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PAUL E. SULLIVAN, DC & CA

June 1, 2023

Delivered by Electronic Mail
cela@fec.gov and
EnfComplaint@fec.gov

Wanda D. Brown
Acting Assistant General Counsel
Complaints Examination &
Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

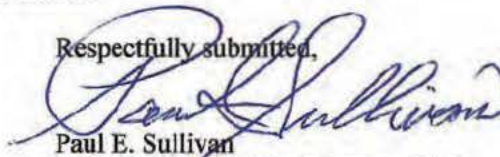
RE: The Moderate PAC, Inc.
RAD Referral Response
RR-23L-16

Dear Ms. Brown:

Enclosed please find the response filed by The Moderate PAC, Inc. in the above referenced matter.
Should you have follow-up questions please contact me at peasullivan@icloud.com.

Thank you for your time and attention to this matter.

Respectfully submitted,



Paul E. Sullivan
Legal Counsel to The Moderate PAC

BEFORE THE FEDERAL ELECTION COMMISSION

The Moderate PAC, Inc., and)
)
 Marysue Strong, as treasurer)
 _____)

In the matter of The Moderate PAC, Inc.,
 RR-23L-16
 Response to RAD Referral

I. Summary of Referral

By a letter dated May 10, 2023, The Moderate PAC, Inc., (Committee) and Marysue Strong in her capacity as Treasurer of the Committee, (Strong) received a notice from the Federal Election Commission (FEC/Commission) indicating that its Reports Analysis Division (RAD) had referred the Committee and Strong to the FEC Office of the General Counsel (OGC) in the matter identified as RR-23L-16 (Referral). The Referral alleges that the Committee as required by the Federal Election Campaign Act of 1971, as amended (FECA), specifically, 52 U.S.C. § 30104(g)(1), had failed to timely file five (5) 24-hour general election reports containing seven independent expenditure transactions. A copy of the Referral is attached hereto at Attachment A and fully incorporated herein by reference.

II. Factual Summary

Strong, who was the treasurer at all times related to the issues raised in the Referral, has issued a detailed affidavit, a true and complete copy of which is attached hereto at Attachment B and fully incorporated herein (Aff.) pertaining to the details and the explanations of the issues alleged in the Referral. Though Strong currently serves as a CFO for a private company and is highly educated (MBA) in accounting and computer services, in light of the fact it was the first time that she served as the treasurer of a federal political committee, she took several FEC classes and routinely contacted the FEC "Help Desk User Support Line" (Help Line) for advice and assistance (Aff. ¶3).

Strong was the individual who filed all quarterly, 48-hour and 24-hour reports during the 2022 election cycle and it should be recognized by the Commission that all of the quarterly reports and all of the 48-hour reports for the Committee were timely filed (Aff. ¶ 4).

Though Strong had timely filed quarterly and 48-hour reports, prior to the commencement of the 24-hour reporting period, she had questions as to the Committee's 24-hour reporting obligations. One such question was whether the Committee was required to disclose 24-hour transactions on both the 24-hour reports AND the post-election report (Aff. ¶ 5). As a result, she placed a call to the Help Line and was informed that the transactions were not required to be disclosed on both 24-hour report and the post-election report. That was the extent of the advice provided to her and as a result (Aff. ¶ 6) she thought the proffered guidance provided an option for the Committee to either disclose the transactions on the 24-hour report or the post-election report. Despite her perception that the Help Line advice provided her with options, with caution in mind, Strong decided to file, those transactions referenced in the Referral, in the 24-hour reports (Aff. ¶ 7).

Strong did proceed to timely enter each of the seven 24-hour required transactions into the Software system, which is verified by the FEC's Transaction Report. Though entered into the Software system, the entries apparently did not up-load (Aff. ¶ 9). Notwithstanding that fact, at the time of Strong entering the transactions into the Software, she was under the impression that the transactions at issue were up-loaded because after entering the transactions there was neither a notice provided by the Software system that the transactions were not properly up-loaded nor was there a failure to accept the entries or similar type notice, communicated to Strong. It was not until she received the January 19, 2023 letter from the RAD that she was informed the entries of the 24-hour reports did not properly up-loaded (Aff. ¶ 10).

In late November, Strong had additional disclosure questions regarding the post-election report. She spoke with Mr. Wetzel (Aff. ¶ 11) who provided her with advice that all the Committee's transactions from October 20, 2022 through November 28, 2022 were required to be disclosed on the post-election report. Though Strong perceived that advice to be in conflict with the advice previously provided to her by the Help Line, (Aff. ¶ 12) she proceeded to include the 24-hour transactions in the Committee's post-election report (Aff. ¶ 13). That post-election report was timely filed on December 7, 2022 (Aff. ¶ 15).

As noted above, Strong was first informed by a January 19, 2023 notice from Mr. Wetzel in

RAD that the 24-hour reports had not been up-loaded. In response to that January 19th notice, Strong filed a Form 99 on January 31, 2023 (Aff. ¶ 16 & Exhibit E).

III. Mitigation Considerations

From a mitigation perspective this situation clearly meets a substantial number of the factors which evidence “best efforts” by the Committee to file the 24-hour reports timely. I would request the Commission consider the “best efforts” components at this point in the administrative process.

A. Strong continually sought education and compliance advice.

Strong was serving for the first time in the capacity as treasurer for a federal political committee. Though highly educated and skilled in accounting protocols, she recognized the need to become familiar with the FECA disclosure obligations and the need to educate herself on the applicable Software. She did this by taking several on-line classes and seeking the advice from the Help Line on a consistent basis as issues arose (Aff. ¶ 3).

In addition, Strong relied upon the advice provided by the Help Line, albeit she was left to interpret the advice and did her best to comply with what she considered to be the advice provided. For example, she acknowledged that she had never dealt with 24-hour reports and as a result reached out for advice from the Help Line (Aff. ¶ 6). See also Strong’s follow-up inquiries to the Help Line regarding the late November call with Mr. Wetzel (Aff. ¶¶ 11 & 12).

There is little doubt that Strong sought out advice regarding compliance of disclosure issues and the applications of the Software to be assured of timely filings. As Strong’s affidavit indicates, she sought advice on numerous occasions from the Help Line and attended several FEC compliance classes. This evidences that Strong made concerted best efforts to gain the appropriate knowledge to timely file disclosure reports and address related compliance issues. Clearly, the issues that surfaced in the Referral were not the result of neglect of compliance education or lack of attention to disclosure issues.

B. Disclosure and Transparency

Obviously, the critical policy for filing 24-hour reports is to provide the public with timely disclosure and thorough transparency of who benefited from a committee's contributions/expenditures. There are two clear examples that Strong appreciated the need to have timely disclosure and underscores there was no intent to delay the filing of the transactions. First, Strong sought advice on whether to disclose the 24-hour report transactions in both the 24-hour report AND the post-election report. She was told that the Committee was not required to disclose the information on both the 24-hour and post-election reports (Aff. ¶ 6). To her credit she decided upon the timelier avenue to provide the information to the public; namely the 24-hour report rather than waiting to file the transactions in the post-election report (Aff. ¶ 7).

