



FEDERAL ELECTION COMMISSION
Washington, DC 20463

1 **MEMORANDUM**

2 **TO:** The Commission

3 **FROM:** Lisa J. Stevenson
4 Acting General Counsel

5 Charles Kitcher
6 Associate General Counsel for Enforcement

7 Claudio J. Pavia
8 Deputy Associate General Counsel for Enforcement

9 **BY:** Mark Allen MA by *TAC*
10 Assistant General Counsel

11 Christine C. Gallagher *CG*
12 Attorney

13 **SUBJECT:** MUR 7615 (Ryan Phillips)
14 Withdrawal from Pre-Probable Cause Conciliation

15 On October 13, 2021, the Commission found reason to believe that Ryan Phillips
16 knowingly and willfully violated 52 U.S.C. § 30114(b) by converting \$46,227 in principal
17 campaign committee funds (of Heller for Senate) to personal use and 52 U.S.C. § 30102(b)(3) by
18 commingling campaign and leadership PAC funds (of HellerHighWater PAC) with his personal
19 funds in the amount of \$12,205.¹ The Commission authorized the Office of General Counsel to
20 engage in pre-probable cause conciliation with Phillips and approved a conciliation agreement
21 [REDACTED].² This memorandum informs the Commission of
22 our withdrawal from pre-probable conciliation and our intent to serve Phillips with a probable
23 cause brief.

24 As explained below, we have been unable to definitively locate Phillips, who appears to
25 be avoiding all communications from this Office. However, we believe that Phillips is aware of
26 our attempts to communicate with him. Phillips never responded to the Commission's reason-to-
27 believe notification letter and conciliation agreement ("RTB letter"), which we first sent by U.S.
28 mail on October 29, 2021. We used an address for Phillips [REDACTED]
29 [REDACTED]
30 [REDACTED] because Phillips had moved from the address provided in his Response to the

¹ Certification ¶ 2.b (Oct. 16, 2021).

² *Id.* ¶ 2.c, e.

1 Complaint,³ which did not provide an email address or phone number at which to contact him.⁴
2 [REDACTED]

3 On January 27, 2022, having not received a response to the RTB letter, we mailed a letter
4 via certified mail return receipt requested to Phillips, to the same address that the RTB letter was
5 sent, asking him to respond.⁵ On February 8, 2022, we received an email from a Ms. Ryan
6 Phillips, in which she stated that she was unrelated to the Respondent Ryan Phillips, explaining
7 that she received the January 27 letter but not the earlier RTB letter and advising us that she was
8 not the same person as the Respondent.⁶ We accepted her representation that she was not the
9 Phillips we were looking for, issued a confidentiality advisement, and asked her to destroy the
10 letter. She responded that she destroyed the January 27 letter as requested. On February 28,
11 2022, we re-sent the RTB letter via UPS, signature required, to another address [REDACTED]
12 [REDACTED]. According to the UPS tracking report, the RTB letter mailed on February 28
13 was delivered and signed for by "SHERIN," someone who we have not been able to identify.
14 Nonetheless, we believe that Phillips resides at that address. [REDACTED]
15 [REDACTED] he uses it as his address for purposes of his current automobile registration. Phillips did
16 not respond to the letter.

17 On April 14, 2022, we called the phone number associated with this second address and
18 at first a woman answered the phone but immediately hung up once we told her we were trying
19 to get in contact with Phillips. We dialed the phone number again and this time a man answered.
20 He refused to identify himself but told us that Phillips no longer lived at that address, took our
21 contact information and said that he would have Phillips contact us. On June 30, 2022, having
22 not heard from Phillips, we sent a letter to Phillips via UPS, signature required, to the same
23 address because there are no further addresses linked to Phillips [REDACTED]. The letter
24 advised him that if we did not hear from him we would consider negotiations at an end and
25 would proceed to the next stage of the enforcement process. UPS attempted delivery, but it was
26 returned to our office on July 19, 2022, when UPS was not able to deliver the letter because no
27 one would sign for it. We conclude from the overall circumstances that Phillips is aware that we
28 are trying to reach him and he is evading service of the RTB letter.

29 Because Respondent has failed to respond to the Commission's offer of pre-probable
30 cause conciliation, we intend to proceed to the next stage of the enforcement process. We will
31 serve Phillips with a probable cause brief shortly and afford him the opportunity to respond as
32 required by 52 U.S.C. § 30109(a)(3). We intend to hire a process server in order to ensure
33 delivery to Phillips.

³ The Directive 68 letter mailed to the address provided in his Response was returned as undelivered because he no longer lived at that address.

⁴ Ryan Phillips Resp. (June 28, 2019).

⁵ The RTB letter was not returned, so we assumed it was delivered.

⁶ On February 22, 2022, we contacted Chrissie Hastie, treasurer of Heller for Senate and HellerHighWater PAC and a relative of Phillips, to try to obtain contact information for Phillips. She said that she did not have contact information for Phillips and had not spoken with him since December 2019.