



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 2021

BY ELECTRONIC MAIL ONLY

Brandis L. Zehr, Esq.
Michael E. Toner, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
bzehr@wiley.law
mtoner@wiley.law

RE: MUR 7603
Wyoming Republican Party, Inc. and
Robert Lee Ferguson in his official
capacity as treasurer

Dear Ms. Zehr and Mr. Toner:

On March 10, 2021, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 52 U.S.C. § 30104(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.3(a) and (b). 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 first installment of 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) 694-1588 or mallen@fec.gov.

Sincerely,

Mark Allen

Mark Allen
Assistant General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Wyoming Republican Party)	MUR 7603
and Robert Lee Ferguson 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. Based on information obtained by the Commission about the Committee's activity during the 2015-2016 election cycle, the Commission found reason to believe that the Wyoming Republican Party, Inc. and Robert Lee Ferguson in his official capacity as treasurer ("Respondent" or "Committee") violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

1. The Committee is a State party committee of the Republican Party.
2. Robert Lee Ferguson is the Treasurer of the Committee. Robert Lee Ferguson is a Respondent solely in his official capacity.¹
3. The Federal Election Campaign Act of 1971, as amended, requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).
4. These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required. *See* 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).
5. On October 19, 2016, the Committee filed its original 2016 October Monthly Report, which disclosed no receipts on Line 12 (Transfers from Affiliated/Other Party Committees) of the Detailed Summary Page. The report also disclosed \$19,550.60 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and no disbursements on Line 22 (Transfers to Affiliated/Other Party Committees). On November 30, 2016, the Committee filed an Amended 2016 October Monthly Report, disclosing \$873,401.75 in receipts on Line 12, \$19,570.60 in disbursements on Line 21(b), and \$873,381.75 in disbursements on Line 22.
6. On October 27, 2016, the Committee filed its original 12-Day Pre-General Report, which disclosed no receipts on Line 12 (Transfers from Affiliated/Other Party Committees) of the Detailed Summary Page. The report also disclosed \$8,283.26 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and no disbursements on Line 22 (Transfers to Affiliated/Other Party Committees). On November 30, 2016, the

¹ Robert Lee Ferguson became the Committee's Treasurer on December 2, 2020.

Committee filed an Amended 2016 12-Day Pre-General Report, disclosing \$364,677.78 in receipts on Line 12, \$8,303.26 in disbursements on Line 21(b), and \$364,657.78 in disbursements on Line 22.

7. On January 31, 2017, the Committee filed its original Year-End Report, which disclosed \$27,909.53 in receipts on Line 12 (Transfers from Affiliated/Other Party Committees) of the Detailed Summary Page. The report also disclosed \$26,412.53 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and no disbursements on Line 22 (Transfers to Affiliated/ Other Party Committees). On April 7, 2017, the Committee filed an Amended 2016 Year-End Report, disclosing \$235,019.41 in receipts on Line 12, \$26,452.53 in disbursements on Line 21(b), and \$207,069.88 in disbursements on Line 22.

8. Respondent contends that after it realized its original reports inadvertently omitted the financial activity at issue, it acted on its own accord to amend the reports. Respondent further contends that its current officers were not in office during the 2015-16 election cycle.

V. Respondent violated 52 U.S.C. § 30104(b)(2) and (4) by failing to disclose an aggregate total of \$2,890,378.82 in increased activity, as follows: (1) receipts totaling \$873,401.75 and disbursements totaling \$873,401.75 on its 2016 October Monthly Report; (2) receipts totaling \$364,677.78 and disbursements totaling \$364,677.78 on its 2016 12-Day Pre-General Report; and (3) receipts totaling \$207,109.88 and disbursements totaling \$207,109.88 on its 2016 Year-End Report.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Fifty-Two Thousand Dollars (\$52,000) pursuant to 52 U.S.C. § 30109(a)(5)(A). The civil penalty will be paid as follows:

a. A payment of Eight Thousand Six Hundred Seventy Dollars (\$8,670) is due no more than thirty (30) days from the date this Agreement becomes effective; and

b. Thereafter, five consecutive monthly installments of Eight Thousand Six Hundred Sixty-Six Dollars (\$8,666) are due within thirty (30) days of the due date of the previous payment.

c. In the event that any installment payment is not received by the Commission by the fifth day after which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondent. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).

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 the same and the Commission has approved the entire agreement.

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IX. Respondent shall have no more than 30 days from the date this agreement becomes effective, unless otherwise specified, 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: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel
For Enforcement

3/16/21
Date

FOR THE RESPONDENT:

Brandis L. Zehr
(Name) Brandis L. Zehr
(Position) Counsel

2/24/2021
Date