



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 2019

Lawrence H. Norton
Meredith K. McCoy
Venable LLP
600 Massachusetts Ave, NW
Washington, DC 20001

Re: ADR 858
Independence USA PAC and Howard Wolfson, Treasurer

Dear Mr. Norton and Ms. McCoy:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on February 7, 2019 – the effective date of the agreement.

Note the specific time frames for compliance detailed in the agreement. Please forward to this office, a statement confirming Respondent's compliance with each term. The letter should note the dates on which Respondents satisfied each of the terms and contain the ADR case number.

Under the terms of the agreement, a civil penalty in the amount of \$4,000 is due on Sat 3/9/2019. Kindly review the attached payment instructions for details on payment methods and the collection of unpaid debts.

As you are aware, the Negotiated Settlement 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 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 Records Office.

This agreement resolves this matter. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Krista J. Roche

Krista J. Roche

Director

Alternative Dispute Resolution Office

Enc: Payment Instructions
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office



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Case Number: ADR 858
Source: RAD 17L-47
Case Name: Independence USA PAC

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 Lawrence H. Norton, Esq., and Meredith K. McCoy, Esq., representing Independence USA PAC and Howard Wolfson, 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:

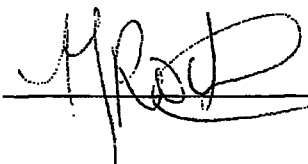
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 referred Respondents for failing to disclose all financial activity on their 2016 July Monthly Report, originally filed on July 20, 2016. On August 25, 2016, the Committee filed an Amended 2016 July Monthly Report including \$118,000 in additional in-kind contributions.
4. Treasurers of political committees are required to report all financial activity, including all receipts, pursuant to the FECA. 52 U.S.C. §§ 30104(a)(1), 30104(b)(2), 11 C.F.R. §§ 104.1, 104.3(a).
5. The Committee filed a Miscellaneous Electronic Submission (Form 99) on April 21, 2017 indicating that "...the Committee amended its July 2016 monthly report to reflect in-kind receipts of polling results, \$78,000 of which was separately disclosed in a 48-hour independent expenditure report that was timely filed in August 2016 and \$40,000 of which related to an ad the Committee never aired."
6. In a settlement approved by the Commission on April 5, 2017 (ADR 810), Respondents agreed to take remedial steps to ensure the timely reporting of in-kind contributions, which

included having a representative attend a Commission webinar for nonconnected committees on December 6, 2017. The monthly report that is the subject of this referral was filed prior to the referral of ADR 810, and the two referrals involve the same issue and arose within the same election cycle. According to the Committee, the remedial measures from the prior ADR matter have been effective, and since the Reports Analysis Division issued its May 2016 Request for Additional Information that led to ADR 810, the Committee has timely reported all contributions.

7. In an effort to resolve this matter, Respondents agree to pay a civil penalty of \$4,000 within thirty (30) days of the effective date of this agreement.
8. 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.
9. 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.
10. 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.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 858 (RAD 17L-47), 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.


FOR THE COMMISSION:

Krista J. Roche, Director
Alternative Dispute Resolution Office



2/7/19
Date Signed

FOR THE RESPONDENTS:


Lawrence H. Norton, Esq./Meredith K. McCoy, Esq.
Representing Independence USA PAC
and Howard Wolfson, Treasurer

12/17/18
Date Signed