



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**Via Email and First Class Mail**

Michael E. Toner, Esq.  
Brandis L. Zehr, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

**MAY 30 2019**

RE: MUR 7603 (formerly RR17L-31)  
Wyoming Republican Party, Inc. and Doug  
Chamberlain in his official capacity as  
treasurer

Dear Mr. Toner and Ms. Zehr:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the “Commission”) became aware of information suggesting your client, Wyoming Republican Party, Inc., and Doug Chamberlain in his official capacity as treasurer (the “Committee”), may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). On September 1, 2017, the Commission notified the Committee that it was being referred to the Commission’s Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109. On April 25, 2019, the Commission found reason to believe that the Committee violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b). The Factual and Legal Analysis approved by the Commission on May 22, 2019, which formed a basis for the Commission’s finding, is enclosed for your information.

We have also enclosed a brief description of the Commission’s procedures for handling possible violations of the Act. In addition, please note that the Committee has a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519. 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>1</sup>

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<sup>1</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. 52 U.S.C. § 30107(a)(9).

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If your client is interested in engaging in pre-probable cause conciliation, please contact Anne B. Robinson, the attorney assigned to this matter, at (202) 694-1356 or (800) 424-9530, within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if your client is not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at <http://www.fec.gov/respondent.guide.pdf>.

We look forward to your response.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

Enclosures  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Wyoming Republican Party, Inc. and  
Doug Chamberlain in his official  
capacity as treasurer MUR 7603

## I. INTRODUCTION

9        This matter was generated based on information ascertained by the Federal Election  
10      Commission (the “Commission”) in the normal course of carrying out its supervisory  
11      responsibilities, *see* 52 U.S.C. § 30109(a)(2). The Commission’s Reports Analysis Division  
12      (“RAD”) referred the Wyoming Republican Party, Inc. and Doug Chamberlain in his official  
13      capacity as treasurer (“Committee”) to the Office of General Counsel for failing to disclose an  
14      aggregate total of \$2,890,378.82 in receipts and disbursements on its 2016 October Monthly, 12-  
15      Day Pre-General, and Year-End Reports.<sup>1</sup> For the reasons set forth below, the Commission finds  
16      reason to believe that the Committee violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R.  
17      § 104.3(a) and (b) by failing to accurately disclose its receipts and disbursements.

## 18 II. FACTUAL BACKGROUND

19 The Committee is a state party committee of the Republican Party.<sup>2</sup> On November 30,  
20 2016, the Committee amended its 2016 October Monthly and 12-Day Pre-General Reports,  
21 disclosing additional receipts and disbursements, as shown in the chart below.<sup>3</sup> On April 7,

<sup>1</sup> RAD Referral (Wyoming Republican Party) (Aug. 31, 2017) (“Referral”), incorporated herein by reference.

<sup>2</sup> See Amended Statement of Organization, Wyoming Republican Party (July 20, 2017).

### 3 Referral at 2.

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- 1 2017, the Committee filed an amended 2016 Year-End Report that disclosed additional receipts
- 2 and disbursements, as also shown below.<sup>4</sup>

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<sup>4</sup> *Id.* at 4.

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Report		Report Line	Amount Reported on Original Report	Amount Reported on Amended Report	Total Increased Activity
2016 October Monthly	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$0	\$873,401.75	\$873,401.75 <sup>5</sup>
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$19,550.60	\$19,570.60	\$20.00 <sup>6</sup>
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$873,381.75	\$873,381.75
					<b>Report Total:</b> \$1,746,803.50
2016 12-Day Pre-General	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$0	\$364,677.78	\$364,677.78 <sup>7</sup>
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$8,283.26	\$8,303.26	\$20.00
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$364,657.78	\$364,657.78 <sup>8</sup>
					<b>Report Total:</b> \$729,355.56
2016 Year-End	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$27,909.53	\$235,019.41	\$207,109.88 <sup>9</sup>
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$26,412.53	\$26,452.53	\$40.00
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$207,069.88	\$207,069.88 <sup>10</sup>
					<b>Report Total:</b> \$414,219.76

<sup>5</sup> *Id.* at 2. In 2016, the Committee participated in Trump Victory, a joint fundraising committee comprised of the Republican National Committee (“RNC”), Donald J. Trump for President, Inc. and twenty-one state party committees. *See* Amended Statement of Organization, Wyoming Republican Party (June 3, 2016); Amended Statement of Organization, Trump Victory (Sept. 21, 2016); RR 17L-31 Committee Resp. (“Resp.”) at 1-2 (Oct. 17, 2017). The referred activity consists of the Committee’s failure to timely disclose transfers from Trump Victory and transfers to the RNC. Referral at 1-4; Resp. at 1-3.

