, Inc. | \$500.00 | 2020 - Q4 | Corp. |
| 12/30/2020 | Rabons Home Center LLC | \$100.00 | 2020 - Q4 | LLC |
| 2/22/2021 | Lynn Sinatra | \$30.00 | 2021 - Q1 | Individual |
| 4/10/2021 | Trevor Valenti | \$200.00 | 2021 - Q2 | Individual |
| 4/30/2021 | Diane Orłowski | \$100.00 | 2021 - Q2 | Individual |

| | | | | |
|------------|----------------------------|----------|-----------|------------|
| 11/10/2021 | Publix Super Markets, Inc. | \$500.00 | 2021 - Q4 | Corp. |
| 11/29/2021 | WDW Resorts | \$276.75 | 2021 - Q4 | Corp. |
| 6/14/2022 | Nathan Newbury | \$10.00 | 2022 - Q2 | Individual |

“PUSHING BACK” VIDEO – TRANSCRIPT

[Russell Fry:] radical leftists in Washington are doing everything they can to erase Donald Trump’s America first agenda. But here in South Carolina we’re pushing back against federal overreach and liberal extremism. I’m Russell Fry, husband, father, and your conservative state representative from Horry County.

We all want to take back Congress next year and the White House in 2024, but we can't wait that long. States must act now. That’s why I’m proud to lead the charge in slamming the brakes on DC’s power grab and protecting our conservative values at the state house. That’s why in the three short months South Carolina’s state house has been in session this year I have actively supported the strongest pro-life legislation ever, passed the fetal heartbeat bill, the biggest advancement in Second Amendment rights in nearly 30 years, the open carry with training act with more pro-Second Amendment legislation on the way, stood up for religious freedom by passing the religion as essential act that boldly proclaims houses of worship are vital during states of emergency, and which prohibits the government from locking our church doors, and voted in favor of limiting executive authority to keep any future governor in check and accountable to the people, and proudly back legislation that enhances the integrity of South Carolina’s election. Forty six counties should not have forty six different processes. They should have one standardized set in every election there's still more to do this session and we’re not done yet, with thousands of students kept out of the classrooms this year even in Horry County, the pandemic highlighted the urgent need to return decision-making power in education back to the parents and maximize flexibility for our families, which is why I’ve proudly co-authored house bill 3976 that would do just that; enact true school choice here in South Carolina by creating education savings accounts for students. As a parent you know better than any bureaucrat in Columbia or Washington what learning environment best suits your child’s needs. Let’s fund students not bureaucrats.

South Carolina has such an incredible history in people we know the value of hard work the importance of family. We are faithful and principled we have an eye to the future but respect our incredible shared history. Each generation of South Carolinians improving on and fulfilling the promise of this great nation and furthering the cause of freedom. There is no better place I’d want to call home, and you know what I’m not alone. People are coming here from all around to call this great state home. They see what we all see a welcoming state and a better opportunity. Let’s not ever lose sight of that. It’s what makes us special but there is still more work to do.

I hope in the final months of this session we can keep up the effort to secure our elections, pass true school choice legislation, and civil asset forfeiture, tackle the opioid and fentanyl epidemic, crack down on human trafficking, and pass a balanced budget. I need you to stand with me for our conservative values. Please visit fry4house.com, sign up for our

newsletter and join the fight together we can show Washington, DC and other states what we all know; this is truly a great country.¹

¹ Russell Fry, PUSHING BACK – A mid-session legislative update from the SC House, YouTube (Apr. 8, 2021), <https://www.youtube.com/watch?v=xdZ2xcirgQ>.

