



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number ADR 049

Source MUR 4966

Case Name Susan Bass Levin for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Donald F. McGahn II on behalf of the National Republican Congressional Committee. 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 Ellen L. Weintraub, Esq. on behalf of Susan Bass Levin, Susan Bass Levin for Congress and Patrick Brennan, 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 failed to file, in a timely fashion, with the Commission, a Statement of Candidacy and subsequently a Statement of Organization formally acknowledging the candidacy of Susan Bass Levin. Each candidate for Federal office shall designate in writing, within 15 days of becoming a candidate, a political committee to serve as the principal campaign committee of the candidate. 2 U.S.C. § 432(e)(1). In addition, each authorized campaign committee shall file a Statement of Organization with the Commission no later than 10 days after designation of candidacy. 2 U.S.C. § 433(a).
4. The complaint further alleges that Respondents exceeded the \$5,000 contribution and/or expenditure threshold that requires political committees to file reports with the Commission. An individual is a candidate for elected Federal office when their campaign activity exceeds in the aggregate \$5,000 in contributions or expenditures. 2 U.S.C. § 431(2)(A). Treasurers of principal political campaign committees are required to file reports of receipts and disbursements in accordance with the provisions of 2 U.S.C. § 434(a)(2).

5. Respondents contend that the complaint is without merit. They maintain that they did not file the subject Statement of Candidacy or Statement of Organization until the candidate decided to commit to the campaign. Statements to the press filed with the complaint were, according to Respondents, press speculation. Respondents further argue that funds raised prior to the January 2000 were for "testing the water" and that once the Candidate determined to proceed, the required Statements of Candidacy and organization were filed in a timely manner with the Commission.
6. Review of documents filed with the Commission confirm that activities undertaken by the Candidate's exploratory committee, i.e., the Susan Bass Levin Legislative Exploratory Committee, were appropriate "testing the water" expenditures as provided in 11 C.F.R. § 100.7(b)(1) and § 100.8(b)(1). The Commission's records also confirm that once the Candidate decided to launch her candidacy, the required financial reports covering the prior period were filed in a timely manner.
7. Based on the information cited herein, the ADR Office concludes that the violation alleged in the complaint is unsubstantiated. The Commission concurs by dismissing this matter.
8. This agreement will become effective on the date signed by all the parties and approved by the Commission.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 049/MUR 4966 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION

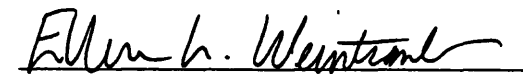
Allan D. Silberman,
Director Alternative Dispute Resolution Office



Allan D. Silberman

12/10/01
Date

FOR THE RESPONDENTS


Ellen L. Weintraub, Esq.
Representing Susan Bass Levin, Susan Bass Levin
for Congress and Patrick Brennan, Treasurer

11/29/01
Date