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COMMISSION
2017 SEP 21 PM 4:58

BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of)
) MUR 6920
American Conservative Union, et al.)

CERTIFICATION

I, Dayna C. Brown, recording secretary of the Federal Election Commission executive session, do hereby certify that on September 20, 2017, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:
 - a. Find probable cause to believe that American Conservative Union violated 52 § U.S.C. 30122 and 11 C.F.R. § 110.4(b)(1)(ii).
 - b. Approve the conciliation agreement with American Conservative Union, as recommended in the Memorandum from the Acting General Counsel dated September 15, 2017.
 - c. Approve the appropriate letter.
 - d. Find reason to believe that Incentive Discretionary Trust and Charles Harris, as trustee, violated 52 U.S.C. § 30122 by making a contribution in the name of another or by assisting in the making of a contribution in the name of another.
 - e. Authorize the Office of the General Counsel to file a subpoena enforcement suit in United States District Court against Incentive Discretionary Trust and Charles Harris, as trustee.
 - f. Approve the Factual and Legal Analysis as recommended in the Third General Counsel's dated September 15, 2017, as amended at the Table.
 - g. Approve the appropriate letters.

- h. Approve the use of compulsory process as necessary.
- i. Deny Keller's motion to quash.
- j. Approve the appropriate letter.
- k. Grant the Office of General Counsel authority to file suit to enforce the subpoenas to submit written answers and appear for a deposition directed to Gregg Keller if Keller fails to sit for a deposition within 7 days of receiving notice of the Commission's ruling on his motion to quash and the Office of General Counsel deems it necessary to seek enforcement.
- l. Approve a global conciliation effort based on the draft conciliation circulated by the Office General Counsel on September 19, 2017.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

2. Decided by a vote of 5-0 to:


- a. Find probable cause to believe that American Conservative Union violated 52 § U.S.C. 30122 and 11 C.F.R. § 110.4(b)(1)(ii).
- b. Authorize the Office General Counsel to pursue conciliation during the required 30-day period, subject to the edited global conciliation agreement.
- c. If it is the decision of the Office of General Counsel to issue a probable cause brief to Government Integrity, LLC, pursuant to 52 U.S.C. § 30109(a)(3), that it do so forthwith.
- d. Authorize the Office of General Counsel to engage in pre-probable cause conciliation with Government Integrity, LLC, subject to the edited global conciliation agreement.
- e. If it is the decision of the Office of General Counsel to issue a probable cause brief to Now or Never PAC, pursuant to 52 U.S.C. § 30109(a)(3), that it do so forthwith.
- f. Authorize the Office of General Counsel to engage in pre-probable cause conciliation with Now or Never PAC, subject to the edited global conciliation agreement.

- g. If it is the decision of the Office of General Counsel to issue a probable cause brief to James C. Thomas, III, pursuant to 52 U.S.C. § 30109(a)(3), that it do so forthwith.
- h. Authorize the Office of General Counsel to engage in pre-probable cause conciliation with James C. Thomas, III, subject to the edited global conciliation agreement.
- i. Approve the conciliation agreement with American Conservative Union, as recommended in the Memorandum from the Acting General Counsel dated September 15, 2017.
- j. Deny Mr. Keller's motion to quash the subpoena.
- k. Take no action at this time on the remaining recommendations of the Office of General Counsel.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

September 21, 2017
Date

Attest:



Dayna C. Brown
Secretary and Clerk of the Commission