<sup>6</sup> Referral at 2. The Committee appears to have paid a \$20 wire fee for each transfer to the RNC, which accounts for the increase in other federal operating expenditures on each of the three reports. *See* Resp. at 2.

<sup>7</sup> Referral at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.*

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1           On December 28, 2016, RAD sent the Committee two Requests for Additional  
 2   Information (“RFAIs”) seeking clarification regarding the substantial increase in receipts and  
 3   disbursements disclosed on the amended 2016 October Monthly and 12-Day Pre-General  
 4   Reports.<sup>11</sup> In response, the Committee filed two Miscellaneous Reports (Form 99s), one  
 5   addressing each report, stating that the activity was omitted from the original reports “while [the  
 6   Committee] worked with [its] software provider on how to include the information in [the  
 7   Committee’s] data file so that it could be properly recorded.”<sup>12</sup> The Committee noted that the  
 8   reports were amended “as soon as the information was available.”<sup>13</sup>

9           On April 12, 2017, RAD sent an RFAI to the Committee seeking clarification regarding  
 10   the substantial increase in activity on its 2016 Year-End Report.<sup>14</sup> In response, the Committee  
 11   filed a Form 99 stating that the activity was omitted from the original report because the  
 12   information was not received by the Committee’s compliance vendor before the filing deadline.<sup>15</sup>  
 13   The Committee noted that its compliance vendor had moved to a new office, which may have  
 14   caused the vendor not to receive the information timely.<sup>16</sup>

### 15   **III.    LEGAL ANALYSIS**

16           The Federal Election Campaign Act of 1971, as amended (the “Act”), requires committee  
 17   treasurers to file reports of receipts and disbursements in accordance with the provisions of

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<sup>11</sup>           *Id.* at 2; RFAI, Amended 2016 October Monthly Report, Wyoming Republican Party (Dec. 28, 2016); RFAI, Amended 2016 12-Day Pre-General Report, Wyoming Republican Party (Dec. 28, 2016).

<sup>12</sup>           Referral at 2.

<sup>13</sup>           *Id.*

<sup>14</sup>           Referral at 4; RFAI, 2016 Year-End Report, Wyoming Republican Party (Apr. 12, 2017).

<sup>15</sup>           Referral at 4.

<sup>16</sup>           *Id.*

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1 52 U.S.C. § 30104.<sup>17</sup> These reports must include, *inter alia*, the total amount of receipts and  
 2 disbursements, including the appropriate itemizations, where required.<sup>18</sup> Here the Committee did  
 3 not comply with the Act's reporting requirements when it failed to disclose an aggregate total of  
 4 \$2,890,378.82 in increased activity.

5 In its Response, the Committee asserts that Trump Victory was the first joint fundraising  
 6 effort in which the Committee had participated in 20 years and claims that "a miscommunication  
 7 between two [] vendors" caused the joint fundraising transfers to be omitted from the original  
 8 reports.<sup>19</sup> The Committee states that it did not receive any other RFAIs for any other 2016  
 9 activity, and that it amended the reports at issue before receiving the RFAIs.<sup>20</sup> Further, the  
 10 Committee notes that Trump Victory and the RNC timely disclosed the transfers to the  
 11 Commission.<sup>21</sup>

12 The Committee apparently relied on its compliance vendor to file timely and accurate  
 13 reports; however, the Committee and its treasurer bore the responsibility of ensuring that the  
 14 reports were complete and accurate prior to filing them.<sup>22</sup> Although the Committee requests that  
 15 the Commission assign this matter to ADRO,<sup>23</sup> this matter was appropriately referred to OGC.

<sup>17</sup> 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

<sup>18</sup> See 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

<sup>19</sup> Resp. at 2.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 2-3.

<sup>22</sup> In addition, each transfer at issue in this matter occurred well before the applicable filing deadline: the October Monthly Report was due on October 20, 2016 while the relevant transfers occurred on September 30; the 12-Day Pre-General Report was due on October 27, while the relevant transfers occurred on October 17; and the Year-End Report was due on January 31, 2017 while the relevant transfers occurred on December 2 and 16, 2016. See Resp. at 2.

<sup>23</sup> *Id.* at 3.

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- 1 Accordingly, the Commission finds reason to believe that the Committee violated 52 U.S.C.
- 2 § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).