



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

September 9, 2024

By UPS and Electronic Mail

Ms. Kendra Arnold
Foundation for Accountability and Civic Trust
1717 K Street NW, Suite 900
Washington, DC 20006
klma@factdc.org

RE: MUR 7738
Americans for Progressive Action USA and
Christopher Henry Richardson f/k/a
Christopher Henry Aragon in his official
capacity as treasurer
Christopher Henry Richardson f/k/a
Christopher Henry Aragon in his personal
capacity

Dear Ms. Arnold:

This is in reference to the complaint you filed with the Federal Election Commission on May 18, 2020, concerning disclosure reports filed by Americans for Progressive Action USA. The Commission found that there was reason to believe that Americans for Progressive Action USA and Christopher Henry Richardson f/k/a Christopher Henry Aragon in his official capacity as treasurer and Christopher Henry Richardson f/k/a Christopher Henry Aragon in his personal capacity knowingly and willfully violated 52 U.S.C. § 30104(b), a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On August 7, 2024, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission voted to close the file in this matter effective today.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A copy of the agreement with respondents is enclosed for your information.

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Letter to Ms. Kendra Arnold

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If you have any questions, please contact me at (202) 694-1210 or ksealls@fec.gov.

Sincerely,

Kenneth E. Sealls

Kenneth E. Sealls
Attorney

Enclosure:
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

CONCILIATION AGREEMENT

This matter was generated by a complaint filed with the Federal Election Commission.

The Commission found reason to believe that Americans for Progressive Action USA and Christopher Henry Richardson f/k/a Christopher Henry Aragon in his official capacity as treasurer (the “Committee”) and Christopher Henry Richardson f/k/a Christopher Henry Aragon in his personal capacity knowingly and willfully violated 52 U.S.C. § 30104(b) by filing false disclosure reports with the Commission in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).

NOW, THEREFORE, the Commission and 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 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.

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

1. The Committee is an independent-expenditure-only political committee that registered on March 6, 2020 by filing a Statement of Organization with the Commission.
2. The first disclosure report filed by the Committee, the 2020 April Quarterly, listed three individual contributors, Christopher Richardson Sullivan, Vincent E. Sullivan, and Henry R. Bass, with donations totaling \$4,805,000. The names, addresses, employers, and amounts of each contribution listed on the disclosure report were all false.
3. The Committee filed a 2020 May Monthly Report disclosing full refunds of \$3.5 million to Christopher Richardson Sullivan and \$500,000 to Vincent E. Sullivan and a partial refund of \$804,000 (of \$805,000 originally reportedly contributed) to Henry R. Bass. All of the information on the May Monthly Report was false.
4. The Committee filed two 48-Hour reports regarding several independent expenditures totaling over \$2.5 million, all marked as estimates and all without a date of disbursement or obligation. All of the information regarding the independent expenditures was false.
5. The Committee's Statement of Organization, 2020 April Quarterly and May Monthly disclosure reports, and 48-Hour reports were all filed under the name Evan Jones as treasurer — an alias of Christopher Henry Richardson f/k/a Christopher Henry Aragon.
6. Respondent Christopher Henry Richardson f/k/a Christopher Henry Aragon pleaded guilty in the United States District Court for the District of Columbia, Crim. No. 1:24-cr-00084-TNM, to knowingly and willfully violating 18 U.S.C. § 1519 by filing false disclosure reports with the Federal Election Commission including a report claiming that his independent expenditure-only political committee, Americans for Progressive Action USA,

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made expenditures on advertising for multiple United States Senate races, when, in fact, as criminal defendant Christopher Henry Richardson well knew, the Committee had not made any such expenditures.

7. The Act and Commission regulations require political committees to file reports of receipts and disbursements. 52 U.S.C. § 30104(a), (b); 11 C.F.R. § 104.3(a), (b). Among other requirements, the reports of receipts and disbursements must specifically identify the cash-on-hand balance at the beginning of the reporting period, the total amount of receipts, and the total amount of disbursements. 52 U.S.C. § 30104(b). For each contribution that exceeds \$200, either by itself or when added to the contributor's previous contributions made during the same calendar year, records must identify that contribution by, amount, date of receipt, and the contributor's full name, mailing address, occupation and employer. 52 U.S.C. § 30102(b); 11 C.F.R. § 102.8.

8. A violation of the Act is knowingly and willful when the respondent acts "with full knowledge of all the relevant facts and a recognition that the action is prohibited by law." 122 CONG. REC. 12,197, 12,199 (daily ed. May 3, 1976). This standard does not require proving knowledge of the specific statute or regulation the respondent allegedly violated. *United States v. Danielczyk*, 917 F. Supp. 2d 573, 579 (E.D. Va. 2013) (citing *Bryan v. United States*, 524 U.S. 184, 195 & note 23 (1998)). Rather, it is sufficient to demonstrate that a respondent "acted voluntarily and was aware that his conduct was unlawful." *Id.* This awareness may be shown through circumstantial evidence, such as a "defendant's elaborate scheme for disguising" her actions, or other "facts and circumstances from which the jury reasonably could infer [the defendant] knew her conduct was unauthorized and illegal." *United States v. Hopkins*, 916 F.2d 207, 213-15 (5th Cir. 1990).

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V. Respondents knowingly and willfully violated 52 U.S.C. § 30104(b) by filing a false Statement of Organization, false disclosure reports, and false 48-Hour Independent Expenditure Reports with the Commission.

VI. Respondents will take the following actions:

1. Respondents will cease and desist from violating 52 U.S.C. § 30104(b).
2. Respondents will file amended reports with the Commission reflecting the actual activity of the Committee.
3. Respondent Christopher Richardson, through the submission of financial documentation to the Commission and additional representations, has indicated that financial hardship prevents him from paying any civil penalty to the Commission. Richardson is currently in the process of paying restitution in the amount of \$352,000 and has limited assets. The Commission regards these submissions and representations as material representations. Due to Richardson'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 no civil penalty shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a civil penalty of one hundred and thirteen thousand dollars (\$113,000) 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.

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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 thirty (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 in this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa Stevenson
Acting General Counsel

BY: 
Charles Kitcher
Associate General Counsel
for Enforcement

Digitally signed by
Charles Kitcher
Date: 2024.08.28
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8/28/24
Date

FOR THE RESPONDENTS:



Jarrett Colby, Esq.
Counsel for the Respondents

7/30/2024
Date