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April 10, 2023

Ronald M. Jacobs

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RMJacobs@Venable.com**Via E-mail to cela@fec.gov**Roy Q. Lockett
Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463**Re: RR 23L-04 – Response of OkieWay and
Steven Martin in his official capacity as treasurer**

Dear Mr. Lockett:

This responds to your letter dated February 24, 2023, notifying OkieWay and Steven Martin in his official capacity as treasurer (collectively “Respondents”) of a potential violation of the Federal Election Campaign Act (the “Act”) for failing to timely file one 48-Hour Report.

Respondents do not contest that the 48-Hour Report was not timely filed. All other 24- and 48-hour reports were filed on time. This was a one-time mistake caused by the departure of a staff member of the compliance firm OkieWay had retained. Importantly, when the compliance firm was preparing the July Quarterly Report, it identified the missed report and filed it immediately. It did not wait for the Commission to notify it of the missed report.

OkieWay was an independent expenditure-only committee (“Super PAC”) involved in the Oklahoma Republican primary election held on June 28, 2023. As noted in the Reports Analysis Division (“RAD”) Referral to Office of General Counsel (“OGC”), OkieWay reported four independent expenditures totaling \$916,950.00 in support of one candidate. OkieWay timely disclosed independent expenditures that totaled \$572,075.00 on 48-Hour and 24-Hour reports filed in April and June. But a single expenditure of \$344,875.00 was not included on a 48-Hour Report that should have been filed by May 7.

The compliance firm’s staff member who managed the expenditures of OkieWay at the time of the May disbursement left the firm for another opportunity. The departing staff member did not communicate to other compliance staff that a 48-Hour Report was needed. The staff member who took over the account timely disclosed on 48-Hour Reports new expenditures that

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were made in June but was unaware the May disbursement had not been included on a 48-Hour Report.

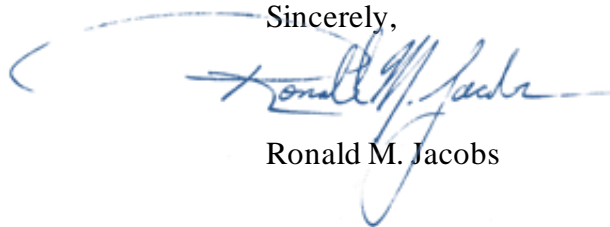
OkieWay took the steps that a responsible Super PAC should take. It retained a professional and experienced compliance firm to assist with the reports it knew it would need to file with the Commission because of its activities. That compliance firm works with dozens of other committees and has various processes in place to help ensure its clients comply with the Act. Staff of the firm have been regular attendees of various Commission trainings and conferences. Unfortunately, human error can still impact even the most thorough compliance programs. The compliance firm has reviewed its process thoroughly and developed a new process related to departing staff to ensure all pending compliance and reporting items are properly noted and communicated to other staff.

On August 15, 2023, OkieWay paid its final winding down expenses, had no cash on hand, and filed for termination. It is defunct and, as a single candidate Super PAC that supported an unsuccessful candidate, has no ability to raise additional funds.

Respondent respectfully requests that OGC recommend the Commission exercise prosecutorial discretion and dismiss the matter, or to dismiss with a cautionary letter. If, however, OGC believes a monetary penalty is appropriate despite the significant, proactive efforts by Respondent to comply with the Act, then Respondent respectfully requests to enter into pre-probable cause conciliation to seek the same treatment that has been afforded to others in similar circumstances, such as in Matters Under Review 6767, 6715, and 7436.

Respondents look forward to fully cooperating in this matter. Please do not hesitate to contact me if you have any questions or if there is any additional information we can provide.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ronald M. Jacobs", with a long horizontal flourish extending to the right.

Ronald M. Jacobs