

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Tiffany Muller
End Citizens United
PO Box 66005
Washington, DC 20035

Complainant,

v.

George Anthony Devolder-Santos
9002 Queens Boulevard
Elmhurst, NY 11373

Devolder-Santos for Congress and Nancy Marks, in her official capacity as treasurer
47 Flintlock Drive
Shirley, NY 11967

Sam Miele
88 Britten Road
Green Village, NJ 07935

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against George Anthony Devolder-Santos (“George Santos”), Devolder-Santos for Congress (the “Campaign”), Nancy Marks, in her official capacity as treasurer, and Sam Miele (collectively, “Respondents”) for violating provisions of the Federal Election Campaign Act of 1971, as amended (the “Act”), and Federal Election Commission (the “FEC” or “Commission”) regulations. Based on public reports, Sam Miele, who worked as a fundraiser for George Santos’s congressional campaign during the 2020 and 2022 election cycles, impersonated Dan Meyer, a campaign employee of and the chief of staff to then Minority Leader Kevin McCarthy, for the purpose of soliciting financial

contributions to Santos’s campaign. Federal law states that no person shall fraudulently misrepresent themselves as acting on behalf of a candidate or an agent of a candidate for the purpose of soliciting contributions.¹ Respondents appear to have violated this well-established prohibition, raising hundreds of thousands of dollars for Santos’s congressional campaign under false pretenses. The Commission should act immediately to investigate Respondents’ actions and seek the appropriate financial penalties.

BACKGROUND

George Santos was elected to the U.S. House of Representatives for New York’s 3rd Congressional District in the November 2022 general election.² He was also a candidate for Congress in the 2020 election cycle.³

On December 26, 2022, Santos admitted that he lied about numerous aspects of his background during his recent federal campaign. These admissions—as well as other discrepancies in his campaign’s filings and disclosures—have led to him and his Campaign being investigated for a number of possible federal campaign finance violations.⁴ Weeks later, reports emerged that a member of Congressman Santos’s political team sent calls and emails to wealthy donors “from a man who said he was Dan Meyer, McCarthy’s chief of staff, during the 2020 and 2022 election cycles.”⁵ According to several sources, Miele called donors pretending to

¹ 52 U.S.C. § 30124(b).

² See Devolder-Santos for Congress, Statement of Candidacy (April 17, 2021), <https://docquery.fec.gov/pdf/781/202104179443792781/202104179443792781.pdf>.

³ See Devolder-Santos for Congress, Statement of Candidacy (Oct. 2, 2019), <https://docquery.fec.gov/cgi-bin/forms/C00721365/1354505/>.

⁴ Michael Gold and Grace Ashford, *George Santos Admits to Lying About College and Work History*, New York Times (Dec. 26, 2022), <https://www.nytimes.com/2022/12/26/nyregion/george-santos-interview.html>; see Grace Ashford and Michael Gold, *Who Is Rep.-Elect George Santos? His Resume May be Largely Fiction*, New York Times (Dec. 19, 2022), <https://www.nytimes.com/2022/12/19/nyregion/george-santos-ny-republicans.html>.

⁵ See Brian Schwartz, *‘We were duped’: How George Santos raised money from wealthy GOP donors while lying about his resume*, CNBC (Jan. 9, 2023), <https://www.cnbc.com/2023/01/09/george-santos-raised-money-from-wealthy-gop-donors-while-lying-about-his-resume.html>.

be Meyer and sent follow-up emails from a fake address.⁶ One fundraiser said that they were suspicious following one of Miele’s solicitations and used their contacts “to get in touch with the chief of staff and he said, ‘This isn’t me.’”⁷ Reports indicate that McCarthy’s team learned of the Congressman’s campaign’s behavior *as early as* August 2021.⁸ In response to press inquiries, Elliot Berke, counsel to Kevin McCarthy for Congress, said: “When this issue came to our attention last year, I raised it with the Santos campaign and felt it was resolved to our satisfaction.”⁹ Majority Leader McCarthy himself responded by saying the following: “It happened and I know they corrected, but I was not notified about that until a later day.”¹⁰ Though news reports state that Meyer worked as McCarthy’s chief of staff at the House of Representatives, disclosure reports show that he was also on McCarthy’s campaign payroll during the 2020 and 2022 election cycles. Specifically, McCarthy’s principal campaign committee, Kevin McCarthy for Congress, disclosed paying Meyer a total of \$84,742 since 2019, as listed in Exhibit A.

