



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

NOV 17 2017

Tea Party Majority Fund  
Scott B. MacKenzie, Treasurer  
2776 S Arlington Mill Dr. #806  
Arlington, VA 22206

RE: AR 17-07R

Dear Mr. MacKenzie:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that Tea Party Majority Fund and you, in your official capacity as treasurer ("Committee"), may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The Committee has been referred by the Commission to the Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.<sup>1</sup> Specifically, the Committee has been referred for the following issues that may be in violation of the Act and Commission regulations:

1. 2016 2<sup>nd</sup> Quarter Report: Schedule B supporting Line 23 disclosed contributions designated for the primary election of one (1) federal candidate totaling \$4,000.00, or 88.9% of the total federal contributions. This contribution was dated after the respective election.
2. 2016 1<sup>st</sup> Quarter Report: Schedule E disclosed calendar year-to-date per election for office sought discrepancies totaling \$353,273.16 for independent expenditures made.
3. 2015 Mid-Year Report: The Committee failed to timely file a required 48-Hour Report for \$200,000.00 in independent expenditures disclosed on Schedule E.
4. 2016 1<sup>st</sup> Quarter Report: Schedule E disclosed memo entries for fifty-one (51) independent expenditures totaling \$400,000.00, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D. The Committee failed to file a required 48-Hour Report for \$353,273.16 in independent expenditures disclosed on Schedule E.
5. 2016 2<sup>nd</sup> Quarter Report: The Committee failed to timely file a required 48-Hour Report for \$15,000.00 in independent expenditures disclosed on Schedule E.
6. 2016 3<sup>rd</sup> Quarter Report: Schedule E disclosed a memo entry for one (1) independent expenditure totaling \$450,000.00, which was publicly disseminated prior to payment but failed to disclose a debt on Schedule D. The Committee failed to file a required 48-Hour Report for \$393,569.24 in independent expenditures disclosed on Schedule E.
7. 2016 Amended 12G Report: Schedule E disclosed a memo entry for one (1) independent expenditure totaling \$212,943.72, which was publicly disseminated prior to payment but failed to disclose a debt on Schedule D.

<sup>1</sup> Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

- payment but failed to disclose a debt on Schedule D.
8. 2015 Mid-Year Report: Schedule A supporting Line 11(a)(i) failed to disclose adequate identification for 47 of 113, or 41.6%, of the contributions from individuals that require itemization.

We have numbered this referral AR 17-07R.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Tea Party Majority Fund and you, in your official capacity as treasurer, in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>2</sup>

Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the referral until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

**Mail**  
Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Christal Dennis, Paralegal  
999 E Street, NW  
Washington, DC 20463

OR **Email**  
CELA@fec.gov

<sup>2</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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Washington, DC 20463

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If you have any questions, please contact Christal Dennis at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

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