



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 2019

John Pomeranz, Esq.
1726 M Street NW, Suite 600
Washington, DC 20036

Re: ADR 909
Win Justice and Deepak Pateriya, Treasurer

Dear John Pomeranz:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on August 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 \$2,450.00 is due on September 15, 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:

Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 909
Source: RAD 19L-06
Case Name: Win Justice

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 John Pomeranz, Esq. representing Win Justice and Deepak Pateriya, in the official capacity of 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.

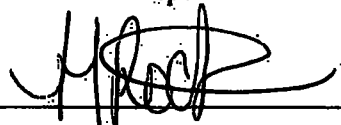
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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 timely file one (1) 48-Hour Report totaling \$48,682.53 supporting one (1) independent expenditure disclosed on the Committee's 2018 October Quarterly Report.
4. A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours. 52 U.S.C. § 30104(g)(2), 11 C.F.R. § 104.4(b)(2).
5. On January 10, 2019 the Committee filed a Form 99 (Miscellaneous Electronic Submission) recognizing that they had failed to timely file the 48-Hour Report and that it was an inadvertent result of "an internal communication issue, and the committee has taken steps to prevent such errors in the future." During negotiations, Respondents stated that once the omission was brought to their attention, the 48-Hour Report was immediately filed and an internal training on independent expenditures was conducted. Respondents also contend that the nature of the independent expenditures for canvassing can make it difficult to determine when independent expenditure reporting timeframes are triggered.

- 10-10-06M-11000N
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a compliance operations manual, which includes procedures for determining and disclosing independent expenditures, including those for canvassing; and (c) pay a civil penalty of \$2,450 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 909 (RAD 19L-06), 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



8/15/19
Date Signed

FOR THE RESPONDENTS:



John Pomeranz, Esq.
Representing Win Justice and
Deepak Pateriya, Treasurer

July 24, 2019

Date Signed