



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Dan Backer, Esq.
Political Law
441 North Lee Street, Suite 300
Alexandria, VA 22314

NOV 21 2018

RE: MUR 7434 (formerly RR 17L-20)
Gary Johnson Victory Fund

Dear Mr. Backer,

On November 19, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf Gary Johnson Victory Fund and Christina Needham in her official capacity as treasurer in settlement of a violation of 52 U.S.C. § 30104(b)(2) and (4), provisions of the Federal Election Campaign Act of 1971, as amended. 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. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Christine C. Gallagher".

Christine C. Gallagher
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 7434
Gary Johnson Victory Fund and)
Christina Needham in her official)
capacity as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Based on information obtained by the Commission about the Committee's activity during the 2015-2016 election cycle, the Commission found reason to believe that Gary Johnson Victory Fund and Christina Needham in her official capacity as treasurer ("Committee" or "Respondent") violated 52 U.S.C. § 30104(b)(2) and (4).

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:

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GENERAL COUNSEL
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1. The Committee is a joint fundraising committee established pursuant to 11 C.F.R. § 102.17, whose participants included Gary Johnson 2016, the principal campaign committee of Johnson's presidential campaign, along with 24 Libertarian Party state committees.

2. Christina Needham is the treasurer of the Committee.

3. The Federal Election Campaign Act of 1971, as amended, requires committee treasurers to file reports of receipts and disbursements in accordance with the provisions of 52 U.S.C. § 30104. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

4. These reports must include, *inter alia*, the total amount of receipts and disbursements, including the appropriate itemizations, where required. *See* 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

5. On October 15, 2016, the Committee filed its original 2016 October Quarterly Report, which disclosed receipts as follows: \$1,425,785.68 on Line 11(a)(i) (Itemized Contributions from Individuals); \$891,904.50 on Line 11(a)(ii) (Unitemized Contributions from Individuals); and zero on Line 15 (Offsets to Operating Expenditures). The report also disclosed disbursements as follows: \$1,360,116.63 on Line 21(b) (Other Federal Operating Expenses); zero on Line 22 (Transfers to Affiliated/Other Party Committees); and \$2,576.08 on Line 28(a) (Refunds of Contributions to Individuals).

6. On January 17, 2017, the Committee filed an Amended 2016 October Quarterly Report disclosing receipts as follows: \$1,565,173.87 on Line 11(a)(i); \$1,100,946.66 on Line 11(a)(ii); and \$89.68 on Line 15. The amended report also disclosed disbursements as follows: \$1,419,609.27 on Line 21(b); \$490,658.60 on Line 22; and \$3,304.82 on Line 28(a).

7. Respondent contends that the errors and omissions described above were inadvertent and caused by a vendor who was subcontracted to assist in preparing the

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Committee's report, and when the Committee learned of the errors and omissions, it discharged the vendor, conducted an internal audit, and filed an amended report correcting the discrepancies.

V. Respondent violated 52 U.S.C. § 30104(b)(2) and (4) by failing to disclose an aggregate total of \$899,400.01 in increased activity: receipts totaling \$348,520.03 and disbursements totaling \$550,879.98 on its 2016 October Quarterly Report.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seventeen Thousand Two Hundred Fifty Dollars (\$17,250) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30104(b)(2) and (4).

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

11-20-18
Date

FOR THE RESPONDENT:

Christina Needham
Name: Christina Needham
Position: Treasurer

10/23/2018
Date

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