LEGAL DISCUSSION

Federal law states that “no person shall fraudulently misrepresent themselves as speaking, writing, or otherwise acting for, or on behalf of, any candidate or agent thereof for the purpose of soliciting contributions or donations” or “willfully and knowingly participat[ing] in or conspir[ing] to participate in any plan, scheme, or design to” misrepresent a candidate for the

⁶ *Id.*

⁷ *Id.*

⁸ See Kerry Picket *More Santos tricks: His campaign staffer accused of impersonating McCarthy aide in bid for donations*, The Washington Times (Dec. 22, 2022), <https://www.washingtontimes.com/news/2022/dec/22/more-santos-tricks-his-campaign-staffer-accused-of/>.

⁹ See Victor Nava, *George Santos staffer impersonated Kevin McCarthy’s top aide to raise money*, New York Post (Jan. 9, 2023), <https://nypost.com/2023/01/09/george-santos-staffer-impersonated-kevin-mccarthys-top-aide-to-raise-money/>.

¹⁰ See John Bowden, *Kevin McCarthy gives awkward response to claims George Santos staffer impersonated his aide*, The Independent (Jan. 17, 2023), <https://www.independent.co.uk/news/world/americas/us-politics/santos-aide-kevin-mccarthy-impersonate-b2263816.html>.

purpose of soliciting donations.”¹¹ The legislative history of this law indicates that Congress intended this prohibition to “apply to any entity that fraudulently raises donations by posing as a political committee or candidate, or participates in a scheme intended to fraudulently raise donations by posing as a political committee or candidate.”¹²

In clear violation of this rule, it appears that Miele, acting on behalf of Santos’s campaign, misrepresented that he was acting on behalf of McCarthy and his campaign employee and official side chief of staff, Dan Meyer, in order to solicit donations to Santos’s campaign. The reporting suggests Miele engaged in this activity to give the impression that McCarthy supported or endorsed the solicitations. Public reporting indicates that Miele misrepresented himself as Meyer in both phone calls and emails seeking contributions for Santos’s campaign, and also used fake email addresses to follow up with individuals regarding the contributions. Further, this activity did not occur in isolation; rather, it appears that Miele engaged in these fraudulent fundraising activities over the course of two election cycles. The Santos campaign paid Miele almost \$50,000 for fundraising consulting during the 2019-2020. After losing by more than 12 percent, Santos Recount Fund paid Miele \$15,000 in November 2020.¹³ In the 2022 cycle, FEC records show that the Campaign gave over \$42,000 to The One57 Group, a Florida based limited liability company that Miele manages.¹⁴ As the Santos campaign’s fundraiser, Miele’s actions are directly attributable to the Campaign. Accordingly, Respondents’

¹¹ 52 U.S.C. § 30124(b).

¹² See Factual & Legal Analysis (“F&LA”) at 7-8, MUR 5385 (Groundswell).

¹³ See Devolder Santos For Congress Recount, Disbursements to Sam Miele, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00762237&recipient_name=miele

¹⁴ See Devolder-Santos for Congress, Disbursements to The One57 Group LLC, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00721365&recipient_name=one57&two_year_transaction_period=2022.

actions, if proven, would constitute a clear violation of the law, as concluded by the FEC in similar enforcement matters.¹⁵

It is indisputable that Meyer was on the McCarthy campaign's payroll during the relevant time period, earning nearly \$85,000 for campaign-related work. And the solicitations referenced Rep. McCarthy's staffer specifically. As noted above, the statute specifies that fraudulent misrepresentation includes "speaking, writing, or otherwise acting for, or on behalf of, *any candidate or agent thereof* for the purpose of soliciting contributions or donations."¹⁶ Accordingly, there is reason to believe that Respondents violated 52 U.S.C. § 30124(b) by fraudulently misrepresenting an agent of a federal candidate for purposes of soliciting contributions.