In a second situation, Mr. Wetzel advised Strong that all of the general election activity between October 20, 2022 and November 28, 2022 must be reported in the post general report (including, based the 24-hour transactions) (see Aff. ¶ ¶12 & 13). At that time, she proceeded to include the 24-hour transactions in the post-election report to be assured of full and timely disclosure but what in her mind at the time was duplicate disclosure (Aff. ¶ 15).

C. Good Faith Belief Transactions Were Timely Filed

The failure to have the transactions at issue in the Referral timely up-load was not the fault of Strong's due to lack of attention to reporting obligations or attempts not to timely disclose the transactions. The FEC Transaction Report clearly indicates that each of the seven transactions at issue were entered into the Software and done so in compliance of entering the information within the 24-hour time period requirement from when the funds were disseminated (Aff. ¶ 9). Strong never received a notice from the Software that the entries of the transactions, though entered and verified, had neither been up-loaded nor that there were any problems with her entries. The Transaction Report provides evidence of best efforts to timely comply with the filing of the 24-hour

reports and, short of any notice to the contrary, Strong acted in good faith believing the reports were in fact timely up-load.

Strong's first notice that the transactions had not been up-loaded came in the January 19, 2023 letter from RAD (Aff. ¶ 10). However, by the time Strong had received the letter, she had already timely complied with the advice of Mr. Wetzel and disclosed the transactions in the post-election report, filed on December 7, 2022. Complying with the advice provided by Mr. Wetzel clearly signified a dedication by Strong to compliance and an appreciation for timely disclosure once she had been advised of the need to file the transactions in the post-election report.

There was no further action that Strong could have taken to rectify the information she learned from the January 19th RAD notice. Including the transactions in the post-election report was the earliest opportunity to place the transactions on the public record, albeit, Strong had operated in good faith and upon the belief the 24-hour reports had been timely and properly filed.

D. There Was No Negligence or Malfeasance

Lastly, to address an underlying issue that may be raised, it is clear that there was no malfeasance or an intent to conceal the source of its funds, the amounts it was expending, the vendors who were being paid and the candidates who were being supported. Though the amounts expended were increased from the 48-hour report by those transactions at issue, the same source of funds, list of vendors and candidates supported during the 24-hour report period were also reported in the 48-hour reports that were timely filed by the Committee and disclosed to the public (Aff. ¶ 19).

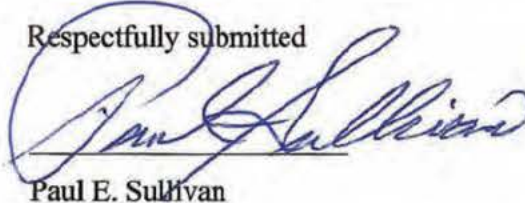
Similarly, in light of the attention given to compliance by Strong, including FEC classes and calls to the Help Line, and her professional focus to have Committee reports timely filed (Aff. ¶ 19) and the clear evidence in the Transaction Report that the transactions at issue were in-fact entered into the Software system, there is no basis to allege that there

was any level of negligence in the Committee's efforts to file the 24-hour reports at issue.

IV Conclusion

The Committee appreciates the fact that the 24-hour reports are required to be timely reported. The Committee has clearly demonstrated its compliance attempts to file those reports timely. The Committee has also set out above its "best efforts" which the Committee anticipates the Commission will seriously consider as substantial mitigating factors.

Respectfully submitted



Paul E. Sullivan

Legal Counsel to The Moderate PAC

BEFORE THE FEDERAL ELECTION COMMISSION

Committee's Brief

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Attachment A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 2023

Via Electronic Mail Only

marysuestrong@the-moderate.org

tystrong@the-moderate.org

Marysue Strong, Treasurer
The Moderate PAC, Inc.
100 M Street, Suite 600
Washington, DC 20003

RE: RR 23L-16

Dear Ms. Strong:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating The Moderate PAC, Inc., and you in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The matter has been referred by the Reports Analysis Division to the Commission's Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ Specifically, the Committee has been referred for failing to timely file five (5) 24-Hour Reports totaling \$582,652.00 to support seven (7) independent expenditures disclosed on the 2022 30-Day Post-General Report. We have numbered this referral RR 23L-16.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against The Moderate PAC, Inc., and you in 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 enforcement agencies, including the Department of Justice.² While the matter remains open, it will remain confidential as set forth above. After the matter is closed, certain documents from the file will be made available to the public on the Commission's website. To learn more about the agency's disclosure policy, please see 81 Fed. Reg. 51, 702 (Aug. 2, 2026), <https://fec.gov/resources/cms-content/documents/notice2016-06.pdf>.

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).

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).

RR 23L-16
Page 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 notifications 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):

Mail
Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

OR

Email
cela@fec.gov

As indicated in the FEC's Notice found at <https://www.fec.gov/resources/cms-content/documents/status-of-fec-operations.pdf>, 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,

Wanda D. Brown

Wanda D. Brown
Acting Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosures:

1. Referral
2. Procedures
3. Designation of Counsel Form

RAD Referral 23L-16
 The Moderate PAC, Inc.
 Page 1 of 3

23L-16

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 8, 2023

ANALYST: Brian Wetzel

I. COMMITTEE:

The Moderate PAC, Inc.
 C00790089
 Mary Sue Strong, Treasurer (8/15/22-Present)
 Ty Jeffrey Strong (12/7/21-8/14/22)
 Stephanie Kelly, Treasurer (9/28/21- 12/6/21)
 100 M Street, SE
 Suite 600
 Washington, DC 20003

II. RELEVANT STATUTE:

52 U.S.C. § 30104(g)(1)
 52 U.S.C. § 30104(b)(4)
 11 CFR § 104.4(c)
 11 C.F.R. § 104.3(b)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Reports)

The Moderate PAC, Inc. ("the Committee") failed to timely file five (5) 24-Hour Reports to support seven (7) independent expenditures totaling \$582,652.00 disclosed on the 2022 30-Day Post-General Report, made after the 20th day but more than 24 hours before the 2022 General Election held on November 8, 2022.

On November 21, 2022 and December 7, 2022, the Committee filed two (2) late 24-Hour Reports to support independent expenditures totaling \$582,652.00 disseminated between October 24, 2022 and November 2, 2022.

On December 8, 2022, the Committee filed the 2022 30-Day Post-General Report covering the period from October 20, 2022 through November 28, 2022. The report

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 The Moderate PAC, Inc.
 Page 2 of 3

included a Schedule E (Itemized Independent Expenditures) disclosing seven (7) independent expenditures totaling \$582,652.00 made in support of two (2) federal candidates (Attachment 1).

On January 19, 2023, a Request for Additional Information (RAI) was sent to the Committee referencing the 2022 30-Day Post-General Report. The RAI noted that the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports of independent expenditures. A chart was included with the RAI identifying seven (7) independent expenditures, totaling \$582,652.00, for which 24-Hour Reports had not been timely filed.

