



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

January 26, 2023

**VIA EMAIL**

Katherine N. Reynolds  
Dickinson-Wright PLLC  
International Square  
1825 Eye Street, NW, Suite 900  
Washington, DC 20006-5468  
[kreynolds@dickinson-wright.com](mailto:kreynolds@dickinson-wright.com)

RE: MUR 8074  
Kim Klacik for Congress and Bradley Crate  
in his official capacity as treasurer

Dear Ms. Reynolds:

On January 18, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. §§ 30102(e)(3)(B), 30116(a), (f), and 30118(a), provisions of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. §§ 103.3(b) and 110.9 of the Commission's regulations. Accordingly, the file has been closed 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. Payment can be made by check payable to the Federal Election Commission and mailed to the Federal Election Commission, 1050 First Street NE, Washington DC 20463. Please write "MUR 8074 civil penalty" on the memo line of the check. Alternatively, payment can be made online by using this link: <https://www.pay.gov/public/form/start/316805379>. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

*Dominique Dillenseger*

Dominique Dillenseger  
Attorney

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the matter of	)	
	)	MUR 8074
Kim Klacik for Congress	)	
and Bradley T. Crate in his official	)	
capacity as treasurer	)	
	)	

**CONCILIATION AGREEMENT**

This matter was initiated pursuant to information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Kim Klacik for Congress and Bradley T. Crate in his official capacity as treasurer (“Respondent” or “Committee”) violated 52 U.S.C. §§ 30102(e)(3)(B), 30116(a), (f), and 30118(a) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. §§ 103.3(b) and 110.9 of the Commission’s regulations.

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 the principal campaign committee for Kimberly Klacik, who was a candidate in the 2020 election cycle for Maryland's 7<sup>th</sup> Congressional District.

Bradley T. Crate is its treasurer.

2. During the 2020 election cycle, an authorized committee could not accept more than \$2,800 per election from individuals and an authorized committee may not contribute more than \$2,000 per election to another authorized committee. 52 U.S.C. §§ 30102(e)(3)(B), 30116(a)(1)(A), (f); 11 C.F.R. §§ 110.9, 110.1(a)-(b). Further, the Act provides that no political committee shall knowingly accept any contribution that exceeds contribution limits. 52 U.S.C. § 30116(f); *see also* 11 C.F.R. § 110.9.

3. Contributions which either exceed the \$2,800 limit on their face or in the aggregate may be deposited or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If the excessive contribution is accepted, the treasurer may request redesignation or reattribution of the contribution. *Id.* If a redesignation or reattribution is not obtained, the treasurer must refund the contribution to the contributor within 60 days of receipt. *Id.*

4. In addition, candidates and their authorized committees are prohibited from knowingly accepting contributions that are not subject to the prohibitions of the Act, including contributions from corporations. 52 U.S.C. § 30118(a). If the treasurer cannot determine whether a contribution complies with the source prohibitions of the Act, the treasurer must refund the contribution to the contributor within 30 days of receiving the contribution. 11 C.F.R. § 103.3(b).

5. Further, an unregistered organization cannot make a contribution to a political committee unless such organization demonstrates that the underlying funds are subject to the limitations and prohibitions of the Act. 11 C.F.R. § 102.5(b)(1). The treasurer of a

political committee is responsible for ensuring that all contributions received comply with those limitations and prohibitions. 11 C.F.R. § 103.3(b).

6. The Committee's 2020 October Quarterly Report disclosed excessive contributions from 39 individuals totaling \$74,750.00; two prohibited contributions from two corporations totaling \$2,659.62; a prohibited contribution from an unregistered organization totaling \$500; and an excessive contribution of \$3,600.00 that the Committee made to another principal campaign committee.

7. The Committee's 2020 30-Day Post-General Report disclosed excessive contributions totaling \$18,700.00 from fifteen individuals and a \$50 excessive contribution from a prior reporting period.

8. Kim Klacik for Congress contends that the delayed refunds were a result of human error, and that it has implemented internal compliance measures, including hiring a new compliance firm, to ensure that the Committee does not accept excessive or prohibited contributions in the future, and that all refunds are made within sixty days of receipt. All excessive contributions received by the Committee have since been refunded and are reflected on the Committee's reports.

V. The parties agree to following:

1. Respondent violated 52 U.S.C. § 30116(f) and 11 C.F.R. §§ 103.3(b), 110.9 by knowingly accepting excessive contributions totaling \$93,500.00.

2. Respondent violated 52 U.S.C. § 30102(e)(3)(B) by making an excessive contribution of \$3,600.

3. Respondent violated 52 U.S.C. § 30118(a) and 11 C.F.R. §§ 103.3(b), 110.9 by knowingly accepting prohibited contributions from corporations totaling \$3,159.62.

4. Respondent violated 52 U.S.C. § 30118(a) and 11 C.F.R. § 103.3(b) by knowingly accepting a prohibited \$500 contribution from an unregistered organization.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Nineteen Thousand Dollars (\$19,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will seek a refund of the excessive \$3,600 contribution and amend its reports to reflect the refund.

3. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30102(e)(3)(B), 30116(a), (f) and 30118(a), and 11 C.F.R. §§ 103.3(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 the same and the Commission has approved the entire Agreement.

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 within 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

Digitally signed by Charles Kitcher  
Date: 2023.01.23 13:35:57 -05'00'

1/23/23  
Date

FOR THE RESPONDENT:

  
Katherine Reynolds  
Counsel for Kim Klacik for Congress  
and Bradley T. Crate  
in his official capacity as Treasurer

12-13-2022  
Date