



Federal Election Commission
Washington, DC 20463

Case Number: ADR 244
Source: RR 05L-08
Case Name: Amalgamated Transit Union-COPE

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. 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 Karen Head representing Amalgamated Transit Union-COPE and Oscar Owens, Treasurer (the "Committee" or "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 Respondents addressed the issues raised in this referral. 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 Respondents. 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. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division ("RAD") referred the Committee for failing to file one (1) 48-Hour Notice for two (2) independent expenditures totaling \$42,245.26 made in the 2004 calendar year. RAD stated that the Committee's reports disclosed that the first independent expenditure was made on September 3, 2004, and the second on September 27, 2004. RAD confirmed that a Prior Notice listing the official filing dates for monthly filers was sent to Respondents on August 27, 2004. In addition to the official filing dates, the Prior Notice reminds committees about 48-Hour and 24-Hour Reports on Independent Expenditures.
4. The FECA requires a political committee to report the name and address of each person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year in connection with an independent expenditure. In addition, the committee must disclose the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such a candidate. The committee must certify, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert with, or at

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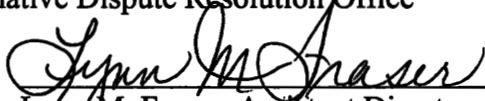
the request or suggestion of, any candidate or any authorized committee or agent of such committee. 2 U.S.C. § 434(b)(6)(B)(iii), 11 C.F.R. § 104.3(b)(3)(vii). The statute also requires that when a person or political committee that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditure within forty-eight (48) hours. 2 U.S.C. § 434(g)(2), 11 C.F.R. § 104.4(b)(1)-(2).

5. Respondents acknowledge that a violation of the FECA occurred due to the fact that they had not previously made independent expenditures and their misunderstanding of the timing of the reporting of those disbursements. The Committee contends that it disclosed the independent expenditures on a Schedule E of its 2004 October monthly report filed October 16, 2004.
6. Respondents, in an effort to avoid similar errors in the future and to update the information they received at a 2001 FEC seminar, agree to: (a) develop an FEC compliance manual; and (b) pay a civil penalty of \$5,000.
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 submit any unpaid civil penalty to the U.S. Treasury for collection or 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. Respondents shall comply with the terms of the settlement within thirty (30) days from the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 244 (RR 05L-08), 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:

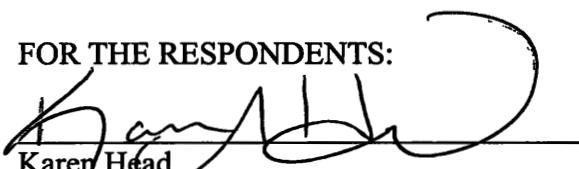
Allan D. Silberman, Director
Alternative Dispute Resolution Office

By:


Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

6/30/05
Date Signed

FOR THE RESPONDENTS:


Karen Head
Representing the Amalgamated Transit Union-Cope
and Oscar Owens, Treasurer

6/16/05
Date Signed

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