



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

MEMORANDUM

August 20, 2024

TO: The Commission

FROM: Lisa Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

Claudio J. Pavia
Deputy Associate General Counsel for Enforcement

BY: Mark D. Shonkwiler *MS*
Assistant General Counsel

Kimberly D. Hart *KDH*
Attorney

SUBJECT: MUR 7664 (Plumbers and Pipefitters, *et al.*)
Request for Abeyance

I. INTRODUCTION

On April 16, 2024, the Commission voted to direct the Office of General Counsel (“OGC”) to institute a civil action in the U.S. District Court pursuant to 52 U.S.C. § 30109(a)(6) of the Federal Election Campaign Act of 1971, as amended (the “Act”), to enforce the conciliation agreement in MUR 7028 (Plumbers and Pipefitters Local Union No. 9, *et al.*); and to abate MUR 7664 for 120 days following the certification or the conclusion of litigation in the District Court, whichever comes first.¹ On May 17, 2024, the Commission filed a complaint for declaratory, injunctive, and other relief against Plumbers and Pipefitters Local Union No. 9, and Plumbers and Pipefitters Local Union No. 9 PAC and Michael Maloney in his official capacity as treasurer.² The 120-day abeyance period expired on August 14, 2024.

¹ Certification (“Cert.”) ¶¶ 1-2 (Apr. 16, 2024), MUR 7028.

² *FEC v. Plumbers and Pipefitters Local Union No. 9 et al.*, Civ. Action No. 24-150 (D.D.C. 2024).

MUR 7664 (Plumbers and Pipefitters, *et al.*)

Memorandum to Commission

Page 2 of 3

For the reasons discussed below, we recommend that the Commission hold MUR 7664 in abeyance for an additional period of 120 days or until the conclusion of the District Court litigation in MUR 7028, whichever occurs first.

II. BACKGROUND

On October 25, 2018, the Commission approved the MUR 7028 conciliation agreement (“MUR 7028 CA”) that required, among other provisions, that the Respondents cease and desist from future violations of the Act and Commission regulations.³ On November 21, 2019, April 23, 2021, and June 24, 2021, an enforcement complaint and supplemental complaints (designated as MUR 7664) were filed alleging, *inter alia*, the same violations of the Act as in MUR 7028 and violations of the cease-and-desist provision of the MUR 7028 CA.⁴

On April 16, 2024, the Commission voted in MUR 7028 to: (1) direct OGC to institute a civil action in the U.S. District Court pursuant to 52 U.S.C. § 30109(a)(6) to enforce the MUR 7028 CA; [REDACTED]

[REDACTED]⁵ In addition, it voted in MUR 7664 to abate the matter for 120 days following the certification or the conclusion of litigation in the District Court, whichever comes first.⁶

On August 7, 2024, OGC received a letter from Respondents’ counsel providing information relevant to ongoing settlement discussions between the parties in the civil matter and requesting an extension to file its responsive pleadings.⁷ On August 14, 2024, the District Court granted the request from Respondents’ counsel for an extension to file a responsive pleading to the Complaint which is due on September 16, 2024.⁸ The prior abeyance period for MUR 7664 expired on August 14, 2024.

³ Conciliation Agreement ¶ VI.1, MUR 7028 (Plumbers & Pipefitters Local Union No. 9, *et al.*) (“MUR 7028 CA”).

⁴ Compl. (Nov. 21, 2019), MUR 7664 (Plumbers and Pipefitters Local Union No. 9 *et al.*); Supp. Compl. (Apr. 23, 2021), MUR 7664 (Plumbers and Pipefitters Local Union No. 9 *et al.*); Supp. Compl. #2 (June 24, 2021), MUR 7664 (Plumbers and Pipefitters Local Union No. 9 *et al.*).

⁵ Cert. ¶ 1 (Apr. 16, 2024), MURs 7028 and 7664 (Plumbers and Pipefitters Local Union No. 9 *et al.*).

⁶ *Id.* ¶ 2.

⁷ See Letter from Andrew G. Woodson, counsel for Respondents, to Shaina Ward, Acting Asst. Gen. Counsel, FEC (Aug. 7, 2024). Respondents’ counsel has requested an additional 30-day extension to complete several tasks in an effort to resolve the civil matter including: (1) obtaining authorization forms for PAC deductions from various members; (2) agreeing to attend PAC training within one year from the time that the court dismisses the civil action; (3) limiting contributions to most federal committees and candidates until the civil matter is resolved; and (4) performing civil penalty calculations for consideration in settlement of the matter. *Id.* at 1-2.

⁸ Order granting Defendants’ Consent Motion to Extend Time for Responsive Pleading, 1, *FEC v. Plumbers and Pipefitters et al.*, Civil Action No. 24-150 (D.D.C.) (Aug. 14, 2024).

MUR 7664 (Plumbers and Pipefitters, *et al.*)

Memorandum to Commission

Page 3 of 3

1 Given the developments and ongoing activities in the MUR 7028 District Court litigation
2 which covers the primary alleged conduct in MUR 7664, we recommend that the Commission
3 agree to hold MUR 7664 in abeyance for an additional period of 120 days or until the conclusion
4 of the District Court litigation in MUR 7028, whichever occurs first. Information obtained in the
5 litigation confirm that the violations began immediately after the signing of the conciliation
6 agreement in 2018 and have continued thru mid-2024. Although the statute of limitations
7 (“SOL”) already has run on violations from 2018-2019, the SOL on violations from 2020-2024
8 will not begin to run until various dates between 2025-2029.

9
10 **III. RECOMMENDATION**

- 11
12 1. Hold MUR 7664 in abeyance for an additional period of 120 days or until the
13 conclusion of the District Court litigation in MUR 7028, whichever occurs first.

14
15 Attachment:

16 Ltr. from Andrew G. Woodson, Counsel, to Shaina Ward, Acting Asst. Gen. Counsel, FEC
17 (Aug. 7, 2024).