



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 2019

Brian Branca, Treasurer
Bayer U.S. LLC Political Action Committee
800 N Lindbergh
Saint Louis, MO 63167

Response Due Date
December 4, 2019

Re: ADR 949 (RAD 19L-40)
Bayer U.S. LLC Political Action Committee and Brian Branca, Treasurer

Dear Brian Branca:

The Federal Election Commission (FEC or Commission) referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Reports Analysis Division was based on a review of reports filed by Bayer U.S. LLC Political Action Committee which reflect a possible failure to comply with the Federal Election Campaign Act of 1971, as amended.

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with Bayer U.S. LLC Political Action Committee and Brian Branca, Treasurer (Respondents or the Committee). The ADR Program provides Respondents with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement would conclude the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations are summarized as follows:

RAD referred Bayer U.S. LLC Political Action Committee and Brian Branca, Treasurer (Respondents or the Committee) for failing to disclose all financial activity on its 2019

April Monthly Report, originally filed on April 20, 2019. On May 20, 2019, the Committee filed an Amended 2019 April Monthly Report including \$232,104.92 in additional receipts.

In memo text included in the Amended 2019 April Monthly Report filed on May 20, 2019, the Committee noted that the failure to disclose all financial activity was a result of staff turnover and merging two political committees. The Committee further noted that they have since expanded the responsibilities of their outside consultant who now assists in the reconciliation, preparation, and filing of their FEC reports in an attempt to ensure all required information is disclosed on future reports.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondent(s) would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Submit Matter to ADR form. **Failure to respond affirmatively within fifteen (15) business days from the date of this letter will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing, and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as **ADR 949**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,



Joshua A. Rebollozo
ADR Specialist
Alternative Dispute Resolution Office