



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 056
Source: MUR 5200
Case Name: Bilirakis for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Eleanor Roe Munzer. 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 Benjamin L. Ginsberg, Esq. on behalf of the Mike Bilirakis for Congress Committee and Anthony C. Samarkos, 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:

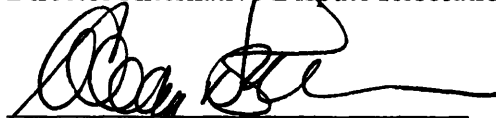
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution 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 campaign funds in excess of those necessary to defray campaign expenditures for personal use. Specifically, the complaint asserts that Respondents used excess campaign funds in 1999 and 2000 to pay dues to approximately thirty-eight (38) organizations, totaling over \$1,900. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office or may be used for any other lawful purpose, except that no such amounts may be converted by any person to any personal use. 2 U.S.C. § 439a.
4. The complaint also raises allegations regarding the candidate's payment of dues to organizations composed of female members and suggests that the membership may be for someone other than the candidate himself.
5. Respondents acknowledge using excess campaign funds to pay dues to the thirty-eight (38) identified organizations. They assert that membership in the aforementioned organizations,

including those organizations composed primarily of women, was undertaken as part of the candidate's effort to stay in touch with his constituents and, therefore, is an appropriate expenditure of campaign funds. In identifying the listed groups as community and civic organizations appropriate for the expenditure of campaign funds, Respondents' referenced the Commission's regulations at 11 C.F.R. § 113.1(g) and the guidance provided governing the permissible application of campaign funds for personal use. Respondents note that the Commission's rules allow a candidate or officeholder to use campaign funds to pay membership dues in an organization that may have political interests, including community or civic organizations that a candidate or officeholder joins in his or her district in order to maintain political contacts with constituents or the business community. This guidance also was considered applicable even to organizations that are not considered political organizations under the terms of 26 U.S.C. § 527. 60 Federal Register Notice 7866.

6. Respondents followed the Commission's guidance governing exemptions to the personal use of campaign funds as identified in appropriate regulations and rules. Their expenditures of excess campaign funds is in keeping with those guidelines. Accordingly, the ADR Office concludes, following a review of the complaint and the response, that the complaint should be dismissed. The Commission agrees to dismiss this matter.
6. This agreement will become effective on the date signed by all the parties and approved by the Commission.
7. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 056/MUR 5200 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

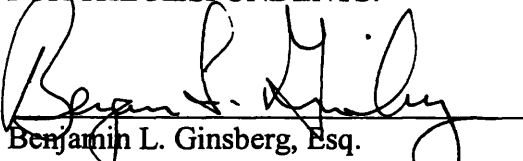


Allan D. Silberman

Feb. 15, 2002

Date

FOR THE RESPONDENTS:



Benjamin L. Ginsberg, Esq.
Representing the Mike Bilirakis for Congress
Committee and Anthony C. Samarkos, Treasurer

Feb. 6, 2002

Date