

23L-33

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 5, 2023

ANALYST: Michael Dobi

I. COMMITTEE: Hung Cao for Virginia  
C00802488  
Steve Martin, Treasurer PO  
Box 652  
Purcellville, VA 20134

II. RELEVANT STATUTE: 52 U.S.C. § 30104 (b)(2) 52  
U.S.C. § 30116(a) and (f) 52  
U.S.C. § 30118(a)  
11 C.F.R. § 103.3  
11 C.F.R. § 104.3(a)  
11 C.F.R. § 114.2

III. BACKGROUND:

**Excessive and Prohibited Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions within the Permissible Timeframe**

Hung Cao for Virginia (“the Committee”) received excessive and prohibited 2022 General Election contributions totaling \$28,195.00. The Committee remedied these contributions outside of the permissible timeframe (Attachment 1).

**2022 October Quarterly Report**

During the [2022 October Quarterly](#) reporting period, covering July 1, 2022 to September 30, 2022, the Committee received excessive and prohibited contributions totaling \$27,795.00 from eight (8) individuals, one (1) limited liability company (LLC), and two (2) corporations that were not refunded, reattributed, or redesignated within the permissible timeframe.

On November 3, 2022 a [Request for Additional Information \(RFAI\)](#) referencing the 2022 October Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of apparent excessive and prohibited contributions and requested the Committee provide clarification or remedy the contributions cited.

### **2022 12-Day Pre-General Report**

During the [2022 12-Day Pre-General](#) Reporting period, covering from October 1, 2022 to October 19, 2022, the Committee received excessive contributions from two (2) individuals totaling \$400.00 that were not refunded, reattributed, or redesignated within the permissible timeframe.

On November 3, 2022, an [RFAI](#) referencing the 2022 12-Day Pre-General Report was sent to the Committee. The RFAI noted the Committee's receipt of apparent excessive contributions, and requested the Committee provide clarification or remedy the contributions cited.

The 2022 12-Day Pre-General Report also disclosed refunds of excessive contributions for two (2) individuals totaling \$5,800.00 and refunds of prohibited contributions for one (1) LLC and two (2) corporations totaling \$4,400.00 that were made outside of the permissible timeframes.

On December 8, 2022, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) stating the missing refunds for excessive contributions would be shown on the 2022 30-Day Post-General and Year-End Reports. The FEC Form 99 also provided an explanation for the late refunded corporate and LLC contributions, stating:

“The three cited contributors were refunded within 30 days of the treasurer becoming aware of the illegality of the contributions. Note that the regulation does not refer to refunding within 30 days of receipt, but as noted in the RFAI, within 30 days of the treasurer receiving notification of the illegality of the contribution. The committee goes through a very thorough vetting process to determine contribution legality, however occasionally donors take longer than preferred to respond to the committees inquiry.”

On December 8, 2022, the Committee filed a [2022 30-Day Post-General](#) Report, covering from October 20, 2022 to November 28, 2022. The report disclosed one (1) reattribution of an individual contribution totaling \$2,795.00 that was made outside of the permissible timeframe.

On January 31, 2023, the Committee filed a [2022 Year-End](#) Report, covering from November 29, 2022 to December 31, 2022. The report disclosed refunds of excessive contributions to six (6) individuals totaling \$14,900.00 that were made outside of the permissible timeframe.

On February 21, 2023, the Committee filed an [FEC Form 99](#) stating that the Committee was made aware of a duplicate name entry that led to an excessive contribution which would be refunded on the upcoming 2023 April Quarterly Report.

On April 13, 2023, the Committee filed their [2023 April Quarterly](#) Report, covering from January 1, 2023 to March 31, 2023. The Report disclosed a refund for an excessive contribution to one (1) individual totaling \$300.00 that was made outside of the permissible timeframe.

Since February 14, 2022, RAD logged three (3) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act regarding the matter referenced above. RAD was able to successfully connect with the Committee on two (2) of these occasions and notified Emily Hoover, the Committee's Compliance Specialist, that the matter could be referred to another Commission office for further review (Attachment 2).

Filings and correspondence related to the Committee can be found here: [Hung Cao for Virginia](#). To date, no further communications have been received from the Committee regarding this matter.

**Hung Cao for Virginia (C00802488)**

Excessive and Prohibited Contributions Refunded Outside Permissible Timeframes, Listed by Contributor

**Untimely Resolved Excessive Contributions**

Name	Date	Contribution Amount	Election	Report	Excessive Amount Not Remedied within Timeframe
<b>Contributions from Individuals</b>					
BERG, ERIC	7/19/2022	\$5,800.00	G2022	2022 October Quarterly	
BERG, ERIC	10/12/2022	-\$2,900.00	G2022	2022 12-Day Pre-General	\$2,900.00
COONLY, JOHN	6/14/2022	\$5.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$1,000.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$3.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$3.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$25.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$5.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$250.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$10.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$500.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$10.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$1,000.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$1,000.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$5.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$1,000.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$10.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$10.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$5.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$50.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$5.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$3.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$25.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/22/2022	\$500.00	G2022	2022 July Quarterly	
COONLY, JOHN	6/25/2022	\$0.90	G2022	2022 July Quarterly	
COONLY, JOHN	7/9/2022	\$0.45	G2022	2022 October Quarterly	
COONLY, JOHN	7/19/2022	-\$1,000.00	G2022	2022 October Quarterly	
COONLY, JOHN	7/19/2022	-\$524.00	G2022	2022 October Quarterly	
COONLY, JOHN	7/19/2022	-\$1,000.00	G2022	2022 October Quarterly	

