



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2019

Jason Torchinsky and Michael Bayes
American Future Fund
45 North Hill Drive, Suite 100
Warrenton, VA 20186

Re: ADR 894 (RR 18L-09)
American Future Fund

Dear Mr. Torchinsky and Mr. Bayes:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on June 5, 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 \$15,600.00 is due on July 5, 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

cc: Gwendolyn Holmes, Finance and Accounting Office



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WASHINGTON, D.C. 20463

Case Number: ADR 894
Source: RR 18L-09
Case Name: American Future Fund

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 Jason Torchinsky, Esq., and Michael Bayes, Esq., representing American Future Fund (Respondent). 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 Respondent addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

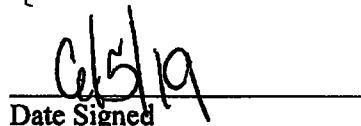
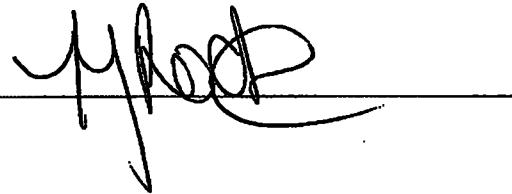
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondent. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 52 U.S.C. § 30109.
2. Respondent voluntarily enters into this agreement with the Commission.
3. The Reports Analysis Division (RAD) referred Respondent for failing to timely file the 2016 Year-End Report to support independent expenditures totaling \$912,250.00 disclosed on one (1) 48-Hour Report and one (1) 24-Hour Report. Both the 48-Hour Report and 24-Hour Report were timely filed.
4. Entities that are not political committees that spend in excess of \$250 on independent expenditures within a calendar year with respect to a given election must also file a quarterly report (*i.e.*, Form 5) for any quarterly period in which the independent expenditures exceed \$250 and any subsequent quarterly period during that calendar year when additional independent expenditures are made. 52 U.S.C. §30104(c), 11 C.F.R. §109.10(b).
5. The Respondent acknowledges that the quarterly report was not timely filed because of an administrative oversight. The Respondent contends that once it was made aware of the oversight, the quarterly report at issue was filed.
6. The Respondent, in an effort to avoid similar errors in the future, agrees to: (a) retain counsel to review compliance procedures and provide a memorandum prepared by counsel

detailing the applicable reporting requirements to those responsible for preparing and filing its reports within ninety (90) days of the effective date of this agreement; and (b) pay a civil penalty of \$15,600 within thirty (30) days of the effective date of this agreement.

7. Respondent agrees that all information provided to resolve this matter is true and accurate to the best of its knowledge and that it signs this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
8. The parties agree that if Respondent fails 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. Respondent 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 894 (RR 18L-09), 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

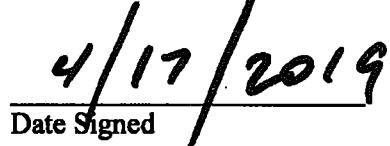


4/17/2019

Date Signed

FOR THE RESPONDENT:


Jason Torchinsky, Esq.
Michael Bayes, Esq.
Representing American Future Fund



4/17/2019

Date Signed