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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7122
 American Pacific International Capital,)
 Inc.; Huaidan Chen a/k/a Serena Tang;)
 Gordon Tang; Wilson Chen; Right to)
 Rise USA and Charlie Spies in his)
 official capacity as treasurer)

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on August 07, 2018, the Commission took the following actions in the above-captioned matter:

- 1. Failed by a vote of 1-0 to:

Find reason to believe that Right to Rise USA and Charles R. Spies in his official capacity as treasurer violated 52 U.S.C. § 30121(a)(2).

Commissioner Weintraub voted affirmatively for the motion. Commissioners Hunter, Petersen, and Walther abstained.

- 2. Decided by a vote of 4-0 to:

Enter into pre-probable cause conciliation with American Pacific International Capital, Inc., Huaidan Chen, Gordon Tang, and Wilson Chen prior to a finding of probable cause to believe.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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3. Decided by a vote of 4-0 to:

Reconsider the first motion.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

4. Failed by a vote of 1-0 to:

- a. Find reason to believe that Right to Rise USA and Charles R. Spies in his official capacity as treasurer violated 52 U.S.C. § 30121(a)(2).
- b. Enter into pre-probable cause conciliation with Right to Rise USA and Charles R. Spies in his official capacity as treasurer prior to a finding of probable cause to believe.
- c. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report #2 dated July 3, 2018.
- d. Approve the proposed conciliation agreement with respect to Right to Rise USA, as recommended in the General Counsel's Report #2 dated July 3, 2018,
- e. Approve the appropriate letters.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Hunter, Petersen, and Walther abstained.

5. Failed by a vote of 2-2 to:

Approve the proposed conciliation agreement with respect to American Pacific International Capital, Inc., Huaidan Chen, Gordan Tang.

Commissioners Walther and Weintraub voted affirmatively for the motion.
Commissioners Hunter and Petersen dissented.

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6. Decided by a vote of 4-0 to:

- a. Approve the conciliation agreements proposed by the Office of General Counsel pertaining to American Pacific International Capital, Inc., Huaidan Chen, Gordan Tang, and Wilson Chen.
- b. Send the appropriate letters.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

7. Decided by a vote of 4-0 to:

Instruct the Office of General Counsel to draft a letter consistent with the discussion at the table, that it be circulated to the Commission at the earliest possible time, and that the Commission have consensus that it be sent out to Right to Rise USA and Charles R. Spies in his official capacity as treasurer.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

8. Failed by a vote of 2-2 to:

Send a notification letter, analogous to the letter that will be sent to Right to Rise USA, notifying Charles R. Spies that he could be at risk of personal liability.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

Attest:

8/9/18

Date



Laura E. Sinram

Deputy Secretary of the Commission

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