

**OFFICE OF
GENERAL COUNSEL**

February 5, 2018

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

2018 FEB 14 PM 1: 27

MUR # 7321

Dear General Counsel:

Complaint: Keep El Paso Honest (C00660076), a Super PAC, has failed to meet its obligation to report aggregate independent expenditures in excess of \$10,000 despite having spent more than \$10,000 on communication that has been publicly disseminated via broadcast advertising. In addition, Keep El Paso Honest failed to file their End of Year Report by January 31, 2018.

Per 11 CFR [104.4\(b\)\(2\)](#), [\(e\)\(2\)\(ii\)](#) and [\(f\)](#); [109.10\(c\)](#), "Once an individual's or committee's aggregate independent expenditures during a calendar year reach or exceed \$10,000 with respect to a given election at any time up to and including the 20th day before an election, a 48-hour independent expenditure report must be filed with and received by the Commission by the end of the second calendar day after the independent expenditure communication is publicly distributed or otherwise publicly disseminated. These reports must include all independent expenditures with respect to that election that have not been previously disclosed. Additional 48-hour reports are required for subsequent independent expenditures related to the same election that aggregate \$10,000 or more through 20 days before the election."

Facts: Based on information provided by the broadcast stations in El Paso, Keep El Paso Honest has purchased the following to date:

PAC: Keep El Paso Honest				
TELEVISION				
Start Date	End Date	M	STATION / SYS	Gross \$
1/19/18	1/28/18	KV	KVIA-TV	\$1,680.00
1/19/18	1/28/18	NE	KDBC-TV	\$2,020.00
1/19/18	1/28/18	PTH	KFOX-TV	\$2,605.00
1/19/18	1/28/18	PTH	KTSM-TV	\$4,000.00
1/29/18	2/5/18	KV	KVIA-TV	\$1,680.00
1/29/18	2/5/18	NE	KDBC-TV	\$2,265.00
1/29/18	2/5/18	PTH	KFOX-TV	\$2,920.00
1/29/18	2/5/18	PTH	KTSM-TV	\$3,075.00
Total Candidate Spend				\$20,245.00

Keep El Paso Honest paid \$10,305 for advertising that aired through 1/28/2018. To date, they have spent \$20,245 and yet no 48-hour independent expenditure report has been filed with the FEC. Keep El Paso Honest has also sponsored ads on Facebook.

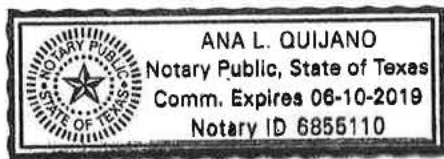
In addition, even though they filed their Statement of Organization on 11/7/2017, they failed to file their End of Year Report by January 31, 2018.

Sincerely,

Susannah Byrd
Susannah Byrd

El Paso, Texas 79901

Sworn and subscribed before me on this 5th day of February 2018 by Susannah Byrd under penalty of perjury.



Ana L. Quijano
Notary Public
for the
State of Texas

NAB Form PB-18 Issues

AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

Station and Location: KFOX-TV, El Paso, TX	Date: 1/18/2018
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I, Del Cielo Media
do hereby request station time concerning the following issue:

Keep El Paso Honest

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks
SEE ATTACHED					

This broadcast time will be used by: Keep El Paso Honest

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
"COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE."
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☒ **Yes**

☐ **No**

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Keep El Paso Honest

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

NAB Form PB-18 Issues

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT
DOES NOT "COMMUNICATE A POLITICAL MATTER OF NATIONAL
IMPORTANCE"**

I represent that the payment for the above described broadcast time has been furnished
by (name and address):

--

and you are authorized to announce the time as paid for by such person or entity
(hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of
directors below (or attach separately):

--

NAB Form PB-18 Issues

TO BE COMPLETED FOR ALL ISSUE ADVERTISEMENTS

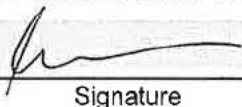
THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

The Sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). **For the above-stated broadcast(s), the sponsor also agrees to prepare a script, transcript, or tape, which will be delivered to the station at least _____ before the time of the scheduled broadcasts.**

TO BE SIGNED BY ISSUE ADVERTISER (SPONSOR)

1/18/2018

Date



Signature

(703) 518-4747

Contact Phone Number

TO BE SIGNED BY STATION REPRESENTATIVE☐ Accepted☐ Accepted in Part☐ Rejected

Signature

Printed Name

Title

MUR732100007

REP: TEL# 703-528-9837

FAX# 703 528 7880

CREDIT ADVISORY: AGENCY CREDIT RISK !!!

