



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

August 24, 2004

Lee Z. Sheer, Esq.  
Sher Garner Cahill Richter Klein & Hilbert, L.L.C.  
909 Poydras Street  
New Orleans, LA 70112

Re: ADR 255-33/MUR 5656

Dear Mr. Sheer:

Enclosed is the signed copy of the agreement resolving the matter brought to the attention of this Office as a result of a referral from the Commission's audit division. The agreement, ADR 255-33/MUR 5656, was approved by the Federal Election Commission on August 15, 2005 -- the effective date of the agreement.

As you are aware, the settlement agreement will be made part of the record that is released to the public. In addition, as of January 1, 2004, the Commission also will place on the record copies of the submission, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared by this office to assist the Commission in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

This agreement effectively resolves the issues raised in the referral referenced above.

I appreciate your assistance in resolving this matter and helping to bring this case to a mutually satisfactory conclusion.

Sincerely,

A handwritten signature in cursive script that reads "Allan D. Silberman".

Allan D. Silberman,  
Director, ADR Office

Enclosure as stated

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number: ADR 255-33  
Source: MUR 5652  
Case Name: Sher Garner Cahill Richter  
Klein & Hilbert, LLC

### NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("the Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following a review of the record and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA" or "Act"), and to resolve this matter, the Commission entered into negotiations with Sher Garner Cahill Richter Klein & Hilbert, LLC (the "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 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 entered into this agreement as part of its responsibility for administering the FECA and in an effort to promote compliance with the Act on the part of the Respondent. 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. The Respondent has voluntarily entered into this agreement with the Commission.
3. An audit of the Terrell for Senate Committee disclosed that the Respondent contributed \$1,000 to the Committee in March 2002.
4. Any corporation whatever is prohibited from making a contribution, defined as including any direct or indirect payment, distribution, loan, or gift of money or any anything of value, etc. in connection with any Federal election. 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(b)(1).
5. The Respondent contends that it is a limited liability company, not a corporation, and that it did not know that 2 U.S.C. § 441b(a) and 11 C.F.R. §§ 114.2(b)(1) would apply to it. The Respondent further contends it believed it was in compliance with the law when it made the contribution to the Terrell campaign. The Respondent maintains that the Terrell for Senate campaign committee never advised that it could not make the aforementioned contribution.
6. Respondent acknowledged inadvertently making the aforementioned contribution to the Terrell campaign committee. In order to resolve this matter, Respondent agrees to pay \$500 in recognition of U.S.C. § 437g(a)(5)(A).
7. The Commission acknowledges receipt of payment from the Respondent of the sum of \$500.

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- 8. This agreement will become effective on the date signed by the parties and approved by the Commission.
- 9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 255-33 and effectively resolves this matter. No other statement, promise or Agreement, either written or oral, made by either party, not included in herein, shall be enforceable.

FOR THE COMMISSION:

Allan D. Silberman,  
Director Alternative Dispute Resolution Office

Allan Silberman  
Allan D. Silberman

8-15-05  
Date

FOR THE RESPONDENTS:

Sher Garner Cahill Richter Klein & Hilbert, LLC  
 By: [Signature] *Cot Managing Member*  
 On behalf of Sher Garner Cahill Richter Klein & Hilbert, LLC  
 Date 7/21/05

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