STATE COMMITTEE'S EXPENDITURES

| Date | Vendor | Address | Description |
|------------|----------------------------|----------------------------|---|
| 10/19/2018 | Kevin Hughes | 1025 Carolina Rd. Unit D4 | Campaign Services |
| 10/19/2018 | Jacob Seay | 1700B Destiny Ln. | Campaign Services |
| 10/19/2018 | Art World | 1727 Holly Hill Dr. | Constituent Framing |
| 10/19/2018 | Art World | 1727 Holly Hill Dr. | Constituent Framing |
| 10/19/2018 | Ashlie Sanders Photography | 8 Indian Oak Ln. | Campaign Photography Session |
| 10/22/2018 | Kevin Hughes | 1025 Carolina Rd. Unit D4 | REIMB - Campaign supplies and stamps |
| 10/22/2018 | Jacob Seay | 1700B Destiny Ln. | REIMB - Sign stakes |
| 10/22/2018 | Carla Miller | 309 Southern Branch Rd. | Campaign Services |
| 10/22/2018 | Nacho Hippo | 1160 Farrow Pkwy | Campaign Meeting |
| 10/24/2018 | River City Cafe | 11 Ocean Blvd. | Campaign Event Catering |
| 10/24/2018 | Pronto Press | 3135 Fred Nash Blvd | Campaign Event Printing |
| 10/25/2018 | Ashlie Sanders Photography | 8 Indian Oak Ln. | Campaign Photography |
| 10/29/2018 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 11/1/2018 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 11/2/2018 | Dagwoods Myrtle Beach | 400 Mister Joe White Ave. | Campaign Meeting |
| 11/3/2018 | River City Cafe | 11 Ocean Blvd. | Super Saturday Volunteer Lunch and Catering |
| 11/3/2018 | McDonalds Restaurant | 9527 Hwy. 707 | Volunteer Breakfast |
| 11/3/2018 | Surfside Jenny's | 1013 Glenn's Bay Rd. | Campaign Meeting |
| 11/6/2018 | Longbeard's Bar & Grill | 5040 Carolina Forest Blvd. | Campaign Meeting |
| 11/6/2018 | Lincoln Park Bar & Grille | 8739 Hwy., 17 Bypass S. | Campaign Lunch Meeting |
| 11/6/2018 | Dunkin' Donuts | 8709 Hwy. 17 Bypass | Election Day Activities/Meeting |
| 11/6/2018 | McDonalds Restaurant | 9527 Hwy. 707 | Volunteer Breakfast |
| 11/6/2018 | Longbeard's Bar & Grill | 5040 Carolina Forest Blvd. | Campaign Meeting |
| 11/8/2018 | Kevin Hughes | 1025 Carolina Rd. Unit D4 | Campaign Services |
| 11/8/2018 | Ryan Hughes | 100 Chanticleer Dr. | Campaign Services |
| 11/8/2018 | Gray Thomas | 100 Chanticleer Dr. | Campaign Services |
| 11/8/2018 | Jacob Seay | 1700B Destiny Ln. | Campaign Services |
| 11/8/2018 | ITC | 338 Lake Frances Dr. | Polling, Radio, Signs, Design Work, Printing |
| 11/9/2018 | Andrew Hovasapian | 1025 Carolina Rd. Unit D4 | Campaign Services |
| 11/9/2018 | Carla Miller | 309 Southern Branch Rd. | Campaign Services |
| 11/15/2018 | Wicked Tuna | 4123 US-17 Bus. | Staff Dinner |
| 11/16/2018 | Russell Fry | P.O. Box 14444 | REIMB - White House Meeting Air and Travel Expenses |
| 11/16/2018 | Rick Elliott | P.O. Box 3715 | Excess Contribution Returned |
| 11/16/2018 | Jacob Seay | 1700B Destiny Ln. | Campaign Services |
| 11/16/2018 | Kevin Hughes | 1025 Carolina Rd. Unit D4 | Campaign Services |
| 11/19/2018 | Weebly, Inc. | 460 Bryant St. 100 | Website fees |

