



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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2004 SEP -7 A 10 54

Case Number: ADR 171

Source: RAD 04L-03

Case Name: League of Conservation Voters
Action Fund

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 Paul J. Murphy, Esq. on behalf of League of Conservation Voters Action Fund and Gwendolyn Sommer, 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. The Reports Analysis Division (RAD) determined, after reviewing Respondents' November 2003 Monthly Report, that they failed to explain a \$90,705, or 205%, increase in aggregate receipts listed on that month's Report and a subsequent \$83,820, or 100%, increase in aggregate receipts on their December 2003 Monthly Report. The increases in aggregate receipts were recorded when Respondents subsequently filed amended reports for the months of November and December.
4. Respondents acknowledged the reporting errors and explained the unreported increase in aggregate receipts as due to technical difficulties in retrieving the data from their computerized donation tracking system.
5. 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).

6. Reports required under provision of 2 U.S.C. § 434 shall disclose, for the reporting period, the total amount of all receipts and the total amount of all receipts in the following categories: contributions from persons other than political committees; contributions from political party committees; and contributions from other political committees, *inter alia*. 2 U.S.C. § 434(b)(2) and 11 C.F.R. § 104.3(a)(2)
7. Respondents, prior to being advised of problems with their reports, worked with a consultant to improve their data retrieval system in order to facilitate the early review of data prior to completion of the monthly FEC reports.
8. In an effort to resolve these matters and avoid similar problems in the future, Respondents agree to: 1) designate a staff member to be responsible for FEC compliance; 2) select at least two individuals from the League's Action Fund to attend, within twelve months of the effective date of this agreement, a FEC seminar on Federal election campaign reporting requirements; and 3) pay a civil penalty of \$4,500.
9. 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.
10. 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.
11. 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 for item one (1), within twelve (12) months for item two (2) and within sixty (60) days for item three (3) which shall be paid in two equal payments following the effective date of this agreement.
12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 171/RR 04L-03 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.

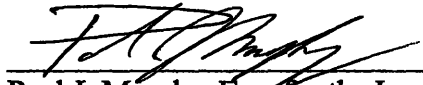
FOR THE COMMISSION:

Allan D. Silberman,
Director, Alternative Dispute Resolution Office


Allan D. Silberman

Sept. 14, 2004
Date

FOR THE RESPONDENTS:


Paul J. Murphy, Esq. for the League of
Conservation Voters Action Fund
Gwendolyn M. Sommer, Treasurer

9/1/04
Date

6551-528-61-42