



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

U.S. FEDERAL ELECTION COMMISSION  
SECRETARIAT

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**SENSITIVE**

**MEMORANDUM**

March 6, 2020

TO: The Commission

THROUGH: Alec Palmer *AP by MAA*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Krista J. Roche *RM* for KJR  
Director, ADR Office

Joshua A. Rebollozo *JAR*  
ADR Specialist, ADR Office

SUBJECT: Recommendation to Approve Negotiated Settlement  
ADR 949 — Bayer U.S. LLC Political Action Committee  
and Brian Branca, Treasurer (C00281162)

RESOLUTION TERMS: Retain an outside consultant to review its compliance procedures and conduct an on-site training with those responsible for preparing and filing its reports; develop and certify the implementation of a compliance operations manual; certify that a representative of the Committee participated in an FEC training program; and pay a civil penalty of \$6,250.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 949 (RAD 19L-40). The ADR Office received this referral on October 25, 2019.

**SUMMARY:** The Reports Analysis Division (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.

Respondents state that the failure to disclose all financial activity on the original report was a result of staff turnover and an isolated failure to communicate due to the merging of two political committees. Respondents contend that a large portion of the additional receipts pertain to transfers from an affiliated PAC that timely and properly reported the disbursement of the transfer. Respondents further state 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.

**RECOMMENDATIONS:**

1. Approve the attached negotiated settlement of Bayer U.S. LLC Political Action Committee and Brian Branca, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.