



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Aug 3, 2020

Desiree Crevecoeur-Macphail  
2010 W. Avenue K, Suite 1003  
Lancaster, CA 93536

Re: ADR 944 (AR 19-07R)  
One Nation United and Desiree Crevecoeur-Macphail, Treasurer (C00624718)

Dear Desiree Crevecoeur-Macphail:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on July 21, 2020 – 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 total civil penalty in the amount of \$21,675 is due in accordance with the schedule set forth in the Negotiated Settlement. The final payment is due on July 21, 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.

FEDERAL ELECTION COMMISSION – ALTERNATIVE DISPUTE RESOLUTION OFFICE  
1050 FIRST STREET, N.E., WASHINGTON, D.C. 20463  
TELEPHONE: 202.694.1152  
EMAIL: RMARSHALL@FEC.GOV

Sincerely,

A handwritten signature in black ink that reads "Rosa Marshall". The signature is fluid and cursive, with the first name "Rosa" and last name "Marshall" clearly distinguishable.

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](http://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 944 Compliance Chart**

<b>Type</b>	<b>Date Due</b>
Attend FEC seminar	7/21/2021
Develop a FEC Compliance Manual	10/19/2020
Perform & certify annual internal audit/reconciliation	7/1/2021 7/1/2022



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WASHINGTON, D.C. 20463

Case Number: ADR 944  
Source: AR 19-07R  
Case Name: One Nation United

## 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 Desiree Crevecoeur-Macphail representing One Nation United and herself 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:

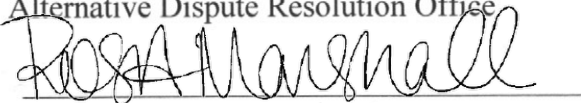
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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.
  - a. The Reports Analysis Division (RAD) referred and the Audit Division transferred 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: failure to file reports and late filing, failure to provide supporting schedules, and independent expenditure reporting problems.
  - b. In addition, RAD referred Respondents for failing to disclose newly incurred debts on its 2017 Year-End Report, originally filed on February 1, 2018. On March 20, 2019, the Committee filed an Amended 2017 Year-End Report including \$134,573 in debts not previously disclosed on the original report. Respondents were also referred for failing to file ten (10) 48-Hour Reports totaling \$351,773 to support eleven (11) independent expenditures on the following reports: 2017 October Quarterly Report; 2017 Year-End Report; 2018 October Quarterly Report; and 2018 12 Day Pre-General Report.
4.
  - a. 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.

- b. Treasurers of political committees are required to disclose all financial activity, including the amount and nature of outstanding debts and obligations owed by or to the political committee. 52 U.S.C. § 30104(b)(8), 11 C.F.R. § 104.3(d).
- c. A political committee that makes or contracts to make independent expenditures aggregating \$10,000.00 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. Respondents contend that there were reporting challenges during the 2017-2018 election cycle. Respondents indicate that since these reporting errors occurred, a new compliance firm with experience filing FEC reports has been retained. In addition, the Committee began utilizing new compliance software to track its activity.
6. Respondents, in an effort to avoid similar errors in the future, agree to:
- a) Certify that a representative of the Committee participated in an FEC conference, webinar, or other training program developed in consultation with the FEC's Information Division within twelve (12) months of the effective date of this agreement;
  - b) Develop and certify implementation of a compliance operations manual, which includes procedures for disclosing independent expenditures within ninety (90) days of the effective date of this agreement;
  - c) Perform an annual internal audit and reconciliation for two years, providing certification of same on the anniversary of the effective date of this agreement each year; and
  - d) Pay a civil penalty in the amount of \$21,675, payable as follows:
    - i. Paid in installments beginning no later than one hundred eighty (180) days from the effective date of this agreement, with a final payment of the entire amount due within three hundred sixty five (365) days of the effective date of this agreement.
    - ii. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to further overdue payments. 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.

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 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 944 (AR 19-07R), 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:

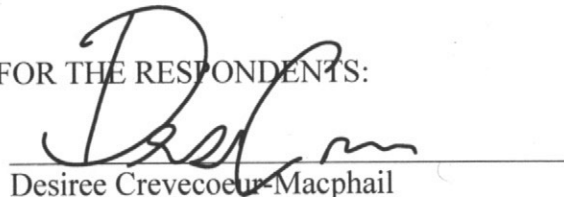
Rosa Marshall, Assistant Director  
Alternative Dispute Resolution Office



7/1/2020

Date Signed

FOR THE RESPONDENTS:



Desiree Crevecoeur-Macphail  
Representing One Nation United and  
herself as Treasurer

3/6/2020

Date Signed