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## Excessive and Prohibited Contributions Refunded Outside Permissible Timeframes, Listed by Contributor

COONLY, JOHN	7/26/2022	-\$0.90	G2022	2022 October Quarterly	
COONLY, JOHN	7/26/2022	-\$0.45	G2022	2022 October Quarterly	
COONLY, JOHN	10/13/2022	\$100.00	G2022	2022 12-Day Pre-General	
COONLY, JOHN	12/29/2022	-\$100.00	G2022	2022 Year-End	\$100.00
DUBOSE, BEVERLY	9/13/2022	\$5,000.00	G2022	2022 October Quarterly	
DUBOSE, BEVERLY	12/8/2022	-\$2,100.00	G2022	2022 Year-End	\$2,100.00
HUYNH, VAN	8/29/2022	\$2,900.00	G2022	2022 October Quarterly	
HUYNH, VAN	8/29/2022	\$1,500.00	G2022	2022 October Quarterly	
HUYNH, VAN	12/8/2022	-\$1,500.00	G2022	2022 Year-End	\$1,500.00
JOHNSON, MERILYN B.	6/21/2022	\$5,000.00	G2022	2022 July Quarterly	
JOHNSON, MERILYN	7/18/2022	-\$2,100.00	G2022	2022 October Quarterly	
JOHNSTON, MERILYN B.	9/13/2022	\$2,900.00	G2022	2022 October Quarterly	
JOHNSTON, MERILYN B.	12/8/2022	-\$2,900.00	G2022	2022 Year-End	\$2,900.00
MOORE, JOHN	6/30/2022	\$1,000.00	G2022	2022 July Quarterly	
MOORE, JOHN	8/7/2022	\$100.00	G2022	2022 October Quarterly	
MOORE, JOHN	8/27/2022	\$100.00	G2022	2022 October Quarterly	
MOORE, JOHN C.	9/20/2022	\$1,000.00	G2022	2022 October Quarterly	
MOORE, JOHN C.	10/12/2022	\$1,000.00	G2022	2022 12-Day Pre-General	
MOORE, JOHN C.	2/14/2023	-\$300.00	G2022	2023 April Quarterly	\$300.00
ROTH, THOMAS	7/26/2022	\$5,800.00	G2022	2022 October Quarterly	
ROTH, THOMAS	12/8/2022	-\$2,900.00	G2022	2022 Year-End	\$2,900.00
RYAN, COLVIN G.	7/26/2022	\$5,800.00	G2022	2022 October Quarterly	
RYAN, COLVIN	9/16/2022	\$2,500.00	G2022	2022 October Quarterly	
RYAN, COLVIN	12/8/2022	-\$5,900.00	G2022	2022 Year-End	\$5,400.00
TRAN, KHAI Q.	5/1/2022	\$195.00	G2022	2022 July Quarterly	
TRAN, KHAI QUANG	8/1/2022	\$5,500.00	G2022	2022 October Quarterly	
TRAN, KHAI QUANG	10/20/2022	-\$2,795.00	G2022	2022 30-Day Post General	\$2,795.00
VIRTS, SHARON	7/5/2022	\$5,800.00	G2022	2022 October Quarterly	
VIRTS, SHARON	10/12/2022	-\$2,900.00	G2022	2022 12-Day Pre-General	\$2,900.00
<b>Total Amount Remedied Outside Permissible Timeframes:</b>					<b>\$23,795.00</b>

**Hung Cao for Virginia (C00802488)**

Apparent Excessive and Prohibited Contributions Refunded Outside Permissible Timeframes, Listed by Contributor

**Untimely Resolved Prohibited Contributions**

Name	Date	Contribution Amount	Election	Report	Prohibited Amount Not Remedied within Timeframe
<b>Contributions from Corporations</b>					
AIR CLEANING TECHNOLOGIES INC.	8/11/2022	\$2,900.00	G2022	2022 October Quarterly	
AIR CLEANING TECHNOLOGIES	10/13/2022	-\$2,900.00	G2022	2022 12-Day Pre-General	\$2,900.00
TRUE NAIL & SPA INC.	8/1/2022	\$500.00	G2022	2022 October Quarterly	
TRUE NAIL & SPA INC.	10/13/2022	-\$500.00	G2022	2022 12-Day Pre-General	\$500.00
<b>Contribution from Limited Liability Company</b>					
INDOOR SKY DIVING VIRGINIA LLC	8/25/2022	\$1,000.00	G2022	2022 October Quarterly	
INDOOR SKYDIVING VIRGINIA LLC	10/13/2022	-\$1,000.00	G2022	2022 12-Day Pre-General	\$1,000.00
<b>Total Amount Remedied Outside Permissible Timeframes:</b>					<b>\$4,400.00</b>

**Hung Cao for Virginia (C00802488)**

## Breakdown of Remedied and Unremedied Prohibited and Excessive Contributions (all reports)

<b>Total Amount of Prohibited Receipts (all reports):</b>	<b>\$4,400.00</b>
<b>Total Amount of Excessive Receipts (all reports):</b>	<b>\$23,795.00</b>
<b>Total Excessive/Prohibited Amount Remedied Outside of the Permissible Timeframe (all reports):</b>	<b>\$28,195.00</b>
<b>Total Excessive/Prohibited Amount Unremedied (all reports):</b>	<b>\$0.00</b>
<b>Total Excessive/Prohibited Amount Referred (all reports):</b>	<b>\$28,195.00</b>