



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 1, 2021

VIA ELECTRONIC MAIL

Matthew Sanderson, Esq.
Bryson Morgan, Esq.
Caplin & Drysdale
One Thomas Circle, NW, Suite 1100
Washington, D.C. 20005
msanderson@capdale.com

RE: MUR 7191
Freedom for All Americans and Paul
Kilgore in his official capacity as treasurer

Dear Mr. Sanderson:

On June 25, 2021, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 90 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1476.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Rabinowitz".

Aaron Rabinowitz
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7191
Freedom for All Americans and)	
Paul Kilgore in his Official)	
Capacity as treasurer, <i>et al.</i>)	

CONCILIATION AGREEMENT

These matters were initiated pursuant to information ascertained by the Federal Election Commission (“Commission”) in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Freedom for All Americans (f/k/a Rand Paul for President, Inc.) and Paul Kilgore in his official capacity as treasurer (the “Committee” or “Respondent”) violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, 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 in this matter are as follows:
 1. On April 7, 2015, Kentucky Senator Rand Paul publicly declared his candidacy for President of the United States. Paul filed a Statement of Candidacy on April 8,

designating the Committee as his authorized campaign committee with Paul Kilgore as the Committee's treasurer. The Committee filed its Statement of Organization on April 7.

2. Paul announced that he was suspending his campaign on February 3, 2016, and Donald J. Trump became the Republican Party's presidential nominee on July 19, 2016.

3. During the 2016 election cycle, the Federal Election Campaign Act of 1971, as amended, (the "Act") and Commission regulations limited an authorized committee to accepting a total of \$2,700 per election from any individual and \$5,000 from a multicandidate committee. 11 C.F.R. §§ 100.72(b), 100.131(b). A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election. 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2, 110.1, 110.2. The Commission's regulations permit a candidate or his authorized committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(l).

4. If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See id.* § 102.9(e)(3). The committee must do so within 60 days of the date that the committee has actual notice of the need to redesignate, reattribute, or refund the contributions, such as the date the candidate loses the primary or withdraws from the campaign. *See id.* §§ 110.1(b)(3)(i), (b)(5); 110.2(b)(3)(i), (b)(5); 103.3(b)(3).

5. The Committee ultimately remedied all general election contributions, but it failed to remedy \$165,749.09 in general election contributions within 60 days after July 19, 2016.

V. Respondent violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3) by failing to timely refund, reattribute, or redesignate general election contributions, which resulted in excessive contributions.

VI. Respondent will take the following actions:

1. Respondent will cease and desist from committing further violations of 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3).

2. Respondent will pay a civil penalty to the Commission in the amount of twenty one thousand dollars (\$21,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

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 90 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

MUR 7191 (Freedom for All Americans)
Conciliation Agreement
Page 4 of 4

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 6/29/21
Charles Kitcher Date
Acting Associate General Counsel
for Enforcement

FOR THE RESPONDENT:

Paul Kilgore 06/01/2021
(Name) Paul Kilgore Date
(Position) Treasurer