On January 31, 2023, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RAI referencing the 2022 30-Day Post-General Report. The Committee stated:

“This message is in response to the RAD letter dated 1/19/2023 from Mr. Wetzel. It appears that when I filed all of our 24 and 48 hour reports in the FEC file system, which we did timely and diligently within the 24 and 48 hour requirement, some of the files were not UPLOADED.

If you have access to the FEC file system, you can clearly see when we filed all the 24 hour and 48 hour reports online.

Perhaps we could plan to have a Zoom call and I could share my screen to show the dates that they were entered and documented?

This was simply an administrative (Did not fully UPLOAD each one) as planned –

We are very sorry for this oversight and now understand the steps: CLOSE, VALIDATE and most importantly UPLOAD.”

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

The Committee failed to disclose all financial activity on its 2022 12-Day Pre-General Report. On November 1, 2022, the Committee filed an Amended 2022 12-Day Pre-General Report which disclosed additional disbursements totaling \$63,340.00 which were not disclosed on the original report (Attachment 1).

On October 20, 2022, the Committee filed the original 2022 12-Day Pre-General Report covering the period from October 1, 2022, through October 19, 2022. The report disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and \$0.00 on Line 29 (Other Disbursements) of the Detailed Summary Page.

On October 31, 2022, the Committee filed an Amended 2022 12-Day Pre-General Report. The report disclosed \$40,677.50 on Line 21(b) and \$9,000.00 on Line 29 of the Detailed Summary Page, a total increase of \$49,677.50 from the original report.

RAD Referral 23L-16
The Moderate PAC, Inc.
Page 3 of 3

On November 1, 2022, the Committee filed an Amended 2022 12-Day Pre-General Report. The report disclosed \$54,340.00 on Line 21(b) and \$9,000.00 on Line 29 of the Detailed Summary Page, a total increase of \$63,340.00 from the original report (Attachment 1).

On December 7, 2022, an RFAI was sent to the Committee referencing the Amended 2022 12-Day Pre-General Report, received November 1, 2022. The RFAI requested clarification regarding the substantial increase in disbursements disclosed on the Amended 2022 12-Day Pre-General Report.³

On December 22, 2022, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the Amended 2022 12-Day Pre-General Report, received November 1, 2022. The Committee stated:

"I'm responding to your RFAI dated 12/7/22.

Re: # 1 - I had been advised (during a prior call, with a difference analyst), that we should be reporting all expenses (even Operating), in the 24/48 hour reports. We later found out that this was not the case. I had to then modify a 24/48 hour report which had both independent expenses AND operating expenses, hence the amended pre-general report. This has now been corrected."

Since December 9, 2022, the Reports Analysis Division (RAD) logged three (3) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act in response to the matters referenced above. RAD was able to connect with the Committee on two (2) of these occasions and notified Mary Sue Strong, Treasurer, that the matters could be referred to another Commission office for further review. RAD advised the Committee to file an FEC Form 99 with any clarifying information for the public record (Attachment 2). To date, no further communications have been received from the Committee regarding these matters.

Filings and correspondence related to the Committee can be found here: [The Moderate PAC, Inc.](#)

³ The RFAI incorrectly referenced an increase in receipts rather than disbursements.

The Moderate PAC, Inc. (C00790089)**2022 30-Day Post-General Report****24-Hour Reports Not Timely Filed**

Name of Payee	Dissemination Date	Amount	Candidate	Election	Report Received
BLUE REEL CREATIVE	10/24/22	\$57,000.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
ALG Polling, Inc d/b/a IMPACT RESEARCH	10/25/22	\$31,200.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	1/21/22
Waterfront Strategies	10/25/22	\$155,040.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
BLUE REEL CREATIVE	10/28/22	\$5,000.00 <i>24-Hour Report Required</i>	DAVIS, DONALD (DON)	G2022	12/7/22
Waterfront Strategies	10/28/22	\$10,640.00 <i>24-Hour Report Required</i>	DAVIS, DONALD (DON)	G2022	12/7/22
Waterfront Strategies	11/1/22	\$223,772.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
Waterfront Strategies	11/2/22	\$100,000.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	12/7/22

The Moderate PAC, Inc. (C00790089)**2022 12-Day Pre-General Report/Amended 2022 12-Day Pre-General Report****Overview of Additional Disbursements**

Report Line	<u>Original 2022 12-Day Pre-General Report</u>	<u>Amended 2022 12-Day Pre-General Report, Received 4/26/23⁴</u>	Variance Amount
Line 21(b): Other Federal Operating Expenses	\$0.00	\$54,340.00	\$54,340.00
Line 29: Other Disbursements	0.00	\$9,000.00	\$9,000.00
		Total:	\$63,340.00

⁴ The latest amendment to the 2022 12-Day Pre-General Report filed on April 26, 2023, disclosed no change in disbursements from the Amended 2022 12-Day Pre-General Report filed on November 11, 2022, referenced in the [RFAL](#).

BEFORE THE FEDERAL ELECTION COMMISSION

Committee's Brief

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Attachment B

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

I am Marysue Strong, a resident of the State of Delaware, am of majority age and I have personal knowledge and information of the facts and statements set out herein.

1. Since August 15, 2022, I have served, and continue to serve, as the treasurer of The Moderate PAC, Inc., a hybrid political committee recently registered with the Federal Election Commission (FEC/Commission) with the assigned identification number of C00790089 (Committee). I am the individual who has prepared all of the Committee's FEC disclosure reports and amendments at issue herein.
2. By a letter dated May 10, 2023, I received notice from the FEC that its Reports Analysis Division (RAD) had referred the Committee and me, in my capacity as Treasurer of the Committee, to the FEC Office of the General Counsel (OGC) in the matter identified as RR-23L-16 (Referral), alleging that the Committee had failed to timely file five (5) 24-hour reports containing seven independent expenditure transactions. A copy of the Referral is attached hereto at Exhibit A and fully incorporated herein by reference.
3. I currently serve as the CFO of a private sector company, I have an MBA in business administration, with an emphasis in accounting implementing government contract software and therefore I am familiar with standard government accounting and auditing systems and protocols. However, in light of the fact that this was my first time to serve as a treasurer of a federal political committee, I attended several FEC on-line classes regarding reporting duties and the use of the FEC Filing Software (Software). Frankly, I found the Software not to be user friendly and I had issues as to how to finalize and upload reports. As a result, I routinely called the FEC "Help Desk User Support Line" (Help Line) to gain advice and direction related to the use of the Software and various disclosure associated questions. I believe this can be verified by the Help Line records which I understand, captures the names of the persons calling and the committees whom they represent. Most of the times I was referred to Mr. Wetzels, as he was apparently the Committee's designated RAD analyst.
4. During my tenure as Treasurer, the Committee timely filed all quarterly reports and 48-hour reports during the 2022 election cycle (see a copy of FEC filing records for the Committee for 2021-2022 a copy attached at Exhibit B and fully incorporated herein by reference). The required 48-hour reports were timely filed on October 12th and 14th disclosing hundreds of thousands of dollars in expenditures to one of the principal vendors and that same vendor received the overwhelming amount of the expenditures identified in the five (5) reports at issue in the Referral (see Exhibit C). I submit this

information for the sole purpose to support my testimony below that there was neither an intent to conceal the amount of funds disbursed nor the identification of the vendors to whom Committee funds were paid.

