



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

July 2, 2021

VIA EMAIL

Harry Kresky, Esq.
128 Binninger Road
Shushan, NY 12873
kresky.law@gmail.com

RE: MUR 7769
Jill Stein for President

Dear Mr. Kresky:

On June 23, 2021, the Federal Election Commission accepted the signed conciliation agreement, including a \$25,000 civil penalty, submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(b), a provision 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 45 days of the conciliation agreement's effective date. If you have any questions, please contact Ray Wolcott, the attorney assigned to this matter, at (202) 694-1302.

Sincerely,

Mark Shonkwiler

Mark Shonkwiler
Assistant General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7769
Jill Stein for President and James Lane)
 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. Based on information obtained by the Commission about the Committee’s activity during the 2016 presidential primary election, the Commission found reason to believe that the Jill Stein for President and James Lane in his official capacity as treasurer (“Respondents” or “Committee”) violated 52 U.S.C. § 30104(b) of the Federal Election Campaign Act of 1971, as amended, (the “Act”).

NOW, THEREFORE, the Commission and the 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 the 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 in this matter are as follows:

1. The Committee is a political committee within the meaning of 52 U.S.C. § 30101(4) and is the authorized campaign committee for Jill Stein, a candidate in the 2016 Green Party presidential primary election and the party's nominee in the general election.
2. James Lane is the Treasurer of the Committee. Mr. Lane is named in this matter in his official capacity as treasurer, and not in his individual capacity.
3. The Act requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104(b). 52 U.S.C. § 30104(a)(1). The Act also requires candidate committees to report the amount and nature of outstanding debts and obligations owed by or to the committee. 52 U.S.C. § 30104(b)(8).
4. During the 2016 election cycle, as determined by a Commission audit, the Committee understated its receipts by \$222,297, understated its disbursements by \$127,995, and failed to report \$17,015 in debts and obligations in connection with the presidential primary election.
5. In 2020, the Committee filed 26 amended disclosure reports to reflect the previously unreported activity listed above.
6. The Committee contends that, to the best of its knowledge, the amended disclosure reports accurately reflect its 2016 election cycle activity.

V. Respondents violated 52 U.S.C. § 30104(b) by failing to report the above receipts, disbursements, and outstanding debts in connection with the 2016 presidential primary election.

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. The Commission is taking into account, however, Respondents' disclosure report amendments, willingness to toll the applicable

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statute of limitations, limited cash-on-hand, and limited ability to raise additional funds. In light of these factors, Respondents will pay a civil penalty to the Commission in the amount of Twenty Five Thousand dollars (\$25,000) within 45 days of the execution of this agreement by all parties, pursuant to 52 U.S.C. § 30109(a)(5)(A).

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

3. The Committee will file appropriate additional amended reports within 30 days should the Commission's Reports Analysis Division determine that further amendments to its 2016 disclosure reports are necessary.

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. Respondents shall have no more than 45 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 agreement is without prejudice to pending or future administrative or judicial challenges by Respondents or negotiations between Respondents and the Commission pertaining to repayment of presidential election matching funds and administrative fines.

XI. 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,

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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

6/24/21
Date

FOR THE RESPONDENTS:

JK
Harry Kresky, Esq.
Counsel for Respondents

6/14/21
Date