



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 1, 2022

Via Electronic Mail

Jessica Furst Johnson
Holtzman Vogel Baran Torchinsky
& Josefiak PLLC
15405 John Marshall Highway
Haymarket, VA 20169
jessica@holtzmanvogel.com

RE: MUR 7973 (formerly RR 21L-48)
Burgess 4 Utah and Paul Kilgore
in his official capacity as treasurer

Dear Ms. Johnson:

On July 27, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Burgess 4 Utah and Paul Kilgore in his official capacity as treasurer in settlement of violations of 52 U.S.C. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended. The Commission also voted to close the file.

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 effective date of the conciliation agreement. If you have any questions, please contact me at (202) 746-8546.

Sincerely,

Kimberly D. Hart
Kimberly D. Hart
Attorney

Enclosure: Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7973
Burgess 4 Utah and Paul Kilgore)	
in his official capacity as treasurer)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the “Commission”), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Burgess 4 Utah and Paul Kilgore in his official capacity as treasurer (the “Committee” or “Respondent”) violated 52 U.S.C. § 30116(f) of the Federal Election Campaign Act of 1971, as amended (“the Act”), by accepting excessive contributions that it failed to timely refund, reattribute, or designate.

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. Burgess 4 Utah is the principal campaign committee of Burgess Owens, a 2020 congressional candidate in Utah’s Fourth Congressional District.

2. Paul Kilgore is the Committee's current treasurer.
3. During the 2020 election cycle, an authorized committee was permitted to accept a total of \$2,800 per election from an individual and \$5,000 from a multicandidate committee. 52 U.S.C. § 30116(a)(1)(A), (2)(A); 11 C.F.R. §§ 110.1(b), 110.2(b)(1); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2,504, 2,505 (Feb. 7, 2019) (adjusting limitations for the 2019-2020 election cycle).
4. Candidates and their political committees are prohibited from knowingly accepting excessive contributions. 52 U.S.C. § 30116(f).
5. When a committee receives a contribution that on its face exceeds the limits or which exceeds the limits when aggregated with other contributions from the same contributor, the Commission's regulations give the committee 60 days from the date of contribution receipt to refund, redesignate, or reattribute the excessive amount. 11 C.F.R. §§ 103.3(b)(3), 110.1(b). A committee treasurer may request a redesignation or reattribution by the contributor, but must refund the contribution if a redesignation or reattribution is not obtained within 60 days of the treasurer's receipt of the contribution. *Id.* §§ 103.3(b)(3), 110.1(b). A contribution redesignated for another election or reattributed to a joint contributor shall not exceed any of the limitations of the Act. *Id.* § 110.1(b)(5), (k)(3).
6. In 2020, the Committee reported receiving \$92,604.26 in contributions from 37 individuals and one multicandidate committee that exceeded the limits set forth in the Act. The excessive contributions appeared on the Committee's 2020 July Quarterly, 2020 October Quarterly, and 2020 30-Day Post General Reports. The Commission's Reports Analysis Division sent the Committee Requests for Additional Information ("RFAIs") identifying the facially excessive contributions for each of these reports, reminding the Committee of the

requirement to remedy the excessive contributions identified from each respective report, and requesting that the Committee inform the Commission of any corrective action in writing and by providing copies of refund checks or reattribution/redesignation letters.

7. The Committee has filed amendments disclosing refunds, redesignations, and reattributions showing that timely corrective action was taken as to \$11,200 in contributions previously reported as excessive, and that untimely corrective action was taken as to \$81,404.26 in excessive contributions. According to Commission records, it took the Committee between 79 and 614 days to refund, reattribute, or redesignate the excessive contributions.

V. Respondent violated 52 U.S.C. § 30116(f) by accepting excessive contributions that it failed to timely refund, redesignate, or reattribute.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Thirteen Thousand Five Hundred Dollars (\$13,500) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30116(f).

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.

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Conciliation Agreement
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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.

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** Digitally signed by Charles Kitcher
Date: 2022.08.01 11:25:40 -04'00'

Charles Kitcher
Associate General Counsel
for Enforcement

8/1/22
Date

FOR THE RESPONDENT:



July 8, 2022

Jessica Furst Johnson
Counsel for Respondent

Date