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| 11/25/2018 | Anedot | PO Box 84314 | Credit Card Processing Fees |
| 12/3/2018 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 12/10/2018 | Pronto Press | 3135 Fred Nash Blvd | Letter Printing |
| 12/17/2018 | Howard Still | Solomon Blatt Building | Cleaning Staff Christmas Appreciation |
| 12/23/2018 | Target | 140 Sayebrook Pkwy. | Staff Christmas Appreciation |
| 1/7/2019 | ITC | 338 Lake Frances Dr. | Printing Services - Check No. 1118 |
| 1/19/2019 | South Strand Republican Club | 523 Inverrary St. | SSRC Legislative Breakfast Sponsorship - Check No. 1119 |
| 1/27/2019 | USPS | 420 Hwy. 17 N. | Post Office Box Fee - Check No. 1120 |
| 2/25/2019 | Starboard Communications | 1043 Barr Rd. | Printing Services |
| 2/28/2019 | Elite Framing | 2119 College St. | Constituent Framing - Check No. 1062 |
| 3/13/2019 | Anedot | PO Box 84314 | Credit Card Fees |
| 3/25/2019 | Office Depot | 1105 Seaboard St. | Binder and Tabs for Ethics Filings |
| 3/31/2019 | Starboard Communications | 1043 Barr Rd. | Midsession Legislative Update - Check No. 1064 |
| 3/31/2019 | Art World | 1727 Holly Hill Dr. | Constituent Framing - Check No. 1063 |
| 4/8/2019 | Craft Axe Throwing | 700 Gervais St. | Venue fee for fundraiser |
| 4/13/2019 | Horry County Republican Party | P.O. Box 50662 | Membership |
| 4/25/2019 | Mouse House, Inc. | 2123 Park St. | Constituent Framing |
| 5/1/2019 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 5/17/2019 | Sheraton | 1400 Main St. | Legislative Travel - SCGOP Convention |
| 5/22/2019 | The Shark Club | 10800 Hwy. 707 | Golf Tournament Sponsorship |
| 5/22/2019 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 6/18/2019 | Starboard Communications | 1043 Barr Rd. | Constituent Letter |
| 6/18/2019 | Starboard Communications | 1043 Barr Rd. | Fundraiser Expenses |
| 6/20/2019 | Art World | 1727 Holly Hill Dr. | Constituent Framing |
| 6/21/2019 | Socastee Athletics | 4900 Socastee Blvd. | T-Shirt Sponsorship |
| 6/30/2019 | Anedot | PO Box 84314 | Credit Card processing fees |
| 7/9/2019 | SC House of Representatives | Blatt Building | Postage Reimb |
| 9/9/2019 | Starboard Communications | 1043 Barr Rd. | Fundraising Event Services |
| 9/9/2019 | SC Federation of Republican Women | 215 Convair Dr. | Convention Breakfast Sponsorship |
| 9/9/2019 | Myrtle Beach-Conway FCA | 2051 Forestbrook Rd. | Golf Tournament Sponsorship |
| 9/20/2019 | Marriott | 8400 Costa Verde Dr. | SCHRC Retreat |
| 9/27/2019 | Russell Fry | P.O. Box 14444 | REIMB - NCSL Conference Travel |
| 11/12/2019 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 11/12/2019 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |

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| 11/19/2019 | Weebly, Inc. | 460 Bryant St. 100 | Website Hosting |
| 12/12/2019 | Anedot | PO Box 84314 | Credit Card Processing Fees |
| 12/17/2019 | Howard Still | Solomon Blatt Building | Custodial Staff Expense - Christmas |
| 12/31/2019 | ITC | 338 Lake Frances Dr. | Constituent Christmas Mailing |
| 1/19/2021 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 1/19/2021 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 1/23/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 1/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 2/8/2021 | USPS | 420 Hwy. 17 N. | Post Office Box Renewal Fee |
| 2/21/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 2/24/2021 | Anedot | PO Box 84314 | Credit Card Processing Fees |
| 2/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 3/9/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 3/25/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 3/25/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 3/30/2021 | Jango Studios | 2001 Craigsen Ln. | Website Hosting/Security - Check No. 1001 |
| 4/8/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 4/8/2021 | Harland Clark | 2002 Oak St. | Order checks |
| 4/10/2021 | Anedot | PO Box 84314 | Credit card processing fee |
| 4/12/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 4/12/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 4/23/2021 | Trevor Valenti | 41 Long Valley Blvd. | Refund of contribution |
| 4/24/2021 | Horry County Republican Party | P.O. Box 50662 | Convention fee |
| 4/25/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 4/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 4/28/2021 | SC House Republican Caucus | P.O. Box 21 | Email list |
| 4/29/2021 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 4/29/2021 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 4/29/2021 | Judy's Flowers | 225 N. Main St. | Memorials |
| 4/30/2021 | Anedot | PO Box 84314 | Credit card processing fee |

