



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

November 13, 2023

**Via Electronic Mail**  
[jrifis@foley.com](mailto:jrifis@foley.com)

Jared B. Rifis, Esq.  
Foley & Lardner LLP  
3000 K St NW,  
Washington, DC 20007

RE: MUR 8177  
American Podiatric Medical  
Association Political Action  
Committee and Dr. William N.  
McCann in his official capacity as  
treasurer

Dear Mr. Rifis:

On November 8, 2023, the Federal Election Commission accepted the signed conciliation agreement and \$5,500 civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(b)(1) and 11 C.F.R. § 104.3(a)(1) for failing to accurately report its cash on hand.

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). 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) 694-1688.

Sincerely,

*Matthew Lupo*

Matthew Lupo  
Attorney

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the matter of	)	
	)	
American Podiatric Medical Association	)	MUR 8177
Political Action Committee and	)	
Dr. William N. McCann in his official	)	
capacity as treasurer	)	

**CONCILIATION AGREEMENT**

This matter was initiated by a *sua sponte* submission (the “Submission”) made to the Federal Election Commission (the “Commission”) by the American Podiatric Medical Association Political Action Committee and Dr. William N. McCann in his official capacity as treasurer (the “Committee” or “Respondent”). The Commission found reason to believe that the Committee violated 52 U.S.C. § 30104(b)(1) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. § 104.3(a)(1) of the Commission’s regulations.

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 pursuant to 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 and law in this matter are as follows:
  1. The Committee is the separate segregated fund of the American Podiatric Medical Association, Inc., and Dr. William N. McCann is its treasurer.

2. In August 2019, the Committee discovered that there was a discrepancy between the cash on hand reported on its FEC disclosure reports and the amount reflected in its bank statement balance.

3. From February 2020 to April 2021, the Committee internally investigated the causes of the discrepancy.

4. Subsequently, in the latter half of 2021, the Committee underwent an external audit conducted by the accounting firm that prepares its annual financial statements. In January 2022, the accounting firm produced an audit report explaining the causes of the increase in the cash-on-hand discrepancy from May 31, 2015, to May 31, 2020. This external audit report indicated that the increase in the discrepancy was primarily due to the Committee failing to report credit card and bank fees, investment activity, and an administrative service agreement payment to the Committee's connected organization. The audit also noted that some of the increase was due to misreporting of political contributions and timing differences between when the Committee reported receiving receipts on its disclosure reports and on its general ledger.

5. In April 2022, the Committee made the Submission to the Commission, which included a copy of the January 2022 audit report.

6. Since making the Submission, the Committee has also submitted its annual financial statements from fiscal years 2004 to 2022, which summarize its yearly financial activity and appear to contain an accurate representation of the Committee's cash on hand each May 31st.

7. Despite discovering in August 2019 that it had been reporting an incorrect cash-on-hand amount and making the Submission in April 2022, the Committee continued to report an incorrect cash-on-hand amount in its FEC disclosure reports until July 2022.

8. On July 20, 2022, the Committee filed a 2022 July Monthly Report disclosing the correct cash on hand and indicating that there was previously an overreport of \$168,288. On that same day, the Committee filed an FEC Form 99 explaining that the discrepancy was primarily due to misreporting bank fees, investment activity, and administrative costs.

9. A comparison of the Committee's FEC disclosure reports with its annual financial statements reveals that the Committee has been reporting an incorrect cash on hand from at least June 16, 2004, through June 20, 2022, and that the discrepancy between the actual and reported amount varied from year to year.

10. The height of the discrepancy between the Committee's actual and reported cash on hand was \$169,342. Specifically, on July 16, 2020, the Committee reported that on June 1, 2020, at the beginning of the June 2020 reporting period, it had \$459,729 of cash on hand even though it had only \$290,417 of cash on hand at that time.

11. Political committee treasurers must file reports disclosing receipts and disbursements in accordance with the Act and Commission regulations. 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1.

12. Each disclosure report filed under 52 U.S.C. § 30104 must disclose "the amount of cash on hand at the beginning of the reporting period." 52 U.S.C. § 30104(b)(1); *see also* 11 C.F.R. § 104.3(a)(1).

V. The parties agree to following:

1. Respondent violated 52 U.S.C. § 30104(b)(1) and 11 C.F.R. § 104.3(a)(1) by overreporting its cash on hand by varying amounts between 2004 and 2022, the largest of

which was overreporting its cash on hand by \$169,342 at the beginning of the June 2020 reporting period.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Five Thousand Five Hundred Dollars (\$5,500), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from committing violations of 52 U.S.C. § 30104(b)(1) and 11 C.F.R. § 104.3(a)(1).

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 the same and the Commission has approved the entire Agreement.

IX. 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.

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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 within 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

Digitally signed by  
Charles Kitcher  
Date: 2023.11.13  
09:47:56 -05'00'

11/13/23  
Date

FOR THE RESPONDENT:



Jared B. Rifis  
Counsel for American Podiatric Medical Association  
Political Action Committee and Dr. William N.  
McCann in his official capacity as treasurer

October 24, 2023  
Date