



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 070

Source: AR 02-02

Case Name: Meeks for Congress 2000

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("the Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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 Commission entered into negotiations with Joan E. Flowers, treasurer, on behalf of the Meeks for Congress 2000 Committee ("the Respondent" or "the Committee"). 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 with 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", 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. The Respondent has voluntarily entered into this agreement with the Commission.
3. An audit of the Respondent, covering the period from January 1, 1999 through December 31, 2000, disclosed that the Committee failed to include information regarding contributors' occupation and/or name of employer for 132 contributions totaling \$72,624. Political committees are required to report the identification of each person (other than a political committee) who makes a contribution to the committee in an aggregate amount or value in excess of \$200 per calendar year together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(A). Political committees when reporting the identification of individual contributors are required to provide the name, mailing address, and occupation of such individuals as well as the name of his or her employer. 2 U.S.C. § 431(13). Subsequently, the Committee requested that the aforementioned contributors provide their occupation and name of employer; the requests, however, were not made until after the thirty (30) day period provided to comply with the best effort provisions of 11 C.F.R. § 104.7.

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4. In order to avoid a repetition of the same data omissions in the future, the Committee agrees to: 1) to amend reports previously filed with the Commission to comply with provisions of 11 C.F.R. § 104.7(a) and (b) regarding providing contributor occupation and employer name; 2) to use a computer program to note and record the name, address, occupation and employer of each contributor and to advise those contributors when the above information is missing the FECA's requirement regarding the listing of such information; 3) to train new Committee staff in the reporting requirements of the FECA and 11 C.F.R. and to subsequently enroll, during the next fifteen (15) months, new staff in a Commission sponsored seminar for campaign committees; 4) to designate a Committee staff member as the individual responsible for FEC compliance; and 5) to pay a civil penalty of \$3,500.
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 comply with the terms of the settlement within thirty (30) days from the effective date of this agreement except for the time frame cited in paragraph four item three that will govern.
7. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 070/AR 02-02 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

12/5/02
Date

FOR THE RESPONDENTS:



Joan E. Flowers, Treasurer
Meeks for Congress 2000

11/20/02
Date