



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

November 6, 2024

VIA ELECTRONIC MAIL

Maureen S. Hoerger
Perini & Hoerger
1770 Motor Parkway, Suite 300
Islandia, NY 11749
perinihoerger@aol.com

RE: MUR 8131

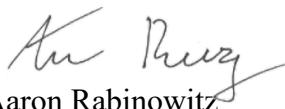
Dear Ms. Hoerger,

On October 7, 2024, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. §§ 30102(h)(1) and 30104(b) and 11 C.F.R. §§ 103.3(a) and 104.3 by failing to deposit receipts into a campaign depository account and by failing to report and incorrectly reporting information regarding receipts, disbursements, and cash on hand. Accordingly, the file has been closed in this matter, effective today.

Documents related to the case will be placed on the public record today. *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. If you have any questions, please contact Kevin Fortkiewicz, the attorney assigned to this matter, at (202) 694-1169.

Sincerely,


Aaron Rabinowitz
Assistant General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Nancy Marks) MUR 8131
)
)

CONCILIATION AGREEMENT

This matter was generated by a complaint filed with the Federal Election Commission.

The Federal Election Commission found reason to believe that Nancy Marks ("Respondent") in her personal capacity violated 52 U.S.C. §§ 30102(h)(1) and 30104(b) and 11 C.F.R. §§ 103.3(a) and 104.3 by failing to deposit receipts into a campaign depository account and by failing to report and incorrectly reporting information regarding receipts, disbursements, and cash on hand.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation prior to a finding of probable cause to believe, 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. Nancy Marks was hired to be the treasurer for Salazar for Congress, Freedom Force PAC, and Salazar Victory Committee (the "Committees"). Salazar for Congress is the authorized campaign committee of Representative Maria E. Salazar. Freedom Force

MUR 8131 (Nancy Marks)
 Conciliation Agreement
 Page 2 of 6

PAC is Salazar's leadership PAC. Salazar Victory Committee is her joint fundraising committee.

2. Marks served in that role approximately from January 2022 to July 2022. Marks filed April 2021 and July 2021 Quarterly Reports for the Committees while serving as the Committees' treasurer.

3. The Reports filed by Marks contained numerous errors, including, *inter alia*:

- contributions not reported, contributions reported with the wrong date, and duplicate transactions;
- failure to properly report joint fundraising contributions causing the appearance of excessive contributions;
- failure to properly designate contributions to specific elections causing the appearance of excessive contributions;
- unreported operating expenditures;
- reporting expenditures that did not occur;
- reporting of expenses that were expenses for a different committee;
- use of incorrect dates for when transactions occurred;
- contributions reported failed to disclose they were earmarked through a conduit; and
- misreporting of transfers to participants of the committee.

These individual errors also caused the Committees to misreport their cash on hand in the relevant reports.

4. The dollar amounts for the Committees' errors are as follows: (1) Salazar for Congress disclosed \$563,114.24 in errors in its 2021 April Quarterly Report and \$930,066.16 in errors in its 2021 July Quarterly Report; (2) Freedom Force PAC disclosed

MUR 8131 (Nancy Marks)
Conciliation Agreement
Page 3 of 6

\$12,200.00 in errors in its 2021 April Quarterly Report and \$23,771.71 in errors in its 2021 July Quarterly Report; and (3) Salazar Victory Committee disclosed \$246,480.6 in errors in its 2021 April Quarterly Report and \$264,393.35 in errors in its 2021 July Quarterly Report. These errors also resulted in the Committees misreporting their cash on hand in the relevant reports. The errors amount to \$2,132,976.06 in misreported activity out of the \$3,077,234.91 in total transactions for the Committees during the six-month period during which Marks was treasurer.

5. In addition, during this same period, Marks deposited \$92,950 in checks made payable to Salazar Victory Committee and \$10,000 in checks made payable to Freedom Force PAC into Salazar for Congress's depository account.

