



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 153

Source: RAD 04-01

Case Name: Richard Pombo for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("the Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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" or "Act"), and to resolve this matter, the Commission entered into negotiations with Ben Davidian, Esq. on behalf of Richard Pombo for Congress ("the Committee") and Randall Pombo, 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:

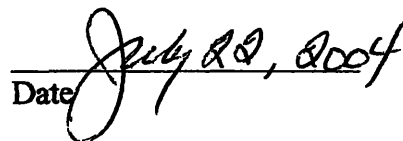
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance with the FECA on the part of the Respondent. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution 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. Respondents', in September 2003, submitted an amended July 2003 Quarterly Report which disclosed an increase of \$117,069 in total receipts over the amount reported on the original July Report. The amended report was requested to clarify a discrepancy between amounts reported on the April and July 2003 Quarterly reports. The amount listed on the amended report represented an increase of 84.4% over total receipts of \$138,491 initially listed on the initial July Report.
4. Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of the Act. 2 U.S.C. § 434(a)(1). If the political committee is the principal campaign committee of a candidate for the House of Representatives in any calendar year other than when there is a regularly scheduled election for which the candidate is seeking election, the treasurer shall file quarterly reports in accordance with the provisions of 2 U.S.C. § 434(a)(2). Each report provided for in 2 U.S.C. § 434(b) shall disclose the amount of cash on hand at the beginning of the reporting period, the total amount of all receipts and the total amount of all receipts in categories listed in section 2 U.S.C. § 434(b)(2) and 11 C.F.R. § 104.3(a) and (b).

5. Respondents acknowledge errors in the July 2003 Quarterly Report filed by the Committee. Subsequent information provided by the Committee noted that the aforementioned errors reportedly were due to problems with its software.
6. Respondents, in an effort to resolve these matters and avoid similar errors in the future, agree to: 1) work with staff of the Reports Analysis Division to amend their previously filed July 2003 Quarterly financial report and resolve all outstanding issues pertaining to the Committee's aforementioned report; 2) designate one staff member as responsible for FEC compliance; 3) select at least one individual representing the Committee to attend, within twelve months of the effective date of this agreement, a FEC seminar on Federal election campaign reporting requirements; and 4) pay a civil penalty of \$2,500.
7. The parties agree that if the 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 and/or forward any outstanding civil penalty to the US Treasury for collection.
8. Pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), this agreement, unless violated, is a complete bar to further action by the Commission against or concerning Respondents in connection with the reporting violations that are the subject of this agreement.
9. 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 (30) days of the effective date of the agreement except for the time frame cited in paragraph six (6), item three (3) that will govern.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 153/RAD 04-01 and effectively resolves this matter. No other statement, promise or Agreement, either written or oral, made by either party, not included in herein, shall be enforceable.

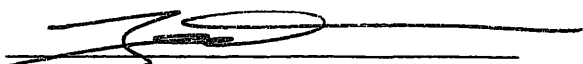
FOR THE COMMISSION:

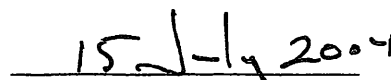
Allan D. Silberman,
Director Alternative Dispute Resolution Office


Allan D. Silberman


Date

FOR THE RESPONDENTS:


Ben Davidian, Esq. for Richard Pombo
for Congress and Randall Pombo,
Treasurer


Date