

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

BY E-MAIL AND USPS

Neil P. Reiff, Esq.
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SEP 0 5 2019

RE: MUR 7600

Utah State Democratic Committee

Dear Mr. Reiff:

On August 29, 2019, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended and Commission regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Wanda D. Brown

Attorney

Enclosure

Conciliation Agreement

BEFORE THE FEDERA	L EI	LECTION	COMMISSION OU	NOEĻ
In the matter of	:)	7019 AUG 26 PM	1: 23
Utah State Democratic Committee and Sheila Srivastiva in her	i,)	MUR 7600	,. , .

official capacity as treasurer

CONCILIATION AGREEMENT

This matter was based on information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities, see 52 U.S.C. § 30109(a)(2). The Commission found reason to believe that the Utah State Democratic Committee and Sheila Srivastiva¹ in her official capacity as treasurer (the "Committee") violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b) by failing to report joint fundraising receipts from the Hillary Victory Fund and transfers to the Democratic National Committee.

NOW, THEREFORE, the Commission and the Committee, 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 Committee 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. The Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
 - III. The Committee enters voluntarily into this agreement with the Commission.

At the time of the Commission's findings, Peter Corroon was the Committee's treasurer. On July 31, 2019, the Committee amended its Statement of Organization to name Srivastiva as its treasurer.

- IV. The pertinent facts in this matter are as follows:
 - 1. The Committee is a state committee of the Democratic Party.
- 2. The Federal Election Campaign Act of 1971, as amended ("Act"), requires political 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). These reports must include, *inter alia*, the amount and nature of these receipts and disbursements. 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).
- 3. On December 9, 2016, the Committee amended its 12-day Pre-General Election Report to disclose additional receipts totaling \$221,920 on Schedule A, Line 12, "Transfers from Affiliated/Other Party Committees," and additional disbursements totaling \$150,030 on Schedule B, Lines 21(b) and 22.
- 4. The Committee also disclosed \$3,023,312.59 in transfers received from two joint fundraisers, but only itemized \$2,514,102.34 in receipts as its share of contributions received through the joint fundraisers during the 2016 calendar year, leaving a discrepancy of \$509,210.25.
- 5. On February 13, 2017, the Commission's Reports Analysis Division sent a Request for Additional Information ("RFAI") to the Committee that, among other items, requested clarification regarding the increase in receipts and disbursements disclosed in the amended 2016 12-day Pre-General Election Report. The Committee did not respond to that RFAI.
- 6. The Committee contends that the reporting errors were the result of mistakes by an outside consultant, and that it has now retained a new consultant to ensure accuracy in its disclosure reports filed with the Commission.

- V. The Committee violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b) when it failed to disclose \$809,210.25 in financial activity in the form of receipts and transfers on its 2016 12-day Pre-General Election Report. These transactions were disclosed approximately two months late, after the 2016 general election.
- VI. 1. The Committee will pay a civil penalty to the Commission in the amount of sixteen thousand five hundred dollars (\$16,500), pursuant to 52 U.S.C. § 30109(a)(5)(A). The civil penalty will be paid as follows:
 - a. A payment of four thousand five hundred dollars (\$4,500) is due no later than thirty (30) days from the date this Agreement becomes effective.
 - b. A payment of four thousand dollars (\$4,000) is due no later than sixty (60) days from the date this Agreement becomes effective.
 - c. A payment of four thousand dollars (\$4,000) is due no later than ninety (90) days from the date this agreement becomes effective.
 - d. A payment of four thousand dollars (\$4,000) is due no later than one hundred twenty (120) days from the date this agreement becomes effective.
- 2. The Committee will cease and desist from committing violations of 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- 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. The Committee shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson Acting General Counsel

BY:

Charles Kitcher

Acting Associate General Counsel

for Enforcement

FOR THE RESPONDENTS:

(Name)

(Position)

Neil Ruff

9/4/19

Date