



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

Case Number: ADR 209
Source: MUR 5483
Case Name: Bruderly for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by George C. Sherman. 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 David E. Bruderly, on behalf of Bruderly for Congress, and David Bruderly, 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 alleged that Respondents filed a false and misleading financial report with the Commission when it submitted its April 2004 Quarterly Report. The Report, which was filed five days late, lists zero receipts and zero expenditures for the first three months of 2004. During the aforementioned period, according to the Complainant, Respondents campaigned throughout the District, maintained a website and collected over 5,000 petitions for which the Committee paid a registration fee to the County for each one submitted. In a supplemental submission, Complainant argued Respondents listed on the July 2004 Quarterly Report, inaccurate totals for the amount of contributions received and the funds disbursed.
4. Treasurers of political committees are obliged to file reports of receipts and disbursements in accordance with the provisions of the FECA. Each report shall disclose, *inter alia*, the total amount of all receipts and the total amount of all disbursements for the reporting period and calendar year. 2 U.S.C. §§ 434(a)(1), (b)(2), (b)(4) and 11 C.F.R. §§ 104.3(a), and (b).

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5. If the political committee is the principal committee of a candidate for the House of Representatives in any calendar year during which there is a regular scheduled election for which the candidate is seeking election, the treasurer shall file a pre-election report, a post-election report and additional quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter. 2 U.S.C. §§ 434(a)(2)(A)(i),(ii) and (iii) and 11 C.F.R. 104.5(a)(1).
 6. Respondents acknowledge inaccuracies in their initial April and July 2004 Quarterly Reports and in filing the April 2004 Quarterly Report five days after the April 15th date due to data-entry problems with the software program. Those inaccuracies were subsequently corrected on amended quarterly reports, which listed total contributions of \$4,765 and \$16,890 respectively for the April and July quarters and total expenditures of \$4,655 and \$15,000 respectively for the April and July reports. The Committee contends that the inaccuracies were the result of problems encountered in retrieving data and subsequently differentiating the amount of funds received and dispersed quarterly from those recorded for the entire election cycle.
 7. In order to resolve this matter and avoid similar errors in the future, Respondents agree to: 1) ensure that the Committee complies with the reporting and filing requirements specified in the Act and Commission's regulations; 2) appoint an appropriate representative of the Committee to attend, within twelve months of the effective date of this agreement, a FEC seminar on federal election campaign finance reporting requirements. In the event that the Committee determines to conclude its activities and is unable to attend a FEC seminar, Respondents agree to work with the Commission staff to expeditiously terminate the Committee.
 8. 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.
 9. 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 for the District of Columbia to secure compliance.
 10. 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 for item one (1) and within twelve (12) months of the effective date of this agreement for item two (2) as listed in paragraph seven (7) above.
 11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 209/MUR 5483 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

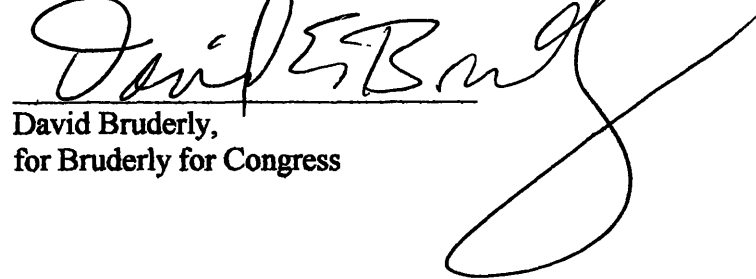


Allan D. Silberman

Feb. 18. 2005

Date

FOR THE RESPONDENT:



David Bruderly,
for Bruderly for Congress

1-24-05

Date

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