



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**VIA ELECTRONIC MAIL**

Neil P. Reiff  
 Sandler Reiff Lamb Rosenstein & Birkenstock, PC  
 1090 Vermont Ave. NW, Suite 750  
 Washington, DC 20005  
[reiff@sandlerreiff.com](mailto:reiff@sandlerreiff.com)

June 16, 2022

RE: MUR 7972  
 ProgressNow AZ - Federal

Dear Mr. Reiff,

On June 15, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, ProgressNow AZ – Federal and Darryl Tattrie in his official capacity as treasury, in settlement of violations of 52 U.S.C. § 30104(b)(8), (g)(2), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 104.3(d), 104.4(b)(2) of the Commission’s regulations. Accordingly, the Commission has closed the file 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) 694-1574 or [jdigiovanni@fec.gov](mailto:jdigiovanni@fec.gov).

Sincerely,

Justine A. di Giovanni  
 Attorney

Enclosure:  
 Conciliation Agreement

## **BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
ProgressNow AZ – Federal and Darryl Tattrie ) MUR 7972  
in his official capacity as treasurer )

## **CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that ProgressNow AZ – Federal and Darryl Tattrie in his official capacity as treasurer (the “Committee”) violated 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2) by failing to file or timely file 48-Hour Reports, and 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately report debt.

14 NOW, THEREFORE, the Commission and the Respondent, having participated in  
15 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
16 as follows:

17 I. The Commission has jurisdiction over the Respondent and the subject matter of  
18 this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C.  
19 § 30109(a)(4)(A)(i).

20 II. Respondent has had a reasonable opportunity to demonstrate that no action  
21 should be taken in this matter.

22 III. Respondent enters voluntarily into this Agreement with the Commission.

23           IV. The pertinent facts in this matter are as follows:

24           1. The Committee is an independent expenditure-only political committee that first  
25 registered with the Commission on May 12, 2020.

MUR 7972 (ProgressNow AZ – Federal)

Conciliation Agreement

Page 2 of 5

1           2. Darryl Tattrie is the Treasurer of the Committee. Mr. Tattrie was not the

2 Treasurer of the Committee during the 2020 election cycle.

3           3. Between July and October 2020, the Committee made independent expenditures

4 that totaled \$754,443.45 supporting presidential candidate Joseph R. Biden Jr. and U.S. Senate

5 candidate Mark Kelly and opposing presidential candidate Donald J. Trump.

6           4. The Committee made nine independent expenditures between July 22 and

7 September 30, 2020, totaling \$509,223.45, which were first disclosed to the Commission on the

8 Committee's 2020 October Quarterly Report. The Committee had not at the time of that Report

9 filed 48-Hour Reports regarding these expenditures.

10          5. Following receipt of a Request for Additional Information ("RFAI") from the

11 Commission's Reports Analysis Division ("RAD") regarding the non-filed 48-Hour Reports, on

12 November 5, 2020, the Committee filed six 48-Hour Reports supporting seven of the

13 independent expenditures totaling \$259,223.45 and one 24-Hour Report regarding two of the

14 independent expenditures totaling \$250,000.

15          6. The Committee made two additional independent expenditures between October 1

16 and October 14, 2020, totaling \$125,220, which were first disclosed to the Commission on the

17 Committee's 2020 12-Day Pre-General Report. RAD sent the Committee an RFAI regarding the

18 non-filed 48-Hour Reports, but to date, the Committee has not filed 48-Hour Reports regarding

19 these expenditures.

20          7. The Committee made an additional independent expenditure on October 13, 2020,

21 in the amount of \$120,000, which was first disclosed to the Commission on the Committee's

22 2020 Year-End Report. At the time of that Report, the Committee had not filed a 48-Hour

23 Report regarding this expenditure.

MUR 7972 (ProgressNow AZ – Federal)

Conciliation Agreement

Page 3 of 5

1        8. Following receipt of an RFAI regarding the non-filed 48-Hour Report, on  
2 March 26, 2021, the Committee filed a 48-Hour Report disclosing this independent expenditure.

3        9. On October 14, 2020, the Committee filed its original 2020 12-Day Pre-General  
4 Report, which did not disclose any debt incurred between October 1 and 14, 2020.

