



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 042A
Source: MUR 5133
Case Name: Stenberg for Senate 2000

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Anne Boyle on behalf of the Nebraska Democratic Party. 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 Jerry Kelley on behalf of the Darland Corporation ("the Respondent"). 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. The Respondent acknowledges that Darland Corporation made a voluntary contribution of \$1000 on October 12, 2000 to the Stenberg for Senate campaign. It is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office or any officer or any director of any corporation to consent to any contribution by the corporation. 2 U.S.C. § 441b(a). The aforementioned contribution subsequently was refunded on October 22, 2000 by the Stenberg Committee.
4. The Respondent acknowledges that the contribution was in violation of the statute governing federal election campaigns and that his actions were a result of a lack of knowledge of the FECA. In an effort to avoid a repetition of the aforementioned violation, the Respondent agrees to: 1) adopt and distribute, within 30 days following the effective date of this agreement, a policy prohibiting corporate contributions to election campaigns and advising any officer or director of the corporation that they are prohibited from consenting to any contribution or expenditure by the corporation to an election campaign; and 2) to pay a civil penalty of three hundred (300) dollars to conclude this matter.

5. 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.
6. 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.
7. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 042/MUR 5133 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

Sept 28, 2001
Date

~~FOR THE RESPONDENT~~

~~DARLAND CORPORATION~~

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(Name)
(Position)~~

6/4/01
Date