ORDER WORKSHEET

HARRIS REPORT FROM REP

JAN18/18 13.31

*** KFOX-TV ***

REP HEADLINE# 8950244

*** ORIGINAL REV#0 ***

ADV # 8582 ADV. NAME TEST ADVERTISERREP.# OFF.# 65 SALESMAN # AGY # AGY. NAME DEL CIELO MEDIABUYER NAME RANDE LEVINE1427 LESLIE AVE, SUITE #102SALES PRSN WA- WESLEY UHLALEXANDRIA, VA 22301ORDER # 3185283 CONTRACT # 8950244

CLASS: NATL. LOCAL REGIONAL

PRDCT KEEP EL PASO HONEST EST#**** COMMENTS: (LINE, ORDER, INVOICE) FLIGHT DATES JAN19/18 JAN28/18 WK-2CITY TAX STATE TAX CO-OP BILLING NEEDED DATE JAN18/18 13.31

REP: NEW DARE ORDER FOR KEEP EL PASO HONEST
 TOTAL \$1900
 PLEASE CONFIRM, THANKS.
 CINTHIA

CON CM ***** THIS IS A CASH IN ADVANCE SCHEDULE *****

ELECTRONIC INVOICING

IDB # 1977

TVINVOICES ID: 9915589 OR TV15589

KEEP EL PASO HONEST

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
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AGENCY ADVERTISER CODE = KEPH

AGENCY EST# = 122128

AGENCY PRODUCT CODE = ORDR

1			500A-600A	30		\$60.00	1/22	1/22	1		MON	1
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PROGRAM : KFOX MORNING NEWS

RA35+ : 1.0

CON COM1: KFOX MORNING NEWS

REP HEADLINE# 8950244

*** ORIGINAL REV#0 ***

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
2			500P-600P	30		\$165.00	1/25	1/25	1		THU	1
PROGRAM : KFOX NEWS AT 5P RA35+ : 1.7 CON COM1: KFOX NEWS AT 5P												
3			900P-1005P	30		\$375.00	1/19	1/19	1		FRI	1
PROGRAM : FOX NEWS @ NINE RA35+ : 3.3 CON COM1: FOX NEWS @ NINE												
4			900P-1005P	30		\$375.00	1/24	1/24	1		WED	1
PROGRAM : FOX NEWS @ NINE RA35+ : 3.3 CON COM1: FOX NEWS @ NINE												
5			500A-600A	30		\$60.00	1/24	1/24	1		WED	1
PROGRAM : KFOX MORNING NEWS RA35+ : 1.0 CON COM1: KFOX MORNING NEWS												
6			500A-600A	30		\$60.00	1/25	1/25	1		THU	1
PROGRAM : KFOX MORNING NEWS RA35+ : 1.0 CON COM1: KFOX MORNING NEWS												
7			600A-700A	30		\$200.00	1/26	1/26	1		FRI	1
PROGRAM : KFOX MORNING NEWS RA35+ : 2.1 CON COM1: KFOX MORNING NEWS												
8			700A-800A	30		\$200.00	1/22	1/22	1		MON	1
PROGRAM : KFOX MORNING NEWS RA35+ : 2.2 CON COM1: KFOX MORNING NEWS												
9			800A-900A	30		\$80.00	1/19	1/19	1		FRI	1
PROGRAM : KFOX MORNING NEWS RA35+ : 1.4 CON COM1: KFOX MORNING NEWS												

MUR732100009

REP: TEL# 703-528-9837

FAX# 703 528 7880

CREDIT ADVISORY: AGENCY CREDIT RISK !!!

