



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 20, 2019

Brian Svoboda, Esq.
PERKINS COIE
700 13th Street, NW, Suite 600
Washington, DC 20005-3690

Re: ADR 888
Marijuana Policy Project PAC and Don Murphy, Treasurer

Dear Brian Svoboda:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on March 14, 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. For your convenience, a compliance chart is attached.

Under the terms of the agreement, a civil penalty in the amount of \$4,000.00 is due on April 14, 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
Compliance Chart
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office



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Case Number: ADR 888
Source: RAD 181.-31
Case Name: Marijuana Policy Project 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 Brian Svoboda, Esq., and Daniel Nudelman, Esq., representing Marijuana Policy Project PAC and Don Murphy, 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 disclose all financial activity on their 2017 Mid-Year Report, filed on August 11, 2017. On April 15, 2018, the Committee filed an Amended 2017 Mid-Year Report including \$143,129.99 in additional disbursements.
4. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA, 52 U.S.C. §§ 30104(a)(1), 30104(b)(4), 11 C.F.R. §§ 104.1, 104.3(b).
5. Respondents filed a Miscellaneous Electronic Submission (Form 99) on July 3, 2018, indicating that they discovered various transactions, including a few large transfers, between the Committee and the connected organization after the previous treasurer stepped down as Executive Director of the Committee's connected organization and was removed from his position as treasurer of the Committee. Additionally, the Respondents stated that immediately upon discovery, the new staff at the Committee undertook a full review of the Committee's records and prepared amendments to correct the public record. Respondents indicate that they wish to terminate the Committee's reporting obligations at this time.

because there has been no activity for the past year. However, Respondents also state they may establish a new Committee at some point in the future.

6. Respondents, in an effort to resolve this matter, agree to pay a civil penalty of \$4,000 within thirty (30) days of the effective date of this agreement. 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. Don Murphy was not the Committee's treasurer when the original 2017 Mid-Year Report was filed and is a Respondent solely in his representative capacity.
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 888 (RAD 18L-31), 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



3-14-19
Date Signed

FOR THE RESPONDENTS:



Brian Svoboda, Esq./Daniel Nudelman, Esq.
Representing Marijuana Policy Project PAC
and Don Murphy, Treasurer

11 Feb. 2019
Date Signed