



**Federal Election Commission
Washington, DC 20463**

Case Number ADR 207-1
Source MUR 5464
Case Name Jose L Rivera

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Russell Sias. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Federal Election Commission ("Commission") entered into negotiations with John E. Diaz, Esq. representing Jose L. Rivera ("Respondent"). 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 Respondent addressed the issues raised in this complaint. The parties agree to resolve the matter according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondent. The Commission's use of alternative dispute resolution procedures ("ADR") 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. Respondent voluntarily enters into this agreement with the Commission.
3. The complaint asserts that Respondent hosted a Spanish language radio program on May 22, 2004 with Congressman Chris Cannon. Complainant alleges that during the program Respondent encouraged foreign nationals to contribute to Congressman Cannon's reelection campaign, and to make contributions in the name of another person; i.e., minor children, in violation of the FECA.
4. The FECA prohibits foreign nationals from contributing or donating, directly or indirectly, to Federal, State or local elections, or to a committee of a political party. The statute also prohibits a person from soliciting, accepting, or receiving a contribution or donation from a foreign national. 2 U.S.C. § 441e(a), 11 C.F.R. § 110.20. In addition, no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution. 2 U.S.C. § 441f, 11 C.F.R. § 110.4(b).
5. Respondent acknowledges that he may have inadvertently misspoke when encouraging listeners to get active in the political process and vote. Respondent


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5. Respondent acknowledges that he may have inadvertently misspoke when encouraging listeners to get active in the political process and vote. Respondent contends that Congressman Cannon and his staff corrected his erroneous remarks during the program. In addition, Respondent hosted another program during which he provided accurate information on campaign finance issues and the political process.
6. Respondent, in an effort to avoid similar errors in the future, agrees to make himself knowledgeable about the brochures and information available from the Commission such as the Citizens' Guide and the brochure titled Foreign Nationals. In addition, Respondent will host at least one additional radio program, within six months of the effective date of this agreement, in which he will provide his Spanish language speaking radio audience with the resources available from the Commission about campaign finance and the political process.
7. Respondent agrees that all information provided to resolve this matter is true and accurate to the best of his knowledge and that he signs this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
8. The parties agree that if Respondent fails 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.
9. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondent shall comply with the terms of the settlement within six months from the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the Commission and Jose L. Rivera on ADR 207 (MUR 5464), 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.

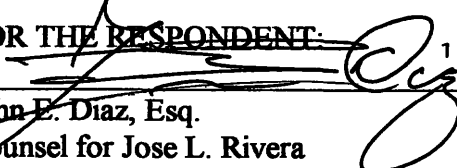
FOR THE COMMISSION:

Allan D. Silberman, Director
Alternative Dispute Resolution Office

By: 
Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

June 3, 2005
Date Signed

FOR THE RESPONDENT:


John E. Diaz, Esq.
Counsel for Jose L. Rivera

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Date Signed