



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 2020

BY E-MAIL ONLY

ssalmon@jmslawyers.com

Scott D. Salmon, Esq.
Jardim, Meisner & Susser, P.C.
30B Vreeland Road, Suite 100
Florham Park, NJ 07932

RE: MUR 7555
America Comes First PAC and David W.
Schamens in his official capacity as treasurer

Dear Mr. Salmon:

On July 9, 2020, the Federal Election Commission ("Commission") accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 52 U.S.C. § 30104(g)(2), a provision 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 July 22, 2020, effective date. Your client may pay the civil penalty electronically through Pay.gov at <https://www.pay.gov/public/form/start/316805379> or by a check mailed to the Commission at 1050 First St., N.E., Washington, DC 20463. If you have any questions, please contact me at (202) 694-1591.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

OFFICE OF
GENERAL COUNSEL

2019 AUG 5 PM 2:02

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7555
America Comes First PAC and David W.)	
Schamens in his official capacity as treasurer.)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (“Commission”), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that America Comes First PAC and David W. Schamens in his official capacity as treasurer (the “Committee” or “Respondents”) violated 52 U.S.C. § 30104(g).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. The Committee is an independent-expenditure-only political committee that registered with the Commission on August 5, 2016.

2. David W. Schamens is the treasurer of the Committee.

MUR 7555 (America Comes First PAC)
Page 2

3. The Federal Election Campaign Act of 1971, as amended (“Act”) provides that political committees registered with the Commission must file periodic reports disclosing their receipts and disbursements. 52 U.S.C. § 30104(a).

4. In addition to its regular reporting obligations, any committee that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours. 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2). These reports must be filed within 48 hours “following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated.” 11 C.F.R. § 104.4(b)(2).

5. An independent expenditure (“IE”) is an expenditure that expressly advocates the election or defeat of a clearly identified federal candidate, and is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate’s authorized political committee, or their agents. 52 U.S.C. § 30101(17); *see also* 11 C.F.R. § 100.22(a), (b).

5. In 2016, October 19 was 20 days before the general election for U.S. President; thus, an independent expenditure made by a political committee on or before that date in connection with that election aggregating \$10,000 or more needed to be disclosed in a 48-Hour Independent Expenditure Report (“48-Hour IE Report”).

6. Respondents did not file any reports until after the 2016 general election. In its amended October 2016 Quarterly Report, filed on December 11, 2016, the Committee disclosed on Schedule E that on September 28, 2016, it made an independent expenditure of \$18,282.60 to Propel Marketing in support of U.S. Presidential candidate Donald J. Trump in the general election.

MUR 7555 (America Comes First PAC)

Page 3

7. On February 21, 2017, the Reports Analysis Division sent the Committee a Request for Additional Information (“RFAI”) regarding the amended 2016 October Quarterly Report for failing to file 48-Hour IE Reports, including for the independent expenditure to Propel Marketing. The Committee did not respond to the RFAI.

8. Respondents violated 52 U.S.C. § 30104(g)(2) by failing to timely file a 48-Hour Report of Independent Expenditures.

V. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Thousand Dollars (\$2,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from committing violations of 52 U.S.C. § 30104(g).

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

MUR 7555 (America Comes First PAC)
Page 4

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: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel
for Enforcement

7/22/20
Date

FOR THE RESPONDENTS:


Name: Scott Salway, Esq
Position: Counsel for Respondents

7/30/2019
Date