Federal Election Commission
Washington, DC 20463

September 12, 2016

Megan Sowards Newton, Esq.
3519 T Street N.W.
Washington, DC 20007

Re: ADR 802 (RAD 16L-08)
Right to Rise PAC, Inc. and William Simon, Treasurer

Dear Ms. Newton:

Enclosed is the signed copy of the agreement resolving the referral initiated on **May 26, 2016** by the Federal Election Commission ("FEC/Commission") involving the Right to Rise PAC, Inc. and William Simon, Treasurer ("Respondents"). The agreement for **ADR 802 (RAD16L-08) was approved by the Commission on September 8, 2016** – the effective date of the agreement.

Note the specific time frames for compliance in **paragraph 6** of the agreement. **Please forward to this office, a statement certifying Respondent's compliance with the terms listed in the aforementioned agreement.** The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 6, and contain the ADR caption and case number. **The civil penalty payment should be sent to the attention of the Accounting/Finance Office of the FEC. The civil penalty under the agreement is due on or before ---- October 8, 2016.[1] Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

As you are aware, the settlement agreement 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 entry into settlement 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 Information Office.

[1] Please note, if the Commission refers an unpaid civil penalty to the US Treasury or third party collection agent, additional costs and fees will be assessed.

This agreement resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Lynn M. Fraser, Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

cc: Gwen Holmes and Nida Awan, Finance and Accounting Office
Room 819

FEDERAL ELECTION COMMISSION -- ALTERNATIVE DISPUTE RESOLUTION OFFICE
999 E STREET, N.W., WASHINGTON, D.C. 20463
TELEPHONE: 202.694.1670 FAX: 202.219.0613

Federal Election Commission
Washington, DC 20463

Case Number: ADR 802
Source: RAD 16L-08
Case Name: Right to Rise PAC, Inc.

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission (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 Megan Sowards Newton, Esq. and Keith Davis representing the Right to Rise PAC, Inc. and William Simon, in his official capacity as 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 remedy excessive contributions. The Committee received excessive contributions totaling $32,500 for the 2015 calendar year from seven (7) individuals, and failed to refund, reattribute or transfer-out those excessive contributions to the Committee's non-federal account in the time required.

4. During the 2015-2016 election cycle, no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,700. 52 U.S.C. § 30116 (a), 11 C.F.R. § 110.1(b). No candidate or political committee shall knowingly accept any contributions prohibited by the FECA. No candidate or political committee shall knowingly accept any contributions prohibited by the FECA. 52 U.S.C. §§ 30116(f), 11 C.F.R. 114.2(d).

5. Respondents contend that all the excessive contributions were remedied, albeit untimely. The Committee discovered this error through its own internal procedures prior to filing its first report with the FEC on July 31, 2015. Upon discovering the error, the Committee took immediate action to refund the contributions in question and has implemented procedures to ensure that the error would not reoccur. The Committee disclosed the properly remedied contributions in an Amended 2015 Mid-Year Report.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a compliance operations manual which includes internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at www.fec.gov/pages/brochures/bestpractices.shtml), as well as a process to track receipt of, and response to, communications with the Commission 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; and (c) pay a civil penalty of $2,400 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 submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.

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 802 (RAD 16L-08), 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.

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FOR THE COMMISSION:

Lynn M. Fraser, Director
Alternative Dispute Resolution Office

9/8/2016
Date Signed

FOR THE RESPONDENTS:

Megan Sowards Newton, Esq.
Representing the Right to Rise PAC, Inc.
and William Simon, Treasurer

7/7/2016
Date Signed