



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**VIA ELECTRONIC MAIL**

November 29, 2022

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

RE: MUR 8050 (RR 22L-04)  
Montana Democratic Party and  
Lance Fourstar in his official  
capacity as treasurer

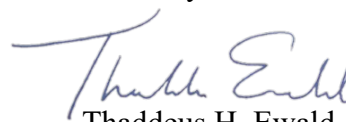
Dear Mr. Reiff:

On November 23, 2022, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, Montana Democratic Party and Lance Fourstar in his official capacity as treasurer, in settlement of violations of 52 U.S.C. §§ 30104(b)(2) and (4) and 30116(f), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 104.3(a) and (b) and 110.9 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) 694-1572 or [tewald@fec.gov](mailto:tewald@fec.gov).

Sincerely,

  
Thaddeus H. Ewald  
Attorney

Enclosure:  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	MUR 8050
Montana Democratic Party and Lance	)	
Fourstar 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 the Montana Democratic Party and Lance Fourstar in his official capacity as treasurer ("Respondent" or the "Committee") violated 52 U.S.C. § 30104(b)(2) and (4) and 11 C.F.R. § 104.3(a) and (b) by failing to timely and accurately report receipts and disbursements and 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by accepting excessive contributions.

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 and law in this matter are as follows:

1. The Committee is a state party committee of the Democratic Party and Lance Fourstar is the Committee's current treasurer.
2. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).
3. These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required. *See* 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).
4. The Act provides that no person shall make contributions to a political committee established and maintained by a state committee of a political party in any calendar year that, in the aggregate, exceed \$10,000. 52 U.S.C. § 30116(a)(1)(D); 11 C.F.R. § 110.1(c)(5).
5. The Act further prohibits political committees from knowingly accepting excessive contributions. 52 U.S.C. § 30116(f); 11 C.F.R. § 110.9. When a committee receives a contribution that on its face exceeds the limits or that 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. *See* 11 C.F.R. § 103.3(b)(3).
6. The Committee filed its original 2020 12-Day Pre-General Report on October 22, 2020, on which it disclosed \$1,203,373 in receipts identified as Transfers from Affiliated/Other Party Committees on Line 12, \$30,000 in disbursements identified as Transfers to Affiliated/Other Party Committees on Line 22, and \$1,000 in disbursements identified as

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Other Disbursements on Line 29. On December 3, 2020, and May 11, 2021, the Committee filed amendments to its 2020 12-Day Pre-General Report, on which it ultimately disclosed \$1,953,373 in receipts on Line 12, \$750,000 in disbursements on Line 22, and \$31,000 in disbursements on Line 29. These amendments reflect an aggregate increase of \$1,500,000 in activity on the 2020 12-Day Pre-General Report.

7. The Committee reported \$34,490.91 in contributions from four individuals on its 2020 12-Day Pre-General Report that exceed the limits set forth in the Act. The Committee subsequently reported refunds of those excessive contributions in the amount of \$34,490.91 on May 10, 2021, outside of the permissible timeframe.

8. The Committee contends that the amended activity resulted from the inadvertent omission of two transactions from a new Committee bank account due to an internal miscommunication between Committee staff and an outside consultant and that the late refunds resulted from the late receipt of information related to donors from a joint fundraising committee in which the Committee participated. The Committee further contends that it has taken steps to ensure these errors do not happen again, including the full reconciliation of all accounts before the filing of disclosure reports and improved communication with joint fundraising representatives on a timely basis.

V. Respondent violated 52 U.S.C. § 30104(b)(2) and (4) and 11 C.F.R. § 104.3(a) and (b) by failing to timely and accurately report receipts and disbursements and 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by accepting excessive contributions.

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VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Thirty-Eight Thousand Dollars (\$38,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).
2. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30104(b)(2), (4), and 30116(f) and 11 C.F.R. §§ 104.3(a), (b) and 110.9.

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 thirty (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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X. This Agreement constitutes the entire agreement between the parties on the matter 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

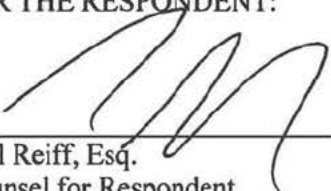
BY: **Charles  
Kitcher**  
Charles Kitcher  
Associate General Counsel  
for Enforcement

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Charles Kitcher  
Date: 2022.11.28  
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11/28/22

Date

FOR THE RESPONDENT:

  
Neil Reiff, Esq.  
Counsel for Respondent

11/2/22  
Date