6. The Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations require that each treasurer of a political committee file regular reports with the Commission and sign each report. 52 U.S.C. § 30104(a)(1), (b); 11 C.F.R. §§ 104.1(a), 104.3(a), (b). The Commission may find a current or former treasurer personally liable when "the treasurer knowingly and willfully violated an obligation that the Act or regulations specifically impose on treasurers or where the treasurer recklessly failed to fulfill the duties imposed by law, or where the treasurer has intentionally deprived himself or herself of the operative facts giving rise to the violation." Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 3-4 (Jan. 3, 2005).

7. The Act requires political committees to file reports disclosing, among other things the amount of cash-on-hand at the beginning of each reporting period; the total amount of receipts for the reporting period and for the calendar year; and the total amount of disbursements for the reporting period and for the calendar year. 52 U.S.C. § 30104(b)(1), (2), (4); 11 C.F.R. §§ 104.3(a)(1), 104.12. For each receipt or disbursement exceeding \$200, the

MUR 8131 (Nancy Marks)
Conciliation Agreement
Page 4 of 6

committee must report the source, date, and amount of each receipt and the ultimate payee, purpose, amount, and date of each disbursement. 52 U.S.C. § 30104(b)(3) and (5); 11 C.F.R. § 104.3(a)(4), (b)(3).

8. The Act and Commission regulations require each political committee to maintain at least one campaign depository and require that the treasurer deposit all contributions into that account within 10 days of receipt. 52 U.S.C. § 30102(h)(1); 11 C.F.R. § 103.3.

9. Marks, when serving as treasurer of the Committees, violated the reporting requirements of the Act governing, among other things the reporting of receipts, disbursements, cash on hand, and transfers. Marks also violated the requirement that a treasurer deposit receipts into a committee's depository account within 10 days of receipt. Marks recklessly failed to fulfill her duties as treasurer, causing \$2,132,976.06 in reporting errors and depositing violations while she was treasurer of the Committees.

V. Respondent committed the following violations:

1. Nancy Marks violated in her personal capacity 52 U.S.C. §§ 30102(h)(1) and 30104(b) and 11 C.F.R. §§ 103.3(a) and 104.3 by failing to deposit receipts into a campaign depository account and by failing to report and incorrectly reporting information regarding receipts, disbursements, and cash on hand;

VI. Respondent will take the following actions:

1. Respondent will cease and desist from committing further violations of 52 U.S.C. §§ 30102(h)(1) and 30104(b) and 11 C.F.R. §§ 103.3(a) and 104.3.

2. Respondent, through the submission of financial documentation to the Commission and additional representations, has indicated that financial hardship prevents her from paying any civil penalty to the Commission. Marks represents that her company,

MUR 8131 (Nancy Marks)
Conciliation Agreement
Page 5 of 6

Campaigns Unlimited, is no longer in operation and that she does not plan to be a treasurer of political committees in the future. The Commission regards these submissions and representations as material representations. Due to Marks's financial condition, the Commission agrees to depart from the civil penalty that it would normally seek for the violations at issue, and the Commission agrees that no civil penalty shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a civil penalty of thirty-six thousand dollars (\$36,000) shall be immediately due, pursuant to 52 U.S.C. § 30109(a)(5)(A).

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 Commission and Respondent and constitutes a final settlement as to the Respondent. 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.

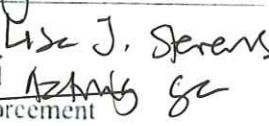
MUR 8131 (Nancy Marks)
Conciliation Agreement
Page 6 of 6

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY:

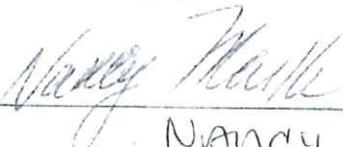


Charles Kitcher 
Associate General 
Counsel for Enforcement

10/29/2024

Date

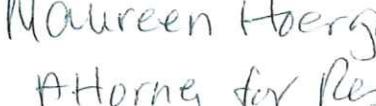
FOR THE RESPONDENT:



(Name) NANCY MARKS
(Position) Respondent

9/3/2024

Date



Maureen Hoerge,
Attorney for Respondent

9/3/2024

