



**Federal Election Commission
Washington, DC 20463**

November 25, 2005

Brion Wikes, Treasurer
Citizens for Claudia Bermudez for Congress
422 Lincoln Avenue
Alameda, CA 94501

Re: ADR 279
Citizens for Claudia Bermudez for Congress and Brion Wikes, Treasurer

Dear Mr. Wikes:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 30, 2005 with the Federal Election Commission ("FEC/Commission") against Citizens for Claudia Bermudez for Congress and Brion Wikes, Treasurer ("Respondents"). The agreement for ADR 279 (RR 05L-28) was approved by the Commission on November 22, 2005 – the effective date of the agreement.

Note that paragraph 9 of the agreement specifies that Respondents shall comply with the terms of this settlement within thirty (30) days of the effective date of the agreement. Please forward to this office, a statement confirming Respondents' compliance with the terms listed in paragraph 6 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 6.

As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist 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 resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate your

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assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

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Washington, DC 20463**

Case Number ADR 279

Source RR 05L-28

Case Name Citizens for Claudia Bermudez for Congress

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 Commission entered into negotiations with Brion Wikes representing the Citizens for Claudia Bermudez and Brion Wikes, 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 Respondents after they filed amended reports disclosing additional disbursements. The Committee filed an amended 2004 October Quarterly Report that disclosed additional disbursements totaling \$93,169.55. Respondents' original 2004 October Quarterly Report disclosed disbursements of \$154,908.09. In addition, the Committee also amended its 2004 30 Day Post-General Report to disclose additional disbursements totaling \$127,026.87. Respondents initially reported disbursements of \$5,922.30 in the Committee's 2004 30 Day Post-General Report.
4. The FECA requires that political committees disclose the total amount of all disbursements for the reporting period and the calendar year. 2 U.S.C. § 434(b)(4), 11 C.F.R. § 104.3(b).
5. The Committee contends that any violation of the law was inadvertent and due to inexperienced staff and software difficulties. Respondents acknowledge the amended reports disclosed additional disbursements, but contend that there was an unforeseen

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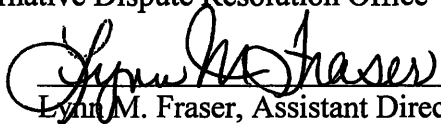
software glitch. They argued that whenever the Treasurer inserted a comma in a figure (to denote thousand) the FecFile would only record the number prior to the comma; i.e., \$3,100 recorded as \$3. When the omissions were discovered, the Committee filed amended reports to correct the record.

6. Respondents, in an effort to resolve this matter, agree to: (a) work with RAD staff to terminate the Committee; and (b) 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 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 within thirty (30) days from the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 279 (RR 05L-28), 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:

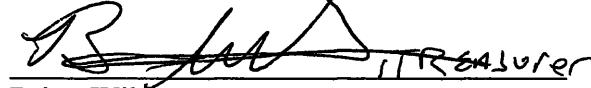
Allan D. Silberman, Director
Alternative Dispute Resolution Office

By:


Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

11/22/05
Date Signed

FOR THE RESPONDENTS:


Brion Wikes
Representing Citizens for Claudia Bermudez
and Brion Wikes, Treasurer

11/1/05
Date Signed

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