



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 18, 2023

BY EMAIL

Nancy@cohenblacklaw.com

Nancy L. Cohen, Esq.
Cohen Black Law
1888 N. Sherman Street
Suite 770
Denver, CO 80203

RE: MUR 7729
Ryan Call

Dear Ms. Cohen:

On August 16, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. §§ 30102(b)(3) and 30104(b), provisions 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 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)
)
 Ryan Call) MUR 7729
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Rebuilding America Now and Chris Marston in his official capacity as treasurer (the “Committee”). The Federal Election Commission (the “Commission”) found reason to believe that Ryan Call (“Respondent”) knowingly and willfully violated 52 U.S.C. § 30102(b)(3) by commingling Committee funds with his personal funds and 52 U.S.C. § 30104(b) by failing to file accurate reports with the Commission.

NOW, THEREFORE, the Commission and 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 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. Rebuilding America Now is a political committee within the meaning of 52 U.S.C. § 30101(4).

2. Ryan Call was the treasurer of Rebuilding America Now from June 12, 2016,

to June 4, 2019. During this period, Call was also employed as an attorney at Hale Westfall law firm, which provided compliance services to the Committee.

3. The Federal Election Campaign Act of 1971, as amended (the “Act”), provides that each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. *See* 52 U.S.C. § 30104(a) and 52 U.S.C. § 30104(b).

4. The Act and Commission regulations require that all funds of a political committee be “segregated from, and may not be commingled with, the personal funds of any individual.” 52 U.S.C. § 30102(b)(3); 11 C.F.R. § 102.15.

5. Call withdrew funds totaling \$278,169.45 between September 2, 2016, and January 25, 2019, from the Committee’s bank account that were unauthorized. The unauthorized funds, which were in the form of checks, cash withdrawals, debit charges and wire transfers, consisted of three checks made out to him for \$5,000 each; a bank originated debit for \$23,135; five automated teller machine withdrawals totaling \$1,700; a debit card charge by him in New Orleans for \$900.42; and 32 wire transfers totaling \$237,434.03 made out to him with the payee listed as “First Bank/Ryan Call,” “First Bank/Ryan Richard Call,” “Ryan Call,” or “Ryan R. Call.” The wire transfers were directed to Call’s personal bank account. Some unauthorized payments were made directly to Call and reported as being paid to him, and other unauthorized payments were made to him, but either reported as made to Call’s law firm, Hale Westfall, or were not reported at all on the Committee’s disclosure reports.

6. Call deposited a total of \$47,446.34 from his personal funds to the Committee’s bank account in 2018 and 2019 that were reimbursements for Committee payments previously made to him.

7. Call disclosed Committee payments to him as payments to Hale Westfall law firm or did not report the payments on the disclosure reports.

8. Call contends that while he did not disclose, or inaccurately disclosed, certain Committee payments, the majority of the payments he received from the Committee between September 2016 and January 2019 were disclosed. Further, Call contends that funds totaling \$47,446.34 that he deposited into the Committee's bank account were a return of expenses for Committee payments made to him. Call further contends that he paid funds of \$33,530 received by him to Hale Westfall to pay Hale Westfall invoices. Call also contends that some payments from the Committee to him were pursuant to a separate contract that he had as a consultant to the Committee to provide political and strategic consulting services, that other persons associated with the Committee were aware of this contract, and that payments for these services were consistent with similar monthly retainers and fees being paid to other political consultants and vendors to the Committee.

V. Respondent knowingly violated 52 U.S.C. § 30104(b) by failing to file accurate reports with the Commission. Respondent knowingly violated 52 U.S.C. § 30102(b)(3) by commingling personal funds and committee funds.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Twenty-One Thousand Eight Hundred and Five Dollars (\$21,805), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30102(b)(3) and 30104(b).

3. Respondent, through the submission of financial documentation to the Commission, has indicated that although financial hardship prevents him from paying the full civil penalty to the Commission, he is able to pay a substantially reduced civil penalty of Twenty-One Thousand Eight Hundred and Five Dollars (\$21,805). The Commission regards this submission as a material representation. Due to Respondent's financial condition, the Commission agrees to depart from the civil penalty that it would normally seek for the violations at issue, and the Commission agrees that the reduced civil penalty of \$21,805 shall be due. If evidence is uncovered indicating that Respondent's financial condition is not as stated, a total civil penalty of Four Hundred and Seventeen Thousand Dollars (\$417,000), which represents the amount the Commission would ordinarily seek for the violations Respondent committed, shall be immediately due, pursuant to 52 U.S.C. § 30109(a)(5)(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.

IX. Respondent 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 oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

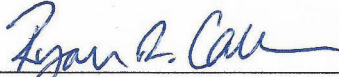
Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher
Charles Kitcher
Associate General Counsel
for Enforcement

Digitally signed by
Charles Kitcher
Date: 2023.08.17
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8/17/23
Date

FOR THE RESPONDENT:


Ryan Call
Respondent

August 1, 2023
Date