

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7479
Keeping America in Republican Control)
PAC and H. Russell Taub in his official)
capacity as treasurer; H. Russell Taub)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on March 09, 2021, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:
 - a. Find reason to believe that Keeping America in Republican Control PAC and H. Russell Taub in his official capacity as treasurer, and H. Russell Taub in his personal capacity, knowingly and willfully violated 52 U.S.C. §§ 30103 and 30104 by failing to register and report as a political committee.
 - b. Find reason to believe that Keeping America in Republican Control PAC and H. Russell Taub in his official capacity as treasurer, and H. Russell Taub in his personal capacity, knowingly and willfully violated 52 U.S.C. § 30102(b)(3) by commingling committee and personal funds.
 - c. Find reason to believe that Keeping America in Republican Control PAC and H. Russell Taub in his official capacity as treasurer, violated 52 U.S.C. § 30120 and 11 C.F.R. § 110.11 by failing to include required disclaimers on its communications.
 - d. Take no action at this time concerning allegations that Keeping America in Republican Control PAC and H. Russell Taub in his official capacity as treasurer, and H. Russell Taub in his personal

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capacity, violated 52 U.S.C. § 30104(g) by failing to file independent expenditure reports.

- e. Dismiss the allegations that Keeping America in Republican Control PAC and H. Russell Taub in his official capacity as treasurer, and H. Russell Taub in his personal capacity, violated 52 U.S.C. § 30121(a).
- f. Approve the revised Factual and Legal Analysis, as recommended in Supplement to the First General Counsel dated December 7, 2020.

g.

- h. Authorize pre-probable cause conciliation with Keeping America in Republican Control PAC.
 - i. Direct the Office of General Counsel to draft a Conciliation Agreement.
 - j. Approve the appropriate letters.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented. Commissioner Walther abstained.

2. Decided by a vote of 4-2 to:

- a. Dismiss the allegation as an exercise of prosecutorial discretion under *Heckler v. Chaney*.
- b. Issue the appropriate letters.
- c. Close the file.

Commissioners Cooksey, Dickerson, Trainor, and Walther voted affirmatively for the decision. Commissioners Broussard and Weintraub dissented.

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Attest:

Vicktoria Allen

Digitally signed by Vicktoria Allen
Date: 2021.04.05 19:47:49 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission