



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 2018

Alexander Hornaday
1624 Market St Suite 202
Denver, CO 80202

Re: ADR 874
Restore American Freedom and Liberty and Alexander Hornaday, Treasurer

Dear Alexander Hornaday:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on 11/26/2018 – the effective date of the agreement.

Note the specific time frames for compliance detailed in the agreement. Please forward to this office, a statement confirming Respondent's compliance with each term. The letter should note the dates on which Respondents satisfied each of the terms and contain the ADR case number. For your convenience, a compliance chart is attached.

Under the terms of the agreement, a civil penalty in the amount of \$2,650.00 is due on 12/26/2018. 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,

Krista J. Roche

Krista J. Roche

Director

Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

ADR 874 Compliance Chart

Type	Date Due
Conduct & certify internal audit/reconciliation	Tue 11/26/2019



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Case Number: ADR 874

Source: RAD 18L-20

Case Name: Restore American Freedom and Liberty

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission (Commission) pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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 Commission entered into negotiations with Alexander Hornaday, Esq., representing Restore American Freedom and Liberty and himself, in his official capacity as Treasurer (the Committee or Respondents). 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 Respondents. 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. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division (RAD) referred Respondents for failing to disclose all financial activity on an Amended 2016 October Quarterly Report, filed on October 16, 2016. On January 24, 2018, the Committee filed an Amended 2016 October Quarterly Report including \$64,958.07 in additional disbursements.
4. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA. 52 U.S.C. §§ 30104(a)(1), 30104(b)(4), 11 C.F.R. §§ 104.1, 104.3(b).
5. The Committee filed a Miscellaneous Electronic Submission (Form 99) on April 3, 2018, indicating that due to an error, the Treasurer did not have access to the bank statements for one of the Committee's accounts and inadvertently relied on incomplete invoicing from vendors when filing reports in 2016. The Treasurer indicates that he obtained full access to the banking records in 2017 and then discovered the anomaly. In addition, the Committee contends that in the latter half of 2017, it conducted an internal audit and amended filings accordingly.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) perform an annual internal audit and reconciliation, providing certification of same on the anniversary of the effective date of this agreement; and (b) pay a civil penalty of \$2,650 within thirty (30) days of the effective date of this agreement.
7. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
8. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
9. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents 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 874 (RAD 18L-20), 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.

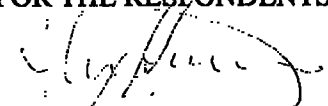
FOR THE COMMISSION:

Krista J. Roche, Director
Alternative Dispute Resolution Office



11/26/18
Date Signed

FOR THE RESPONDENTS:



Alexander Hornaday, Esq.
Representing Restore American Freedom and Liberty
and Alexander Hornaday, Treasurer

10/25/2018
Date Signed