



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 2022

Donna Doe Testa
FEDUP POLITICAL ACTION COMMITTEE AKA FEDUP PAC
9625 SURVEYOR COURT, SUITE 400
MANASSAS, VA 20110

Re: ADR 1060 (A21-14)
FEDUP POLITICAL ACTION COMMITTEE AKA FEDUP PAC and Donna
Doe Testa, Treasurer (C00455923)

Dear Donna Doe Testa:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on April 27, 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 \$4,550 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.

FEDERAL ELECTION COMMISSION – ALTERNATIVE DISPUTE RESOLUTION OFFICE
1050 FIRST STREET, N.E., WASHINGTON, D.C. 20463
TELEPHONE: (202) 694-1152
EMAIL: RMARSHALL@FEC.GOV

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/adrpayers 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.

ADR 1060 Compliance Chart

Type	Date Due
Amend relevant 2019-2020 election cycle reports to correct the public record	8/5/2022
Attend an FEC training program	4/27/2023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 1060

Source: AD A21-14

Case Name: FEDUP POLITICAL ACTION COMMITTEE AKA FEDUP PAC

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 Mark J. Fitzgibbons, Esq., representing FEDUP POLITICAL ACTION COMMITTEE AKA FEDUP PAC and Donna Doe Testa, 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.
 - a. The Reports Analysis Division (RAD) referred Respondents for a series of reporting errors and other FECA violations during the 2019-2020 election cycle. The Committee's errors included, among other items: mathematical discrepancies; failure to provide supporting schedules; and independent expenditure reporting problems.
 - b. Additionally, RAD referred Respondents for failing to provide the corresponding receipts on a Schedule A (Receipts) for \$3,281.58 in in-kind contributions which were itemized on Schedule B (Disbursements), and for failing to provide a Schedule B for \$109,792.12 in in-kind contributions which were itemized on Schedule A on the 2020 April Quarterly Report.
 - c. The Committee was also referred for disclosing memo entries for independent expenditures totaling \$53,049.54, \$35,677.51, and \$41,666.39 on its Amended 2020 October Quarterly, received February 22, 2021, 2020 30-Day Post-General, and 2020 12-Day Pre-Runoff Reports, respectively, which were publicly disseminated prior to payment but where the Committee failed to disclose a debt on Schedule D (Debts and Obligations).

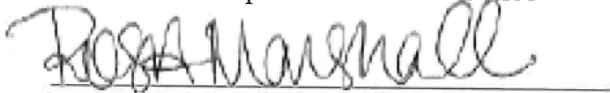
4. a. A political committee may be referred if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 52 U.S.C. § 30109.
- b. In-kind contributions must be added to the receipts and disbursements total in order to avoid either inflating or deflating the cash on hand amount, and itemized on the appropriate Schedules A (Receipts) and B (Disbursements). 11 CFR §104.13(a).
- c. Independent expenditures should be reported as a memo entry on Schedule E (Independent Expenditures) when the communication is publicly disseminated or distributed in one reporting period and payment is made in a later reporting period, and on a Schedule D (Debts and Obligations) if it is a reportable debt under 11 CFR §104.11. Subsequently, when the payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable. 52 U.S.C. § 30104(b), 11 C.F.R. §§ 104.4, 104.11.
5. Respondents state that the 2019-2020 election cycle errors were inadvertent and that the Committee experienced a corrupt data file, which made responding to correspondences from the Commission difficult. On February 24, 2022, the Committee filed an Amended 2020 April Quarterly Report, which resolved the in-kind activity disclosure errors. Lastly, the Committee states that it now utilizes compliance software that better tracks independent expenditures.
6. Respondents, in an effort to resolve this matter, agree to:
 - a. Amend relevant 2019-2020 reports to address any inadequate responses and nonresponses to requests for additional information from RAD within ninety (90) days of the effective date of this agreement.
 - b. Certify that a representative of the Committee participated in an FEC conference, webinar, or other program developed in consultation with the FEC's Information Division within twelve (12) months of the effective date of this agreement.
 - c. Pay a civil penalty of \$4,550 within thirty (30) days of the effective date of this agreement.
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 1060 (AD A21-14), 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



4/28/2022

Date Signed

FOR THE RESPONDENTS:



Mark J. Fitzgibbons, Esq.
Representing FEDUP POLITICAL ACTION
COMMITTEE AKA FEDUP PAC
and Donna Doe Testa, Treasurer

4/6/22

Date Signed