



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Suzan Korth, Treasurer
American Delta Party
5440 Morehouse Drive, Suite 5000
San Diego, CA 92121

SEP 06 2019

RE: MUR 7611
American Delta Party and Suzan Korth in
in her official capacity as treasurer

Dear Ms. Korth:

On August 29, 2019, the Federal Election Commission accepted the signed conciliation agreement submitted by American Delta Party and Suzan Korth in her official capacity as treasurer in settlement of violations of 52 U.S.C. § 30116(f) and 52 U.S.C. § 30118(a), provisions 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) 694-1616.

Sincerely,

A handwritten signature in black ink that reads "Delbert K. Rigsby".

Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

GENERAL COUNSEL

2019 AUG 16 AM 11:00

In the matter of)
)
American Delta Party and)
Suzan Korth in her official)
capacity as treasurer)

MUR 7611

CONCILIATION AGREEMENT

This matter was initiated pursuant to information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that American Delta Party and Suzan Korth in her official capacity as treasurer ("Respondent" or "Committee") violated 52 U.S.C. §§ 30116(f) and 30118(a).

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. American Delta Party is a political committee within the meaning of 52 U.S.C. § 30101(4).

2. Suzan Korth is the treasurer of the Committee.

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3. The Federal Election Campaign Act of 1971, as amended (the "Act"), prohibits political committees from knowingly accepting any contribution in violation of the provisions of 52 U.S.C. § 30116. 52 U.S.C. § 30116(f). The Act provides that no person shall make contributions to any political committee that is not an authorized committee or a political party committee in any calendar year which, in the aggregate, exceed \$5,000. 52 U.S.C. § 30116(a)(1)(C).

4. The Act defines "contribution" to include anything of value made by any person for the purpose of influencing any election for Federal office. 52 U.S.C. § 30101(8)(A)(i). "Anything of value" includes all in-kind contributions and unless otherwise exempted, the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services. *See* 11 C.F.R. § 100.52(d)(1). The Act and Commission regulations prohibit corporations from making contributions to a federal political committee (other than an independent-expenditure-only political committee), and a political committee is prohibited from knowingly accepting or receiving such contributions. 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b).

5. On July 11, 2016, the Committee received a contribution of \$7,000 for "in-kind professional fees" that it disclosed from Direct Contact Voter Solutions, LLC. On July 31, 2016, the Committee received a \$30,000 contribution from Roque De La Fuente.

V. Respondent violated 52 U.S.C. § 30116(f) by accepting an excessive contribution of \$25,000.

VI. Respondent violated 52 U.S.C. § 30118(a) by accepting a prohibited contribution of \$7,000.

VII. 1. Respondent will pay a civil penalty to the Commission in the amount of Five Thousand Five Hundred Dollars (\$5,500), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30116(f) and 30118(a).

VIII. 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.

IX. 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.

X. 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.

XI. 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

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