



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 2022

Neil P. Reiff, Esq.
1090 Vermont Avenue, NW
Suite 750
Washington, DC 20005

Re: ADR 1058 (21L-65)
Kennedy for Massachusetts and Keith D. Lowey, Treasurer (C00512970)

Dear Neil P. Reiff, Esq.:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on May 3, 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.

Under the terms of the agreement, a civil penalty in the amount of \$2,900 is due on June 3, 2022. Kindly review the attached payment instructions for details on payment methods and the collection of unpaid debts.

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 that reads "Rosa Marshall". The signature is fluid and cursive, with the first name "Rosa" and last name "Marshall" clearly distinguishable.

Rosa Marshall
Assistant Director
Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

ADRO Civil Penalty Payment Instructions

You may remit payment by credit card, debit card, or ACH withdrawal from your bank account through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/adrrpayment to be directed to Pay.gov's FEC ADR Payment form.

Unpaid Civil Penalties

Unpaid civil money penalties will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.



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Case Number: ADR 1058
Source: RAD 21L-65
Case Name: Kennedy for Massachusetts

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission (FEC or the Commission) pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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 Commission entered into negotiations with Neil P. Reiff, Esq., representing Kennedy for Massachusetts and Keith D. Lowey, 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.

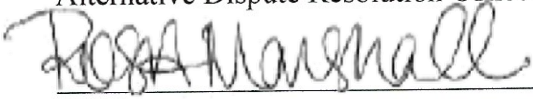
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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. The Reports Analysis Division (RAD) referred Respondents for failing to timely refund or redesignate contributions in excess of the limit totaling \$32,150 during the 2020 election cycle. The Committee refunded all of these contributions outside of the permissible timeframe.
4. During the 2019-2020 election cycle, an authorized committee may not receive more than a total of \$2,800 per election from any one person or \$5,000 per election from a multicandidate political committee. 52 U.S.C §30116; 11 CFR §§110.1(b) and 110.2(b). Within 60 days after receiving the excessive contribution, the committee must receive the proper reattribution or redesignation, or refund the excessive portion to the donor. 11 CFR §103.3.

5. The Committee filed a Form 99 (Miscellaneous Electronic Submissions) on July 8, 2021 at 16:22 detailing the Committee's efforts to remedy the excessive contributions. The Committee contends that a substantial internal review of its donation records took place shortly after the primary election to correct their records. This review revealed that certain donor records were duplicated in its donor database and that due to these duplications, certain donors exceeded the primary contribution limit. Once discovered, the Committee's database was corrected and all but two of the contributions were refunded by September 30, 2020 and disclosed on the Committee's 2020 October Quarterly Report. The last two contributions were disclosed as refunds on the Committee's 2021 April Quarterly and 2021 July Quarterly Reports. The Committee additionally notes that it intends to terminate its political committee status upon resolution of this matter.
6. Respondents, in order to resolve this matter, agree to pay a civil penalty of \$2,900 within thirty (30) days of the effective date of this agreement. In addition, as the Committee wishes to terminate its political committee status, Respondents will certify the closure of the Committee's federal account and file a termination report within ninety (90) days of the effective date of this agreement, and work with the Commission staff to terminate their political committee status and reporting obligations with the Commission. The Committee will continue reporting until the termination has been approved.
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 1058 (RAD 21L-65), 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:

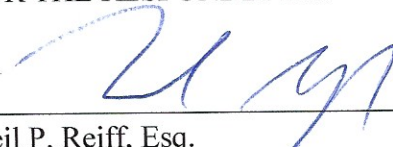
Rosa Marshall, Assistant Director
Alternative Dispute Resolution Office

A handwritten signature in blue ink that reads "Rosa Marshall". The signature is written over a horizontal line.

5/3/22

Date Signed

FOR THE RESPONDENTS:

A handwritten signature in blue ink that appears to be "Neil P. Reiff". The signature is written over a horizontal line.

Neil P. Reiff, Esq.
Representing Kennedy for Massachusetts
and Keith D. Lowey, Treasurer

3/3/22

Date Signed