5. Prior to the commencement of the 2022 general election 24-hour filing report period, I had questions as to whether the Committee was obligated to file the 24-hour reports AND include that same information in the Committee's post general-election report. As you are aware, the post-general election report covered the period of October 20, 2022 through November 28, 2022 and the report was to be filed no later than December 8, 2022. It was during this time period that the seven (7) transactions at issue in the Referral occurred; namely October 24, 2022 through November 2, 2022 (see Referral at its Attachment 1).
6. Due to the fact that I had not previously encountered the 24-hour reporting issue, I contacted the Help Line to inquire about the Committee's reporting obligations. I do not recall the name of the individual with whom I spoke, but I do recall it was not Mr. Wetzel. After I explained the question, I was told that the Committee was not required to disclose the information on both the 24-hour and post-election reports. No other details were provided as to what that meant, and I took it at face value.
7. As a result of the advice referenced above, I understood the Help Line guidance meant that the Committee had the option to either file the 24-hour reports or to include the information in the post-election report. I elected to be cautious and file the transactions in 24-hour reports.
8. The allegation in the Referral claims that the five (5) 24-hour disclosure reports at issue were not timely filed. I would refer the OGC to the FEC file of all transactions which captures all electronic transactions by a committee (Transaction Report). A copy of the relevant portions of that Transaction Report file related to the five (5) 24-hour reports is set out at Exhibit D, a true and complete copy of which I personally downloaded and is fully incorporated herein.
9. The Transaction Report indicates that all of the vendor transactions in the five (5) 24-hour reports at issue were in fact timely entered into the FEC system on five different dates ranging from October 24th through November 2nd (see Exhibit D). The seven (7) transactions apparently were entered into the Software system but did not upload correctly.
10. At the time I filed each of the 24-hour reports on those five separate dates, it was my belief that the seven transactions at issue had been properly entered and up-loaded into the Software. I did not receive a notification from the Software system that indicated the information had not been satisfactorily up-loaded. The Transaction Report indicates the seven transactions at issue were entered into the Software system, but it did not indicate that the transactions failed to properly up-load. Therefore, I neither received notice from the Software that the transactions did not up-load at the time I made entered the transaction or at any subsequent time from RAD or any other division of the Commission until I received the January 19, 2023 dated RFAI from RAD (see Exhibit E attached

hereto and fully incorporated herein). Without confirmation notices at the time of entering the transactions or in follow-up notices from the Commission, I did not have a way of knowing the transactions were not properly uploaded.

11. As noted in the Referral, the five disclosure reports at issue had dissemination expenditure dates ranging from October 24, 2020 to November 2, 2022. After my discussion with the Help Line referenced in ¶ 6 above, I had additional questions regarding disclosure issues. In late November, I contacted Mr. Wetzel regarding a disclosure issue.
12. During that conversation, Mr. Wetzel advised me that the Committee was also required to report all of the general election activity on the post general report (including, based upon the earlier advice, the 24-hour transactions) which occurred between October 20, 2022 and November 28, 2022. However, this appeared to conflict with the previous advice that I had received from the Help Line which indicated that there was no requirement to file the information contained in the 24-hour reports on subsequent post-election or year-end reports (see ¶ 6 herein).
13. I was more than willing to provide the additional duplicate reporting, but it was confusing. I concluded that in order to be safe, the transactions occurring after the October 19, 2022, though filed as 24-hour reports, would also be captured and reported on the post general election report, which was due on December 8, 2022. Note that the Referral confirms that post-election report was timely filed on December 7, 2022.
14. Please Note: The Referral at Attachment 1 reflects a report having been filed by the Committee on 11/21/22 which included four (4) of the transactions at issue. The chart also indicates these were 24-hour reports. However, I reviewed the list of the Committee's reports set out in Exhibit B and the only report filed on 11/21/22 listed therein was identified as an original 48-hour report, which is not at issue in this Referral. Each of the transactions cited in Attachment 1 of the Referral were in fact included in the Committee's post-election report filed 12/7/22 at Sch E (pages 8-11) (see attached Exhibit E, Sch E from Committee's originally filed post-election report). There was no 11/21/22 filing pertaining any of the reports included in the Referral; all were reported on the original post-election report.
15. On December 7, 2022, I was working on including the 24-hour information into the post-general report as advised by Mr. Wetzel. While preparing that post-general election report, I had additional questions regarding uploading information utilizing the Software. Once again, I contacted the Help Line and was put in touch with staff who successfully walked me through the process. I was able to file the post-election report on December 7, 2022 which reflected the seven transactions listed in the Referral. Again, at that time I believed that those seven transactions had already been timely filed as 24-hour reports.
16. I first became aware that the 24-hour reports at issue in this Referral were not timely uploaded only after receiving the January 19, 2023 notice from Mr. Wetzel in RAD. In

response I filed a Form 99 with the FEC on January 31, 2023 explaining the up-loading issues I encountered when I attempted to file 24-hour disclosure reports. A true and complete copy of the Form 99 I submitted is attached hereto at Exhibit D and fully incorporated herein. By way of explanation, I stated I had apparently encountered software issues since I prepared the reports, closed and validated the reports and for some reason, of which I was unaware, the documents did not fully upload.

17. I do want to make clear that the Help-line advice is much appreciated. It is a very helpful resource especially for new treasurers such as me. However, it is evident in my experience that, as a new treasurer, I did not know the detailed questions to ask and it would be helpful for the Help Line to provide greater detail and clarification in their responses anticipating the person on-line is not sophisticated in the disclosure systems and obligations. That said, I do realize the appropriate filing of the reports was my responsibility.
18. The Committee and I have diligently attempted to comply with the recordkeeping and disclosure obligations, as I believe the FEC record demonstrates until confusion surfaced regarding when and how the 24-hour transactions were to be reported. This was an honest misunderstanding based upon the discussions with the Help Line and the advice which I took away from those discussions. When I received clarification of the previous advice (i.e., my late November discussion with Mr. Wetzel) I took immediate actions to rectify the situations by filing the information pertaining to the 24-hour transactions referenced in the Referral in the December 7th post-election disclosure report as instructed.
19. I would also note that there was obviously neither an intent by the Committee to conceal the identification of the vendors to whom the disbursements were made nor the level of funds that were involved in the Committee's support of the two candidates. See ¶4 herein.

The undersigned, intending to be legally bound, hereby affirms that the statements and facts setout herein are true and correct to the best of her knowledge.

SO SAY I

Marysue Strong
 Marysue Strong, Treasurer
 The Moderate PAC, Inc.

