



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 22, 2020

BY ELECTRONIC MAIL ONLY

daryl@owendc.com

Daryl Owen, Esq.
Owen Evans Ingols
309 Massachusetts Avenue, NE
Washington, DC 20002

RE: MUR 7568
Alpha Marine Services Holdings, LLC

Dear Mr. Owen:

On July 2, 2020, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, Alpha Marine Services Holdings, LLC, in settlement of a violation of 52 U.S.C. § 30119(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission has closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the Respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that your client shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy Q. Lockett".

Roy Q. Lockett
Attorney

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)	
)	
Alpha Marine Services Holdings, LLC)	MUR 7568
)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by the Campaign Legal Center through Brendan M. Fischer. The Commission found reason to believe that Alpha Marine Services Holdings, LLC (“Alpha” or “Respondent”), violated 52 U.S.C. § 30119(a)(1) by making a contribution as a federal contractor.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Alpha is a Louisiana-based tugboat manufacturing and marine transportation company. Alpha is also a federal government contractor, and has been the recipient of government contracts and grants.

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GENERAL COUNSEL

2. On June 29, 2018, while Alpha was in federal contractor status, it made a \$100,000 contribution to Congressional Leadership Fund (the “Committee”), an independent-expenditure-only political committee.

3. On March 13, 2019, the Committee refunded Alpha’s \$100,000 contribution.

V. The pertinent law in this matter is as follows:

1. Under the Federal Election Campaign Act of 1971, as amended (the “Act”), a federal contractor may not make contributions to political committees. 52 U.S.C. § 30119(a); 11 C.F.R. § 115.2. Specifically, the Act prohibits “any person . . . [w]ho enters into any contract with the United States . . . for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof” from making a contribution “if payment for the performance of such contract . . . is to be made in whole or in part from funds appropriated by the Congress.” 52 U.S.C. § 30119(a)(1); *see also* 11 C.F.R. part 115.

2. These prohibitions begin to run at the beginning of negotiations or when proposal requests are sent out, whichever occurs first, and end upon the completion of performance of the contract or the termination of negotiations, whichever occurs last. 52 U.S.C. § 30119 (a)(1); 11 C.F.R. § 115.1(b).

3. These prohibitions apply to a federal contractor who makes contributions to any political party, political committee, federal candidate, or “any person for any political purpose or use.” 52 U.S.C. § 30119(a)(1); 11 C.F.R. §§ 115.1, 115.2.

4. Respondent contends that the error described herein was inadvertent, and that upon learning of the complaint, and upon recognition that its actions did violate the Act, it

promptly sought and received a refund of the contribution. Respondent further contends that it has consistently cooperated with the Commission throughout this proceeding.

5. The Commission did not find that the violation was knowing and willful.

VI. Respondent violated 52 U.S.C. § 30119(a)(1) by making a federal contractor contribution.

VII. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Seventeen Thousand Dollars (\$17,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30119(a)(1).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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Conciliation Agreement
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X. This conciliation agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel
for Enforcement

7/21/20
Date

FOR THE RESPONDENT:

Daryl Owen
Daryl Owen
Counsel to Alpha Marine Services Holding, LLC

9/18/19
Date