



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL

Roger Ver
c/o BTC Holdings LLC
3350 Scott Boulevard # 32
Santa Clara, CA 95054
roger@bitcoin.com

July 28, 2022

RE: MUR 7901

Dear Mr. Ver:

The Federal Election Commission, the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended (the “Act”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that you may have violated the Act or Commission regulations by making excessive and prohibited contributions as a foreign national to the Adam Kokesch American Referendum Project (the “Committee”), the principal campaign committee of candidate Adam Kokesch in the 2020 election cycle. You are therefore being provided this notice and an opportunity to respond, if you wish to do so.

In connection with the Commission’s investigation of this matter, we obtained information indicating that during Kokesch’s campaign for U.S. president, you provided Kokesch with a stipend of approximately \$10,000 USD in cryptocurrency per month for an unknown period of time spanning at least December 2017 through March 2018, and at least a portion of these payments were provided for use in Kokesch’s presidential campaign. Based on this information, it appears that you may have made excessive and prohibited foreign national contributions to the Committee.

Under the Act, the term “contribution” includes any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing a Federal election. *See* 52 U.S.C. § 30101(8)(A); 11 C.F.R. § 100.52.

The Act sets forth limits to contributions that a person may make. *See* 52 U.S.C. § 30116(a). In 2018, the maximum contribution that an individual could make to a candidate and his authorized committee was \$2,700 per election.

Further, the Act prohibits any foreign national from making “a contribution or donation of money or other thing of value” in connection with a federal, state, or local election. 52 U.S.C.

§ 30121(a)(1)(A); 11 C.F.R. § 110.20(b). A “foreign national” is an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence. 52 U.S.C. § 30121(b)(2). “Foreign national” also includes “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 52 U.S.C. § 30121(b)(1); 22 U.S.C. § 611(b).

The alleged stipend of approximately \$10,000 USD per month in cryptocurrency, if made for campaign-related purposes, would constitute an excessive contribution from you to the campaign. Further, foreign nationals are prohibited from making any contributions to a federal, state, or local election. Based on the available information, it appears that you may have violated the Act by making excessive and prohibited contributions to Kokeshe and the Committee.

The Office of General Counsel is reviewing this information to determine whether we should recommend to the Commission that it find there is reason to believe you violated the Act or Commission regulations. A “reason to believe” finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. In the event the Commission finds that there is reason to believe, it may authorize the Office of General Counsel to conduct an investigation to determine whether, in fact, a violation occurred or to assess the scope of the alleged violation. *See* 52 U.S.C. § 30109(a)(2). The Commission may also authorize the Office of General Counsel to enter into negotiations directed toward reaching a conciliation agreement in settlement of a matter at an earlier stage of the enforcement process prior to a Commission finding that there is probable cause believe that a person violated the Act or Commission regulations. *See* 11 C.F.R. § 111.18(d) and the enclosed procedures. Attachment 1.

Before we make a recommendation to the Commission, we offer you the opportunity to provide in writing a response to the allegations in the complaint and the information in this letter. Should you choose to respond, you may also submit any materials — including documents or affidavits from persons with relevant knowledge — that you believe may be relevant or useful to the Commission’s consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations.

Your response, if you choose to make one, must be submitted in writing within 15 days of this letter’s receipt. You should address any response to the Office of General Counsel, and the response should reference MUR 7901. Any correspondence sent to the Commission, such as a response, must be addressed to one of the following:

Mail

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, D.C. 20463

OR

Email

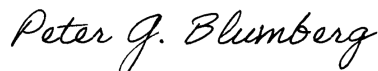
cela@fec.gov

We strongly encourage you to file your response via email. If you submit your response via email, this Office will provide an electronic receipt by email. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. See 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). If you intend to be represented by counsel in this matter, please complete the enclosed form and return it to the Commission. Attachment 2. Please be advised though that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹ Also, please be advised that you are required to preserve all documents, records, and materials relating to the subject matter in the complaint and discussed in this matter until we notify you that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

If you have any questions, please contact Christal Dennis at (202) 694-1519 or toll free at 1-800-424-9530. Information is also available on the Commission's website at www.fec.gov.

Sincerely,



Peter G. Blumberg
Assistant General Counsel

Attachments:

1. Procedures
2. Designation of Counsel

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

**DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING COMPLAINTS FILED WITH THE
FEDERAL ELECTION COMMISSION**

1050 First Street, NE
Washington, D.C. 20463
E-MAIL cela@fec.gov

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and forwarded to Complaints Examination & Legal Administration ("CELA") for processing. Within five days of receipt of the complaint, the Commission shall notify all respondents referenced in the complaint, in writing, that the complaint has been filed, and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received. The respondents shall then have 15 days to demonstrate, in writing, that no action should be taken against them in response to the complaint. If additional time is needed in which to respond to the complaint, the respondents may request an extension of time. The request must be in writing and demonstrate good cause as to why an extension should be granted. Please be advised that not all requests are granted.

After the response period has elapsed, cases are prioritized and maintained in CELA. Cases warranting the use of Commission resources are assigned as staff becomes available. Cases not warranting the use of Commission resources are dismissed.

If a case is assigned to a staff person, the Office of the General Counsel shall report to the Commission, making recommendations based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent. The report may recommend that the Commission: (a) find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, (hereinafter the "Act"); or (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, close the file.

If, by an affirmative vote of four Commissioners, the Commission determines that there is reason to believe that a respondent has committed or is about to commit a violation of the Act, the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission has the power to subpoena documents, to subpoena individuals to appear for deposition, and to order written answers to interrogatories. A respondent may be contacted more than once by the Commission during this phase.

If during this period of investigation, a respondent indicates a desire to enter into conciliation, the Office of the General Counsel may recommend that the Commission enter into conciliation prior to a finding of probable cause to believe that a violation has been committed. Conciliation is an attempt to correct or prevent a violation of the Act by informal methods of conference and persuasion. Most often, the result of conciliation is an agreement signed by the Commission and the respondent. The Conciliation Agreement must be adopted by four votes of

the Commission in order to become final. After signature by the Commission and the respondent, the Conciliation Agreement is made public within 30 days of closing of the entire file.

If the investigation warrants, and no conciliation agreement has been entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent of his/her intent to recommend that the Commission proceed to a vote on probable cause to believe that a violation of the Act has been committed or is about to be committed. The General Counsel shall send the respondent a brief setting forth his/her position on the legal and factual issues of the case. A response brief stating respondent's position on the issues may be submitted within 15 days of receipt of the General Counsel's Brief. Both briefs are then filed with the Commission Secretary and considered by the Commission. Thereafter, if the Commission determines, by an affirmative vote of four Commissioners, that there is probable cause to believe that a violation of the Act has been committed or is about to be committed, the Commission must conciliate with the respondent for a period of at least 30 days, but not more than 90 days. If the Commission is unable to correct or prevent any violation through conciliation, the Office of the General Counsel may recommend that the Commission file a civil suit to enforce the Act against the respondent. Therefore, the Commission may, upon the affirmative vote of four Commissioners, institute civil action for relief in the United States District Court.

See 52 U.S.C. § 30109 and 11 C.F.R. Part 111.

September 2021



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# _____

Name of Counsel: _____

Firm: _____

Address: _____

Office#: _____ Fax#: _____

Mobile#: _____

E-mail: _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date (Signature - Respondent/Agent/Treasurer) Title

(Name – Please Print)

RESPONDENT: _____
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: _____
(Please Print)

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.