



**Federal Election Commission
Washington, DC 20463**

Case Number ADR 081

Source MUR 5267

Case Name: Dutch Ruppertsberger for Congress,
David Deger, Treasurer and C.A. Dutch Ruppertsberger

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Oz Bengur. 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 Judith Corley, Esq., representing Dutch Ruppertsberger for Congress, David Deger, Treasurer and C.A. Dutch Ruppertsberger ("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 respondent(s). 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. Complainant states that a report in the Baltimore Sun alleges that on April 29, 2002, during the campaign announcement ceremony, Respondents allowed campaign volunteers to distribute a six page color brochure, bumper stickers and t-shirts left from the candidate's 1998 campaign for County Executive. In addition, Complainant alleges that campaign workers gave copies of the candidate's speech to the press printed on the back of letterhead promoting the candidate for County Executive, and may have intended to use contributions raised in a campaign for a nonfederal election for the federal election.
4. Federal regulations prohibit the transfer of funds or assets from a candidate's campaign committee or account for a nonfederal election to the

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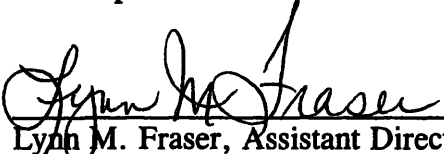
principal campaign committee or other authorized committee for a federal election. 11 C.F.R. § 110.3(d).

5. Respondents contend that the t-shirts were not left over from an earlier nonfederal campaign, but were purchased by Respondents for the federal election and distributed by campaign volunteers on April 29, 2002. Respondents acknowledge that enthusiastic campaign volunteers distributed some brochures and bumper stickers, and printed copies of the candidate's speech on the back of letterhead from a nonfederal election. Respondents further contend that the nonfederal campaign committee was reimbursed for the brochures, bumper stickers and stationery within thirty days of the distribution, and that no other nonfederal assets or funds were used for the campaign for federal office.
6. Respondents, in an effort to resolve this matter, agree to: a) appoint an FEC compliance officer, and b) have a staff person attend an FEC sponsored seminar.
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. Respondents shall comply with the terms of the settlement within thirty (30) days from the effective date of this agreement, with the exception of term (b) which shall be completed no later than twelve (12) months from the effective date of this agreement.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 081 (MUR 5267), 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

By:


Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

6/10/03

Date Signed

FOR THE RESPONDENTS:


Judith Corley, Esq.

Counsel for Dutch Ruppertsberger for Congress

5/29/03

Date Signed

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