



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 JAN 31 A 9:25

MEMORANDUM

January 26, 2006

TO: The Commission

THROUGH: Robert J. Costa *RC*
Acting Staff Director

FROM: Allan D. Silberman *AS*
Director, ADR Office

BY: Lynn M. Fraser *LF*
Assistant Director, ADR Office

SUBJECT: ADR 251 Libertarian National Committee and David Mark Nelson, Treasurer
Recommendation to Approve Settlement Agreement

SENSITIVE

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to ADR 251 (RR 05L-06). This case was opened on March 28, 2005 and was assigned to the ADR Office on April 26, 2005.

SUMMARY: RAD referred the Libertarian National Committee and David Mark Nelson, Treasurer ("Respondents" or the "Committee") for failing to disclose all debt. Respondents filed an amended 2003 February Monthly Report on August 3, 2004 that disclosed additional debts owed by the Committee. Respondents filed the original 2003 February Monthly Report on February 20, 2003 that disclosed \$219,889.23 as Debts and Obligations Owed by the Committee. The amended 2003 February Monthly Report disclosed Debts and Obligations Owed by the Committee totaling of \$289,835.85, a difference of \$69,946.62. In response to the RFAs sent by RAD, the Committee contended that they changed accounting systems, changed FEC filing software and changed the persons preparing and submitting FEC reports to ensure compliance in the future. Amendments filed for Calendar Year 2003 were amended to reflect additional and correct information submitted to fully comply with applicable requirements. Respondents also informed RAD that the Committee had experienced significant staff turnover that made the situation worse.

RECOMMENDATIONS:

1. Approve the attached settlement agreement of the Libertarian National Committee and David Mark Nelson, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.

26190264247