

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via Electronic Mail Only
theutepac@gmail.com
rwilson@nativelawgroup.com

July 22, 2022

Skyler Massy, Treasurer
UtePAC
c/o Comptroller-Treasurer
P.O. Box 190
Fort Duchesne, UT 84026

RE: AR 22-03

Dear Ms. Massy:

The Federal Election Commission (“Commission”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that UtePAC and you in your official capacity as treasurer (“Committee”), may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). Following an audit conducted by the Commission pursuant to 52 U.S.C. § 30111(b), the Committee has been referred by the Audit Division to the Commission’s Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ Specifically, the Commission has been referred for understated receipts by \$209,332 and disbursements by \$198,202, overstated beginning cash on hand by \$15,422, and understated ending cash on hand by \$12,065 in calendar year 2018; understated receipts by \$248,162 and disbursements by \$255,268 over the two-year reporting period ending December 31, 2018; making cash disbursements totaling \$13,640; failure to maintain records to support disbursements totaling \$18,140; failure to maintain records to support disbursements for communications totaling \$61,822; and for failure to correctly disclose disbursements totaling \$94,998. For further information, a copy of the referral document is enclosed. We have numbered this referral AR 22-03.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against UtePAC and you and your official capacity as treasurer. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission’s consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel’s Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law

¹ Notification of this referral is being provided to you pursuant to the Commission’s Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

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enforcement agencies.² If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notification and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

<u>Mail</u>	OR	<u>Email</u>
Federal Election Commission		cela@fec.gov
Office of Complaints Examination & Legal Administration		
Attn: Christal Dennis, Paralegal		
1050 First Street, NE		
Washington, DC 20463		

As indicated in the FEC's Notice found at <https://www.fec.gov/legal-resources/enforcement/complaints-process/how-to-file-complaint-with-fec/>, the office's mailroom is open on a limited basis and, therefore, processing paper correspondence may be delayed. Accordingly, we strongly encourage you to file responses and additional correspondence via email.

If you have any questions, please contact Christal Dennis at (202) 694-1519. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Roy Q. Lockett

Roy Q. Lockett
Acting Associate General Counsel
Complaints Examination &
Legal Administration

² The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).