



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**BY ELECTRONIC MAIL ONLY**

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March 21, 2022

RE: MUR 7887  
Hamilton Company

Dear Mr. Spies & Ms. Reynolds:

On March 16, 2022, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30119(a)(1), 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 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1577 on [nmueller@fec.gov](mailto:nmueller@fec.gov).

Sincerely,

*Nicholas O. Mueller*

Nicholas O. Mueller  
Attorney

Enclosure  
Conciliation Agreement

## BEFORE THE FEDERAL ELECTION COMMISSION

# CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized Complaint filed with the Federal Election Commission. The Commission found reason to believe that Hamilton Company (“Respondent”), violated 52 U.S.C. § 30119(a)(1) by making contributions while Respondent was a federal government contractor.

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 under 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. Respondent is a lab equipment manufacturing company that held federal contract with the U.S. Department of Defense between March 22, 2017 and March 21, 2021 and a federal contract with the U.S. Department of Health and Human Services between September 10, 2020 and April 10, 2021.

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2. On or around November 6, 2020, Respondent made a \$300,000 contribution to Americans for Prosperity Action and Robert Jentgens in his official capacity as treasurer (“AFP”), an independent expenditure-only political committee

3. On or around April 29, 2021, AFP refunded the \$300,000 contribution to Respondent.

4. Respondent contends that it did not understand itself to be a government contractor for the purpose of the Act, as the Respondent had never bid on or been awarded a government contract from any branch of the United States government through a request for proposal (“RFP”).

5. Respondent also contends that it enters into this Agreement due to the Respondent’s desire to avoid further legal costs.

V. The pertinent law in this matter is as follows:

1. The Federal Election Campaign Act of 1971, as amended (the “Act”) and the Commission’s regulations bar contributions to political committees by any person who enters into a contract with the United States or its departments or agencies for “furnishing any material, supplies, or equipment,” if payment on such contract “is to be made in whole or in part from funds appropriated by Congress.” 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.2(a). Such contributions are barred for the period between (1) the earlier of commencement of negotiations or when requests for proposal are sent out, and (2) the later of the completion of performance on or termination of negotiations for the contract. 11 C.F.R. § 115.1(b).

2. These prohibitions apply to a federal contractor who makes contributions to any political party, political committee, federal candidate, or “any person for any political purpose or use.” 11 C.F.R. § 115.2(a).

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VI. Respondent violated 52 U.S.C. § 30119(a)(1) by making federal contractor contributions.

VII. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of fifty-six thousand dollars (\$56,000) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30119(a)(1).

VIII. 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.

IX. This Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire Agreement.

X. Respondent 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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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, 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:  Digitally signed by Charles Kitcher  
Date: 2022.03.18 11:39:01  
-04'00'  
Charles Kitcher  
Associate General Counsel  
for Enforcement

3/18/22  
Date

FOR THE RESPONDENT:

  
Charlie Spies, Esq.  
Counsel for Hamilton Company

February 24, 2022  
Date