5/30/2023
 Date

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Exhibit A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 2023

Via Electronic Mail Only

marysuestrong@the-moderate.org

tystrong@the-moderate.org

Marysue Strong, Treasurer
The Moderate PAC, Inc.
100 M Street, Suite 600
Washington, DC 20003

RE: RR 23L-16

Dear Ms. Strong:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating The Moderate PAC, Inc., and you in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The matter has been referred by the Reports Analysis Division to the Commission's Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ Specifically, the Committee has been referred for failing to timely file five (5) 24-Hour Reports totaling \$582,652.00 to support seven (7) independent expenditures disclosed on the 2022 30-Day Post-General Report. We have numbered this referral RR 23L-16.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against The Moderate PAC, Inc., and you in 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 enforcement agencies, including the Department of Justice.² While the matter remains open, it will remain confidential as set forth above. After the matter is closed, certain documents from the file will be made available to the public on the Commission's website. To learn more about the agency's disclosure policy, please see 81 Fed. Reg. 51, 702 (Aug. 2, 2026), <https://fec.gov/resources/cms-content/documents/notice2016-06.pdf>.

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).

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).

RR 23L-16
Page 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 notifications 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):

Mail
Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

OR

Email
cela@fec.gov

As indicated in the FEC's Notice found at <https://www.fec.gov/resources/cms-content/documents/status-of-fec-operations.pdf>, 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,

Wanda D. Brown

Wanda D. Brown
Acting Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosures:

1. Referral
2. Procedures
3. Designation of Counsel Form

23L-16

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 8, 2023

ANALYST: Brian Wetzel

I. COMMITTEE:

The Moderate PAC, Inc.
 C00790089
 Mary Sue Strong, Treasurer (8/15/22-Present)
 Ty Jeffrey Strong (12/7/21-8/14/22)
 Stephanie Kelly, Treasurer (9/28/21- 12/6/21)
 100 M Street, SE
 Suite 600
 Washington, DC 20003

II. RELEVANT STATUTE:

52 U.S.C. § 30104(g)(1)
 52 U.S.C. § 30104(b)(4)
 11 CFR § 104.4(c)
 11 C.F.R. § 104.3(b)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Reports)

The Moderate PAC, Inc. ("the Committee") failed to timely file five (5) 24-Hour Reports to support seven (7) independent expenditures totaling \$582,652.00 disclosed on the 2022 30-Day Post-General Report, made after the 20th day but more than 24 hours before the 2022 General Election held on November 8, 2022.

On November 21, 2022 and December 7, 2022, the Committee filed two (2) late 24-Hour Reports to support independent expenditures totaling \$582,652.00 disseminated between October 24, 2022 and November 2, 2022.

On December 8, 2022, the Committee filed the 2022 30-Day Post-General Report covering the period from October 20, 2022 through November 28, 2022. The report

RAD Referral 23L-16
The Moderate PAC, Inc.
Page 2 of 3

included a Schedule E (Itemized Independent Expenditures) disclosing seven (7) independent expenditures totaling \$582,652.00 made in support of two (2) federal candidates (Attachment 1).

On January 19, 2023, a Request for Additional Information (RAI) was sent to the Committee referencing the 2022 30-Day Post-General Report. The RAI noted that the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports of independent expenditures. A chart was included with the RAI identifying seven (7) independent expenditures, totaling \$582,652.00, for which 24-Hour Reports had not been timely filed.

On January 31, 2023, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RAI referencing the 2022 30-Day Post-General Report. The Committee stated:

“This message is in response to the RAD letter dated 1/19/2023 from Mr. Wetzel. It appears that when I filed all of our 24 and 48 hour reports in the FEC file system, which we did timely and diligently within the 24 and 48 hour requirement, some of the files were not UPLOADED.

If you have access to the FEC file system, you can clearly see when we filed all the 24 hour and 48 hour reports online.

Perhaps we could plan to have a Zoom call and I could share my screen to show the dates that they were entered and documented?

This was simply an administrative (Did not fully UPLOAD each one) as planned –

We are very sorry for this oversight and now understand the steps: CLOSE, VALIDATE and most importantly UPLOAD.”

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

The Committee failed to disclose all financial activity on its 2022 12-Day Pre-General Report. On November 1, 2022, the Committee filed an Amended 2022 12-Day Pre-General Report which disclosed additional disbursements totaling \$63,340.00 which were not disclosed on the original report (Attachment 1).

On October 20, 2022, the Committee filed the original 2022 12-Day Pre-General Report covering the period from October 1, 2022, through October 19, 2022. The report disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and \$0.00 on Line 29 (Other Disbursements) of the Detailed Summary Page.

On October 31, 2022, the Committee filed an Amended 2022 12-Day Pre-General Report. The report disclosed \$40,677.50 on Line 21(b) and \$9,000.00 on Line 29 of the Detailed Summary Page, a total increase of \$49,677.50 from the original report.

RAD Referral 23L-16
The Moderate PAC, Inc.
Page 3 of 3

On November 1, 2022, the Committee filed an [Amended 2022 12-Day Pre-General Report](#). The report disclosed \$54,340.00 on Line 21(b) and \$9,000.00 on Line 29 of the [Detailed Summary Page](#), a total increase of \$63,340.00 from the original report (Attachment 1).

On December 7, 2022, an [RFAI](#) was sent to the Committee referencing the Amended 2022 12-Day Pre-General Report, received November 1, 2022. The RFAI requested clarification regarding the substantial increase in disbursements disclosed on the Amended 2022 12-Day Pre-General Report.³

On December 22, 2022, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) in response to the RFAI referencing the Amended 2022 12-Day Pre-General Report, received November 1, 2022. The Committee stated:

“I’m responding to your RFAI dated 12/7/22.

Re: # 1 - I had been advised (during a prior call, with a difference analyst), that we should be reporting all expenses (even Operating), in the 24/48 hour reports. We later found out that this was not the case. I had to then modify a 24/48 hour report which had both independent expenses AND operating expenses, hence the amended pre-general report. This has now been corrected.”

Since December 9, 2022, the Reports Analysis Division (RAD) logged three (3) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act in response to the matters referenced above. RAD was able to connect with the Committee on two (2) of these occasions and notified Mary Sue Strong, Treasurer, that the matters could be referred to another Commission office for further review. RAD advised the Committee to file an FEC Form 99 with any clarifying information for the public record (Attachment 2). To date, no further communications have been received from the Committee regarding these matters.

Filings and correspondence related to the Committee can be found here: [The Moderate PAC, Inc.](#)

³ The RFAI incorrectly referenced an increase in receipts rather than disbursements.

