




FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 30, 2001

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman   
Director, ADR Office

SUBJ: Negotiated Settlement: ADR 038

Attached for your review is a signed negotiated settlement agreement, ADR 038, respondents Bernadette and Dennis Kearney, Kennedy for Senate 2000 Committee, Markey for Congress Committee, Richard E. Neal for Congress Committee and Choate, Hall and Stewart. This case was assigned to the ADR office on April 3, 2001.

**ADR 038:** The Primary Respondents, Bernadette and Dennis Kearney, were charged with making campaign contributions to at least three federal candidates that exceeded federal limits, a violation of 2 U.S.C. § 441a(a)(1), possibly exceeding the annual aggregate total, a violation of § 441a(a)(3) and of being reimbursed by Dennis Kearney's employer, Choate, Hall and Stewart, a violation of § 441f. In addition, the three aforementioned campaign committees were charged with accepting, during the 2000 election cycle, contributions from the Primary Respondents that exceeded federal limits, a violation of § 441a(a)(1). A review of the record indicated that the Primary Respondents did not exceed the statutory limits in their contributions to federal campaign in the 2000 election period nor were they reimbursed by Dennis Kearney's employer. In addition, there was no evidence that the three named federal campaign committees accepted contributions from the Kearney's that exceeded the statutory limits. All three committees listed in their reports filed with the FEC receipt of the subject contributions in accordance with the provisions of 2 U.S.C. § 441a(a)(1). Accordingly, the agreement concludes that the alleged violations are unsubstantiated and the matter will be dismissed.

**Recommendation:** We recommend that the Commission approve the attached negotiated settlement agreement and subsequently close the file on this matter.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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*[Signature]*  
**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Friday, August 31, 2001 12:00

BALLOT DEADLINE: Thursday, September 06, 2001 4:00

COMMISSIONER: MASON, McDONALD, SANDSTROM, SMITH, THOMAS, WOLD

SUBJECT. **Negotiated Settlement: ADR 038 (MUR 5093) - Memorandum from The Director, ADR dated August 30, 2001.**

( ) I approve the recommendation(s)

( ) I object to the recommendation(s)

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

2001 SEP 11 10:00 AM



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

*Handwritten initials*

MEMORANDUM

TO: ALLAN SILBERMAN  
DIRECTOR, ADR OFFICE

FROM: OFFICE OF THE COMMISSION SECRETARY *VA*

DATE: September 4, 2001

SUBJECT: Negotiated Settlement: ADR 038 (MUR 5093)- Memorandum  
from the Director, ADR dated August 30, 2001.

The above-captioned document was circulated to the Commission on

Friday, August 31, 2001.

Objection(s) have been received from the Commissioner(s) as indicated

by the name(s) checked below:

Commissioner Mason	—
Commissioner McDonald	—
Commissioner Sandstrom	—
Commissioner Smith	—
Commissioner Thomas	<u>XXX FOR THE RECORD</u>
Commissioner Wold	—

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