

**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

October 4, 2022

Neil Reiff, Esq.
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.
1090 Vermont Avenue, Suite 750
Washington, DC 20005
reiff@sandlerreiff.com

RE: MUR 7962
Just the Truth PAC and Jodi
Schwartz in her official
capacity as treasurer

Dear Mr. Reiff:

On September 28, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your clients, Just the Truth Political Action Committee and Jodi Schwartz in her official capacity as treasurer, in settlement of a violation of 52 U.S.C. § 30104(g)(2), 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 Committee's civil penalty payment is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1616 or drigsby@fec.gov.

Sincerely,

Delbert K. Rigsby
Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Just the Truth Political Action Committee)	MUR 7962
and Jodi Schwartz in her 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 Just the Truth Political Action Committee and Jodi Schwartz in her official capacity as treasurer ("Respondent" or "Committee") violated 52 U.S.C. § 30104(g)(2), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

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. Just the Truth Political Action Committee is an independent expenditure-only committee that registered with the Commission on May 26, 2020. It is a political committee within the meaning of 52 U.S.C. § 30101(4).

2. Jodi Schwartz is the treasurer of Just the Truth Political Action Committee.

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).

52 U.S.C. § 30104(a)(1). 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. Every political committee that makes independent expenditures must report them in its regularly scheduled disclosure reports in accordance with 11 C.F.R. § 104.3(b)(3)(vii). 11 C.F.R. § 104.4(a). 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. 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 IE Reports”), must be filed by the end of 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).

5. On October 21, 2020, the Committee filed its amended 2020 October Quarterly Report disclosing ten independent expenditures totaling \$455,309.94, all in opposition to a U.S. Presidential candidate. A review revealed that the Committee did not file 48-Hour IE Reports for these expenditures.

6. On December 20, 2020, the Commission's Reports Analysis Division ("RAD") sent the Committee a Request for Additional Information ("RFAI") regarding its failure to file the 48-Hour IE Reports. In response, on December 23, 2020, the Committee filed a Miscellaneous Report ("Form 99") stating "we were unaware prior to the receipt of the correspondence of the obligation regarding 48-hour reporting for each independent expenditure over \$10,000 (aggregate)." The Committee's Form 99 also stated that it immediately submitted appropriate filings for all independent expenditures on the cited report and subsequent reports. On the same day, the Committee untimely filed one 48-Hour IE Report disclosing the independent expenditures totaling \$455,309.94.

7. On October 21, 2020, the Committee filed its 2020 12-Day Pre-General Report disclosing two independent expenditures totaling \$76,858.83, all in opposition to a U.S. Presidential candidate. A review revealed that the Committee did not file a 48-Hour IE Report for these expenditures.

8. On February 11, 2021, RAD sent the Committee an RFAI regarding its failure to file the 48-Hour IE Report. In response, the Committee filed a Form 99 on March 10, 2021, stating that prior to the first RFAI in December 2020, it was unaware of the 48-Hour reporting requirement and submitted appropriate filings for all independent expenditures on the cited report and subsequent reports. On December 23, 2020, the Committee untimely filed a 48-Hour IE Report disclosing the independent expenditures totaling \$76,858.83.

9. The Committee's expenditures for two advertisements totaling \$43,056.90 that it untimely disclosed as independent expenditures are not independent expenditures because the advertisements do not expressly advocate the election or defeat of a clearly identified federal

candidate and are not required to be disclosed as independent expenditures. *See* 52 U.S.C. § 30104(g)(2); 11 CF.R. §§ 100.22, 104.4(b)(2).

V. Respondent violated 52 U.S.C. § 30104(g)(2) by untimely filing 48-Hour IE Reports for independent expenditures.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Forty-Two Thousand Dollars (\$42,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30104(g)(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. 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.

MUR 7962 (Just the Truth Political Action Committee)
 Conciliation Agreement
 Page 5 of 5

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

Digitally signed by
 Charles Kitcher
 Date: 2022.10.04
 12:46:32 -04'00'

10/4/22

Date

FOR THE RESPONDENT:


 (Name) Neil Reiff
 (Position) Counsel

9/9/22
 Date