



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Charles R. Spies, Esq.
Clark Hill PLC
1001 Pennsylvania Avenue NW, Suite 1300
Washington, DC 20004
cspies@clarkhill.com

OCT 31 2018

RE: MUR 7411
(Mary Thomas for Congress and
Roxane Nickeo in her official
capacity as treasurer)

Dear Mr. Spies:

On October 22, 2018, 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. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 first payment of \$1,000 is due within 30 days of the conciliation agreement's effective date. The remaining payments are due in five consecutive monthly installments of \$800 each, with each installment due within 30 days of the due date of the previous payment. If you have any questions, please contact me at (202) 694-1525.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan A. Peterson".

Jonathan A. Peterson
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7411
Mary Thomas for Congress and)
Roxane Nickeo in her official capacity)
as treasurer)

2018 OCT 31 AM 5: 50
OFFICE OF
GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission filed with the Federal Election Commission ("Commission") by Mary Thomas for Congress and Roxane Nickeo, in her official capacity as treasurer ("Committee" or "Respondent"), and pursuant to information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Respondent violated 52 U.S.C. § 30116(f), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

NOW, THEREFORE, the Commission and the 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 the 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:

1-800-474-6343

1. The Committee is the principal campaign political committee for Mary Thomas, a candidate for the United States House of Representatives during the 2016 election cycle.
2. Roxane Nickeo is the treasurer of the Committee.
3. Thomas lost the primary election on August 30, 2016, and she was not a candidate in the 2016 general election.
4. During the 2016 election cycle, an authorized committee was limited to accepting \$2,700 per election from any individual. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b)(1). A primary election and a general election are each considered a separate "election" under the Act, and the contribution limits are applied separately with respect to each election. 52 U.S.C. §§ 30101(1)(A), 30116(a)(6); 11 C.F.R. § 100.2(a)-(c). Candidates and political committees are prohibited from knowingly accepting excessive contributions. 52 U.S.C. § 30116(f); 11 C.F.R. § 110.9.
5. Commission regulations permit a candidate or his authorized committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(1). If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See* 11 C.F.R. §§ 102.9(e)(3), 110.1(b)(3)(i). The committee must do so within 60 days of the date that the committee has actual notice of the need to redesignate, reattribute, or refund the contributions, such as the date the candidate loses the primary. *See* Advisory Op. 2008-04 (Dodd for President) at 3; Advisory Op. 1992-15 (Russo for Congress committee) at 2, 3 n.2.

6. The Committee accepted \$2,150 in excessive primary election contributions that it has not refunded.

7. The Committee accepted \$69,645.12 in general election contributions that it has not refunded.

V. Respondent violated 52 U.S.C. § 30116(f) by accepting excessive contributions.

VI. 1. In ordinary circumstances, the Commission would seek a substantially higher civil penalty based on the violations outlined in the Agreement. However, the Commission is taking into account that the Committee represents that it intends to terminate, has no cash on hand, and has no ability to raise additional funds. In light of these factors, Respondent will pay a civil penalty to the Commission in the amount of Five Thousand Dollars (\$5,000), pursuant to 52 U.S.C. § 30109(a)(5)(A). The civil penalty will be paid as follows:

a. A payment of One Thousand Dollars (\$1,000) is due no more than thirty (30) days from the date this Agreement becomes effective;

b. The remainder will be paid in five (5) consecutive monthly installments of Eight Hundred Dollars (\$800) each;

c. Each such installment shall be paid within thirty (30) days of the due date of the previous payment;

d. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondent. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to further overdue payments.

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2. Respondent will cease and desist from violating 52 U.S.C. § 30116(f).

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 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 in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Kathleen M. Guith
Kathleen M. Guith
Associate General Counsel
for Enforcement

10/31/18
Date

FOR THE RESPONDENT:

1800444140001

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Mary Thomas for Congress
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Roxane Nickeo (Treasurer) [Signature]

(Name) ROXANE NICKEO
(Position) TREASURER

7th September 2018
Date

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