



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Via U.S. and Electronic Mail

Joseph M. Birkenstock
Sandler Reiff Lamb Rosenstein & Birckenstock, P.C.
1090 Vermont Avenue, NW, Suite 750
Washington, DC 20005

AUG 20 2019

RE: MUR 7607
(PowerPAC.org)

Dear Mr. Birkenstock:

On August 16, 2019, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g)(1), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed 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 the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1525.

Sincerely,

A handwritten signature in black ink that reads "Jonathan A. Peterson".

Jonathan A. Peterson

Enclosure
Conciliation Agreement

“Act”), must file disclosure reports with the Commission when they make independent expenditures that aggregate in excess of \$250 during a calendar year with respect to a given election. 52 U.S.C. § 30104(c)(1)

3. Depending on the amount and timing of the expenditures, a person may have to file a 24- or 48- hour report of independent expenditures. Specifically, if the person makes independent expenditures aggregating \$10,000 or more for an election in any calendar year, up to and including the 20th day before the election, the entity must file a 48-Hour Report disclosing those expenditures. If the person makes independent expenditures aggregating \$1,000 or more with respect to a given election after the 20th day before the date of an election, but more than 24 hours before the date of the election, the person must file a 24-Hour Report disclosing those expenditures.

4. In addition, if the person spends in excess of \$250 on independent expenditures during a calendar year with respect to a given election, that person must also file a quarterly report for any quarterly period in which the independent expenditures exceed \$250 and any subsequent quarterly period during that calendar year when additional independent expenditures are made.

5. On December 2, 2017, Respondent made an independent expenditure in the amount of \$75,023.67 in support of a federal candidate. Respondent did not file a 24-Hour Report disclosing this independent expenditure.

6. Respondent contends that this violation resulted from a miscommunication between Respondent’s staff and its controller. The missing report for the resulting independent expenditure was filed on December 22, 2017, ten days after the relevant election, and

Respondent's controller contacted the Reports Analysis Division ("RAD") regarding

Respondent's failure to file the report before it received a Request for Additional Information.

V. Respondent violated 52 U.S.C. § 30104(g)(1) by failing to file a 24-Hour report for one independent expenditure totaling \$75,023.67.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seven Thousand and Six Hundred Dollars (\$7,600), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30104(g)(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 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.

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 in this written agreement shall be enforceable.

