



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

1 **MEMORANDUM**

2 TO: The Commission

3 FROM: Lisa J. Stevenson  
4 Acting General Counsel

5 Charles Kitcher  
6 Acting Associate General Counsel for Enforcement

7 BY: Lynn Tran *LJT*  
8 Assistant General Counsel

9 Saurav Ghosh *SG*  
10 Attorney

11 SUBJECT: Pre-Probable Cause Conciliation – MURs 7165 and 7196 (Great America PAC,  
12 *et. al*)

13 DATE: March 26, 2021

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14 On February 25, 2021, the Commission found reason to believe that Great America PAC  
15 and Dan Backer in his official capacity as treasurer (“GAP”) knowingly and willfully violated  
16 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) by knowingly soliciting a contribution from a  
17 foreign national. On March 17, 2021, GAP submitted a response to the Commission’s reason to  
18 believe finding and requested pre-probable cause conciliation (“PPCC”) in these matters.

19 As provided in the Commission’s Factual and Legal Analysis, GAP’s liability is based  
20 primarily on the conduct of its agent, Jesse Benton, and conciliating with GAP would allow us to  
21 focus our investigative efforts on Benton. Moreover, there is limited time remaining within the  
22 five-year statute of limitations, which will start to run on October 4, 2021, and runs completely  
23 by October 19, 2021.<sup>1</sup> Under these circumstances, we believe entering into PPCC with GAP is  
24 appropriate and would expeditiously vindicate the Commission’s civil enforcement interest with  
25 respect to these respondents.

26 We therefore recommend that the Commission enter into PPCC with GAP.  
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<sup>1</sup> GAP agreed to toll the statute of limitations for 60 days to facilitate the PPCC process. *See* Tolling Agreement (Mar. 22, 2021).

MURs 7165 and 7196 (Great America PAC, *et al.*)

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31 **RECOMMENDATIONS**

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33 1. Enter into conciliation with Great America PAC and Dan Backer in his official capacity  
34 as treasurer prior to a finding of probable cause to believe;

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36 2. Approve the attached proposed conciliation agreement; and

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38 3. Approve the appropriate letter.

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