



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number ADR 201  
Source: MUR 5470  
Case Name: Jim Feldkamp for Congress

### **NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by Neel Pender on behalf of the Democratic Party of Oregon. 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 Bruce Harvie on behalf of Jim Feldkamp for Congress and Ronald D. Calkins, 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 report within the required time period contributions of \$1,000 or more made less than 20 days prior to but more than 48 hours before the election. Respondents' 48-hour report, filed on May 14, 2004 for the Primary election held on May 18, 2004, excluded nine contributions, each of which exceeded \$1,000, from the report. The nine contributions totaled \$13,500.
4. Principal campaign committees of candidates are obliged to notify the Commission in writing of any contribution of \$1,000 or more received by any authorized committee of such candidates 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. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f).
5. Respondents acknowledge excluding nine contributions from 48-hour reports filed with the Commission. Respondents advised that \$6,000 of the aforementioned contributions were misdirected to a remote campaign office, which caused the checks to be put aside thus missing the 48-hour reporting requirement. Respondents further explained that the remaining checks, totaling \$7,500, were handled by inexperienced staff, including the treasurer, who misunderstood the FECA and the Committee's reporting responsibilities regarding last-minute contributions.

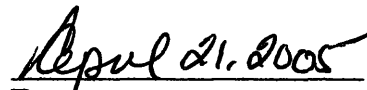
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6. Since receipt of the complaint, Respondents have contracted for the service of an experienced treasurer to ensure that similar reporting errors are not repeated. However, in order to resolve this matter and promote compliance with the Commission's reporting requirements, Respondents agree: 1) to select and send a representative from the Committee to attend, within the next twelve (12) months of the effective date of this agreement, a FEC seminar on Federal election campaign finance reporting requirements; and 2) pay a civil penalty of \$1,000. In the event that the Committee decides to conclude its activities and is unable to attend a FEC seminar, Respondents agree to work with the Commission staff to expeditiously file for termination.
  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 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 U.S. 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 twelve (12) months of the effective date of this agreement for item one and within thirty (30) days of the effective date of the agreement for item two of paragraph six.
  10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 201/MUR 5470 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.

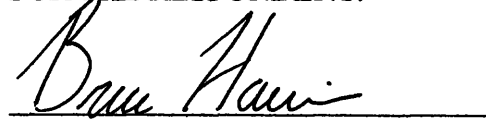
FOR THE COMMISSION:

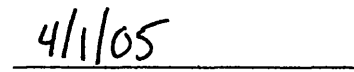
Allan D. Silberman,  
Director, Alternative Dispute Resolution Office

  
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Allan D. Silberman

  
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Date

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Bruce Harvie, on behalf of  
Jim Feldkamp for Congress

  
\_\_\_\_\_  
Date