



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Neil Reiff  
Sandler, Reiff, Lamb, Rosenstein &  
Birkenstock, P.C.  
1090 Vermont Ave NW, Ste 750  
Washington, DC 20005

SEP 19 2019

RE: AR 19-04  
South Dakota Democratic Party and Bill  
Nibbelink, Treasurer

Dear Mr. Reiff:

The Federal Election Commission (“Commission”) has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that your clients South Dakota Democratic Party and Bill Nibbelink in his official capacity as treasurer (“Committee”), may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). Following an audit conducted by the Commission pursuant to 52 U.S.C. § 30111(b), the Committee has been referred by the Audit Division to the Commission’s Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.<sup>1</sup> Specifically, the Committee has been referred for misstatement of financial activity – Increased Activity in the amount of \$2,500,147; Calendar Years (2015, 2016) and contributions from unregistered organization in the amount of \$23,827; Calendar Years (2015, 2016). For further information, a copy of the referral document is enclosed. We have numbered this referral AR 19-04.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against your clients South Dakota Democratic Party and Bill Nibbelink in his official capacity as treasurer in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission’s consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel’s Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an

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<sup>1</sup> Notification of this referral is being provided to you pursuant to the Commission’s Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

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investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>2</sup>

Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the referral until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

**Mail**  
Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Christal Dennis, Paralegal  
1050 First Avenue, NE  
Washington, DC 20463

OR  
**Email**  
CELA@fec.gov

If you have any questions, please contact Christal Dennis at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission.

Sincerely,



Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

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<sup>2</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).