ORDER WORKSHEET

HARRIS REPORT FROM REP

JAN18/18 13.31

*** KFOX-TV ***

REP HEADLINE# 8950244

*** ORIGINAL REV#0 ***

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
10			800A-900A	30		\$80.00	1/23	1/23	1		TUE	1
PROGRAM : KFOX MORNING NEWS												
RA35+ : 1.4												
CON COM1: KFOX MORNING NEWS												
11			800A-900A	30		\$80.00	1/25	1/25	1		THU	1
PROGRAM : KFOX MORNING NEWS												
RA35+ : 1.4												
CON COM1: KFOX MORNING NEWS												
12			500P-600P	30		\$165.00	1/22	1/22	1		MON	1
PROGRAM : KFOX NEWS AT 5P												
RA35+ : 1.7												
CON COM1: KFOX NEWS AT 5P												

JAN/18 \$1,900.00

CONTRACT TOTAL	\$1,900.00
TOTAL SPOTS	12

MARKET TOTALS \$7,307	KFOX 26%	KVIA 23%	KDBC 27%	KTSM 24%	KZIA 0%	KKWB 0%	KINT 0%
		CABL 0%					

SVC- NSI
DEMOS- RA35+*

MUR732100010

REP: TEL# 703-528-9837

FAX# 703 528 7880

CREDIT ADVISORY: AGENCY CREDIT RISK !!!

ORDER WORKSHEET

HARRIS REPORT FROM REP

JAN18/18 14.23

CHANGES

*** KFOX-TV ***

REP HEADLINE# 8950244

*** UNAPPROVED REV #2 ***

ADV # _____ ADV. NAME ISS/KEEP EL PASO HONESTREP.# _____ OFF.# 65 SALESMAN # _____AGY # _____ AGY. NAME DEL CIELO MEDIABUYER NAME RANDE LEVINE1427 LESLIE AVE, SUITE #102SALES PRSN WA- WESLEY UHLALEXANDRIA, VA 22301ORDER # _____ CONTRACT # 8950244

CLASS: NATL. LOCAL REGIONAL

PRDCT KEEP EL PASO HONEST EST#**** COMMENTS: (LINE, ORDER, INVOICE) _____FLIGHT DATES JAN19/18 JAN28/18 WK-2

CITY TAX _____ STATE TAX _____ CO-OP BILLING NEEDED _____

DATE JAN18/18 14.23

REP: DARE ORDER REVISION
 ADDING LINES 13-15
 REVISED TOTAL \$2605
 PLEASE CONFIRM, THANKS.
 CINTHIA

STA NA THIS ORDER IS CONFIRMED WITH SOME SPOTS NOT AVAILABLE. REPLACEMENT
 OFFERS TO FOLLOW:

NEED TO UPDATE THE ADV NAME

CON CM ***** THIS IS A CASH IN ADVANCE SCHEDULE *****

ELECTRONIC INVOICING

IDB # 1977

TVINVOICES ID: 9915589 OR TV15589

KEEP EL PASO HONEST

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
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AGENCY ADVERTISER CODE = KEPH
 AGENCY PRODUCT CODE = ORDR

AGENCY EST# = 122128

13	A		500P-600P	30		\$165.00	1/26	1/26	1		FRI	1
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PROGRAM : KFOX NEWS AT 5P

RA35+ : 1.7
 ORD COM1: ADDED
 CON COM1: KFOX NEWS AT 5P

14	A	900P-1005P	30	\$375.00	1/25	1/25	1	THU	1
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PROGRAM : FOX NEWS @ NINE
 RA35+ : 3.3
 ORD COM1: ADDED
 CON COM1: FOX NEWS @ NINE

15	A	500P-600P	30	\$165.00	1/24	1/24	1	WED	1
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PROGRAM : KFOX NEWS AT 5P
 RA35+ : 1.7
 ORD COM1: ADDED
 CON COM1: KFOX NEWS AT 5P

JAN/18 \$2,605.00

CONTRACT TOTAL \$2,605.00
 TOTAL SPOTS 15

MARKET TOTALS \$10,019 KFOX 26% KVIA 23% KDBC 27% KTSM 24% KZIA 0% KKWB 0% KINT 0%
 CABL 0%

SVC- NSI
 DEMOS- RA35+*

MOD CODE A-ADD B-BUY TYPE C-CANCELLED DE-DELETE E-EFF DATES L-LENGTH M-MAKEGOOD N-PROGRAM NAME
 P-CLASS,PLAN,SECT Q-PAID PGM R-RATE S-SPOTS PER WEEK T-TIME X-LATE Y-DAYS Z-COMMENTS *-MULTIPLE

MUR732100012

REP: TEL# 703-528-9837

FAX# 703 528 7880

CREDIT ADVISORY: AGENCY CREDIT RISK !!!

