



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 2, 2022

Michael Lehr  
8003 Franklin Farms Drive, Suite 220  
Richmond, VA 23229

Re: ADR 1038 (631)  
REBUILDING AMERICA NOW and Christopher "Chris" M. Marston, Esq.,  
Treasurer (C00618876)

Dear Michael Lehr:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on February 15, 2022 – the effective date of the agreement.

Note the specific time frames for compliance detailed in the agreement. Please forward to this office, a statement confirming Respondent's compliance with each term. The letter should note the dates on which Respondents satisfied each of the terms and contain the ADR case number. For your convenience, a compliance chart is attached.

As you are aware, the Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our negotiations, and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Records Office.

This agreement resolves this matter. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "KJ Roche".

Krista J. Roche

Director  
Alternative Dispute Resolution Office

Enc: Compliance Chart  
Negotiated Settlement

### **ADR 1038 Compliance Chart**

<b>Type</b>	<b>Date Due</b>
Develop and enforce internal controls	Thu 2/15/2024



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Case Number: ADR 1038

Source: P-MUR 631

Case Name: REBUILDING AMERICA NOW

## NEGOTIATED SETTLEMENT

This matter was initiated by a *sua sponte* submission. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, (FECA) and resolve this matter, the Federal Election Commission (FEC or the Commission) entered into negotiations with Michael Lehr, Esq., and Brenda Hankins, Esq., representing REBUILDING AMERICA NOW and Chris Marston in the official capacity of Treasurer (the Committee or Respondents). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in this submission. The parties agree to resolve the matter according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 52 U.S.C. § 30109.
2. Respondents voluntarily enter into this agreement with the Commission.
3. Respondents filed a *sua sponte* submission dated March 6, 2020, claiming that the former treasurer<sup>1</sup> misappropriated \$278,169.45 of Committee funds between September 2016 and January 2019, resulting in the filing of inaccurate reports with the FEC. The Committee filed amended reports from the 2016, 2018, and 2020 election cycles to disclose the previously unreported transactions and correct the public record.
4. Treasurers of political committees are required to report all financial activity, including all receipts and disbursements, pursuant to the FECA. 52 U.S.C. §§ 30104(b)(2) and (4), 11 C.F.R. §§ 104.3(a) and (b).
5. The Committee contends that it believed it had taken prudent steps to create internal controls and segregation of duties. The Committee further states that its former treasurer shifted and reconfigured the responsibilities to avoid discovery of his actions. The Committee states it implemented remedial measures in response to the discovery of the unauthorized transactions. The Committee appointed a new treasurer who conducted a comprehensive analysis of financial activity and amended FEC reports. This internal audit

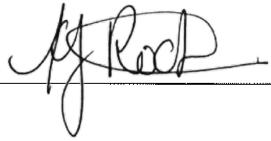
<sup>1</sup> The former treasurer is listed as the treasurer on the Committee's Statement of Organization from June 2, 2016 through June 3, 2019.

and reconciliation included the review of the records provided by the former treasurer, the identification of missing records, the reconciliation of bank records and FEC reports, and contacting vendors to ensure the veracity of reported payments. Further, new internal controls were implemented which include an additional level of review and reconciliation by a person who does not have check signing authority. The Committee states that it intends to terminate operations as soon as practicable.

6. Respondents, in an effort to resolve this matter, agree to: certify internal control procedures consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at [www.fec.gov/pages/brochures/bestpractices.shtml](http://www.fec.gov/pages/brochures/bestpractices.shtml)) and as recommended to the Committee by the FEC's Audit Division in a memorandum dated November 19, 2021, have been followed consistently for the lesser of two (2) years from the effective date of this agreement or until such time as the Committee is approved for termination.
7. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
8. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance. Unpaid civil money penalties are subject to the Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 et seq. The Commission will transfer debt to the United States Department of the Treasury (Treasury) for collection.
9. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms of this agreement as set out in paragraph 6 above, and shall certify compliance with the above settlement terms in writing to the Alternative Dispute Resolution Office on or before the date each term becomes due.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 1038 (P-MUR 631), and resolves those issues identified in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

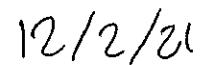
Krista J. Roche, Director  
Alternative Dispute Resolution Office



2/15/22

Date Signed

FOR THE RESPONDENTS:



Michael Lehr, Esq. and/or Brenda Hankins, Esq.  
Representing REBUILDING AMERICA NOW  
and Chris Marston, Treasurer

12/2/21

Date Signed