



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, DC 20463

August 15, 2005

Mr. John Barker  
Committee to Elect John Barker  
72375 Via Vail  
Rancho Mirage, CA 92270

Dear Mr. Barker:

Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and the Committee to Elect John Barker and Alicja Barker, Treasurer, resolving ADR 176/RR 04L-06. This agreement, which was approved by the Federal Election Commission on August 12, 2005, -- the effective date of the agreement -- resolves the matter.

As you are aware, the settlement agreement will be made part of the record that is released to the public. In addition, as of January 1, 2004, the Commission also will place on the record copies of the referral from the Reports Analysis Division, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared by this office to assist the Commission in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to these matters will be forwarded shortly to the FEC's Public Information Office.

I also want to advise you that you need to file an amendment to the Report in which the repayment of the loan to your daughter occurred in order to disclose this transaction. You advised me earlier that this loan had been repaid but there is no record in the Commission's files indicating the repayment. You need to file that report. If it is not filed, the Committee will have problems when they decided to file for termination.

The enclosed agreement effectively resolves the issue raised in the referral, which was the subject of this case.

I appreciate your assistance in resolving this matter and helping to bring this case to a mutually satisfactory conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan D. Silberman", with a long horizontal line extending to the right.

Allan D. Silberman,  
Director, ADR Office

Enclosure: a/s

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Case Number ADR 176  
Source RAD 04L-06  
Case Name Committee to Elect  
John Barker

### 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 matter 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 Federal Election Commission (the "Commission") entered into negotiations with John Barker, on behalf of the Committee to Elect John Barker and Alicja Barker, Treasurer, (the "Respondents" or "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 Reports Analysis Division ("RAD") determined that Respondents failed to provide supporting schedules for \$53,000 for loans and operating expenditures for the 2004 election cycle. Respondents' 12-Day Pre-Primary Report, filed on February 17, 2004, disclosed loans totaling \$25,000 and operating expenditures of \$28,000. The Report, however, omitted supporting schedules, which would have provided necessary details about the aforementioned loan and expenditures.
4. Each treasurer of campaign committees are obliged to file reports of receipts and disbursements in accordance with the provisions of the Act. Each report shall disclose the total amount of all disbursements. 2 U.S.C. §§ 434(a)(1) and (b)(4) and 11 C.F.R. § 104.3(b). Such reports shall also disclose for the reporting period the total amount of all receipts of loans made by or guaranteed by the candidate and all other loans. 2 U.S.C. §§ 434(b)(2)(G) and (H) and 11 C.F.R. § 104.3(d). Each report also shall disclose the identification of each person who makes a loan to the campaign committee during the reporting period, together with the identification of any endorser

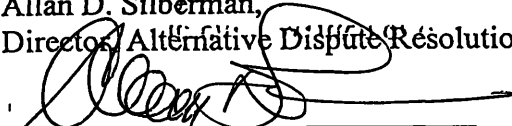
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or guarantor of such loan, and date and amount and value of such loan. 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.3(a)(4)(iv)

5. Respondent Barker acknowledged omitting the schedules from the Twelve Day Pre-Primary Report the Committee filed on February 17, 2004. Those reports were filed subsequently and disclosed a loan of \$3,000 from the candidate, a loan of \$25,000 from his daughter, and total expenditures of \$28,000. Respondent Barker also reported that the Committee received seven contributions totaling \$340.
6. Respondents acknowledged that the acceptance of a loan from his daughter should have been reported as a contribution and that it represented an excess contribution to the Committee. Respondent Alicja Barker acknowledged that through a misunderstanding of the regulations, her loan to the Committee was an excess contribution. Respondent John Barker reported a payment of \$25,000 recently made to his daughter to cover the aforementioned loan. In order to conclude this matter, Respondents agree to pay a civil penalty, including one on behalf of the candidate's daughter, of a \$500.
7. 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.
8. 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.
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.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 176/RR 04L-06 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.

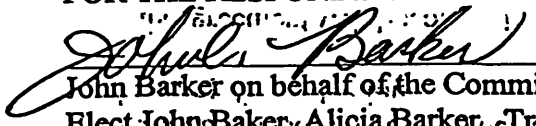
FOR THE COMMISSION:

Allan D. Silberman,  
Director, Alternative Dispute Resolution Office

  
Allan D. Silberman

  
Date

FOR THE RESPONDENT:

  
John Barker on behalf of the Committee to  
Elect John Baker, Alicja Barker, Treasurer

  
Date

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