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| 5/6/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 5/14/2021 | Duck Donuts | 117 Maryport Dr Unit 1 | GOP Convention Sponsorship |
| 5/25/2021 | Facebook, Inc. | 1601 Willow Rd. | Advertising |
| 5/26/2021 | American Legislative Exchange Council | 2900 Crystal Dr., 6th Floor | Membership Fee |
| 5/28/2021 | American Legislative Exchange Council | 2900 Crystal Dr., 6th Floor | Annual Meeting Fee |
| 6/10/2021 | GoDaddy | 14455 N. Hayden Rd 219 | Website Domain Subscription Fee |
| 6/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 7/5/2021 | ITC | 338 Lake Frances Dr. | Spring legislative update and survey mailer, postage, state house website update, graphic design, and legislative update video shoot. |
| 7/12/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 7/12/2021 | The Sympathy Store | 407 E. Fort Street 3rd Floor | Memorials |
| 7/16/2021 | USPS | 420 Hwy. 17 N. | Post office key |
| 7/25/2021 | American Airlines | 4333 Amon Carter Blvd. | Legislative Travel |
| 7/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly Email Service Fee |
| 7/27/2021 | American Airlines | 4333 Amon Carter Blvd. | Baggage fees |
| 7/27/2021 | Republic Parking System | 1301 Assembly St | Airport parking |
| 7/27/2021 | American Airlines | 4333 Amon Carter Blvd. | Flight Wifi Fee |
| 7/30/2021 | The Grand America Hotel | 555 South Main St. | Legislative Conference - Hotel |
| 7/30/2021 | Hilton Columbia | 924 Senate Street | Legislative Travel - Hotel Room - SCGOP Silver Elephant Dinner |
| 7/30/2021 | American Airlines | 5501 Josh Birmingham Pkwy | Airport parking garage fee |
| 7/30/2021 | American Airlines | 4333 Amon Carter Blvd. | Flight wifi connection |
| 7/31/2021 | Hilton Columbia | 924 Senate Street | Hotel self parking fee |
| 7/31/2021 | City of Columbia | 3000 Harden Street | Parking Fee |
| 8/2/2021 | SCGOP | 1913 Marion St. | Silver Elephant Dinner Table Sponsorship |
| 8/9/2021 | Horry County Republican Women | 867 Brant St. | Associate Membership fee |
| 8/20/2021 | Hyatt Wild Dunes | 5757 Palm Blvd. | SCRHC Chairmans Reception |
| 8/26/2021 | The Sympathy Store | 407 E. Fort Street 3rd Floor | Memorials |
| 8/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly Email Service Fee |
| 9/8/2021 | Pronto Press | 3135 Fred Nash Blvd | State House business cards |
| 9/16/2021 | Myrtle Beach-Conway FCA | 2051 Forestbrook Rd. | Golf Tournament Hole Sponsorship |

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| 9/22/2021 | Tower at 1301 Gervais Parking | 1301 Gervais St. | SCHRC Meeting Parking |
| 9/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly Email Service Fee |
| 10/4/2021 | USPS | 505 N. Kings Hwy. | Stamps |
| 10/13/2021 | SC House of Representatives | Blatt Building | Flag |
| 10/26/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly email service fees |
| 10/29/2021 | SCGOP | 1913 Marion St. | Conference Fee |
| 11/1/2021 | WDW Resorts | 1000 Buena Vista Dr. | Legislative Conference Lodging (Refunded) |
| 11/1/2021 | WDW Resorts | 1000 Buena Vista Dr. | Legislative Conference Lodging |
| 11/8/2021 | BSA Troop 801 | 976 Fiddlehead Way | Golf tournament sponsorship |
| 11/9/2021 | Alli D Photography | 123 Main St. | Photography |
| 11/18/2021 | Weebly, Inc. | 460 Bryant St. 100 | Website fees |
| 11/29/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly email service fees |
| 12/6/2021 | Dogwood Hill | 26460 AL-71 | Christmas Cards |
| 12/8/2021 | USPS | 505 N. Kings Hwy. | Stamps |
| 12/8/2021 | Horry County Republican Women | 867 Brant St. | Event fee |
| 12/10/2021 | Target | 140 Sayebrook Pkwy. | Surfside Parade supplies and candy |
| 12/10/2021 | Target | 140 Sayebrook Pkwy. | Surfside Parade supplies and candy |
| 12/11/2021 | Food Lion | 1610 Highway 17 S. | Surfside Parade supplies and candy |
| 12/13/2021 | USPS | 505 N. Kings Hwy. | Stamps |
| 12/14/2021 | Howard Still | Solomon Blatt Building | Custodial Staff Christmas Appreciation |
| 12/14/2021 | Pronto Press | 3135 Fred Nash Blvd | SC House Car Magnets |
| 12/27/2021 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Monthly email service fees |
| 1/12/2022 | On the Mark Sales | 1301 Gervais St. | Design, Mailings, and Postage |
| 1/17/2022 | USPS | 505 N. Kings Hwy. | Post Office Box Fee |
| 1/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email Services |
| 2/14/2022 | Myrtle Beach-Conway FCA | 2051 Forestbrook Rd. | Banquet Table Sponsorship |
| 2/14/2022 | Jango Studios | 2001 Craigsen Ln. | Website hosting, backups, and security |
| 2/14/2022 | Greater Burgess Community Association | P.O. Box 1055 | Community Sponsorship |
| 2/15/2022 | Fern Studio Flowers | 2855 Devine St. | Memorials |
| 2/17/2022 | A Choice to Make | 516 S Coit St | Event Sponsorship |
| 2/18/2022 | King Kong Sushi | 2120 Oakheart Rd. | Constituent meeting |
| 2/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email Services |
| 3/11/2022 | Picture This | Landmark Sq. Shopping Ctr. | Constituent framing |

