



Federal Election Commission  
Washington, DC 20463

Case Number: ADR 060A  
Source: MUR 5214  
Case Name: Engel for Congress

### NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Barry R. Ziman. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Federal Election Commission ("Commission") entered into negotiations with Arnold Linhardt, representing Engel for Congress and Debby Linhardt, as Treasurer ("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 Respondents addressed the issues raised in this complaint. The parties agree to resolve the matter according to the following terms:

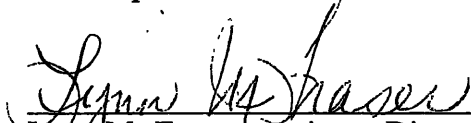
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The complaint alleges that respondents accepted excessive contributions from Michael Feinstein in violation of 2 U.S.C. § 441a(f). Specifically, the complainant alleges that the reports filed with the Commission by Respondents showed that Mr. Feinstein contributed \$2,000 in 1999 and \$2,000 in 2000 for the primary and general elections held in 2000.
4. The FECA states that no person shall make contributions to any candidate and the authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1). The statute defines the term "election" to mean a general, special, primary, or runoff election. 2 U.S.C. § 431(1). No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. 2 U.S.C. § 441a(f).

5. Respondents acknowledge that an inadvertent software error resulted in the violation of the FECA, but on learning of the prohibited contributions refunded \$2,000 to Mr. Feinstein in May 2001.
6. Respondents, in an effort to avoid similar errors in the future and resolve the matter, agree to (a) attend an FEC sponsored seminar for candidate committees within twelve (12) months of the effective date of this agreement; and (b) pay a civil penalty of \$1,000 within thirty days of the effective date of this agreement.
7. The parties agree that if 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.
8. This agreement shall become effective on the date signed by all parties and approved by the Commission.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 060A (MUR 5214), and effectively resolves this matter as it pertains to Engel for Congress and Debby Linhardt, Treasurer. 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

By:

  
\_\_\_\_\_  
Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office

7-12-02  
Date Signed

FOR THE RESPONDENTS:

  
\_\_\_\_\_  
Arnold Linhardt  
Representing Engel for Congress

6/17/02  
Date Signed