



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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COMMISSION
SECRETARIAT

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August 8, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

SUBJ: ADR 176 – Committee to Elect John Barker and Alicja Barker, Treasurer
Settlement Agreement

SENSITIVE

Attached for your review is a signed negotiated ADR settlement agreement pertaining to **ADR 176 (RAD 04L-06)**, Committee to Elect John Barker and Alicja Barker, Treasurer (the "Respondents"). This matter was opened on May 26, 2004 and assigned to the ADR Office (ADRO) on June 28, 2004.

ADR 176/RAD 04L-06: RAD determined that Respondents – i.e., the Committee to Elect John Barker and Alicja Barker, Treasurer – failed to provide supporting schedules for \$53,000 for loans and operating expenditures for the 2004 election cycle. On February 17, 2004 Respondents filed a 12-Day Pre-Primary Report disclosing loans totaling \$25,000 and operating expenditures of \$28,000. The Report, however, omitted supporting schedules. An RFAI, dated March 23, 2004, advised Respondents of the need to identify each person who made a loan and to list the source and terms of the loans. In addition, the RFAI noted the need to disclose expenditures to persons in the aggregate in excess of \$200. Respondents did not reply to the RFAI. However, in subsequent discussions with ADRO, the Respondent/Candidate, a perennial Congressional candidate, acknowledged that that the subject loan, which was from his daughter and has now been repaid, should have been reported as a contribution. The Respondents acknowledged their reporting errors and subsequently filed the missing documents with the Commission.

ADR Director's Recommendation:

- 1) Approve the attached Settlement Agreement of the Committee to Elect John Barker and Alicja Baker, Treasurer.
- 2) Approve the appropriate letters.
- 3) Close the file on this matter.

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

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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