



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number ADR 170  
Source MUR 5436  
Case Name Risley for Congress

**NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by Martha Norton. Following a review of the matter 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 Mark Risley on behalf of Risley for Congress committee Jan Risley, Treasurer (the "Respondents" or the "Committee"). 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 Respondents have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

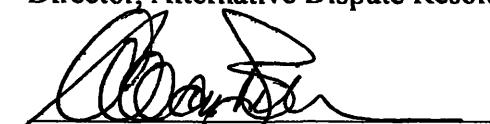
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance with the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents have voluntarily entered into this agreement with the Commission.
3. The complaint alleges that Respondents failed to file the Pre-Primary Report due twelve days prior to the California primary election. The primary election, in which the candidate was competing, was held on March 2, 2004. The Report was due on or before February 19, 2004. In addition, the complaint alleges that campaign advertisements in the local press failed to carry the required disclaimers, that Respondents did not file reports of receipts and disbursements and neglected to file the required 48-hour Notice of contributions of \$1,000 or more.
4. Respondents contend that they filed the Pre-Primary Report on time but acknowledged that they failed to obtain a receipt confirming the filing. They also acknowledged that they learned of the problem with their report when they received notice from the Commission of the Committee's failure to file the Pre-Primary Report.
5. The Treasurer of a principal campaign committee of a candidate for the House of Representatives shall file a pre-election report which shall be filed no later than the 12<sup>th</sup> day before any election in which such candidate is seeking election and which shall be complete as of the 20<sup>th</sup> day before such election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Each treasurer of a political committee shall file reports of

receipts and disbursements as specified in the subject regulations. 2 U.S.C. § 434(a)(1) and 11 C.F.R. §§ 104.1(a), 104.3(a) 104.3(b). The principal campaign committee of a candidate shall notify the Commission in writing of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20<sup>th</sup> day but more than 48 hours before any election. The notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor and the date of receipt and amount of the contribution. 2 U.S.C. § 434(a)(6) and 11 C.F.R. § 104.5(f). Whenever a political committee makes a disbursement for the purpose of financing any communications through any newspaper for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate such communications if paid for and authorized by a candidate shall clearly state that the communications has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11.

6. Commission records note communications between Respondents and the Commission fifteen days after the Pre-Primary report was due and the filing of the subject report nineteen days after its due date. A review of campaign advertisements placed in the local press included disclaimer statements. A review of the Committee's belatedly filed Pre-Primary report includes a list of receipts and disbursements. Finally, a review of the Respondents' July Quarterly report identified only one contribution of a thousand dollars or more received less than twenty days but more than 48 hours before the Primary election that should have been listed on a 48 Hour Notice.
7. Respondents acknowledge the violation of the FECA when they failed to file the Pre-Primary Report and 48-hour Notice Report on time. In order to resolve this matter and avoid similar errors in the future, Respondents agree to: (1) work with the Reports Analysis Division to ensure the Committee's reports are correct and in compliance with the regulations; and (2) pay a civil penalty of \$200.
8. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if 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.
10. 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.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 170/MUR 5436 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.

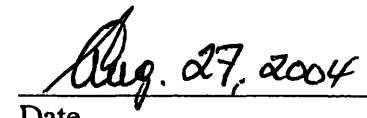
FOR THE COMMISSION:

Allan D. Silberman,  
Director, Alternative Dispute Resolution Office



Allan D. Silberman

Date



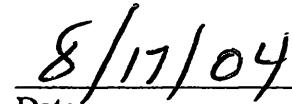
Aug. 27, 2004

FOR THE RESPONDENT:



Mark Risley on behalf of  
Mark Risley for Congress

Date



8/17/04