



FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

June 26, 2001

The Honorable Patsy Ann Kurth
2540 Rocky Point Road
Malabar, FL 32950

Dear Ms. Kurth:

Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and the Patsy Ann Kurth for Congress Committee regarding MUR 5144 and subsequently numbered ADR 018. This agreement, which was approved by the Federal Election Commission today -- the effective date of the agreement -- resolves the matter brought to the attention of the FEC by the Friends of Dave Weldon Committee.

As you are aware, the settlement agreement along with documents exchanged between your office and the FEC, prior to the commencement of negotiations, will be made part of the record that is released to the public. The Commission is obliged by Federal statute to make public all settlement agreements. Accordingly, the file on this case, including the above mentioned document, will be forwarded next month to the FEC's Public Information Office.

We anticipate the Committee, in accordance with the terms of paragraph six, filing the appropriate report to enable it to terminate its activities.

This agreement effectively resolves the issues raised in the complaint filed against the Committee which is the subject of this case.

I appreciate your assistance in resolving this matter and helping to bring this case to a mutually satisfactory conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan D. Silberman".

Allan D. Silberman,
Director, ADR Office

Enclosure

2001 JUN 26 10 51 AM



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number ADR 018
Source MUR 5144
Case Name Kurth for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Dave Weldon. Following a review of the record and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA"), and to resolve this matter, the Federal Election Commission ("the Commission") entered into negotiations with Patsy Ann Kurth, on behalf of the Patsy Kurth for Congress Committee ("the Respondent") and Brian G. Fisher, Treasurer. 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 the Respondent have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondent. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", P.L. 104-320, § 3(a) and is an extension of 2 U.S.C. § 437g.
2. The Respondent has voluntarily entered into this agreement with the Commission.
3. Material used during the Respondent's 2000 election campaign for Florida's 15th Congressional District contained inconsistent disclaimer statements, sometimes listing "Paid for by the Patsy Kurth Campaign Account Democrat", other times "Paid for by Patsy Kurth for Congress"— the latter being the candidate's official campaign committee. Material expressly advocating the election of an identified candidate shall contain a disclaimer clearly stating the name of the authorizing political committee. 2 U.S.C. § 441d(a)(1).
4. Other alleged violations listed in the complaint, including distribution of the candidate's legislative newsletter from her State Senate office, were determined to be either outside the purview of the FECA or not in violation of the Act. The Office of Attorney General for the state of Florida also reviewed the matter and determined that nothing in the complaint implicated any action by the State nor raised issues of support by the State for the candidate's campaign.

5. The Respondent recognizes the inconsistency in the disclaimer statements contained on some of the campaign literature produced and distributed by her office and acknowledges her responsibility for and oversight in approving the aforementioned campaign material.
6. The Respondent acknowledges the admonishing nature of this agreement. In order to conclude this matter, the Respondent agrees to file for termination in accordance with the provisions of 2 U.S.C. § 433(d).
7. The parties agree that if the Respondent fails 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.
8. This agreement will become effective on the date signed by all the parties and approved by the Commission. The Respondent shall have no more than thirty (30) days from the effective date of this agreement to comply with the terms set forth here.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 018/MUR 5144 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included in herein, shall be enforceable.


FOR THE COMMISSION:

Allan D. Silberman,
Director Alternative Dispute Resolution Office


Allan D. Silberman

6-26-01
Date

FOR THE RESPONDENTS:


(Name) Patsy Ann Kurth
(Position) Candidate

6-1-2001
Date