



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND FIRST CLASS MAIL

APR 10 2018

Laurence Gold, Esq.
Trister, Ross, Schadler & Gold, PLLC
1666 Connecticut Avenue N.W.
Fifth Floor
Washington, D.C. 20009
LGold@tristerross.com

Renata Strause, Esq.
Workers' Voice
815 16th Street N.W.
Washington, D.C. 20006
RStrause@aficio.org

RE: MUR 7285
Worker's Voice and Elizabeth Shuler
in her official capacity as treasurer

Dear Mr. Gold and Ms. Strause:

On April 4, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g)(1), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act") and 11 C.F.R. § 104.4(b) and (c) of the Commission regulations. 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 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1618.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly D. Hart". The signature is fluid and cursive, with a large initial "K".

Kimberly D. Hart
Attorney

Enclosure
Conciliation Agreement

18044441416

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4 Workers' Voice and Elizabeth Shuler)
in her official capacity as treasurer)

MUR 7285

5 **CONCILIATION AGREEMENT**

6
7 This matter was initiated pursuant to information ascertained by the Federal Election
8 Commission (the "Commission") in the normal course of carrying out its supervisory
9 responsibilities. The Commission found reason to believe that Workers' Voice and Elizabeth
10 Shuler in her official capacity as treasurer (together, "Respondent" or "Committee") violated
11 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(b) and (c).

12 NOW, THEREFORE, the Commission and the Respondent, having participated in
13 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree
14 as follows:

15 I. The Commission has jurisdiction over the Respondent and the subject matter of
16 this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.
17 § 30109(a)(4)(A)(i) (formerly 2 U.S.C. § 437g(a)(4)(A)(i)).

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

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

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

22 1. The Committee is a federal non-connected independent expenditure only political
23 committee. Elizabeth Shuler is the Committee's treasurer of record.

24 2. The Federal Election Campaign Act (the "Act") requires committee treasurers to

I

2

4

6

1

2

3

4

S

6

1 twenty-two (1,922) independent expenditures totaling \$527,990.11 disclosed on its Amended
2 October 2012 Quarterly, Amended 2012 12 Day Pre-General and Amended 2012 30 Day Post-
3 General Reports. In addition, the Commission found reason to believe that the Committee failed
4 to timely file twenty-three (23) 24- and 48-Hour Reports to support one hundred ninety-two
5 (192) independent expenditures totaling \$182,561.70 disclosed on its Amended 2014 30 Day
6 Post-General and 2014 October Quarterly Reports. A portion of these independent expenditures
7 were direct monetary disbursements by the Committee, and a portion were non-monetary
8 disbursements that were reported in order to offset in-kind contributions received by the
9 Committee in the form of personnel paid by other organizations to conduct door to door
10 canvassing and telephone banks for the Committee.

11 5. The Committee acknowledges that it did not timely file 24- and 48-Hour Reports
12 for the independent expenditures made in 2012 and 2014 that resulted from its own direct
13 disbursements (as distinct from its reported offsetting disbursements).

14 6. In response to the Commission's referral of these matters, Respondents contended
15 that 24- and 48-hour reports for the in-kind independent expenditures were not required because,
16 they believed, the Commission's campaign guides and instructions to Form 3X set forth that all
17 such in-kind expenditures be reported on Schedule B as operating expenditures rather than on
18 Schedule E as independent expenditures. The Commission rejected this contention in finding
19 reason to believe that Respondent's reports of the offsetting disbursements were untimely.

20 7. The Committee further contends that: all late reporting in 2012 and 2014 was
21 inadvertent and unintentional; the late reported independent expenditures comprised less than ten
22 percent of the Committee's total independent expenditure activity in each election cycle; and,
23 soon after the 2012 election cycle concluded, and, unprompted by Commission inquiries or

1 action, the Committee undertook a significant effort to improve its overall compliance
2 procedures with respect to the Act.

3 V.1. Respondent violated 52 U.S.C. § 30104(g)(1) (formerly 2 U.S.C. § 434(g)(1)) and
4 11 C.F.R. § 104.4(b) and (c) by failing to timely file appropriate 24-and 48-Hour Reports of
5 independent expenditures with respect to its direct disbursements.

6 2. Solely for the purpose of settling this matter expeditiously and avoiding the expense of
7 litigation, and without admission other than as set forth in paragraph IV(5) and paragraph V(1),
8 Respondent does not contest the Commission's findings with respect to its offsetting
9 disbursements for in-kind contributions received.

10 VI. Respondent agrees to take the following actions:

11 1. Respondent will pay a civil penalty to the Commission in the amount of
12 Thirty-Three Thousand Dollars (\$33,000) pursuant to 52 U.S.C. § 30109(a)(5)(A) (formerly
13 2 U.S.C. § 437g(a)(5)(A).

14 2. Respondent will cease and desist from committing violations of 52 U.S.C.
15 § 30104(g)(1) (formerly 2 U.S.C. § 434(g)(1)) and 11 C.F.R. § 104.4(b) and (c).

16 VII. The Commission, on request of anyone filing a complaint under 52 U.S.C.
17 § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)) concerning the matters at issue herein or on its
18 own motion, may review compliance with this agreement. If the Commission believes that this
19 agreement or any requirement thereof has been violated, it may institute a civil action for relief
20 in the United States District Court for the District of Columbia.

21 VIII. This agreement shall become effective as of the date that all parties hereto have
22 executed 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 resolving 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:

BY:

Kathleen Guith
Kathleen Guith
Associate General Counsel
for Enforcement

4/6/18
Date

FOR THE RESPONDENT:

BY:

Laurence E. Gold
Laurence E. Gold
Co-Counsel for Respondent

3/19/18
Date

Renata Strause
Renata Strause
Co-Counsel for Respondent

3/19/18
Date