



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

February 27, 2024

VIA EMAIL

Chris Gober
Eric Wang
The Gober Group
P.O. Box 341016
Austin, TX 78734
cg@gobergroup.com
ew@gobergroup.com

RE: MUR 8107
Mike Braun for Indiana

Dear Mr. Gober and Mr. Wang:

On February 21, 2024, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your clients, Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer (the "Committee"), in settlement of a violation of 52 U.S.C. § 30104(b)(8), a provision of the Federal Election Campaign Act of 1971, as amended, and a violation of 11 C.F.R. § 104.3(d)(4). 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 90 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1327.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer J. Waldman".

Jennifer Waldman
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 8107
Mike Braun for Indiana and Thomas Datwyler)	
in his official capacity as treasurer)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the “Commission”), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer (“Respondent” or the “Committee”) violated 52 U.S.C. § 30104(b)(8) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. § 104.3(d)(4) of Commission regulations.

NOW, THEREFORE, the Commission and 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 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. The Committee was the authorized Senate committee of Mike Braun.
 2. Thomas Datwyler is the current Treasurer of the Committee.

3. The Act requires committee treasurers to file accurate reports of receipts and disbursements. 52 U.S.C. § 30104(b); *see also* 11 C.F.R. § 104.3.

4. Political committees must disclose the amount and nature of outstanding debts and obligations until those debts are extinguished. 52 U.S.C. § 30104(b)(8); *see also* 11 C.F.R. § 104.3(a)(4)(iv). A committee must file separate schedules for debts owed by and to the committee with a statement explaining the circumstances and conditions under which each debt and obligation was incurred or extinguished. 11 C.F.R. § 104.11(a).

5. The Act also requires accurate reporting of the total amount of loans made or guaranteed by the candidate and the repayment of those loans. 52 U.S.C. § 30104(b); 11 C.F.R. § 104.3(b)(2)(iii)(A), (d).

6. From July 2017 through December 2018, the Committee failed to correctly disclose loan balances, terms, dates, repayment amounts, and other information for 29 transactions totaling \$11,569,963 involving three bank loans, 13 lines of credit, and 13 candidate loans.

7. The Committee contends that its former treasurer, Travis Kabrick, was responsible for these reporting errors and that he had access to all relevant information and documents from the Committee to properly report these loans. The Committee further contends that its former Treasurer publicly disclosed information regarding the bank loans, which were legal and proper, but the Treasurer made the errors regarding how they were reported on the Committee's campaign finance reports. The Committee further contends that the reporting errors were technical in nature.

V. The parties agree to the following:

1. Respondent violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d)(4) by failing to accurately disclose loans.

VI. Respondent will take the following actions:

1. Pay a civil penalty to the Commission in the amount of One Hundred Fifty-Nine Thousand Dollars (\$159,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Cease and desist from committing violations of 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d)(4).

3. Amend its reports pursuant to instructions provided by the Audit Division of the Commission.

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 ninety (90) 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 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

MUR 8107 (Mike Braun for Indiana)
Conciliation Agreement
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by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

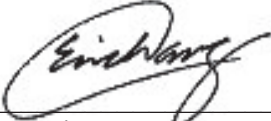
Lisa J. Stevenson
Acting General Counsel

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

Digitally signed by
Charles Kitcher
Date: 2024.02.26
11:23:26 -05'00'

2/26/24
Date

FOR THE RESPONDENT:


[name] Eric Wang
Counsel for Mike Braun for
Indiana

February 1, 2024
Date