5        10. On its most recent amendment to the 2020 12-Day Pre-General Report, dated  
6 March 26, 2021, the Committee disclosed \$120,000 in debt incurred during the reporting period  
7 that had not been previously disclosed.

8        11. The Federal Election Campaign Act of 1971, as amended (the “Act”) and  
9 Commission regulations require political committees that make independent expenditures  
10 aggregating \$10,000 or more for an election in any calendar year, up to and including the 20th  
11 day before an election, to file a 48-Hour Report to disclose such independent expenditures by  
12 11:59 p.m. Eastern Standard/Daylight Time on the second day following the date on which a  
13 communication that constitutes an independent expenditure is publicly distributed or otherwise  
14 publicly disseminated. 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2).

15        12. The Act and Commission regulations require political committees to disclose the  
16 amount and nature of outstanding debts and obligations until those debts are extinguished.  
17 Debts of \$500 or less must be reported no later than 60 days after the obligation is incurred,  
18 while debts of more than \$500 must be reported as of the date the obligation is incurred.  
19 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11.

20        13. The Committee failed to file each of the above 48-Hour Reports discussed in  
21 paragraphs IV.4-8 by 11:59 pm on the second day following the date on which the independent  
22 expenditures aggregating \$10,000 or more were publicly distributed or disseminated.  
23 Therefore, the Committee failed to timely file 48-Hour Reports.

MUR 7972 (ProgressNow AZ – Federal)

Conciliation Agreement

Page 4 of 5

1           14.     The Committee failed to report the debt discussed in paragraphs IV.9-10, which  
2     exceeded \$500, at the time it was incurred. Therefore, the Committee failed to accurately report  
3     its debt on its 2020 12-Day Pre-General Report .

4           V.     The Committee violated 52 U.S.C. § 30104(g)(2) and 11 C.F.R. § 104.4(b)(2) by  
5     failing to file or timely file 48-Hour Reports, and 52 U.S.C. § 30104(b)(8) and 11 C.F.R.  
6     § 104.3(d) by failing to accurately report its debt.

7           VI.    1.     The Committee will pay a civil penalty to the Federal Election  
8     Commission in the amount of Seventy-Eight Thousand Dollars (\$78,000), pursuant to 52 U.S.C.  
9     § 30109(a)(5)(A).

10          2.     The Committee will cease and desist from violating 52 U.S.C.  
11     § 30104(b)(8), (g)(2) and 11 C.F.R. §§ 104.3(d), 104.4(b)(2)

12          3.     The Committee will file 48-Hour Reports regarding the two independent  
13     expenditures made between October 1 and October 14, 2020, totaling \$125,220, which were first  
14     disclosed to the Commission on the Committee’s 2020 12-Day Pre-General Report.

15          VII.    The Commission, on request of anyone filing a complaint under 52 U.S.C.  
16     § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review  
17     compliance with this Agreement. If the Commission believes that this Agreement or any  
18     requirement thereof has been violated, it may institute a civil action for relief in the United States  
19     District Court for the District of Columbia.

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

MUR 7972 (ProgressNow AZ – Federal)  
Conciliation Agreement  
Page 5 of 5

IX. Respondent shall have no more than 30 days from the date this Agreement  
2 becomes effective to comply with and implement the requirements contained in this Agreement  
3 and to so notify the Commission.

4 X. This Conciliation Agreement constitutes the entire agreement between the parties  
5 on the matters raised herein, and no other statement, promise, or agreement, either written or  
6 oral, made by either party or by agents of either party, that is not contained in this written  
7 agreement shall be enforceable.

8 FOR THE COMMISSION:

9 Lisa J. Stevenson  
10 Acting General Counsel

Charles Kitcher

Digitally signed by Charles  
Kitcher  
Date: 2022.06.16 11:40:43  
-04'00'

11 BY: \_\_\_\_\_  
12 Charles Kitcher  
13 Associate General Counsel

6/16/22  
Date

14 FOR THE RESPONDENT:



15 \_\_\_\_\_  
16 Neil P. Reiff  
17 Counsel for Responde

5/26/22  
Date