REQUESTED ACTION

Respondents' actions, if true, would amount to significant violations of federal campaign finance law, undermining the Act's transparency and anti-corruption objectives. We respectfully request that the Commission immediately investigate these allegations, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

¹⁵ For example, in MUR 6893, the FEC concluded that a PAC fraudulently misrepresented federal candidates when it falsely named four Senators as the source of the PAC's solicitation, leading individuals to believe that the Senators endorsed the solicitations to the PAC. *See* Conciliation Agreement at 2-3 & F&LA at 6-8, MUR 6893 (Winning the Senate PAC). Similarly, in MUR 7140, the FEC, in making its reason to believe determination, concluded that a PAC's fraudulent use of a candidate's name while soliciting contributions, among other things, "misleads the ordinary reader into believing that the candidate is making or endorsing the solicitation." *See* F&LA at 14, MUR 7140 (Americans for Sensible Solutions PAC).

¹⁶ 52 U.S.C. § 30124(b).

Sincerely,



Tiffany Muller
End Citizens United
PO Box 66005
Washington, DC 20035

SUBSCRIBED AND SWORN to before me this the 15th day of February 2023.

Mark Andrews

Notary Public

My Commission Expires:

MARK ANDREWS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2024



Exhibit A

Kevin McCarthy For Congress Disbursements To Daniel P. Meyer				
Spender	Recipient	Description	Date	Amount
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	11/14/22	\$981.65
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	11/10/22	\$438.60
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	10/28/22	\$981.65
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	10/13/22	\$981.65
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	9/29/22	\$973.25
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	9/14/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	9/1/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	8/22/22	\$629.44
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	8/12/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	7/28/22	\$973.25
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	7/14/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	6/29/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	6/14/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	5/27/22	\$973.25
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	5/12/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	4/28/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	4/14/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	3/30/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	3/14/22	\$973.26

Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	2/25/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	2/14/22	\$973.26
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	1/28/22	\$973.25
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	1/13/22	\$973.26
2022 Subtotal				\$21,531.63
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	12/30/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	12/14/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	11/30/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	11/12/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	10/29/21	\$645.82
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	10/28/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	10/15/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	9/29/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	9/14/21	\$794.24
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	9/14/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	8/30/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	8/12/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	7/29/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	7/14/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	6/29/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	6/14/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	5/27/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	5/24/21	\$501.39

Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	5/13/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	4/29/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	4/14/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	3/30/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Travel Expenses	3/15/21	\$479.96
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	3/12/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	2/25/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	2/11/21	\$969.93
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	1/28/21	\$969.92
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	1/14/21	\$969.93
2021 Subtotal				\$25,699.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	12/30/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	12/14/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	11/27/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	11/13/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	10/29/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	10/14/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	9/29/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	9/14/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	8/28/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	8/13/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	7/30/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	7/14/20	\$968.68

Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	6/29/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	6/12/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	5/28/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	5/14/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	4/29/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	4/14/20	\$968.68
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	3/31/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	3/13/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	2/27/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	2/13/20	\$968.68
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	1/30/20	\$968.67
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	1/14/20	\$968.68
2020 Subtotal				\$23,248.26
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	12/31/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	12/12/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	11/27/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	11/14/19	\$967.42
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	10/30/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	10/11/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	9/27/19	\$967.43
Kevin McCarthy For Congress	P., Meyer, Daniel	Travel Expenses	9/26/19	\$1,704.78
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	9/12/19	\$967.42
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	8/29/19	\$963.84

Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	8/14/19	\$963.84
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	7/30/19	\$963.84
Kevin McCarthy For Congress	P., Meyer, Daniel	Payroll	7/12/19	\$963.83
Kevin McCarthy For Congress	Meyer, Daniel P.	Payroll	6/27/19	\$963.84
2019 Subtotal				\$14,263.39
Total				\$84,742.95

[Federal Election Commission, accessed [1/24/23](#)]