ORDER WORKSHEET

HARRIS REPORT FROM REP

JAN18/18 13.50

CHANGES

*** KFOX-TV ***

REP HEADLINE# 8950244

*** UNAPPROVED REV #1 ***

ADV # _____ ADV. NAME ISS/KEEP EL PASO HONEST

REP.# _____ OFF.# 65 SALESMAN # _____

AGY # _____ AGY. NAME DEL CIELO MEDIA

BUYER NAME RANDE LEVINE

1427 LESLIE AVE, SUITE #102

SALES PRSN WA- WESLEY UHL

ALEXANDRIA, VA 22301

ORDER # _____ CONTRACT # 8950244

CLASS: NATL. LOCAL REGIONAL

PRDCT KEEP EL PASO HONEST EST#**** COMMENTS: (LINE, ORDER, INVOICE) _____

FLIGHT DATES JAN19/18 JAN28/18 WK-2

CITY TAX _____ STATE TAX _____ CO-OP BILLING NEEDED _____ DATE JAN18/18 13.50

REP: ADV CODE UPDATED
 NEW DARE ORDER FOR KEEP EL PASO HONEST
 TOTAL \$1900
 PLEASE CONFIRM, THANKS.
 CINTHIA

STA NA THIS ORDER IS CONFIRMED WITH SOME SPOTS NOT AVAILABLE. REPLACEMENT
 OFFERS TO FOLLOW:

NEED TO UPDATE THE ADV NAME

CON CM ***** THIS IS A CASH IN ADVANCE SCHEDULE *****

ELECTRONIC INVOICING

IDB # 1977

TVINVOICES ID: 9915589 OR TV15589

KEEP EL PASO HONEST

:LINE#	:REP	:CD	:TIME PERIOD	:LGTH	:SEC	:RATE	:START	:END	:SPTS	:WEEK	:DAYS	:TOTL
:	:LINE#	:	:	:	:	:	:DATE	:DATE	: /WK	:INVT	:	:SPTS

AGENCY ADVERTISER CODE = KEPH

AGENCY EST# = 122128

AGENCY PRODUCT CODE = ORDR

NO BUYS TO PRINT

MUR732100013

REP: TEL# 703-528-9837

FAX# 703 528 7880

CREDIT ADVISORY: AGENCY CREDIT RISK !!!

ORDER WORKSHEET

HARRIS REPORT FROM REP

JAN18/18 13.50

CHANGES

*** KFOX-TV ***

REP HEADLINE# 8950244

*** UNAPPROVED REV #1 ***

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
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JAN/18 \$1,900.00

CONTRACT TOTAL \$1,900.00
TOTAL SPOTS 12

MARKET TOTALS \$7,307 KFOX 26% KVIA 23% KDBC 27% KTSM 24% KZIA 0% KKWB 0% KINT 0%
CABL 0%

SVC- NSI
DEMOS- RA35+*

MOD CODE A-ADD B-BUY TYPE C-CANCELLED DE-DELETE E-EFF DATES L-LENGTH M-MAKEGOOD N-PROGRAM NAME

P-CLASS,PLAN,SECT Q-PAID PGM R-RATE S-SPOTS PER WEEK T-TIME X-LATE Y-DAYS Z-COMMENTS *-MULTIPLE

ORD COM2: RENTRAK DEMO IXA2554 = 4.70\$
 CON COM1: SHOWTIME APOLLO

20	A	700P-900P	15	\$100.00	1/18	1/18	1	THU	1
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PROGRAM : THE FOUR
 RA25-54 : 2.5
 ORD COM1: MG
 THIS IS A MAKE-GOOD FOR JAN11 ON LINE-8 FOR 1 SPOT/WK
 THIS IS A MAKE-GOOD FOR JAN18 ON LINE-8 FOR 1 SPOT/WK

21	A	700P-900P	15	\$100.00	2/8	2/8	1	THU	1
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PROGRAM : THE FOUR
 RA25-54 : 2.5
 ORD COM1: MG
 PART OF A MAKEGOOD MADE UP OF LINES 20-22

22	A	700P-800P	15	\$100.00	2/13	2/13	1	TUE	1
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PROGRAM : LETHAL WEAPON
 RA25-54 : 1.0
 ORD COM1: MG
 PART OF A MAKEGOOD MADE UP OF LINES 20-22

