



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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MEMORANDUM

TO: The Commission

FROM: Anthony Herman *AN*
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Deputy Associate General Counsel for Enforcement

BY: Mark Shonkwiler *MS*
Assistant General Counsel

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DATE: February 15, 2012

SUBJECT: MUR 6317 (Utah Defenders of Constitutional Integrity --
Pre-Probable Cause Conciliation)

I. INTRODUCTION

Attached is a signed conciliation agreement with Utah Defenders of Constitutional Integrity ("UDCI"). Attachment 1. The agreement would settle UDCI's violations of 2 U.S.C. §§ 433, 434, and 441d of the Federal Election Campaign Act of 1971, as amended ("the Act"), for failing to register as a political committee, file disclosure and independent expenditure reports, and include a complete disclaimer on a public communication. These violations occurred in connection with a mailer UDCI created and distributed to Utah Republican convention delegates a few days before the Utah Republican nominating convention in May 2010.

II. CONCILIATION WITH UDCI

On April 5, 2011, the Commission found reason to believe that UDCI violated the Act as indicated above and authorized an investigation. On December 13, 2011, the Commission approved the recommendations in General Counsel's Report #2, authorized pre-probable cause conciliation, and approved a conciliation agreement

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We believe this negotiated settlement represents a reasonable compromise. Therefore, we recommend that the Commission accept the attached conciliation agreement with Utah Defenders of Constitutional Integrity.

III. TIMOTHY STEWART IN HIS INDIVIDUAL CAPACITY

At the Reason to Believe stage, the Commission took no action as to Timothy Stewart, in his individual capacity, pending the results of the investigation of UDCI. After the investigation ended, we advised the Commission that if UDCI agreed to conciliate the violations, we anticipated recommending dismissal of Mr. Stewart in his individual capacity. See GCR #2 at 1-2, n.1. UDCI has agreed to conciliate, and the investigation uncovered no new information pertaining to Mr. Stewart in his individual capacity. Accordingly, we now recommend that the Commission take no action as to Timothy Stewart, in his individual capacity, and close the file.

IV. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Utah Defenders of Constitutional Integrity.
2. Take no action as to Timothy Stewart, in his individual capacity.
3. Approve the appropriate letters.
4. Close the file.