The Moderate PAC, Inc. (C00790089)2022 30-Day Post-General Report24-Hour Reports Not Timely Filed

Name of Payee	Dissemination Date	Amount	Candidate	Election	Report Received
BLUE REEL CREATIVE	10/24/22	\$57,000.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
ALG Polling, Inc d/b/a IMPACT RESEARCH	10/25/22	\$31,200.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	1/21/22
Waterfront Strategies	10/25/22	\$155,040.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
BLUE REEL CREATIVE	10/28/22	\$5,000.00 <i>24-Hour Report Required</i>	DAVIS, DONALD (DON)	G2022	12/7/22
Waterfront Strategies	10/28/22	\$10,640.00 <i>24-Hour Report Required</i>	DAVIS, DONALD (DON)	G2022	12/7/22
Waterfront Strategies	11/1/22	\$223,772.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	11/21/22
Waterfront Strategies	11/2/22	\$100,000.00 <i>24-Hour Report Required</i>	GOLDEN, JARED	G2022	12/7/22

The Moderate PAC, Inc. (C00790089)2022 12-Day Pre-General Report/Amended 2022 12-Day Pre-General ReportOverview of Additional Disbursements

Report Line	<u>Original 2022 12-Day Pre-General Report</u>	<u>Amended 2022 12-Day Pre-General Report. Received 4/26/23⁴</u>	Variance Amount
Line 21(b): Other Federal Operating Expenses	\$0.00	\$54,340.00	\$54,340.00
Line 29: Other Disbursements	0.00	\$9,000.00	\$9,000.00
		Total:	\$63,340.00

⁴ The latest amendment to the 2022 12-Day Pre-General Report filed on April 26, 2023, disclosed no change in disbursements from the Amended 2022 12-Day Pre-General Report filed on November 11, 2022, referenced in the [RFAL](#).

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Exhibit B



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[Home](#) › [Campaign finance data](#) › [Committee profiles](#) › [THE MODERATE PAC, INC.](#)

THE MODERATE PAC, INC.

ACTIVE - QUARTERLY

CORPORATION W/O CAPITAL STOCK HYBRID PAC (WITH NON-CONTRIBUTION ACCOUNT) - NONQUALIFIED -
LOBBYIST/REGISTRANT PAC

ID: C00790089

REGISTRATION DATE: SEPTEMBER 28, 2021

Committee filings

TWO-YEAR PERIOD

2021-2022

Regularly filed reports

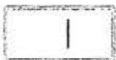
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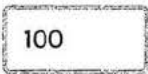
Report year: 2021-2022

Document	Version	Coverage start date	Coverage end date	Date filed	Image number
YEAR-END 2022 Amendment 2	Current version FEC- 1702360	11/29/2022	12/31/2022	04/26/2023	20230426958129576 4
YEAR-END 2022 Amendment 1	Past version FEC- 1685061	11/29/2022	12/31/2022	01/31/2023	202301319575478585
YEAR-END 2022 Original	Past version FEC- 1675429	11/29/2022	12/31/2022	01/10/2023	20230110957464280 2
POST- GENERAL 2022 Amendment 2	Current version FEC- 1702359	10/20/2022	11/28/2022	04/26/2023	20230426958129575 3
POST- GENERAL 2022 Amendment 1	Past version FEC- 1685052	10/20/2022	11/28/2022	01/31/2023	202301319575478360
RFAI: POST- GENERAL 2022	Not applicable	10/20/2022	11/28/2022	01/19/2023	202301190300167915

Document	Version	Coverage start date	Coverage end date	Date filed	Image number
POST- GENERAL 2022 Original	Past version FEC- 1669881	10/20/2022	11/28/2022	12/08/2022	202212089547988311
PRE- GENERAL 2022 Amendment 4	Current version FEC- 1702358	10/01/2022	10/19/2022	04/26/2023	20230426958129574 2
PRE- GENERAL 2022 Amendment 3	Past version FEC- 1666591	10/01/2022	10/19/2022	12/07/2022	202212079547241056
RFAI: PRE- GENERAL 2022	Not applicable	10/01/2022	10/19/2022	12/07/2022	202212070300162944
PRE- GENERAL 2022 Amendment 2	Past version FEC- 1657265	10/01/2022	10/19/2022	11/01/2022	202211019546694839
PRE- GENERAL 2022 Amendment 1	Past version FEC- 1656974	10/01/2022	10/19/2022	10/31/2022	202210319546676567
PRE- GENERAL 2022 Original	Past version FEC- 1645194	10/01/2022	10/19/2022	10/20/2022	20221020953766660 8

Document	Version	Coverage start date	Coverage end date	Date filed	Image number
OCTOBER QUARTERLY 2022 Amendment 1	Current version FEC- 1666582	07/01/2022	09/30/2022	12/07/2022	20221207954724089 8
RFAI: OCTOBER QUARTERLY 2022	Not applicable	07/01/2022	09/30/2022	12/04/2022	202212040300162152
OCTOBER QUARTERLY 2022 Original	Past version FEC- 1639816	07/01/2022	09/30/2022	10/14/2022	202210149532416673
RFAI: JULY QUARTERLY 2022	Not applicable	04/01/2022	06/30/2022	07/19/2022	20220719030014699 8
JULY QUARTERLY 2022 Original	Current version FEC- 1610111	04/01/2022	06/30/2022	07/13/2022	202207139518412332
APRIL QUARTERLY 2022 Original	Current version FEC- 1610106	01/01/2022	03/31/2022	07/13/2022	202207139518412260
RFAI: APRIL QUARTERLY 2022	Not applicable	01/01/2022	03/31/2022	05/04/2022	20220504030014283 5
YEAR-END 2021 Original	Current version FEC- 1610099	09/28/2021	12/31/2021	07/13/2022	202207139518412221

Document	Version	Coverage start date	Coverage end date	Date filed	Image number
RFAI: YEAR-END 2021	 Not applicable	09/28/2021	12/31/2021	02/17/2022	20220217030013592 0


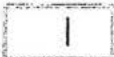


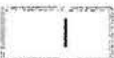

Results per page: 

Showing 1 to 22 of 22 entries

24- and 48-hour reports

Filter this data

Report year: 2021-2022

Document	Version	Date filed	Image number	Pages
RFAI: POST- GENERAL 2022	 Not applicable	01/19/2023	202301190300167915	3
48-HOUR REPORT OF INDEPENDENT EXPENDITURES 2022 Original	 Current version FEC-1666673	12/07/2022	202212079547246769	2
RFAI: PRE- GENERAL 2022	 Not applicable	12/07/2022	202212070300162944	2
48-HOUR REPORT OF INDEPENDENT EXPENDITURES 2022 Original	 Current version FEC-1662115	11/21/2022	202211219546833185	2
48-HOUR REPORT OF INDEPENDENT EXPENDITURES 2022 Original	 Current version FEC-1639786	10/14/2022	202210149532415040	1
48-HOUR REPORT OF INDEPENDENT EXPENDITURES 2022 Original	 Current version FEC-1638838	10/14/2022	202210149532322074	1

Document	Version	Date filed	Image number	Pages
48-HOUR REPORT OF INDEPENDENT EXPENDITURES 2022 Original	<div>1</div> <div>Current version FEC-1636675</div>	10/12/2022	202210129532142269	1

Results per page:


100

Showing 1 to 7 of 7 entries

Statements of organization

Filter this data

Report year: 2021-2022

Document	Version	Date filed	Image number	Pages
Statement of Organization 2022 Amendment	 Current version FEC-1626768	08/22/2022	202208229528156919	4
Statement of Organization 2022 Amendment	 Past version FEC-1623938	08/15/2022	202208159525390062	4
Statement of Organization 2021 Amendment	 Past version FEC-1550852	12/07/2021	202112079469812324	4
Statement of Organization 2021 Amendment	 Past version FEC-1548986	11/18/2021	202111189468597623	5
Statement of Organization 2021 Amendment	 Past version FEC-1539971	09/29/2021	202109299467147435	4

Document	Version	Date filed	Image number	Pages
Statement of Organization 2021 Original	Past version FEC-1539853	09/28/2021	202109289467145206	4

Results per page: 100

Showing 1 to 6 of 6 entries

Other documents

Filter this data

Report year: 2021-2022

Document	Version	Date filed	Image number	Pages
Miscellaneous Report to FEC 2022	Current version FEC-1673190	12/22/2022	202212229574205845	1

Results per page: 100

Showing 1 to 1 of 1 entries

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Exhibit C

SCHEDULE E

INDEPENDENT EXPENDITURES**FILING FEC-1636675**

Committee: THE MODERATE PAC, INC.