23	A	700P-900P	15	\$100.00	2/8	2/8	2	THU	2
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PROGRAM : THE FOUR
 RA25-54 : 2.5
 ORD COM1: SHOWTIME/APOLLO IS RUNNING AT A LATER DATE, THAT YOU ARE NOT IN FLIGHT
 THIS IS A MAKE-GOOD FOR FEB8-FEB15 ON LINE-8 FOR 1 SPOT/WK

24	A	700P-800P	15	\$50.00	2/16	2/16	2	FRI	2
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PROGRAM : XFILES
 RA25-54 : 1.0
 ORD COM1: SHOWTIME/APOLLO IS RUNNING AT A LATER DATE, THAT YOU ARE NOT IN FLIGHT
 PART OF A MAKEGOOD MADE UP OF LINES 23-24

STATION MAKEGOOD OFFERS:

M1	OK'D	BUY#8	MISSED: THU/800P-900P	JAN11	15S	\$150.00	(JAN18/18)
			THU/800P-900P	JAN18	15S	\$150.00	
			OFFER: THU/700P-900P	JAN18	15S	\$100.00	PLS ADVISE.
			& THU/700P-900P	FEB8	15S	\$100.00	
			& TUE/700P-800P	FEB13	15S	\$100.00	
			CMT: MG				

M4	OK'D	BUY#8	MISSED: THU/800P-900P	FEB8-FEB15	15S	\$150.00	(JAN18/18)
			OFFER: THU/700P-900P	FEB8 (2/WK)	15S	\$100.00	PLS ADVISE.
			& FRI/700P-800P	FEB16 (2/WK)	15S	\$50.00	
			CMT: SHOWTIME/APOLLO IS RUNNING AT A LATER DATE, THAT YOU ARE NOT IN FLIGHT				

JAN/18	\$2,385.00	FEB/18	\$2,810.00	MAR/18	\$2,505.00	CONTRACT TOTAL	\$7,700.00
						TOTAL SPOTS	127

MUR732100015

REP: TEL# 206-623-3939

FAX# 206-623-0711

REP HEADLINE# 8904185 TRF# 3132461

ORDER WORKSHEET

HARRIS REPORT FROM REP JAN18/18 12.28

\$\$\$ MOD# 2: UNAPPROVED REV #1 \$\$\$

CHANGES *** KFOX-TV ***

ADV # 48220 ADV. NAME DENNY'S

REP.# OFF.# 80 SALESMAN #

AGY # AGY. NAME BLUE 449

BUYER NAME ARLANA ANGEL

424 2ND AVENUE WEST

SALES PRSN SE- MARY BYUN

SEATTLE, WA 98119

ORDER # CONTRACT # 8904185

CLASS: NATL. LOCAL REGIONAL

PRDCT 1Q 2017 EST#2801 COMMENTS: (LINE, ORDER, INVOICE)

FLIGHT DATES JAN9/18 MAR17/18 WK-10

CITY TAX STATE TAX CO-OP BILLING NEEDED DATE JAN18/18 12.28

REP: MOD TO SHOW MG M1 M4 OK'D
 SEE LINES 20,23-24
 PLS CFM
 THX ANNI-MARGIT

STA:

CON CM FOR ELECTRONIC INVOICING:SPOTDATA IDB# 896
 TVINVOICE# TV12541 OR 9912541

PAPER INVOICES ARE TO BE SENT TO:
 OPTIMEDIA C/O RE:SOURCES
 27-01 QUEENS PLAZA NORTH
 LONG ISLAND CITY, NEW YORK 11101-4020
 ATTN: MAILROOM

LINE#	REP	CD	TIME PERIOD	LGTH	SEC	RATE	START DATE	END DATE	SPTS /WK	WEEK INVT	DAYS	TOTL SPTS
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AGY ORDER# 01799267 VIA DARE

AGENCY ADVERTISER CODE = DENC
 AGENCY PRODUCT CODE = ELPC

AGENCY EST# = 2801

8	ES		800P-900P	15		\$150.00	1/11	1/11	0		THU	0
8	ES		800P-900P	15		\$150.00	1/18	1/18	0		THU	0
8	ES		800P-900P	15		\$150.00	2/8	2/15	0		THU	0

PROGRAM : SHOWTIME APOLLO
 RA25-54 : 3.0

ORD COM1: RENTRAK DEMO RXA2554 = 3.00\$