



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 2018

Neil Reiff, Esq.
1090 Vermont Avenue, NW
Suite 750
Washington, DC 20005

Re: ADR 865
Rights & Democracy Action and Peri Stockinger, Treasurer

Dear Neil Reiff:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on Thu 10/4/2018 – 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. For your convenience, a compliance chart is attached.

Under the terms of the agreement, a civil penalty in the amount of \$1,250.00 is due on Sat 11/3/2018. 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:

Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 865
Source: RAD 18L-07
Case Name: Rights & Democracy Action

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 Neil Reiff, Esq., representing Rights & Democracy Action and Peri Stockinger, in her 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 file two (2) 24-Hour Reports totaling \$31,191.02 to support four (4) independent expenditures disclosed on the Amended 2016 30 Day Post-General Report.
4. A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours. 52 U.S.C. § 30104(g)(1), 11 C.F.R. § 104.4(c).
5. The Committee contends that due to a misunderstanding of the reporting requirements, the report was not timely filed. The Committee indicates it attempted to file a report detailing the independent expenditures using FEC Form 5, but the report was not accepted because registered political committees are required to file using FEC Form 3X. Additionally, the Committee contends there was internal confusion regarding the independent expenditure activity because the Committee was originally a 501(c)(4) organization. On October 25, 2017, the Committee filed a 24-Hour Report covering these expenditures.

6. Respondents, in an effort to resolve the matter, agree to the following:

- a. Pay a civil penalty of \$1,250 within thirty (30) days of the effective date of this agreement. Respondents acknowledge that a larger civil penalty would be appropriate under the circumstances of this matter. The Respondents, however, indicate that financial hardship prevents them from paying such a penalty, and have submitted financial documentation in support of this claim. These submissions and representations are material representations attested to in the agreement. Due to the mitigating circumstances, which include Respondents' financial condition, it is requested the Commission depart from the civil penalty that the Commission would otherwise seek for the violations at issue. Respondents understand that if evidence is discovered indicating that Respondents' financial condition is not as stated, a civil penalty of up to \$2,500 (less any previously paid amount) shall be immediately due.
- b. As the Committee wishes to terminate its political committee status, Respondents will certify the closure of the Committee's federal account and file a termination report within sixty (60) days of the effective date of this agreement, and work with Commission staff to terminate their political committee status and reporting obligations with the Commission. The Committee will continue reporting until such time as the termination has been approved.

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 865 (RAD 18L-07), 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.

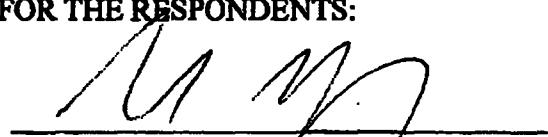
FOR THE COMMISSION:

Krista J. Roche, Director
Alternative Dispute Resolution Office



10/4/18
Date Signed

FOR THE RESPONDENTS:


Neil Reiff, Esq.
Representing Rights & Democracy Action
and Peri Stockinger, Treasurer

8/15/18
Date Signed