



**Federal Election Commission
Washington, DC 20463**

Case Number ADR 120
Source MUR 5326
Case Name Friends of Dave Rogers,
Christian Winthrop, Treasurer and David Rogers

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by William J. Lynch, Esq. 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 Christian Winthrop, representing the Friends of Dave Rogers, Christian Winthrop, Treasurer and David Rogers ("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 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. The complaint alleges that Respondents received four contributions of \$1,000 or more during the days leading up the 2002 Rhode Island Primary Election, but failed to file 48 Hour Notices for those contributions as required by the FECA.
4. The statute requires that the principal campaign committee of a candidate notify the Commission of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the

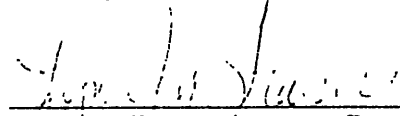
contributor, the date of receipt and amount of the contribution 2 U S C § 434(a)(6)(A), 11 C F R. § 104 5(f)

- 5 Respondents acknowledge that a violation of the FECA occurred due to an oversight. A large number of contributions were received by Respondents in the weeks immediately preceding the Primary Election. Respondents contend that most of the contributions were of small amounts, and filing these four contributions were inadvertently overlooked.
- 6 Respondents, in order to resolve this matter, agree to: (a) pay a civil penalty of \$250, and (b) work with R/ D staff to terminate the 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. Respondents 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 parties on ADR 120 (MUR 5326), 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

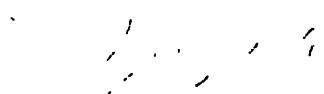
Allan D. Silberman, Director
Alternative Dispute Resolution Office

By


Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

10/16/03
Date Signed

FOR THE RESPONDENTS


Christian Winthrop, Treasurer
Representing Friends of Dave Rogers, Christian
Winthrop, Treasurer and David Rogers

9/17/03
Date Signed