



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 21, 2022

VIA EMAIL

lowell.pearson@huschblackwell.com

Lowell D. Pearson, Esq.
Husch Blackwell LLP
235 East High Street
P.O. Box 1251
Jefferson City, MO 65102-1251

RE: MUR 7756R
Americas PAC and Tom Donelson in
his official capacity of treasurer

Dear Mr. Pearson:

On October 3, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g), and 11 C.F.R. § 104.3(b)(2). 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. Payment can be made by check payable to the Federal Election Commission and mailed to the Federal Election Commission, 1050 First Street NE, Washington DC 20463. Please write "MUR 7756R civil penalty" on the memo line of the check. Alternatively, payment can be made online by using this link: <https://www.pay.gov/public/form/start/316805379>. If you have any questions, please contact me at (202) 694-1650 or ddillenseger@fec.gov.

Sincerely,

Dominique Dillensger
Dominique Dillensger
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (“Commission”) pursuant to a complaint and information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Americas PAC and Tom Donelson in his official capacity as treasurer (“Respondent”) violated 52 U.S.C. § 30104(g) and 11 C.F.R. § 104.4(b)(2), provisions of the Federal Election Campaign Act of 1971, as amended (the “Act”) and Commission regulations.

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. Americas PAC is an independent expenditure-only political committee that is registered with the Commission. It is a political committee within the meaning of 52 U.S.C. § 30101(4).

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2. Tom Donelson is the treasurer of Americas PAC.

3. The Act requires political committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C § 30104(b).

The reporting requirement includes reporting independent expenditures made by political committees other than authorized committees. 52 U.S.C. § 30104(b)(4)(H)(iii); *see also* 11 C.F.R. § 104.3(b)(1)(vii).

4. In addition, a political committee that makes independent expenditures, aggregating \$10,000 or more for an election in any calendar year, up to and including the 20th day before an election, must report these expenditures within 48 hours each time that the expenditure aggregates \$10,000 or more. 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2). These reports, known as 48-Hour Reports of Independent Expenditures (“48-Hour Reports”), must be received by the Commission by 11:59 p.m. on the second day following the date on which a communication that constitutes an independent expenditure is public distributed or otherwise publicly disseminated. 11 C.F.R. § 104.4(b)(2). The information provided must include, *inter alia*, the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate.

52 U.S.C. § 30104(g)(3)(B) (requiring 48-Hour Reports to include information required by section 30104(b)(6)(B)(iii)).

5. The Committee’s original 2020 April Quarterly Report, filed on April 15, 2020, disclosed 19 independent expenditures totaling \$2,470,110.50, supporting or opposing three candidates: Joni K. Ernst, Tricia Zunker, and John James. On May 13, 2020, the Committee filed two 24-Hour Reports, disclosing 14 independent expenditures totaling

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\$2,220,190.50 supporting two candidates: Joni K. Ernst and John James.

6. The Committee filed an Amended 2020 April Quarterly Report on July 13, 2020, which included a Schedule E and two 24-Hour reports, which included six new independent expenditures that were disseminated on May 13, 2020, but were incorrectly or not previously disclosed: (1) the Committee filed an amended 24-Hour Report, which included five independent expenditures totaling \$260,840, made in opposition to Cindy Axne and Abby Finkenauer, that had not been previously disclosed; (2) the Committee filed a second 24-Hour Report on the same day, which included a previously disclosed expenditure totaling \$359,992.00, but changed the name of the Federal candidate supported and office sought from Joni K. Ernst for the Iowa Senate General 2020 Election to John James for the Michigan Senate General 2020 Election. The six independent expenditures, totaling \$620,832, are shown in the chart below:

Previously Undisclosed or Incorrectly Disclosed Independent Expenditures in Americas PAC Amended April Quarterly Report (filed July 13, 2020)

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Supported/Opposed	Election	24-Hour Report Filed
Cumulus KHKI	5/13/2020	\$41,600.00	Cindy Axne	2020 General	7/13/2020
Des Moines Radio Group	5/13/2020	\$59,200.00	Cindy Axne	2020 General	7/13/2020
iHeart Media - Cedar Rapids	5/13/2020	\$57,600.00	Abby Finkenauer	2020 General	7/13/2020
Townsquare KOEL	5/13/2020	\$23,200.00	Abby Finkenauer	2020 General	7/13/2020
Townsquare Media - IA	5/13/2020	\$79,240.00	Abby Finkenauer	2020 General	7/13/2020
iHeart Media - WMXD	5/13/2020	\$359,992.00	John James	2020 General	7/13/2020
	TOTAL:	\$620,832.00			

7. In September 2020, the Reports Analysis Division sent the Committee two Requests for Additional Information, referencing its Amended 2020 April Quarterly Report and noting that the Committee may have failed to file one or more 48-Hour Reports for independent expenditures.

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V. Respondent violated 52 U.S.C. § 30104(g) and 11 C.F.R. § 104.4(b)(2) by failing to timely and accurately file 48-Hour Reports supporting six independent expenditures totaling \$620,832.00.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Fifty Thousand Four Hundred Dollars (\$50,400), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30104(g) and 11 C.F.R. § 104.4(b)(2).

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 same and the Commission has approved the entire agreement.

IX. Respondents 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.

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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
Associate General Counsel
for Enforcement

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Charles Kitcher
Date: 2022.10.18
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10/18/22
Date

FOR THE RESPONDENT:


(Name) Trenium
(Position)

9-5-2022
Date