



**THE FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

July 18, 2022

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James C. Thomas  
Treasurer  
Dr Jay for Congress, Inc.

Ellicott City, MD 21043

RE: MUR 8029  
Dr Jay for Congress, Inc.

Dear Mr. Thomas:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting that Dr Jay for Congress, Inc., and you, in your official capacity as treasurer (the "Committee"), may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 12, 2022, the Commission found reason to believe that the Committee violated 52 U.S.C. § 30104(b), a provision of the Act, and 11 C.F.R. §§ 104.3(b), 104.5(a), provisions of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

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.

Enclosed is a conciliation agreement for your consideration

MUR 8029 (Dr Jay for Congress, Inc.)

James C. Thomas

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If you are interested in engaging in pre-probable cause conciliation, please contact Crystal Liu, the attorney assigned to this matter, at (202) 694-1273 or [cliu@fec.gov](mailto:cliu@fec.gov), 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](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.

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.<sup>1</sup>

We look forward to your response.

On behalf of the Commission,



Allen Dickerson  
Chairman

Enclosures:

1. Factual and Legal Analysis

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<sup>1</sup> 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).

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Dr Jay for Congress, Inc., and James C.

**MUR 8029**

Thomas in his official capacity as treasurer

**I. INTRODUCTION**

This matter was generated by a Reports Analysis Division (“RAD”) Referral concerning an Amended 2020 12-Day Pre-Primary Report filed by Dr Jay for Congress, Inc., and James C. Thomas in his official capacity as treasurer (“Committee”) that disclosed additional disbursements of \$62,091.73.<sup>1</sup> The matter was originally referred to the Alternative Dispute Resolution Office (“ADRO”) on December 15, 2020, but the Committee did not respond to ADRO’s attempts at contact.<sup>2</sup> On April 26, 2021, the matter was transferred to the Office of General Counsel (“OGC”).<sup>3</sup> The Committee has not responded to the Referral notice sent by OGC.

As discussed below, the Commission opens a Matter Under Review and finds reason to believe that the Committee violated 52 U.S.C. § 30104(b) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. §§ 104.3(b), 104.5(a) of the Commission’s regulations by failing to report disbursements totaling \$62,091.73 in its original 2020 12-Day Pre-Primary Report.

**II. FACTUAL AND LEGAL ANALYSIS**

Dr Jay for Congress, Inc., registered on November 25, 2019, as the principal campaign committee for Jay Jalisi, a candidate for the February 4, 2020 Democratic nomination to the

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<sup>1</sup> Referral at 2-3 (Apr. 26, 2021).

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> *Id.* at 1.

special election for the U.S. House of Representatives in Maryland’s 7th District.<sup>4</sup> James C. Thomas is its treasurer.<sup>5</sup> Jalisi is currently a member of the Maryland House of Delegates.<sup>6</sup>

On January 25, 2020, the Committee filed a 2020 12-Day Pre-Primary Report without reporting any disbursements.<sup>7</sup> Subsequently, on March 26, 2020, more than a month after the primary election, the Committee filed an Amended 2020 12-Day Pre-Primary Report disclosing \$62,091.73 in disbursements for operating expenses.<sup>8</sup> On March 30, 2020, RAD sent a Request for Additional Information (“RFAI”) to the Committee requesting clarification to the \$62,091.73 increase in disbursements reported in the Amended 2020 12-Day Pre-Primary Report.<sup>9</sup> While on April 1, 2020, Jalisi called RAD for assistance in responding to the March 30, 2020 RFAI,<sup>10</sup> no response from the Committee regarding the additionally disclosed disbursements has been received.

On December 15, 2020, RAD referred the Committee to ADRO.<sup>11</sup> The Committee did not respond to ADRO’s attempts to contact.<sup>12</sup> The Committee also has not responded to the

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<sup>4</sup> Dr Jay for Congress, Inc., Statement of Organization at 2 (Nov. 25, 2019), <https://docquery.fec.gov/pdf/549/201911259166077549/201911259166077549.pdf>.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *House of Delegates: Jay Jalisi, M.D.*, MD. MANUAL ON-LINE, <https://msa.maryland.gov/msa/mdmanual/06hse/html/msa17054.html> (last visited May 26, 2022).

<sup>7</sup> Dr Jay for Congress, Inc., 2020 12-Day Pre-Primary Report at 4 (Jan. 25, 2020), <https://docquery.fec.gov/pdf/740/202001259167363740/202001259167363740.pdf>. While this report was filed two days after the deadline, its timeliness was not a subject of the Referral.

