



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number. ADR 140  
Source. MUR 5323  
Case Name: Rehberg for Congress

### **NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by Phillip A. Miller. 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 Erik Iverson, Campaign Manager, on behalf of Rehberg for Congress and Lorna Kuney, 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:

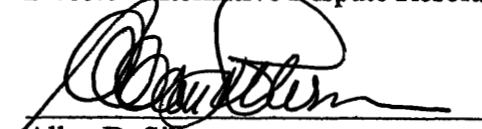
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution 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 Respondents failed to include a disclaimer indicating the identity of the person/s who paid for and authorized a highway sign promoting the candidacy of Dennis Rehberg for Congress. In filing the complaint, the complainant made reference to a similar complaint filed with the Commission against the Respondents in October 2000. In that earlier matter, the Commission found reason to believe a violation had occurred but took no further action.
4. Rehberg for Congress, the authorized political committee of the candidate, acknowledged that the subject highway sign lacked the required disclaimer which they attributed to a campaign volunteer who took a sign from a stack of signs without a disclaimer. Respondents contend that they distributed nearly 1,000 highway signs and over 5,000 yard signs without incident save for the one that is the subject of the complaint.
5. Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor

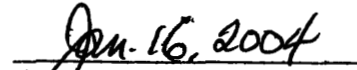
advertising facility or any other type of general public political advertising or makes a disbursement for an electioneering communication such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1) and 11 C.F.R. 110.11(a)(1)(i).

6. Respondents acknowledge the omission of the disclaimer on the subject highway sign. In order to avoid similar errors in the future and violation of the FECA, Respondents agree: (1) to set up and maintain in the Committee's offices guidelines governing Federal election campaign activities with particular emphasis on the regulations governing disclaimers; (2) to identify one member of the Committee's staff to serve as FEC compliance officer; and (3) to pay a civil penalty of \$450.
7. The parties agree that if the Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty for collection or undertake civil action in the U.S. District for the District of Columbia to secure compliance.
8. This agreement will become effective on the date signed by all the parties and approved by the Commission. Respondents shall comply with the terms of this settlement within thirty days of the effective date of the agreement.
8. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 140/MUR 5323 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.

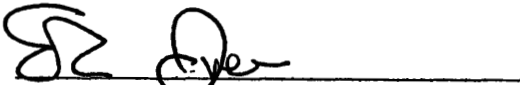
FOR THE COMMISSION:

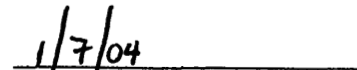
Allan D. Silberman,  
Director Alternative Dispute Resolution Office

  
\_\_\_\_\_  
Allan D. Silberman

  
\_\_\_\_\_  
Date

FOR THE RESPONDENTS:

  
\_\_\_\_\_  
Erik Iverson representing  
Rehberg for Congress and  
Lorna Kuney, Treasurer

  
\_\_\_\_\_  
Date