



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

July 17, 2019

Justin Clark, Esq.  
1000 Main Avenue SW, Ste. 400  
Washington, DC 20024

Re: ADR 898 (RAD 19L-01)  
Maryott for Congress and Brian Maryott, Treasurer

Dear Justin Clark:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on July 15, 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 \$5,500.00 is due on August 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.

FEDERAL ELECTION COMMISSION – ALTERNATIVE DISPUTE RESOLUTION OFFICE  
1050 FIRST STREET, N.E., WASHINGTON, D.C. 20463  
TELEPHONE: 202.694.1661  
EMAIL: ADR@FEC.GOV

Sincerely,



Krista J. Roche  
Director  
Alternative Dispute Resolution Office

Enc: Payment Instructions  
Compliance Chart  
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

## **ADRO Civil Penalty Payment Instructions**

You may remit payment by credit card, debit card, or ACH withdrawal from your bank account through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/adrrpayment](http://www.fec.gov/adrrpayment) to be directed to Pay.gov's FEC ADR Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
Attn: Finance Office  
1050 First Street, NE  
Washington, DC 20463

### **Unpaid Civil Penalties**

Unpaid civil money penalties will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

FEDERAL ELECTION COMMISSION – ALTERNATIVE DISPUTE RESOLUTION OFFICE  
1050 FIRST STREET, N.E., WASHINGTON, D.C. 20463  
TELEPHONE: 202.694.1661  
EMAIL: [ADR@FEC.GOV](mailto:ADR@FEC.GOV)

## ADR 898 Compliance Chart

### Type

Attend FEC seminar

Certify internal audit/reconciliation policy implementation

### Date Due

July 15, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Case Number: ADR 898  
Source: RAD 19L-01  
Case Name: Maryott for Congress

### 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 Justin R. Clark, Esq., representing the respondents Maryott for Congress and Brian Maryott (hereinafter 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 its 2018 12 Day Pre-Primary Report, filed on May 26, 2018. On July 10, 2018, the Committee filed an Amended 2018 12 Day Pre-Primary Report including \$154,134.00 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 indicate that this was an inadvertent omission which occurred largely because payments made via wire transfer were accidentally overlooked when the original report was filed. Respondents contend that the candidate was unaware of the omission on the original report, and supported efforts to clarify the public record as soon as he became aware of the issue. The Committee filed a Form 99 (Miscellaneous Electronic Submission) on November 5, 2018 indicating that the Amended 2018 12 Day Pre-Primary Report had been filed.

6. Respondents, in an effort to avoid similar errors in the future: (a) will certify that the Committee has implemented a policy whereby reports are reviewed by multiple individuals prior to filing and bank reconciliations are reviewed by someone other than the Treasurer of the Committee on a quarterly basis; (b) agree that a representative of the Committee will participate in an FEC conference, webinar, or other program developed in consultation with the FEC's Information Division within twelve (12) months of the effective date of this agreement; and (c) will pay a civil penalty of \$5,500 within thirty (30) days of the effective date of this agreement.
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 898 (RAD 19L-01), 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

  
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7/15/2019

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Date Signed

FOR THE RESPONDENTS:

  
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Justin R. Clark, Esq.  
Representing Maryott for Congress  
and Brian Maryott

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Date Signed