



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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MEMORANDUM

TO: The Commission
FROM: Kathleen Guith
Acting Associate General Counsel for Enforcement
BY: Mark Shonkwiler *MS*
Assistant General Counsel
Jin Lee *JL*
Attorney
SUBJECT: MUR 6816 (The 60 Plus Association, Inc., *et al.*)
Pre-Probable Cause Conciliation and Case Closure

I. INTRODUCTION

On June 23, 2015, the Commission found reason to believe that 60 Plus Association, Inc. ("60 Plus") violated 52 U.S.C. § 30104(c)(2)(C) and (f)(2) and 11 C.F.R. §§ 104.20(c)(9) and 109.10(e)(1)(vi) by failing to disclose that the Center to Protect Patient Rights, a.k.a. American Encore ("CPPR"), provided funds for the purpose of furthering independent expenditures, and authorized pre-probable cause conciliation with 60 Plus. *See* Certification, MUR 6816 (60 Plus) (June 23, 2015). It also voted to "take no action at this time" as to the CPPR and its Executive Director, Sean Noble. We have concluded pre-probable cause conciliation with 60 Plus and have attached the negotiated agreement. Attachment 1. We recommend that the Commission accept the negotiated agreement and close the file as to 60 Plus. We also recommend that the Commission close the file as to all remaining respondents, including CPPR and Sean Noble.¹

¹ The Commission previously approved negotiated agreements with American Future Fund ("AFF") and Americans for Job Security ("AJS") and closed the file as to them. *See* Certification, MUR 6816 (June 16, 2016). Further, in the First General Counsel's Report, we noted that the Complaint made allegations outside of the Commission's jurisdiction against AFF President Sandy Greiner, AJS President Stephen DeMaura, and 60 Plus President Amy Frederick. *See* First General Counsel's Report at 2 n. 3, MUR 6816. We include in this memorandum a recommendation that the Commission close the file as to each of them.

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Consequently, we recommend that the Commission accept the negotiated conciliation agreement and close the file as to 60 Plus.

B. CPPR and Sean Noble

We also recommend that the Commission close the file as to the remaining respondents in this case, including CPPR and Sean Noble.⁵ The Commission took no action as to the CPPR and Noble pending the investigation of possible reporting violations of AFF, AJS, and 60 Plus. See Certification, MUR 6816 (June 23, 2015). As we have concluded conciliation as to AFF, AJS, and 60 Plus, we recommend that the Commission close the file as to CPPR and Sean Noble. Further, on July 7, 2015, prior to the Commission's authorization of pre-probable cause conciliation, we requested the Commission's approval of discovery requests in connection with the investigation of this matter. These requests were held in abeyance pending respondents' request for pre-probable cause conciliation and are, therefore, still formally pending with the Commission. We hereby withdraw the discovery requests previously circulated to the Commission on July 7, 2015.

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5 See note 1 *supra*.

III. RECOMMENDATIONS

1. Accept the attached conciliation agreement with 60 Plus Association, Inc. and close the file as to them,
2. Close the file as to all remaining respondents including the Center to Protect Patient Rights, Inc., a.k.a. American Encore, Sean Noble, Amy Frederick, Sandy Greiner, and Stephen DeMaura.
3. Approve the appropriate letters.

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