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| 3/22/2022 | Rob Shaw Gallery & Framing | 324 State Street | Constituent Framing |
| 3/23/2022 | Picture This | Landmark Sq. Shopping Ctr. | Constituent Framing |
| 3/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email services |
| 3/27/2022 | SC House of Representatives | Blatt Building | Flag |
| 4/15/2022 | Mellow Mushroom | 3280 US 17 | Constituent meeting |
| 4/26/2022 | ITC | 338 Lake Frances Dr. | Midsession legislative update mailer, design, postage and survey |
| 4/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 5/1/2022 | Sparebox Storage | 2777 US 501 | Storage fee |
| 5/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 6/1/2022 | Sparebox Storage | 2777 US 501 | Storage fee |
| 6/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fee |
| 7/3/2022 | ITC | 338 Lake Frances Dr. | Legislative Town Hall Mailer |
| 7/3/2022 | Wedgewood Strategies LLC4428 | 4428 Wedgewood Dr. | Legislative Teletownhall Services |
| 7/5/2022 | Sparebox Storage | 2777 US 501 | Storage fees |
| 7/7/2022 | SC House of Representatives | Blatt Building | Flags |
| 7/7/2022 | SCGOP | 1913 Marion St. | Silver Elephant Sponsorship |
| 7/20/2022 | NCSL | 7700 East First Place | Registration Fee |
| 7/22/2022 | Russell Fry | P.O. Box 14444 | Flight Reimbursement (NCSL Conf) |
| 7/28/2022 | Beach Buds Florist | 760 Highway 17 Bus. S., Ste. B | Memorials |
| 7/28/2022 | Darlington GOP | 400 Pearl St. | Banquet Sponsorship |
| 7/31/2022 | Budget Car Rental | 8500 Pena Blv. | Legislative Travel Expense (Car Rental) |
| 8/1/2022 | American Airlines | 4333 Amon Carter Blvd. | Baggage fees |
| 8/1/2022 | American Airlines | 4333 Amon Carter Blvd. | Wifi fees |
| 8/2/2022 | Sparebox Storage | 2777 US 501 | Storage Fees |
| 8/2/2022 | Duo Restaurant | 2413 W. 32nd Ave. | Legislative meeting |
| 8/2/2022 | D'Corazon | 1530 Blake St. Ste. C | Legislative Meeting |
| 8/5/2022 | American Airlines | 4333 Amon Carter Blvd. | Baggage fees |
| 8/5/2022 | American Airlines | 4333 Amon Carter Blvd. | Wifi fees |
| 8/5/2022 | Republic Parking System | 1301 Assembly St | Parking fees |
| 8/5/2022 | Hyatt Regency | 650 15th St. | NCSL Lodging |
| 8/29/2022 | Russell Fry | P.O. Box 14444 | Reimbursement for storage fees paid |
| 9/1/2022 | Sparebox Storage | 2777 US 501 | Storage fees |
| 9/26/2022 | Mailchimp | 675 Ponce De Leon Ave NE 5000 | Email service fees |

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| 10/3/2022 | Sparebox Storage | 2777 US 501 | Storage fees |
| 10/13/2022 | SCGOP | 1913 Marion St. | Donation |
| 10/17/2022 | Libby's Florist, LLC | 131 Epps St. | Memorials |
| 11/2/2022 | Sparebox Storage | 2777 US 501 | Storage fees |
| 11/18/2022 | Weebly, Inc. | 460 Bryant St. 100 | Website hosting fees |
| 12/1/2022 | Sparebox Storage | 2777 US 501 | Storage fees |
| 12/21/2022 | Candyman Homeless Outreach | 2814 Blossom St. | Nonprofit donation |