



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Jan Witold Baran
Wiley Rein, LLP
1776 K Street, NW
Washington, DC 20006

APR 27 2017

RE: MUR 7234 (P-MUR 592 – Miami
Association of Realtors)

Dear Mr. Baran,

On April 19, 2017, the Federal Election Commission accepted the signed conciliation agreement and \$9,000 civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. §§ 30118(a) and 30122, 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), effective September 1, 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) 694-1568.

Sincerely,

A handwritten signature in black ink, appearing to read "Ch Edwards".

Christopher L. Edwards

Enclosure
Signed Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Miami Association of Realtors) Pre-MUR 592
)
) ACTING CHIEF OF GENERAL
)

CONCILIATION AGREEMENT

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This matter was initiated by a *sua sponte* submission made to the Federal Election Commission (the "Commission") by the Miami Association of Realtors ("Respondent") and the Realtors Political Action Committee. The Commission engaged the Respondent in Fast-Track Resolution under the Commission's *sua sponte* policy, 72 Fed. Reg. 16,695 (Apr. 5, 2007), and thus has not made a finding that there is reason to believe that a violation occurred.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to findings of reason to believe, hereby enter into this Conciliation Agreement (the "Agreement"), which provides 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 under 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. The Realtors Political Action Committee ("RPAC") is the separate segregated fund of the National Association of Realtors ("NAR"), a 501(c)(6) nonprofit corporation that is registered with the Commission as a multi-candidate political committee.
 - 2. Respondent is a not-for-profit corporation registered in Florida.

3. Respondent and the Florida Realtors Association ("Florida Association") are affiliates of NAR and assist with its fundraising efforts. Several members of Respondent serve on the Board of Directors of the Florida Association.

4. The Federal Election Campaign Act of 1971, as amended (the "Act"), prohibits corporations from making contributions from their general treasury funds to any federal candidate or political committee. 52 U.S.C. § 30118(a). Commission regulations specify that a corporation may not pay a contributor for his contribution "through a bonus, expense account, or other form of direct or indirect compensation." 11 C.F.R. § 114.5(b).

5. The Act also prohibits any person from making a contribution in the name of another and from knowingly permitting his or her name to be used to make such a contribution. 52 U.S.C. § 30122. The Act and the Commission's implementing regulations provide that a person who promises to reimburse another with funds for the purpose of making a contribution in fact makes the resulting contribution. *See United States v. O'Donnell*, 608 F.3d 546, 555 (9th Cir. 2010).

6. In 2011, Respondent adopted a policy allowing the Florida Directors to be reimbursed for travel expenses incurred while attending meetings of the Florida Association Board of Directors. Travel expenses would only be reimbursed under this practice to directors who made a contribution, or pledged to make a contribution, to RPAC. Respondent ultimately reimbursed eighty-three Florida Directors a total of \$55,668.16 from 2012 to 2015 because they contributed or pledged to contribute to RPAC.

7. Respondent contends that, in making such reimbursements, it relied on input from the Florida Association and its election law attorney, who indicated his understanding that the reimbursement arrangement would be legal.

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8. NAR learned of the reimbursement arrangement on October 15, 2015. Upon learning of the arrangement, it conducted a review into the nature, extent, and origins of the reimbursement practice. NAR eventually recommended that Respondent terminate the practice, and Respondent followed this recommendation. NAR and RPAC also confirmed with the Florida Association that no other realtor associations in Florida had adopted similar arrangements.

9. RPAC has refunded each of the contributions that were reimbursed by Respondent.

V. Respondent made \$55,668.16 in corporate contributions in the name of others to RPAC by exchanging corporate funds for contributions in violation of 52 U.S.C. §§ 30118(a) and 30122.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty in the amount of nine thousand dollars (\$9,000) to the Federal Election Commission pursuant to 52 U.S.C. § 30109(a)(5).
2. Respondent will cease and desist from violating 52 U.S.C. §§ 30118(a) & 30122.

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.

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IX. Respondent 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 in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: Kathleen Guith
Kathleen Guith
Associate General Counsel
for Enforcement

4/27/17
Date

FOR THE RESPONDENT:

Christopher P. Zolcer
(Name)
(Position)
CHRISTOPHER P. ZOLCER
CHAIRMAN

FEB 21, 2017
Date

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