<sup>8</sup> Dr Jay for Congress, Inc., Amended 2020 12-Day Pre-Primary Report at 4 (Mar. 26, 2020), <https://docquery.fec.gov/pdf/606/202003269216013606/202003269216013606.pdf>.

<sup>9</sup> Dr Jay for Congress, Inc., RFAI at 1 (Mar. 30, 2020), <https://docquery.fec.gov/pdf/629/202003300300062629/202003300300062629.pdf>.

<sup>10</sup> Referral, Attach. 3 at 2.

<sup>11</sup> Referral at 2.

<sup>12</sup> *Id.* at 1.

1 April 26, 2021 notification letter that the matter has now been transferred to OGC.<sup>13</sup> The  
 2 Committee has been assessed fines totaling \$17,107 under the Administrative Fines (“AF”)  
 3 program, of which only \$100 was paid to the Commission.<sup>14</sup> It has not reported any activity  
 4 since June 23, 2020,<sup>15</sup> and has zero cash on hand.<sup>16</sup>

5 The Act and the Commission’s regulations require the treasurer of an authorized political  
 6 committee to file quarterly reports of receipts and disbursements.<sup>17</sup> In addition to the regular  
 7 quarterly reports, in any year where there is an election for which a candidate is seeking election,  
 8 or nomination for election, the treasurer of an authorized committee shall file a pre-election  
 9 report, which shall be filed no later than the 12th day before an election, as well as a post-general  
 10 election report, which shall be filed no later than the 30th day after a general election.<sup>18</sup> “The  
 11 pre-election report must disclose all receipts and disbursements as of the 20th day before a

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<sup>13</sup> See Referral Notif. Letter at 1 (Apr. 26, 2021).

<sup>14</sup> The Committee was assessed a fine of \$8,766 in AF 4246, Administrative Fine #4246, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/4246/> (last visited May 26, 2022); \$347 in AF 3874, Administrative Fine #3874, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/3874/> (last visited May 26, 2022); and \$7,994 in AF 3813, Administrative Fine #3813, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/3813/> (last visited May 26, 2022). \$100 of the fine assessed in AF 3813 was paid. Status of Payment (Aug. 31, 2021), AF 3813, [https://www.fec.gov/files/legal/admin\\_fines/3813/3813\\_02.pdf](https://www.fec.gov/files/legal/admin_fines/3813/3813_02.pdf). The Committee was also involved in AF 4206, AF 4137, and AF 3969, which ultimately did not assess any fines. Administrative Fine #4206, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/4206/> (last visited May 26, 2022); Administrative Fine #4137, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/4137/> (last visited May 26, 2022); Administrative Fine #3969, FEC.GOV, <https://www.fec.gov/data/legal/administrative-fine/3969/> (last visited May 26, 2022).

<sup>15</sup> Dr Jay for Congress, Inc., *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00728675](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00728675) (last visited May 26, 2022) (reflecting that the last disbursement by the Committee occurred on June 23, 2020); Dr Jay for Congress, Inc., *FEC Receipts: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00728675](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00728675) (last visited May 26, 2022) (reflecting that the last receipt received by the Committee occurred on February 10, 2020).

<sup>16</sup> Dr Jay for Congress, Inc., 2022 April Quarterly Report at 4 (Apr. 14, 2022), <https://docquery.fec.gov/pdf/852/202204149496135852/202204149496135852.pdf>.

<sup>17</sup> 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 104.1, 104.3(a), 104.3(b), 104.5(a).

<sup>18</sup> 52 U.S.C. § 30104(a)(2)(i), (ii); 11 C.F.R. § 104.5(a)(2).

1 primary or general election.”<sup>19</sup>

2           As reflected in the Referral, the Committee failed to report disbursements totaling  
3 \$62,091.73 in its original 2020 12-Day Pre-Primary Report, and the Committee has not  
4 submitted a response disputing this information. Therefore, the Commission finds reason to  
5 believe that the Committee violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 104.3(b), 104.5(a) by  
6 failing to report \$62,091.73 in disbursements in its original 2020 12-Day Pre-Primary Report.

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<sup>19</sup> 11 C.F.R. § 104.5(a)(2)(i)(B); *see also* 52 U.S.C. § 30104(b)(2), (4).