



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

Case Number: ADR 270
Source: MUR 5606
Case Name: Millican for U.S. Senate

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Bridget Gallagher on behalf of the Alaska Democratic Party. 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 Marc J. Millican on behalf of Marc Millican for U.S. Senate and Marc J. Millican, 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 Complainant contends that Respondents failed to register with the Commission after exceeding \$5,000 in expenditures in his 2004 Senatorial campaign. The Complainant also argued that Respondents failed to file a statement of candidacy and organization, designate a principal campaign committee or report contributions received by the Committee. The Complaint also contends that Respondents spent \$57,187 on radio and TV advertisements in August 2004 obliging the Committee to register with the Commission.
4. Each candidate for Federal office shall designate in writing a political committee to serve as the principal committee. Such designation shall be made no later than 15 days after becoming a candidate. A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy. 2 U.S.C. § 432(e)(1) and 11 C.F.R. § 101.1(a). A candidate is defined as an individual who seeks nomination for election or election to Federal office and shall be deemed to seek nomination for election or election if such individual has received contributions in excess of \$5,000 or made expenditures aggregating in excess of \$5,000. U.S.C. § 431(2) and 11 C.F.R. § 100.3(a).

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5. Each authorized campaign committee shall file a statement of organization no later than 10 days after designation. 2 U.S.C. § 433(a) and 11 C.F.R. § 102.1(a).
 6. Each treasurer of a political committee shall file reports of receipts and disbursements. 2 U.S.C. § 434(a), 11 C.F.R. §§ 104.1(a), 104.3(a) and 104.3(b).
 7. Respondents acknowledged misunderstanding the Commission's regulations regarding the requirement to file a Statement of Candidacy, register with the Commission and file reports of receipts and disbursements. Respondents contend they were advised that the Committee did not have to register with the Commission until they received at least \$5,000 in contributions. The Committee notes that they received \$2,350 in contributions and that the balance of their funding came from a mortgage loan for \$185,500 from the candidate.
 8. Respondents explained that the Committee filed the necessary reports with the Commission on receipt of the subject complaint and after receiving guidance from the Commission. In order to avoid similar errors in the future, Respondents agree to: 1) send a representative from the Committee to a FEC seminar on federal election campaign finance reporting requirements; and 2) pay a civil penalty of \$7,500.
 9. 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.
 10. 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 and/or forward any outstanding civil penalty to the US Treasury for collection.
 11. 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 months (12) months of the effective date of this agreement for item one (1) and within six (6) months for item two (2) as listed in paragraph eight (8) above payments to be made over the course of the aforementioned six months.
 12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 270/MUR 5606 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:

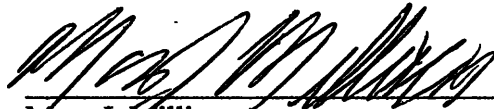
**Allan D. Silberman,
Director, Alternative Dispute Resolution Office**



Allan D. Silberman

Nov. 21, 2005
Date

FOR THE RESPONDENTS:



Marc J. Millican
Marc Millican for U.S. Senate
and Marc J. Millican, Treasurer

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Date

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