



FEDERAL ELECTION COMMISSION
Washington, DC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Friends of Bill Posey)	MUR 7707
and Nancy H. Watkins in her official capacity as treasurer)	
Bill Posey)	
American Muscle Car Museum, Inc.)	
Mark Judson Pieloch)	
Tetiana Pieloch)	
)	

STATEMENT OF REASONS OF CHAIRMAN ALLEN J. DICKERSON

In this Matter, the Commission considered whether congressional candidate Bill Posey and his authorized committee, Friends of Bill Posey (the “Committee”), accepted prohibited and excessive contributions from the American Muscle Car Museum, Inc. (the “Museum”), which hosted three of the Committee’s campaign events in 2018 and 2019.¹ We also considered whether the Committee failed to report contributions raised or expenditures made in connection with these events, and whether the Museum improperly denied the Complainant’s request to host a similar campaign event.²

I chose to dismiss this Matter for the reasons described in the Factual & Legal Analysis unanimously approved by the Commission—chiefly because the dollar value of the alleged violation does not appear to be significant.³ However, Respondents have a right under 52 U.S.C. § 30109(a)(2) and 11 C.F.R. § 111.9 to further clarification of the facts and inferences that were material to my vote.

Commission regulations squarely address campaigns’ use of corporate facilities or resources for campaign events.⁴ Here, the corporation—the Museum—is a nonprofit, and the real property where it is located and virtually all the cars it displays appear to be owned by an individual, Mark Pieloch.⁵ According to both the Museum’s Response and IRS records, the Museum did not pay Mr. Pieloch for the use of his property during the time period at issue

¹ Factual & Legal Analysis at 8–11, MUR 7707 (Friends of Bill Posey, *et al.*).

² *Id.*

³ *Id.* at 11.

⁴ See 11 C.F.R. §§ 114.9; 114.13.

⁵ See FL. DEPT OF STATE DIV. OF CORP.S., ARTICLES OF INCORPORATION: AMERICAN MUSCLE CAR MUSEUM, INC.,

<https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0203%5C80063057.Tif&documentNumber=N16000000965>; Museum Resp. at 1–2.

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Statement of Reasons

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in this Matter, nor does the Museum charge other organizations a fee for their use of the property for events.⁶ We have no information before us calling this into question.

I have previously expressed my concern that the Commission is insufficiently attentive to the law governing corporations.⁷ Similarly, here, while the Factual & Legal Analysis correctly states the Commission’s analysis, I write separately to emphasize the distinction between Mr. Pieloch as an individual and the Museum as a separately incorporated entity in Florida.

Although the Complaint notes that both Mr. and Mrs. Pieloch contributed the maximum amount to the Posey campaign for the primary and general elections during the 2018 and 2020 election cycles,⁸ it does not allege that the Pielochs used the Museum as an alter ego or “straw” donor. The decision to add them as Respondents in this Matter seems to have been made by the Commission upon receipt of the Complaint—not by the Complainant⁹—and neither the MUR record nor the Factual & Legal Analysis provides the legal basis for this decision. Moreover, while the record before us suggests that Mr. Pieloch provides the Museum with both real and personal property for its exclusive use and manages the Museum’s affairs as its President,¹⁰ such unremarkable arrangements are insufficient to make the Museum a legal alter ego of Mr. Pieloch.

When the Commission is presented with respondents that are treated as separate taxable entities under the Internal Revenue Code, it should be vigilant in avoiding language that could unduly imply that such respondents are, *de facto*, one and the same. For these reasons, as well as the reasons stated in the Factual & Legal Analysis, I voted to dismiss this matter.

March 9, 2022

Date



Allen J. Dickerson
Chairman

⁶ See 2019 FORM 990EZ, AMERICAN MUSCLE CAR MUSEUM, INC., *available at* https://apps.irs.gov/pub/epostcard/cor/812511794_201912_990EZ_2021050418054757.pdf, and 2018 FORM 990EZ, AMERICAN MUSCLE CAR MUSEUM, INC., *available at* https://apps.irs.gov/pub/epostcard/cor/812511794_201812_990EZ_2019081616573473.pdf; *see also* Museum Resp. at 2–3.

⁷ See, e.g., Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7180 (GEO Holdings, Inc., *et al.*) (addressing the concept of “alter ego” in the context of alleged violations of the Act.).

⁸ Compl. at 9.

⁹ See Pieloch Resp.

¹⁰ See Museum Resp. at 1.