



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 2022

Melvin Montford
1408 Hillsborough Street
Raleigh, NC 27605

NC A PHILLIP RANDOLPH EDUCATIONAL FUND INC
PO BOX 10428
Raleigh, NC 27605

Re: ADR 1072 (RAD 22L-03)
NC A. Phillip Randolph Educational Fund Inc. (C90020405)

Dear Mr. Montford:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on July 8, 2022 – the effective date of the agreement.

Note the specific time frames for compliance detailed in the agreement (see below). Please forward to this office, a statement confirming Respondent's compliance with each term. The letter should note the dates on which Respondents satisfied each of the terms and contain the ADR case number. For your convenience, a compliance chart is attached.

Under the terms of the agreement, a civil penalty in the amount of \$7,875 is due on January 8, 2023, paid in four (4) installment payments. Kindly review the attached payment instructions for details on payment methods and the collection of unpaid debts.

As you are aware, the Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our negotiations, and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Records Office.

This agreement resolves this matter. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,



Rosa Marshall
Assistant Director
Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

ADRO Civil Penalty Payment Instructions

You may remit payment by credit card, debit card, or ACH withdrawal from your bank account through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/adrpayment to be directed to Pay.gov's FEC ADR Payment form.

Unpaid Civil Penalties

Unpaid civil money penalties will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

| ADR 1072 Compliance Chart | |
|--|-----------------|
| Type | Date Due |
| Develop and certify implementation of a compliance operations manual, which includes procedures for disclosing independent expenditures and internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at www.fec.gov/pages/brochures/bestpractices.shtml) | 10/11/2022 |
| Complete training in consultation with the FEC's Information Division and/or RAD regarding reporting requirements | 10/11/2022 |
| ADR 1072 Civil Penalty (\$7,875) - Installment Payment Schedule | |
| Amount | Date Due |
| \$1,968.75 | 10/11/2022 |
| \$1,968.75 | 11/11/2022 |
| \$1,968.75 | 12/12/2022 |
| \$1,968.75 | 1/8/2023 |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 1072

Source: RAD 22L-03

Case Name: NC A Phillip Randolph Educational Fund Inc

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission (FEC or the Commission) pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following a 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 Melvin F. Montford representing NC A Phillip Randolph Educational Fund Inc (the Respondent). 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 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 the Respondent. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 52 U.S.C. § 30109.
2. The Respondent voluntarily enters into this agreement with the Commission.
3. The Reports Analysis Division (RAD) referred the Respondent for failing to file one (1) 48-Hour Report to support one (1) independent expenditure totaling \$158,708.60, disclosed on the 2020 October Quarterly Report, filed on October 24, 2020.
4. Persons and entities that do not file with the Commission as political committees that make or contract to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours. 52 U.S.C. §§ 30104(c), 30104(g)(2), 11 C.F.R. § 109.10.
5. The Respondent states that the failure to file the 48-Hour Report was due to inexperience and a misunderstanding of the reporting requirements. The Respondent further states that future filings will be submitted timely.

6. The Respondent, in an effort to avoid similar errors in the future, agrees to:

- a. develop and certify implementation of a compliance operations manual, which includes procedures for disclosing independent expenditures and internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at www.fec.gov/pages/brochures/bestpractices.shtml) within ninety (90) days of the effective date of this agreement;
- b. complete training in consultation with the FEC's Information Division and/or RAD regarding reporting requirements within ninety (90) days of the effective date of this agreement; and
- c. pay a civil penalty of \$7,875, payable as follows:
 - i. Four (4) installments of \$1,968.75, each due within ninety (90), one hundred twenty (120), one hundred fifty (150) and one hundred eighty (180) days of the effective date of this agreement.
 - ii. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and the entire amount may become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to further overdue payments. Unpaid civil money penalties are subject to the Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 *et seq.* The Commission will transfer the debt to the United States Department of the Treasury (Treasury) for collection.

7. The Respondent agrees that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.

8. 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. Unpaid civil money penalties are subject to the Debt Collection Act of 1982 as amended by the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701 *et seq.* The Commission will transfer the debt to the United States Department of the Treasury (Treasury) for collection.

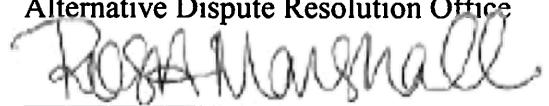
9. This agreement shall become effective on the date signed by all parties and approved by the Commission. The Respondent shall comply with the terms of this agreement as set out in paragraph 6 above and shall certify compliance with the above settlement terms in writing to the Alternative Dispute Resolution Office on or before the date each term becomes due.

10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 1072 (RAD 22L-03) and resolves those issues identified in paragraph 3 above. No other

statement, promise, or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

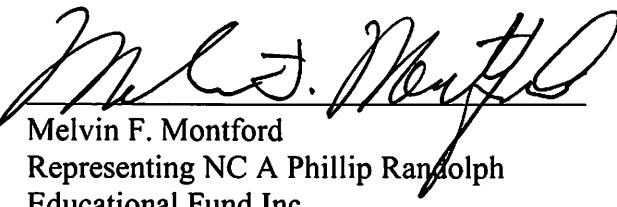
Rosa Marshall, Assistant Director
Alternative Dispute Resolution Office



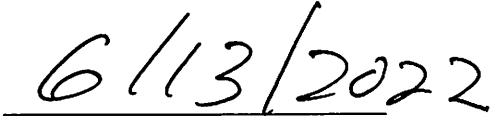
7/8/2022

Date Signed

FOR THE RESPONDENT:



Melvin F. Montford
Representing NC A Phillip Randolph
Educational Fund Inc



6/13/2022

Date Signed