Waterfront Strategies

3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: TV & You Tube Buy MEDIA
Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN
Candidate ID: H8ME02185
Office Sought: House of Representatives
State is Maine in District 02
Date of Disbursement or Obligation = 10/11/2022
Date of Public Distribution/Dissemination = 10/11/2022
Person Completing Form: Marysue Strong
Date Signed = 10/12/2022

Amount Expended = \$64068.00**Calendar YTD Per Election for Office Sought = \$64068.00**

**Subtotal of Itemized Independent Expenditures =
\$64068****Subtotal of Unitemized Independent Expenditures =
\$0****Total Expenditures This Period = \$64068**

Generated Fri May 26 09:40:17 2023

SCHEDULE E**INDEPENDENT EXPENDITURES****FILING FEC-1638838**

Committee: THE MODERATE PAC, INC.

Waterfront Strategies3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: Media
Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN
Candidate ID: H8ME02185
Office Sought: House of Representatives
State is Maine in District 02
Date of Disbursement or Obligation = 10/13/2022
Date of Public Distribution/Dissemination = 10/13/2022
Person Completing Form: Marysue Strong
Date Signed = 10/14/2022

Amount Expended = \$60000.00**Calendar YTD Per Election for Office Sought = \$124068.00**

Waterfront Strategies3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: Media
Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN
Candidate ID: H8ME02185
Office Sought: House of Representatives
State is Maine in District 02
Date of Disbursement or Obligation = 10/14/2022
Date of Public Distribution/Dissemination = 10/14/2022
Person Completing Form: Marysue Strong
Date Signed = 10/14/2022

Amount Expended = \$18080.00**Calendar YTD Per Election for Office Sought = \$142148.00**

**Subtotal of Itemized Independent Expenditures =
\$78080****Subtotal of Unitemized Independent Expenditures =
\$0****Total Expenditures This Period = \$78080**

Generated Fri May 26 09:28:31 2023

5/26/2023

MUR819600057

Schedule E for Report FEC-1638838

Federal Election Commission, 1050 1st Street, NE, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1000
For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to: webmanager@fec.gov.

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Exhibit D

File Edit View Tools Window Help

File C:\Users\mgstrom\AppData\Local\Temp\NIC20\NIC20_allpages.pdf

Amecis - NIC20 - DC32

Individual Organization and Events

Line	Name	Description	Date	Amount	Bill
2100	Strong, Marysue	Treasurer Fees	10/28/2022	2000.00	4155
2100	Strong, Marysue	Treasurer Fees	11/24/2022	2000.00	4155
2100	Strong, Marysue	Treasurer Fees - Hard Money Acct	11/24/2022	1000.00	4222
2100	Strong, Marysue	Treasurer Fees - Hard Money Acct # DC32	10/28/2022	1000.00	4155
2100	Sullivan & Associates	Legal Fees	10/13/2022	8000.00	4155
2100	Sullivan & Associates	Legal Fees - Hard \$ Acct # DC32	10/13/2022	8000.00	4155
2100	ALG Polling, Inc d/b/a B	Polling Date	10/28/2022	10000.00	4155
2100	BLUE REEL CREATIVE	Audio Mixing, Licensing Media - Don Davis	10/28/2022	5000.00	4177
2100	BLUE REEL CREATIVE	Production Costs for Media	10/24/2022	5000.00	4177
2100	Waterfront Strategies	10/28 - 11/1 Media - Don Davis	10/28/2022	2500.00	4176
2100	Waterfront Strategies	Media	10/13/2022	4000.00	4155
2100	Waterfront Strategies	Media	10/14/2022	1800.00	4155
2100	Waterfront Strategies	Media # 4	10/14/2022	4000.00	4155
2100	Waterfront Strategies	Media	10/28/2022	10000.00	4155
2100	Waterfront Strategies	Media TV 10/28 - 10/29/22	10/28/2022	15000.00	4155
2100	Waterfront Strategies	TV & Video Tube Buy 10/28/22	10/28/2022	64000.00	4155
2100	Waterfront Strategies	TV Media Buy 10/28/22 11/1 - 11/2/22	10/28/2022	230775.00	4155
2100	DAVIS, DOMINIC (D)	Contributions - Hard \$ Acct # DC32	10/24/2022	5000.00	4176
2100	SULLIVAN, FOR CONDO	Eric Sullivan for Congress Hard \$ Acct # DC32	10/28/2022	4000.00	4174
2100	ALG Polling, Inc d/b/a B	Polling	10/28/2022	31200.00	4155
2100	BLUE REEL CREATIVE	Audio Mixing, Licensing Media - Don Davis	10/28/2022	5000.00	4155
2100	BLUE REEL CREATIVE	Production Costs for Media	10/24/2022	5000.00	4155
2100	Waterfront Strategies	10/28 - 11/1 Media - Don Davis	10/28/2022	2500.00	4176
2100	Waterfront Strategies	Media	10/13/2022	4000.00	4155
2100	Waterfront Strategies	Media	10/14/2022	1800.00	4155
2100	Waterfront Strategies	Media # 4	10/14/2022	4000.00	4155
2100	Waterfront Strategies	Media	10/28/2022	10000.00	4155
2100	Waterfront Strategies	Media TV 10/28 - 10/29/22	10/28/2022	15000.00	4155
2100	Waterfront Strategies	TV & Video Tube Buy 10/28/22	10/28/2022	64000.00	4155
2100	Waterfront Strategies	TV Media Buy 10/28/22 11/1 - 11/2/22	10/28/2022	230775.00	4155

Ready

Search Product Primary Other (specify) General

Subtotal 41 Documents This Page (page 1)

TOTAL This Period (on page this line number only)

FEC Schedule B of Form 280 For 2022

Type here to search

66°F Sunny

2:52 PM 5/26/2023

Hello,

This message is in response to the RAD letter dated 1/19/2023 from Mr. Wetzel.

It appears that when I filed all of our 24 and 48 hour reports in the FEC file system, which we did timely and diligently within the 24 and 48 hour requirement, some of the files were not UPLOADED.

