



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 1, 2021

Gary Dickey, Esq.  
301 E Walnut Street, Suite 1  
Des Moines, IA 50309

Re: ADR 1013 (7405)  
Iowans for a Progressive Tomorrow

Dear Gary Dickey, Esq.:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on August 26, 2021 – the effective date of the agreement.

Under the terms of the agreement, a civil penalty in the amount of \$3,700 is due on September 27, 2021. Kindly review the attached payment instructions for details on payment methods and the collection of unpaid debts.

As you are aware, the Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our negotiations, and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Records Office.

This agreement resolves this matter. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista J. Roche".

Krista J. Roche

Director

Alternative Dispute Resolution Office

Enc: Payment Instructions  
Negotiated Settlement

## **ADRO Civil Penalty Payment Instructions**

You may remit payment by credit card, debit card, or ACH withdrawal from your bank account through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/adrpayment](http://www.fec.gov/adrpayment) to be directed to Pay.gov's FEC ADR Payment form.

### **Unpaid Civil Penalties**

Unpaid civil money penalties will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.



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Case Number: ADR 1013

Source: MUR 7405

Case Name: Iowans for a Progressive Tomorrow

## NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed by Jon Neiderbach. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, (FECA) and resolve this matter, the Federal Election Commission (Commission) entered into negotiations with Gary Dickey, Esq. representing Iowans for a Progressive Tomorrow (Respondent). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.


Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondent. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 52 U.S.C. § 30109.
2. Respondent voluntarily enters into this agreement with the Commission.
3. On June 5, 2018, the Federal Election Commission (the FEC or Commission) received a Complaint filed by Jon Neiderbach alleging that Iowans for a Progressive Tomorrow, Inc. (Respondent), an Iowa non-profit organization, made an independent expenditure in support of a Congressional candidate, but failed to file a 24-Hour Report with the Commission and failed to register and report as a political committee "despite obviously attempting to influence an election for federal office."
4. Persons and entities that do not file with the Commission as political committees that make or contract to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours. 52 U.S.C. § 30104(g)(1), 11 C.F.R. § 109.10.
5. Respondent filed three 24-Hour Reports on May 31, 2018, to support the expenditures at issue, six days prior to the relevant election. Respondent states that the nomination or election of federal candidates was not its major purpose, and therefore, it was not a political committee. Respondent further states that it no longer engages in federal election activities.
6. Respondent, in an effort to resolve this matter, agrees to: (a) pay a civil penalty of \$3,700 within thirty (30) days of the effective date of this agreement.

7. Respondent agrees that all information provided to resolve this matter is true and accurate to the best of its knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
8. The parties agree that if Respondent fails to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance. Unpaid civil money penalties are subject to the Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 et seq. The Commission will transfer debt to the United States Department of the Treasury (Treasury) for collection.
9. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondent shall comply with the terms of this agreement as set out in paragraph 6 above, and shall certify compliance with the above settlement terms in writing to the Alternative Dispute Resolution Office on or before the date each term becomes due.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 1013 (MUR 7405), and resolves those issues identified in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

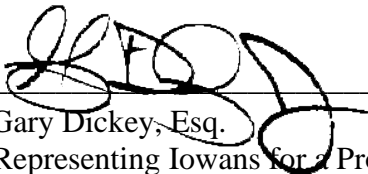
Krista J. Roche, Director  
Alternative Dispute Resolution Office



8/26/21

Date Signed

FOR THE RESPONDENT:



Gary Dickey, Esq.  
Representing Iowans for a Progressive Tomorrow

07/20/2021

Date Signed