



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

August 14, 2001

C. Steven Fury, Esq.
Fury Bailey
710 10th Avenue, E.
P.O. Box 20397
Seattle, WA 98102

Dear Mr. Fury:

Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and your clients, the Senn 2000 Committee and Rudi Bertschi, treasurer, regarding MUR 5085 and subsequently numbered ADR 034. 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 Matt Eldridge.

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.

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 be "AS", is written over a circular stamp or mark.

Allan D. Silberman,
Director, ADR Office

Enclosure

21-19-025-1502

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Case Number: ADR 034
Source: MUR 5085
Case Name: Senn 2000

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Matt Eldridge. 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 C. Steven Fury, Esq. on behalf of the Senn 2000 Committee and Rudi Bertschi, treasurer ("the 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 the Respondents 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 Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. The Respondents have voluntarily entered into this agreement with the Commission.
3. The complaint alleges that the Respondents used funds raised to support the candidate's re-election to the office of state Insurance Commissioner to conduct a survey on her viability as a potential candidate for the US Senate. The poll in question was conducted by a consultant and paid for by the candidate's state campaign committee, Friends of Deborah Senn. Following the filing of the complaint and intervention by the WA state Public Disclosure Commission, the Respondents reimbursed the consultant which subsequently refunded the candidate's state campaign committee.
4. It is the Respondents' position that a poll, such as the one that is the subject of this matter, aids in the decision as to which office to run for, therefore, is considered by the Respondent an appropriate expenditure to be allocated between its federal and non-federal committees. The Respondents acknowledge arranging for the aforementioned survey and using funds, i.e., \$14,500, from the state campaign to fund the poll. Campaign committees authorized by a candidate for federal office are prohibited from transferring funds or assets from campaign committees or accounts established for a nonfederal election. 11 C.F.R. § 110.3(d)

21.19.025.1503

5. The Respondents agree to work with RAD to address outstanding issues and to establish an appropriate schedule to deal with the Committee's indebtedness. Once the debt retirement scheduled is approved, the Respondents will file for termination. In order to conclude this matter, the Respondents agree to pay a civil penalty of \$1,200, which will be due by July 31, 2001.
6. The parties agree that if the 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.
7. This agreement will become effective on the date signed by all the parties and approved by the Commission. The Respondents shall comply with the terms set forth in paragraph five (5) above within the time period specified in that section.
7. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 034/MUR 5085 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

8-14-01
Date

FOR THE RESPONDENT


(Name) E. Steven Fury
(Position) Counsel for Respondents

7/12/01
Date

1504