



**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 113-1

Source: MUR 5303

Case Name: Phelps for Congress, Todd Stonewater,  
Treasurer and David Phelps

**NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by National Republican Congressional Committee. 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 Phelps for Congress, Todd Stonewater, Treasurer and David Phelps ("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. The Complainant alleges that Respondents accepted prohibited contributions from corporations and an excessive contribution from an individual.
4. Respondents acknowledge that a violation of the FECA occurred during the tenure of a previous treasurer. On learning of the prohibited and excessive contributions, the current treasurer refunded the contributions.
5. The FECA prohibits any corporation organized by authority of any law of Congress, or any corporation whatever, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for

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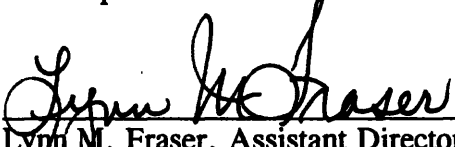
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any political office, or for any candidate knowingly to accept or receive any contribution prohibited by this section. 2 U.S.C. § 441b(a). The FECA prohibits a candidate or political committee from accepting any contribution from an individual which exceeds the contributor's aggregate limit for that election. 2 U.S.C. § 441a(f). The aggregate limit for an individual to contribute to a candidate for the election relevant to this matter is \$1,000. 2 U.S.C. 441a(a).

- 6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) pay a civil penalty of \$300; and (b) terminate the Phelps for Congress committee.
- 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. Respondent shall comply with the terms of the settlement within thirty (30) days from the effective date of this agreement.
- 9. This Negotiated Settlement constitutes the entire agreement between the Commission and Phelps for Congress, Todd Stonewater, Treasurer and David Phelps on ADR 113 (MUR 5303), 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

6-20-03  
Date Signed

FOR THE RESPONDENTS:

  
Judith L. Corley, Esq.  
Counsel for Phelps for Congress, Todd  
Stonewater, Treasurer and David Phelps

6/4/03  
Date Signed