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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE**MEMORANDUM**

September 26, 2023

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Krista J. Roche *KJR*
Director, ADR Office

Rosa Marshall *RM*
Assistant Director, ADR Office

SUBJECT: Recommendation to Approve Negotiated Settlement
ADR 1110 - Nehls for Congress and
Thomas Datwyler, Treasurer (C00730150)

RESOLUTION TERMS: Certify annually that the Committee continued to retain the services of a compliance team for two consecutive years; certify that a representative of the Committee participated in an FEC conference, webinar, or other program developed in consultation with the RAD Education Program; and pay a civil penalty of \$4,000.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 1110 (AD A23-05). The ADR Office received this referral on May 10, 2023.

SUMMARY: The Reports Analysis Division (RAD) referred Nehls for Congress and Thomas Datwyler, Treasurer (Respondents or the Committee) for a series of reporting errors and other FECA violations during the 2021-2022 election cycle. The Committee's errors included, among other items: excessive, prohibited, and other impermissible contributions/transfers; failure to provide supporting

schedules; failure to properly itemize contributions and transfers to political committees, and other violations of the FECA.¹

During negotiations, Respondents contended that the Committee experienced reporting challenges during the 2021-2022 election cycle. On July 31, 2023, and August 29, 2023, the Committee filed amended reports to address the 2021-2022 election cycle reporting errors, albeit untimely. Further, the Committee noted that it has since retained a new treasurer and legal representation to assist with its compliance efforts.

¹ RAD additionally referred Respondents for failing to include conduit information for earmarked contributions, including the date each contribution was received by the Committee from the conduit, totaling \$35,099.27 on the 2022 October Quarterly Report. The Committee resolved this issue by clarifying entries on its Amended 2022 October Quarterly Report, filed on August 29, 2023.

² The number and adequacy of responses is to each issue raised in the RFAI, and thus the number of responses may not be the same as the number of RFAs.

RECOMMENDATIONS:

1. Approve the attached Negotiated Settlement of Nehls for Congress and Thomas Charles Datwyler, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.