



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 25, 2021

Via Electronic Mail Only
dlgould@gouldorellana.com

David Gould, Treasurer
Hall for Congress
249 E. Ocean Blvd., Suite 685
Long Beach, CA 90802

RE: MUR 7767

Dear Mr. Gould:

On January 11, 2021, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Hall for Congress and you in your official capacity as treasurer in settlement of a violation of 52 U.S.C. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 102.9, a provision of the Commission's regulations. 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. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Kristina Portner

Kristina Portner
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7767
Hall for Congress and)	
David Gould 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. The Commission found reason to believe that Hall for Congress and David Gould in his official capacity as treasurer (“Respondents”) violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9.

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.
- IV. The pertinent facts in this matter are as follows:
 1. Hall for Congress is the principal campaign committee for Isadore Hall, III, a 2016 candidate to the U.S. House of Representatives for California’s Forty-fourth Congressional District. David Gould is the committee’s treasurer.

2. During the 2016 election cycle, an authorized committee was limited to receiving a total of \$2,700 per election from any one person and \$5,000 from a multicandidate committee. *See* 52 U.S.C. §30116(a)(1)(A).

3. No candidate or political committee shall knowingly accept any contribution that is in excess of the Act's contribution limits. *See* 52 U.S.C. § 30116(f).

4. If a committee receives a contribution that appears to exceed the contribution limits, the committee must either return the contribution to the donor or deposit the contribution into its federal account and seek a reattribution or a redesignation of the excessive portion within 60 days. *See* 11 C.F.R. §§ 103.3(b)(3), 110.1(k).

5. If an individual makes an excessive contribution to an authorized committee before the primary, the committee may presumptively redesignate the excessive portion to the general election if the contribution is not designated in writing for a particular election and does not cause the contributor to exceed any other contribution limits as redesignated. *See* 11 C.F.R. § 110.1(b)(5)(ii)(B). When an individual makes an excessive contribution to an authorized committee after the primary and before the general election, the committee may presumptively redesignate the excessive portion to the primary election if the contribution is not designated in writing for a particular election, the redesignation does not cause the contributor to exceed any other contribution limits, and the contribution does not exceed the committee's net debts outstanding for the primary election. *See* 11 C.F.R. § 111.1(b)(5)(ii)(C).

6. When a committee presumptively redesignates an excessive contribution, it must notify the contributor within sixty days after receipt of the contribution, and inform the

contributor of the amount of the contribution that was redesignated and that the contributor may request a refund of the contribution. *See* 11 C.F.R. § 110.1(b)(5)(ii)(B)(5)-(6), (C)(5)-(6).

7. A committee is required to refund or disgorge excessive contributions that cannot be reattributed or redesignated. *See* 11 C.F.R. § 103.3(b)(3).

8. Commission regulations permit a candidate's authorized committee to receive contributions for the general election prior to the primary election provided the committee employs an acceptable accounting method to distinguish between primary and general election contributions. *See* 11 C.F.R. § 102.9(e)(1).

9. The committee's records must demonstrate that prior to the primary election, the committee's recorded cash-on-hand was at all times equal to or in excess of the sum of general election contributions received less the sum of general election disbursements made. *See* 11 C.F.R. § 102.9(e)(2).

10. Respondents received \$61,683 in excessive contributions during the 2016 election cycle.

11. Respondents untimely presumptively redesignated \$44,500 of the excessive contributions.

12. Respondents failed to refund or disgorge the remaining \$17,183 of the excessive contributions.

13. Respondents received \$155,358 in general election contributions prior to the primary election, and spent general election contributions totaling \$71,407 on primary election expenses.

V. Respondents violated 52 U.S.C. § 30116(f) by knowingly accepting excessive contributions and violated 11 C.F.R. § 102.9(e) by using general election contributions for primary election expenses.

VI. Respondents will take the following actions:

1. In ordinary circumstances, the Commission would seek a substantially higher civil penalty based on the violations outlined in this agreement. However, the Commission is taking into account the fact that the Committee is inactive, has a very modest amount of cash on hand, and according to Respondents has a limited ability to raise additional funds. In light of these factors, Respondents will pay a civil penalty to the Commission in the amount of four thousand dollars (\$4,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will refund or disgorge to the U.S. Treasury the \$17,183 in excessive contributions the Committee received in violation of 52 U.S.C. § 30116(f) that have not been untimely presumptively redesignated, and provide evidence of the refunds or disgorgement.

3. Respondents will cease and desist from violating 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e).

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.

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

January 25, 2021
Date

FOR THE RESPONDENTS:


David Gould
Treasurer, Hall for Congress

11-23-2020
Date