



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 186

Source: PMUR 421

Case Name: National Committee to Preserve
Social Security and Medicare PAC

NEGOTIATED SETTLEMENT

This matter was brought to the attention of the Federal Election Commission ("the Commission") on a *sua sponte* submission by the National Committee to Preserve Social Security and Medicare PAC and Shelly C. Shapiro, Treasurer (the "Respondents" or "Committee"). 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 Shelly C. Shapiro on behalf of 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. On June 28, 2004, Respondents, a registered non-connected political committee, advised the Commission that it had failed to file "24-hour Notices" for two expenditures made for an advocacy mailing and radio advertisement relating to the June 1, 2004 South Dakota Special Election. In its submission, Respondents reported that it had expended \$1,704.57 for a mailing and \$8,510.00 for radio advertisement relating to the S.D. Special Election. Respondent advised that the reporting errors were uncovered while preparing their report for the Commission. Both expenditures were subsequently reported on Respondents' June monthly report except for a \$50 expenditure for shipping that was subsequently reported on the Committee's July monthly report.
4. 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) and 11 C.F.R. § 104.4(a).
5. A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours before the date of the election shall file a report describing the expenditures within 24 hours. After the person files the aforementioned report, the person shall file an

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additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates. 2 U.S.C. § 434(g)(1) and 11 C.F.R. § 104.4(c).

6. Respondents, in order to resolve this matter and avoid similar errors in the future, agree to: 1) designate one member of the Committee's staff as FEC Compliance Officer responsible for monitoring and supervising FEC compliance, and 2) send a member of the Committee's staff to attend, within the next fourteen months following the effective date of this agreement, a FEC seminar on Federal election campaign reporting requirements.
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 settlement within thirty (30) days of the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 186/PMUR 421 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

11/3/04
Date

FOR THE RESPONDENTS:



Shelly C. Shapiro, Treasurer
On behalf of the National Committee to
Preserve Social Security and Medicare

11/1/04
Date

24-19-025-4260