



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 2021

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

Re: ADR 935 (19L-31)
South Dakota Democratic Party Committee (C00160937)
and Marcia Bunger, Treasurer

Dear Mr. Reiff:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on July 27, 2021 – 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 \$7,200 is due on August 30, 2021. 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,



Rosa Marshall
Assistant Director
Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

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/adrpayment to be directed to Pay.gov's FEC ADR Payment form.

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.

ADR 935 Compliance Chart

Type	Date Due
Redevelop and recertify implementation of a process to track receipt of, and response to, communications with the Commission	8/30/2021
Complete training in accordance with the Training Plan	1/27/2022
Develop and certify implementation of a compliance operations manual which includes internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at www.fec.gov/pages/brochures/bestpractices.shtml)	1/27/2022



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Case Number: ADR 935

Source: RAD 19L-31

Case Name: South Dakota Democratic Party

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 P. Reiff, Esq. representing the South Dakota Democratic Party and Marcia Bunker, 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 a series of reporting errors and other FECA violations during the 2017-2018 election cycle. The Committee's errors included, among other items: excessive, prohibited and other impermissible contributions or transfers, mathematical discrepancies, failure to provide supporting schedules, failure to properly itemize disbursements, and allocated federal and non-federal activity.
4. A political committee may be referred if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 52 U.S.C. § 30109.
5. During negotiations, the Committee filed amended reports to address the 2017-2018 election cycle reporting errors. RAD reviewed the filings and determined that no further corrective action is required.
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) complete training in accordance with the Training Plan (Exhibit A) within six (6) months of the effective date of this agreement; (b) redevelop and recertify implementation of a process to track receipt

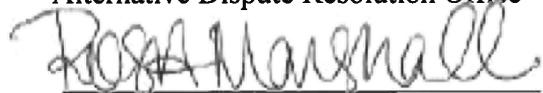
of, and response to, communications with the Commission within thirty (30) days of the effective date of this agreement; (c) develop and certify implementation of a compliance operations manual which includes internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at www.fec.gov/pages/brochures/bestpractices.shtml); and (d) pay a civil penalty of \$7,200 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 undertake civil action in the U.S. District Court for the District of Columbia to secure compliance. Unpaid civil money penalties are subject to the Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 et seq. The Commission will transfer debt to the United States Department of the Treasury (Treasury) for collection.
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 935 (RAD 19L-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:

Rosa Marshall, Assistant Director
Alternative Dispute Resolution Office

7/27/2021



Date Signed

FOR THE RESPONDENTS:

Neil P. Reiff, Esq.
Representing South Dakota Democratic Party
and Marcia Bunger, Treasurer

1/30/19

Date Signed



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Training Plan
South Dakota Democratic Party Committee (C00160937)
Exhibit A

Marcia Bunger, Treasurer
PO Box 1485
Sioux Falls, SD 57101

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

Re: ADR 935: South Dakota Democratic Party Committee and Marcia Bunger, Treasurer

Below is a general overview of the training that the South Dakota Democratic Party Committee will complete per the Negotiated Settlement.

I. Fundraising for the federal account

- A. Permissible sources of contributions
- B. Prohibited sources of contributions
- C. Contribution Limits

II. Proper Disclosure of Disbursements

III. Debt Disclosure Requirements

IV. Common Reporting Errors

V. Best Practices for FEC Compliance

The estimated timeframe for training is approximately four to seven hours. Please contact Rosa Marshall at (202) 694-1152 within thirty (30) days of the effective date of this agreement to provide attendee information and schedule a training date and time.