



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number ADR 118-1  
Source MUR 5324  
Case Name Halleck for Congress

### NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Margaret Cartier on behalf of Ted Strickland for Congress. 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 Federal Election Commission ("the Commission") entered into negotiations with Mike Halleck on behalf of Mike Halleck for Congress Committee and Charles Presley, Treasurer ("the 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 the Respondents have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

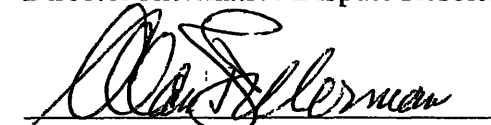
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. The Respondents have voluntarily entered into this agreement with the Commission.
3. The complaint alleges that the Respondents accepted a contribution from the Columbiana County (Ohio) Republican Central Committee ("the Committee") that exceeded contribution limits. Specifically, the complainant alleged the Respondents violated the Act when they accepted an \$8,000 contribution from the Committee. Complainant requested that Respondents return the \$7,000 excess contribution to the contributor. The Committee is a non registered local party committee.
4. No person, defined as an individual, committee, or association among others, shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office, which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A) No candidate or political committee shall accept any contribution or make any expenditure in violation of the provisions of this portion of the regulations. 11 C.F.R. § 110.9(a)
5. The Respondents acknowledged receiving on June 25, 2002 an \$8,000 contribution from the Committee, which they assumed was from a registered Federal PAC. Subsequently, when Respondents learned that the Committee was not registered, \$7,000 was returned, on October 17, 2002, to the contributor.

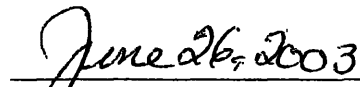
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6. Treasurers of political committees shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the referenced contributions limits. 11 C F R. § 103.3(b). If the treasurer in exercising his or her responsibility determines that at the time a contribution is received and deposited it did not appear to be from illegal sources but later discovers that it is illegal based on new evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund the contributions to the contributor within thirty days of the date on which the illegality is discovered. 11 C.F.R. § 103.3(b)(2).
7. In order to conclude this matter, Respondents: 1) acknowledge accepting the subject contribution and refunding the excess portion to the contributor after the thirty day period required in the regulations; 2) agree to attend, within twelve months of the effective date of this agreement, a FEC sponsored seminar for candidate committees; 3) to file for termination in accordance with the provisions of 2 U.S.C. § 433(d); and 4) to pay a civil penalty of \$250.
8. This agreement will become effective on the date signed by all the parties and approved by the Commission.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 118-1/MUR 5324 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:

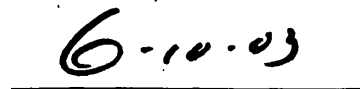
Allan D. Silberman,  
Director Alternative Dispute Resolution Office

  
Allan D. Silberman

  
Date

FOR THE RESPONDENTS:

  
Mike Halleck representing  
Mike Halleck for Congress  
and Charles Presley, Treasurer

  
Date