FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 23, 2021

BY: Regular Mail
Jan Harding

Lebanon, IL 62254-1931

RE: MUR 7102

Dear Ms. Harding:

On July 12, 2016, the Federal Election Commission ("Commission") notified you that the Commission, in the normal course of carrying out its supervisory responsibilities, had ascertained information indicating that you may have violated the Federal Election Campaign Act of 1971, as amended.

On February 10, 2021, after conducting an investigation and considering all the information, the Commission accepted a signed conciliation agreement from Keefe, Keefe and Unsell, P.C. A copy of the signed conciliation agreement is enclosed for your information.

The Commission has closed the file as to all respondents in this matter. Documents related to the case will be placed on the public record within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). If you have any questions, please contact me at (202)-694-1618.

Sincerely,

Kimberly D. Hart
Kimberly D. Hart
Staff Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 7102
Keefe, Keefe & Unsell, P.C.	)	

CONCILIATION AGREEMENT

This matter was generated by a complaint filed with the Federal Election Commission ("Commission"). *See* 52 U.S.C. § 30109(a)(1). The Commission found probable cause to believe that Keefe, Keefe & Unsell, P.C. (the "Firm") violated 52 U.S.C. §§ 30122 and 30118(a), and 11 C.F.R. §§ 110.4(b)(1)(i), 114.2(b) and (f) by making $18,900 in prohibited corporate contributions in the names of others, and by using corporate resources to facilitate such prohibited contributions.

NOW, THEREFORE, the Commission and the Respondent, having duly entered into conciliation pursuant to 52 U.S.C. § 30109(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts and law in this matter are as follows:

1. The Firm is organized as a professional corporation in Illinois. Thomas Keefe, Jr. ("Keefe Jr.") is the Firm's sole corporate officer and owner, and the two other named partners are non-equity salaried employees of the Firm.

2. Debra Eastridge is the Firm's office manager and assistant to Keefe Jr. Kelly T. Crosby (a/k/a Kelly T. Crosby Keefe) is an associate attorney employed by the Firm. In early 2016, the following additional individuals were administrative employees of the Firm: Jan Harding, Jill Harres, Ashley E. Meuren, Madonna Schutzenhofer, and Lisa Wierciak.

3. Charles John "C.J." Baricevic was a 2016 candidate for the U.S. House of Representatives in Illinois' 12th congressional district, and Friends of CJ for Congress was his principal campaign committee. All three named partners of the Firm made the legal maximum $2,700 individual contribution to the Baricevic campaign prior to March 2, 2016.

4. Keefe Jr. requested that Firm employees contribute to the Baricevic campaign. On March 2, 2016, the following seven Firm employees each made $2,700 contributions to Friends of CJ for Congress:

Name	Title	Amount	Date
Debra M. Eastridge	Office Manager	$2,700	March 2, 2016
Jan Harding	Receptionist	$2,700	March 2, 2016
Jill A. Harres	Legal Assistant	$2,700	March 2, 2016
Kelly T. Crosby Keefe	Attorney	$2,700	March 2, 2016
Ashley E. Meuren	Secretary	$2,700	March 2, 2016
Madonna Schutzenhofer	Secretary	$2,700	March 2, 2016
Lisa J. Wierciak	Legal Assistant	$2,700	March 2, 2016

5. The Firm reimbursed the seven employees listed above for their $18,900 in contributions to the Baricevic campaign. In her capacity as the Firm's office manager, Eastridge arranged for reimbursement checks to be issued to each of the Firm employees who responded to Keefe Jr.'s request by contributing to the Baricevic campaign.

6. The Firm did not request that Friends of CJ for Congress refund or return these prohibited contributions upon being notified by the July 2016 Complaint alleging that the contributions were illegal.

7. The Act and Commission regulations limited contributions to federal candidates during the 2016 election cycle to $2,700 per election 52 U.S.C. § 30116(a)(1); 11 C.F.R. § 110.1(b)(1)(iii); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 80 Fed. Reg. 5750 (Feb. 2, 2015).

8. The Act and Commission regulations also prohibit a person from making a contribution in the name of another. 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii), (iv). A person who furnishes another with funds for the purpose of contributing to a candidate or committee "makes" the resulting contribution. *See United States v. Boender*, 649 F.3d 650, 660 (7th Cir. 2011). This is true whether funds are advanced to another person to make a contribution in that person's name or promised as reimbursement of a solicited contribution. *See United States v. Whittemore*, 776 F.3d 1074, 1080 (9th Cir. 2015) (holding that defendant's "unconditional gifts" to relatives and employees, along with the suggestion that they contribute the funds to a specific political committee, violated section 30122).

9. The requirement that a contribution be made in the name of its true source ensures compliance with the Act's limitations and prohibitions and promotes Congress's objective of ensuring the complete and accurate disclosure by committees of the political contributions they receive. *See United States v. O'Donnell*, 608 F.3d 546, 549, 553 (9th Cir. 2010) ("[T]he congressional purpose behind [section 30122] — to ensure the complete and accurate disclosure of the contributors who finance federal elections — is plain."); *FEC v. Rivera*, 333 F.R.D. 282, 286 (S.D. Fla. 2019).

10. Additionally, the Act prohibits corporations from contributing to a federal candidate's political committee. 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), and (e).

11. Corporate resources may not be used to facilitate the making of contributions to federal political committees other than through the corporation's separate segregated fund. 11 C.F.R. § 114.2(f). Examples of facilitation include directing subordinates to plan, organize, or carry out a fundraising project as part of their work responsibilities; using corporate resources and providing materials for the purpose of transmitting or delivering contributions, such as stamps, envelopes or other similar items; or using meeting rooms that are not customarily available to clubs, or civic or community groups. *Id.*

V. Respondent violated 52 U.S.C. §§ 30122 and 30118(a), and 11 C.F.R. §§ 110.4(b)(1)(i), 114.2(b) and (f) by making prohibited corporate contributions in the names of others, and by using corporate resources to facilitate such prohibited contributions.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Fourteen Thousand Five Hundred Dollars ($14,500) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30122 and 30118(a), and 11 C.F.R. §§ 110.4(b)(1)(i), 114.2(b), and (f).

3. Respondent will notify the Baricevic Committee of this Conciliation Agreement and that it has waived its right to any refund of the illegal contributions. Respondent will instruct the recipient committee to disgorge the Firm's illegal contributions to the United States Treasury.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review

compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel
for Enforcement

2/11/21
Date

FOR THE RESPONDENT:

Lawrence Norton, Esq.
Counsel for Respondent

1/29/21
Date