




FEDERAL ELECTION COMMISSION  
Washington, DC 20463

July 16, 2004

**MEMORANDUM**

TO: The Commission

THROUGH: James A. Pehrkon  
Staff Director

FROM: Allan D. Silberman   
Director, ADR Office

SUBJECT: Negotiated Settlement: **ADR 153**

Attached for your review is a signed negotiated ADR settlement agreement, **ADR 153**, (RAD 04-01), Richard Pombo for Congress and Randall Pombo, Treasurer, ("the Respondents") This matter was opened on January 5, 2004 and assigned to the ADR Office on January 27, 2004.

**ADR 153/RAD 04-01:** Respondents, Richard Pombo for Congress and Randall C. Pombo, Treasurer, revealed a previously unreported increase of 84% (or \$117,069) in total receipts over the amount listed on their 2<sup>nd</sup> Quarter report when they responded to an RFAI to clarify a discrepancy between the beginning and ending cash balance reported respectively on their April and July 2003 Quarterly reports. A subsequent RFAI requesting an explanation regarding the absence of the additional activity from the Respondent's July Quarterly report was not answered. In reply to a later RAD phone inquiry, Respondents indicated that the failure to report the additional activity was due to problems with their software. Respondents have failed to follow through on a commitment to provide the additional information requested on the RFAI. Respondents enclosed with the signed agreement the payment for the civil penalty

**ADR Director's Recommendations:** Approve the attached negotiated settlement agreement for **ADR 153** and subsequently close the file.