



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 2019

David Brill
426 S. Alarcon
Prescott, AZ 86303

Re: ADR 900
Brill for Congress and David Brill, Treasurer

Dear David Brill:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on July 18, 2019 – 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.

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.

FEDERAL ELECTION COMMISSION – ALTERNATIVE DISPUTE RESOLUTION OFFICE
1050 FIRST STREET, N.E., WASHINGTON, D.C. 20463
TELEPHONE: 202.694.1661
EMAIL: ADR@FEC.GOV

Sincerely,

A handwritten signature in black ink, appearing to read "K. Roche", with a horizontal line extending to the right.

Krista J. Roche
Director
Alternative Dispute Resolution Office

Enc: Compliance Chart
Negotiated Settlement

14-00000-1-00000-001-001

ADR 900 Compliance Chart

Type

One-on-one training with FEC Staff
File amended reports

Date Due

August 17, 2019
August 17, 2019

10-10-2019-10-10-2019



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 900
Source: MUR 7539
Case Name: Brill for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn, and notarized Complaint filed by Jonathan Lines. 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 Federal Election Commission (Commission) entered into negotiations with David Brill representing Brill for Congress 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. On November 9, 2018, Jonathan Lines, Chairman of the Arizona Republican Party, (Complainant) filed a Complaint alleging that Brill for Congress and David Brill, Treasurer (Respondents or the Committee) engaged in non-commercial air travel to conduct campaign activities, and may have accepted a prohibited and/or excessive, in-kind contribution for the value of the flight depending on the cost of the flight and the ownership of the aircraft. The Complainant states that, according to news accounts, House candidate Brill and the Democratic nominee for Governor of Arizona used a single propeller plane that had been loaned to the candidates for a two-day campaign tour of the district.
4. The Honest Leadership and Open Government Act of 2007 (HLOGA) amended the FECA to prohibit House Candidates from making any expenditure for non-commercial air travel. 52 U.S.C § 30114(c)(2). House candidates are prohibited from non-commercial air travel while campaigning, 11 C.F.R. § 100.93(c)(2), and from accepting in-kind contributions in the form of non-commercial air travel. *Id.* § 113.5(b). The prohibition applies to a House candidate who is a "campaign traveler, which includes, "any candidate traveling in connection with an election for Federal office." *Id.* § 100.93(a)(3)(i)(A).

5. In a response dated December 12, 2018, Respondents indicate that they were unaware that the "FEC forbade the use of non-commercial aircraft by congressional candidates." During the course of negotiations, Respondents provided documentation that the cost of the flight attributable to candidate Brill was \$3,870.
6. Respondents, in an effort to resolve this matter, agree to: (a) participate in a one-on-one training with FEC Staff regarding reporting requirements within thirty (30) days of the effective date of this agreement; and (b) amend reports to disclose the non-commercial air travel in accordance with 11 C.F.R. § 100.93(i) within (30) days of the effective date of this agreement. The Commission will continue to file reports with the Commission until such time as a termination report is approved.
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 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 900 (MUR 7539), 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:

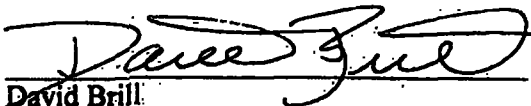
Krista J. Roche, Director
Alternative Dispute Resolution Office



7/18/2019

Date Signed

FOR THE RESPONDENTS:



David Brill
Representing Brill for Congress
and David Brill, Treasurer

June 5, 2019

Date Signed