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By Office of the Commission Secretary at 11:32 am, Sep 28, 2023

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463**SENSITIVE****MEMORANDUM**

September 28, 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 1115 - Democratic Party of Orange County FED
PAC and David L. Gould, Treasurer (C00321943)

RESOLUTION TERMS: Certify that a representative of the Committee participated
in an FEC training program; and pay a civil penalty of
\$5,200.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 1115 (RAD 23L-19). The ADR Office received this referral from the Reports Analysis Division (RAD) on May 16, 2023.

SUMMARY: RAD referred the Democratic Party of Orange County Fed PAC and David L. Gould, Treasurer (Respondents or the Committee) for failing to timely remedy an excessive contribution received during the 2022 calendar year, totaling \$70,000, within the permissible timeframes.¹

During negotiations, the Committee acknowledged that it failed to timely refund the excessive receipt. Respondents stated that the funds were intended for a state

¹ RAD also referred the Committee for failing to remedy a prohibited contribution, totaling \$75, within the permissible timeframe. The Committee resolved this issue by filing a Form 99 (Miscellaneous Electronic Submission) on July 26, 2023, verifying that the funds were from a permissible source.

committee but were mistakenly deposited into the federal account. On August 19, 2022, the Committee refunded the excessive receipt, eight (8) days after receiving notification from the Commission, and disclosed the refund on its 2022 September Monthly Report. Respondents also contend that a full refund was issued, including the portion of the funds that were federally permissible, and none of the funds were used by the Committee.

RECOMMENDATIONS:

1. Approve the attached Negotiated Settlement of Democratic Party of Orange County FED PAC and David Gould, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.