

**FEDERAL ELECTION COMMISSION**

June 14, 2024

Sent Via: Electronic Mail

Scott E. Gessler, Esq.
Gessler Blue LLC.
7350 East Progress Place
Suite 100
Greenwood Village, Colorado 80111
sgessler@gesslerblue.com

RE: MUR 8080
Pericle Communications Co.

Dear Mr. Gessler:

On May 15, 2024, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, Pericle Communications Company, in settlement of a violation of 52 U.S.C. § 30119(a) and 11 C.F.R. § 115.2(a), a provision of the Federal Election Campaign Act of 1971, as amended and Commission regulations. The Commission also voted to close the file, effective today.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 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) 694-1618.

Sincerely,

Kimberly D. Hart
Kimberly D. Hart
Attorney

Enclosure: Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pericle Communications Company

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MUR 8080

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized Complaint filed with the Federal Election Commission. The Commission found reason to believe that Pericle Communications Company (“Respondent”) violated 52 U.S.C. § 30119(a) and 11 C.F.R. § 115.2(a)(1) by making contributions while Respondent was a federal government contractor.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over 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. Respondent is a wireless engineering services company based in Colorado Springs, Colorado. Jay Jacobsmeyer is the President & Owner of Pericle.

2. Respondent held a one-year purchase order contract (September 21, 2021 through August 31, 2022), totaling \$1.2 million, with the National Institute of Standards and Technology, U.S. Department of Commerce.

3. On June 24, 2022, Respondent made a \$25,000 contribution to For Colorado's Future and Paul Kilgore in his official capacity as treasurer ("Committee"), an independent expenditure-only political committee.

4. On November 5, 2022, the Committee refunded the \$25,000 contribution to Respondent.

V. The pertinent law in this matter is as follows:

1. The Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations bar contributions to political committees by any person who enters into a contract with the United States or its departments or agencies for "furnishing any material, supplies, or equipment," if payment on such contract "is to be made in whole or in part from funds appropriated by Congress." 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.2(a). Such contributions are barred for the period between (1) the earlier of commencement of negotiations or when requests for proposal are sent out, and (2) the later of the completion of performance on or termination of negotiations for the contract. 11 C.F.R. § 115.1(b).

2. These prohibitions apply to a federal contractor who makes contributions to any political party, political committee, federal candidate, or "any person for any political purpose or use." 11 C.F.R. § 115.2(a).

VI. Respondent violated 52 U.S.C. § 30119(a)(1) and 11 C.F.R. § 115.2(a) by making federal contractor contributions.

VII. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Four Thousand Seven Hundred Dollars (\$4,700) pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30119(a)(1) and 11 C.F.R. § 115.2(a).

VIII. 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.

IX. This Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire Agreement.

X. Respondent shall have no more than 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.

XI. 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: **Charles Kitcher**
 Charles Kitcher
 Associate General Counsel
 for Enforcement

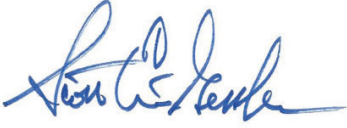
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 Charles Kitcher
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6/5/24

 Date

MUR 8080 (Pericle Communications Co. *et al.*)
Conciliation Agreement
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FOR THE RESPONDENT:



Scott Gessler
Counsel for Pericle Communications Co.

Dated May 3, 2024