If you have access to the FEC file system, you can clearly see when we filed all the 24 hour and 48 hour reports online.

Perhaps we could plan to have a Zoom call and I could share my screen to show the dates that they were entered and documented?

This was simply an administrative (Did not fully UPLOAD each one properly as it hung up or did not finish completely) as planned -

We are very sorry for this oversight and now understand the steps:

CLOSE, VALIDATE and most importantly UPLOAD -

Thank you,

Marysue Strong

BEFORE THE FEDERAL ELECTION COMMISSION

Affidavit of Marysue Strong

In matter of The Moderate PAC, Inc.

Referral RR-23L-17

Exhibit E



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 19, 2023

MARY SUE STRONG, TREASURER
THE MODERATE PAC, INC.
100 M STREET, SE SUITE 600
WASHINGTON, DC 20003

Response Due Date
02/23/2023

IDENTIFICATION NUMBER: C00790089

REFERENCE: 30 DAY POST-GENERAL REPORT (10/20/2022 - 11/28/2022)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. The independent expenditure schedule (Schedule E) should disclose the following information: the name and mailing address of the payee, the purpose of the expenditure, the date of payment, the amount of payment, the name and office sought, state and district (if applicable) of the federal candidate, the calendar year-to-date, per election, for office sought total, the election designation, an indication of whether the candidate was supported or opposed and the signature of the treasurer. Please amend Schedule E by providing the purpose of the expenditure. (11 CFR §104.3(b)(3)(vii))
2. Schedule E of your report indicates that your committee may have failed to timely file one or more of the required 24 hour report(s) regarding "last minute" independent expenditures (see attached). A political committee must file a 24 hour report with the Federal Election Commission as specified in 11 CFR §104.4(c), within 24 hours of any independent expenditures of \$1,000 or more with respect to a given election, made between two and twenty days before an election. The report must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures that aggregate \$1,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action on this matter, it is your responsibility to ensure compliance with the law.

THE MODERATE PAC, INC.

Page 2 of 2

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1370.

Sincerely,



Brian Wetzel

Senior Campaign Finance Analyst

Late 24 Hour Report (Schedule E)
The Moderate PAC, Inc. (C00790089)

Name of Payee	Dissemination Date	Amount	Candidate	Election	Report Received
ALG Polling, Inc d/b/a IMPACT RESEARCH	10/25/22	\$31,200.00	GOLDEN, JARED	G2022	11/21/22
BLUE REEL CREATIVE	10/24/22	\$57,000.00	GOLDEN, JARED	G2022	11/21/22
Waterfront Strategies	10/25/22	\$155,040.00	GOLDEN, JARED	G2022	11/21/22
Waterfront Strategies	11/1/22	\$223,772.00	GOLDEN, JARED	G2022	11/21/22
Waterfront Strategies	11/2/22	\$100,000.00	GOLDEN, JARED	G2022	12/7/22
BLUE REEL CREATIVE	10/28/22	\$5,000.00	DAVIS, DONALD (DON)	G2022	12/7/22
Waterfront Strategies	10/28/22	\$10,640.00	DAVIS, DONALD (DON)	G2022	12/7/22

SCHEDULE E

INDEPENDENT EXPENDITURES

FILING FEC-1669881

Committee: THE MODERATE PAC, INC.

ALG Polling, Inc d/b/a IMPACT RESEARCH

260 Commerce Street
4th Floor
Montgomery, Alabama 36104

Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN
Candidate ID: H8ME02185
Office Sought: House of Representatives
State is Maine in District 02
Date of Disbursement or Obligation = 10/25/2022
Date of Public Distribution/Dissemination = 10/25/2022
Person Completing Form: Marysue Strong
Date Signed = 12/08/2022

Amount Expended = \$31200.00

Calendar YTD Per Election for Office Sought = \$425388.00

BLUE REEL CREATIVE

212 S. Melville Avenue # 4
Tampa, Florida 33606

Purpose of Expenditure: Production Costs for Media
Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN
Candidate ID: H8ME02185
Office Sought: House of Representatives
State is Maine in District 02
Date of Disbursement or Obligation = 10/24/2022
Date of Public Distribution/Dissemination = 10/24/2022
Person Completing Form: Marysue Strong
Date Signed = 12/08/2022

Amount Expended = \$57000.00

Calendar YTD Per Election for Office Sought = \$394188.00

BLUE REEL CREATIVE

212 S. Melville Avenue # 4
Tampa, Florida 33606

Purpose of Expenditure: Audio Mixing, Licensing Media - Don Davis
Name of Federal Candidate supported or opposed by expenditure: DONALD
(DON) DAVIS
Candidate ID: H4NC01053

Date of Public Distribution/Dissemination = 10/28/2022

Person Completing Form: Marysue Strong

Date Signed = 12/08/2022

Amount Expended = \$5000.00

Calendar YTD Per Election for Office Sought = \$15640.00

Waterfront Strategies

3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: Media TV 10/25 - 10/31/22

Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN

Candidate ID: H8ME02185

Office Sought: House of Representatives

State is Maine in District 02

Date of Disbursement or Obligation = 10/20/2022

Date of Public Distribution/Dissemination = 10/25/2022

Person Completing Form: Marysue Strong

Date Signed = 12/08/2022

Amount Expended = \$155040.00

Calendar YTD Per Election for Office Sought = \$337188.00

Waterfront Strategies

3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: 10/28 - 11/1 Media - Don Davis

Name of Federal Candidate supported or opposed by expenditure: DONALD
(DON) DAVIS

Candidate ID: H4NCo1053

Office Sought: House of Representatives

State is North Carolina in District 01

Date of Disbursement or Obligation = 10/26/2022

Date of Public Distribution/Dissemination = 10/28/2022

Person Completing Form: Marysue Strong

Date Signed = 12/08/2022

Amount Expended = \$10640.00

Calendar YTD Per Election for Office Sought = \$10640.00

Waterfront Strategies

3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: TV Media Buy ME-02 11/1 - 11/8/22

Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN

Candidate ID: H8ME02185

Office Sought: House of Representatives

State is Maine in District 02

Date of Disbursement or Obligation = 10/27/2022

Date of Public Distribution/Dissemination = 11/01/2022

Person Completing Form: Marysue Strong

Date Signed = 12/08/2022

Waterfront Strategies3050 K Street, NW, Suite 100
Washington, DC 20007

Purpose of Expenditure: Media -

Name of Federal Candidate supported or opposed by expenditure: JARED
GOLDEN

Candidate ID: H8ME02185

Office Sought: House of Representatives

State is Maine in District 02

Date of Disbursement or Obligation = 10/31/2022

Date of Public Distribution/Dissemination = 11/02/2022

Person Completing Form: Marysue Strong

Date Signed = 12/08/2022

Amount Expended = \$100000.00**Calendar YTD Per Election for Office Sought = \$749160.00**

Subtotal of Itemized Independent Expenditures =**\$582652****Subtotal of Unitemized Independent Expenditures =****\$0****Total Expenditures This Period = \$582652**

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