



**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 102  
Source: AR 02-15  
Case Name: Dunn Lampton for Congress  
and Wayne Hutchison, Treasurer

**NEGOTIATED SETTLEMENT**

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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 Commission entered into negotiations with Dunn Lampton, Esq., representing Dunn Lampton for Congress and Wayne Hutchison, 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 referral. 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. In an audit of the committee for the 2000 election cycle, the Audit staff reviewed contributions from individuals and Political Action Committees (PACs). The review determined that Respondents did not itemize all contributions on Schedules A as required. The review reflected that Respondents did not itemize multiple contributions from individuals that were less than \$200, which later aggregated in excess of \$200, and failed to itemize twelve contributions and seven in-kind contributions from PACs.
4. In addition, the audit determined that Respondents failed to itemize sixty one disbursements and ten in-kind contributions, including the seven in-kind contributions referenced in paragraph 3 above, on Schedules B as required.

Respondents were required to disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within a calendar year was made to meet a candidate or committee operating expenses, along with the date, amount and purpose of such operating expenditures.

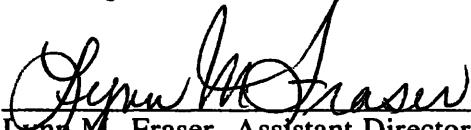
5. The FECA requires an authorized committee of a candidate for Federal office to report the identification of each person (other than a political committee) who makes a contribution to the committee in an aggregate amount or value in excess of \$200 per election cycle, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(A). The federal statute also states that each report filed under this section shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of the contribution. 2 U.S.C. § 434(b)(3)(B). The FECA defines the term "identification" to be, in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and in the case of any other person, the full name and address of such person. 2 U.S.C. § 431(13). The regulations define the donation of goods offered without charge or at less than the usual and normal charge or the payment of services on a committee's behalf as an in-kind contribution. 11 C.F.R. § 100.7(a)(1)(iii). Any in-kind contribution must also be reported as an in-kind disbursement pursuant to 11 C.F.R. § 100.8(a)(1)(iv).
6. The FECA requires that each report filed shall disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount and purpose of such operating expenditure. 2 U.S.C. § 434(b)(5)(A). The federal regulations define "purpose" as a brief statement or description of why the disbursement was made, and gives examples of acceptable descriptions. 11 C.F.R. § 104.3(b)(4)(i)(A).
7. Respondents acknowledge that reporting violations occurred and on learning of the missing information, filed amended reports. The committee ceased operations, has no funds left in their account and the candidate cannot raise additional funds due to his current position as the U.S. Attorney for the Southern District of Mississippi. Respondents have consistently worked with the Reports Analysis Division ("RAD") to correct all deficiencies in reports so they can terminate the committee.
8. Respondents, to resolve this referral, agree to (a) pay a civil penalty of \$500; and (b) continue to work with RAD to proceed to terminate the committee.

9. 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.
10. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondent shall comply with the terms of the settlement within forty-five days from the effective date of this agreement.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 102 (AR 02-15), 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:

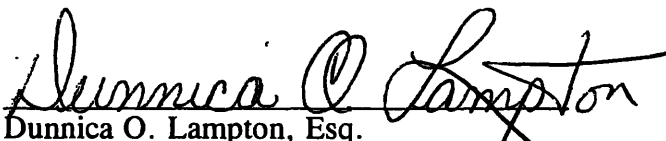
Allan D. Silberman, Director  
Alternative Dispute Resolution Office

By:

  
Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office

4/4/03  
Date Signed

FOR THE RESPONDENTS:

  
Dunnica O. Lampton, Esq.  
Representing Dunn Lampton for Congress and  
Wayne Hutchison, Treasurer

21 March 03  
Date signed