



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 16, 2016

Rob Jesmer, Americans for a Conservative Direction  
c/o Holtzman Vogel Josefiak Torchinsky PLLC  
45 North Hill Drive, Suite 100  
Warrenton, VA 20186

Attn: Michael Bayes

Re: ADR 804 (RR 15-38)  
Americans For a Conservative Direction

Dear Mr. Jesmer:

The Federal Election Commission (FEC or Commission) sent two previous letters notifying Americans For A Conservative Direction that an enforcement action had been opened. The Commission referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Reports Analysis Division (RAD) was based on a review of Independent Expenditure Notices file by Americans For a Conservative Direction, which reflect a possible failure to comply with the Federal Election Campaign Act of 1971, as amended

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with Americans for a Conservative Direction (Respondent). The ADR Program provides Respondent with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement concludes the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations, are summarized as follows:

**SUMMARY:** The Reports Analysis Division referred Respondent for failing to timely file the 2014 July Quarterly Report. On April 25, 2014, Respondent filed a 24-Hour

Report disclosing two (2) independent expenditures totaling \$102,035.00, made in support of one (1) federal candidate, on Schedule 5-E (Itemized Independent Expenditures). No 2014 July Quarterly Report was filed to support the independent expenditures disclosed on its 24-Hour. On September 10, 2015, Respondent filed a 2014 July Quarterly Report disclosing the independent expenditures totaling \$102,035.00, which were previously reported on the 24-Hour Report, dated April 25, 2014.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondent would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Participate in ADR form. **Failure to respond affirmatively within fifteen (15) business days of receipt of this letter will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing, and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as ADR 804. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,

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

Enclosures: ADR Frequently Asked Questions  
Commitment to Participate in ADR  
Designation of Representative/Counsel