



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 2023

Derek H. Ross
300 Independence Ave SE
Washington, DC 20003

Re: ADR 1112 (A23-09)
Andy Ogles for Congress and Thomas Charles Datwyler, Treasurer
(C00811844)

Dear Derek H. Ross:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on October 4, 2023 – 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 \$5,750 is due on November 3, 2023. 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 "Joshua Rebollozo". The signature is fluid and cursive, written in a professional style.

Joshua A. Rebollozo
Assistant Director
Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
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 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.

ADR 1112 Compliance Chart

Type	Date Due
Develop and certify implementation of a process to track communications with the Commission	January 2, 2024
Certify that a representative participated in an FEC training	October 3, 2024



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 1112

Source: AD A23-09

Case Name: Andy Ogles for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission (FEC or the 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 Derek Ross, Esq., representing Andy Ogles for Congress and Thomas Datwyler, in the official capacity of Treasurer (the Committee or Respondents). It is understood that this settlement 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 enters into this settlement 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 settlement with the Commission.
3. The Reports Analysis Division (RAD) referred Respondents for a series of reporting errors and other FECA violations during the 2021-2022 election cycle. The Committee's errors included, among other items: the failure to file and late filing of reports; excessive, prohibited, and other impermissible contributions/transfers; and failure to provide supporting schedules. RAD additionally referred Respondents for amending its 2022 October Quarterly Report on January 5, 2023, to disclose additional receipts, totaling \$89,877.25, and for the failure to timely file 48-Hour Notices for the 2022 primary election, totaling \$15,800, and for the 2022 general election, totaling \$13,700.¹
4. A political committee may be referred if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 52 U.S.C. § 30109.
5. Treasurers of political committees are required to report all financial activity, including all receipts, pursuant to the FECA. 52 U.S.C. § 30104(a)(1), (b)(2); 11 C.F.R. §§ 104.1, 104.3(a).

¹ RAD additionally referred Respondents for failing to disclose a transfer from another authorized committee of the candidate on Schedule A to support memo entries for contributions totaling \$48,293.64, disclosed on the 2022 October Quarterly Report. During negotiations, the Committee remedied the violation by filing an Amended 12-Day Pre-General Report and an Amended 30-Day Post-General Report on July 19, 2023, disclosing the omitted transfers.

6. If any contribution of \$1,000 or more is received by any authorized committee of a candidate after the 20th day, but more than 48 hours, before 12:01 a.m. of the day of the election, the principal campaign committee of that candidate shall notify the Commission and the Secretary of State, as appropriate, within 48 hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be filed in accordance with 11 C.F.R. § 100.19. The notification shall be in addition to the reporting of these contributions on the post-election report. 52 U.S.C. § 30104(a)(6); 11 C.F.R. § 104.5(f).
7. The Committee states the errors were the result of internal miscommunications. Upon receiving notification from the Commission, the Committee corrected all outstanding issues, albeit untimely.
8. Respondents, in an effort to avoid similar errors in the future, agree to:
 - a. develop and certify implementation of a process to track receipt of, and response to, communications with the Commission within ninety (90) days of the effective date of this agreement;
 - b. certify that a representative of the Committee participated in an FEC conference, webinar, or other training program developed in consultation with the FEC's Information Division within twelve (12) months of the effective date of this agreement; and
 - c. pay a civil penalty of \$5,750 within thirty (30) days of the effective date of this settlement.
9. 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 settlement under penalty of perjury pursuant to 28 U.S.C. § 1746.
10. The parties agree that if Respondents fail 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.
11. This settlement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms of this settlement as set forth 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.
12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 1112 (AD A23-09), and resolves those issues identified above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

Joshua A. Rebollozo, Assistant Director
Alternative Dispute Resolution Office



10/4/2023

Date Signed

FOR THE RESPONDENTS:



Derek Ross, Esq.
Representing Andy Ogles for Congress and
Thomas Datwyler, Treasurer

09/15/2023

Date Signed