



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Keith L.T. Wright
Charlette Mimiasie
Wright 2016
2160 Madison Ave., Suite 11G
New York, NY 10037

OCT 30 2018

RE: MUR 7374 (formerly RR 17L-39)
Wright 2016 and Charlette Mimiasie in her
official capacity as treasurer

Dear Mr. Wright and Ms. Mimiasie,

On October 22, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Wright 2016 and Charlette Mimiasie in her official capacity as treasurer in settlement of violations of 52 U.S.C. §§ 30116(f) and 30118(a), provisions of the Federal Election Campaign Act of 1971, as amended. 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) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Christine C. Gallagher". The signature is written in a cursive style.

Christine C. Gallagher
Attorney

Enclosure
Conciliation Agreement

3. During the 2016 election cycle, an authorized committee was permitted to accept a total of \$2,700 per election from any individual and \$5,000 from a multicandidate committee. 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A); 11 C.F.R. §§ 110.1(a)-(b), 110.2(b)(1). 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.

4. Candidates and their political committees are prohibited from knowingly accepting excessive contributions and contributions made with corporate or labor union treasury funds. 52 U.S.C. §§ 30116(f), 30118(a).

5. The Commission's regulations permit a candidate or his or her authorized committee to receive contributions for the general election prior to the primary election. See 11 C.F.R. § 102.9(e)(1). 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 11 C.F.R. § 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 generally 11 C.F.R. § 110.1(b), (k).

6. The Committee received \$9,250 in excessive or prohibited contributions as disclosed in its 2015 July Quarterly, Amended 2015 July Quarterly, 2015 October Quarterly, and 2016 July Quarterly Reports.

7. On June 28, 2016, Keith Wright lost the Democratic Primary in New York's 13th Congressional District. The Committee received its last contribution on June 28, 2016.

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8. During the 2016 election cycle, the Committee received \$117,450 in contributions designated for the 2016 general election. Of those contributions, the Committee untimely refunded \$21,050 in general election contributions, as disclosed in its 2016 Year-End and 2017 July Quarterly Reports. The Committee has not refunded the remaining general election contributions.

V. Respondents violated 52 U.S.C. §§ 30116(f) and 30118(a) by accepting \$9,250 in excessive or prohibited contributions, and failing to refund, or untimely refunding, \$117,450 in general election contributions after Wright lost the primary election.

VI. 1. In ordinary circumstances, the Commission would seek a substantially higher civil penalty based on the violations outlined in the agreement. However, the Commission is taking into account the fact that the Committee is inactive, has no cash on hand, and according to Respondents has a limited ability to raise additional funds. In light of these factors, Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Thousand Dollars (\$5,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from committing violations of 52 U.S.C. §§ 30116(f) and 30118(a).

3. Respondents will amend the Committee's disclosure reports to disclose as debts on its Schedule D (Debts and Obligations) the aggregate of \$104,650 in contributions that could not be refunded, comprised as follows: \$4,250 in excessive primary contributions; \$4,000 in prohibited primary contributions; and \$96,400 in general election contributions.

4. Respondents will consult with the Commission's Reports Analysis Division to ensure proper disclosure.

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 same and the Commission has approved the entire agreement.

IX. Respondents 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: Kathleen M. Guith
Kathleen M. Guith
Associate General Counsel
for Enforcement

10/30/18
Date

FOR THE RESPONDENTS:

Keith L. Wright
Name:
Position:
Keith L. Wright
Counsel to Respondents

9/2/2018
Date

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