



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

October 20, 2004

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

SUBJ: Negotiated Settlement: **ADR 167**

Attached for your review is a signed negotiated ADR settlement agreement, **ADR 167** (AD 03-18), respondents Tim Johnson for South Dakota, Inc. and Berniece Mayer, Treasurer ("the Respondents"). This case file was opened on April 19, 2004 and assigned to the ADR office on May 28, 2004.

ADR 167: The Audit staff determined that Respondents misstated cash-on-hand and disbursements on its disclosure reports for calendar year 2001, violations of 2 U.S.C. § 434(b) and 11 C.F.R. § 104.3. The Audit staff also identified other errors, which Respondents were unable to explain, relating to discrepancies between the Committee's reported activity and its back records.

Recommendation: We recommend that the Commission approve the attached negotiated agreement **ADR 167** and subsequently close the file on this matter.

24-19-025-4206