



FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 SEP -6 P 4: 51

September 6, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

SUBJ: ADR 235 – Friends of Greg Parke and Wayne A. Carlson, Treasurer
Settlement Agreement

SENSITIVE

Attached for your review is a signed negotiated ADR settlement agreement pertaining to ADR 235/MUR 5469, Friends of Greg Parke and Wayne A. Carlson, Treasurer (the "Respondents"). This matter was opened on June 24, 2004 and assigned to the ADR Office (ADRO) on June 3, 2005.

Complainant, the Treasurer of the Friends of Bob Anderson committee, which withdrew prior to the primary election, contends that Friends of Greg Parke and Wayne A. Carlson, Treasurer (the "Respondents") used contributor information, contained in a disclosure report filed on April 15, 2004 with the FEC by the Bob Anderson committee, to solicit contributions to Respondents campaign. In addition, Complainant contends that Respondents made erroneous and misleading statements to solicit contributions from individuals who had contributed to Bob Anderson's campaign implying that their contributions had been made to the Greg Parke campaign. There was no reply from Respondents to the initial notice of the complaint; however, they subsequently acknowledged mistakenly including 30 names in a merged mailing database.

ADR Director's Recommendation:

- 1) Approve the attached Settlement Agreement pertaining to Friends of Greg Parke and Wayne A. Carlson, Treasurer.
- 2) Approve the appropriate letters.
- 3) Close the file on this matter.

25190262832



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 235
Source: MUR 5469
Case Name: Friends of Greg Parke

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Zachary M. Long on behalf of the Friends of Bob Anderson Committee. 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 Wayne A. Carlson on behalf of Friends of Greg Parke and Wayne A. Carlson, 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 used contributor information contained in a Disclosure Report filed April 15, 2004 with the Commission by the Bob Anderson committee to solicit contributions to the Committee. In addition, Complainant contends that Respondents made erroneous and misleading statements to solicit contributions from individuals who had previously contributed to the Bob Anderson committee.
4. Any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed under the Act, shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15(a).
5. Respondents acknowledge that they inadvertently and mistakenly included 30 names from the list of Bob Anderson contributors in a merged mailing database. Respondents explained that after receiving a copy of the complaint and learning of the Committee's error they apologized to the Anderson committee for the unauthorized use of the latter's contributor list.
6. In order to resolve this matter and avoid similar errors in the future, Respondents agree to: 1) to select and send a representative from the Committee to attend, within the next

25190262333

twelve (12) months of the effective date of this agreement, a FEC seminar on Federal election campaign reporting requirements; and 2) pay a civil penalty of \$500.

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 235/MUR 5469 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

Date

FOR RESPONDENTS:

Wayne A. Carlson, on behalf of
Friends of Greg Parke and
Wayne A. Carlson, Treasurer

Date

25190262834