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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE**MEMORANDUM**

February 5, 2024

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Krista J. Roche *KJR*
Director, ADR Office

Joshua A. Rebollozo *JAR*
Assistant Director, ADR Office

SUBJECT: Recommendation to Approve Negotiated Settlement
ADR 1138 - Occupy Democrats Election Fund and
Omar Rivero, Treasurer (C00718510)

RESOLUTION TERMS: Develop and certify implementation of a process to track receipt of, and response to, communications with the Commission; certify the Committee amended relevant 2021-2022 reports after consultation with the FEC's Reports Analysis Division (RAD); certify that a representative of the Committee participated in an FEC training; and pay a civil penalty of \$5,300.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 1138 (RAD 23L-50). The ADR Office received this referral on September 19, 2023.

SUMMARY: RAD referred Occupy Democrats Election Fund and Omar Rivero, 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 or transfers; mathematical discrepancies; failure to provide supporting schedules; failure to properly itemize disbursements; and independent expenditure reporting problems.

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During negotiations, the Committee stated the errors were the result of a series of internal miscommunications, including a failure to monitor the Committee's email. Additionally, the Committee stated that an issue with its external software vendor also contributed to the errors.

RECOMMENDATIONS:

1. Approve the attached Negotiated Settlement of Occupy Democrats Election Fund and Omar Rivero, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.