FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number ADR 121-1
Source MUR 5329
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 Gallia County Republican Century Club ("the GCRCC") that exceeded contribution limits. Specifically, the complainant alleged that when Respondents accepted a $2,500 contribution from GCRCC, they exceeded the limits specified in the regulations and must return the excess to the contributor GCRCC is a non registered Ohio 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 that they received on October 14, 2002 a $2,500 contribution from GCRCC, which they mistakenly assumed was a Federal PAC However, on learning that GCRCC was registered as a political committee only with the State, the Respondents, on November 14, 2002, refunded $1,500.

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. A review of Respondents' reports filed with the Commission confirms that the subject contribution was refunded to the contributor within thirty days as required in the Commission's regulations. Based on that review, the ADR Office concludes that the alleged violation of the FECA is unsubstantiated. The Commission concurs by dismissing this matter.

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 121-1/MUR 5329 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

June 26, 2003
Date

FOR THE RESPONDENTS:

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

6-10-03
Date

23.19.025.2160