



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 8, 2023

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
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SUBJECT: MUR 8069 (Friends of Warren Christopher) Pre-Probable Cause Conciliation

On September 15, 2022, the Commission found reason to believe that Friends of Warren Christopher and Leticia C. Smith in her official capacity as treasurer (the “Committee”) violated 52 U.S.C. § 30104(a) and 11 C.F.R. §§ 104.1(a), 104.3 by failing to file disclosure reports disclosing cash on hand, receipts, and disbursements.¹ The Commission authorized the Office of General Counsel (“OGC”) to engage in pre-probable cause conciliation with the Committee.² Attached is a negotiated Conciliation Agreement signed by Smith on behalf of the Committee

We

recommend that the Commission accept the signed agreement and close the file in this matter.

¹ Certification ¶ 2 (Sept. 20, 2022). The Commission also voted to take no action at that time as to whether the Committee and Warren Christopher violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.1(g) by converting campaign funds to personal use.

² *Id.* ¶ 2.d.

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10 At the time of the First General Counsel's Report, the available information appeared to
11 indicate that the Committee had over \$117,000 in cash as of its 2016 Year-End Report, the last
12 disclosure report it filed with the Commission. Though RAD had extensive communication with
13 the Committee's treasurer, Smith, who had indicated that the true cash-on-hand balance was \$0
14 following the 2016 election cycle, the Committee did not file any reports clarifying the record as
15 to either how the cash-on-hand balance was incorrect or how it had disposed of the reported
16 \$117,000.

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1 We believe this settlement represents an acceptable resolution of the matter. Though the
 2 agreement contains no penalty, it contains a full admission of the violation and a prohibition
 3 against future violations of the Act. Here, the primary violation is the failure to file disclosure
 4 reports; such conduct reflects an unwillingness or an inability to fulfill one of the critical
 5 obligations of the Act, and the failure to file reports is why the Commission was required to
 6 expend RAD and OGC resources to clarify the public record regarding the Committee's financial
 7 activity. This settlement emphasizes that the Commission takes such violations seriously and
 8 will pursue them. Therefore, we recommend that the Commission accept the signed Conciliation
 9 Agreement with the Committee.

10 In addition, at the time the Commission found reason to believe as to the Committee with
 11 regard to reporting violations, it also took no action at that time as to the Committee and Warren
 12 Christopher with regard to potential personal use violations.¹³ We did not learn any additional
 13 information during our conciliation negotiations with regard to personal use. Therefore, we now
 14 recommend that the Commission dismiss the allegation that the Committee and Christopher
 15 violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.21(g) and close the file.

16 **RECOMMENDATIONS:**

- 17 1. Accept the attached signed Conciliation Agreement;
- 18 2. Dismiss the allegations that Warren Christopher and Friends of Warren
 19 Christopher and Leticia C. Smith in her official capacity as treasurer violated
 20 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.21(g) by converting campaign funds to
 21 personal use;
- 22 3. Approve the appropriate letters; and
- 23 4. Close the file.

13 Certification ¶ 2.c (Sept. 20, 2022).