



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

December 15, 2005

Ms. Amy Gilbert
Gilbert & Wolfand
2201 Wisconsin Avenue, N.W.
Washington, D.C. 2007

Dear Ms. Gilbert:

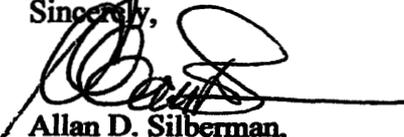
Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and the Republican Main Street Partnership PAC and Sarah Chamberlain Resnick, Treasurer, resolving ADR 281/RR 05L-34. This agreement, which was approved by the Federal Election Commission on December 8, 2005, -- the effective date of the agreement -- resolves the matter.

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 referral from the Reports Analysis Division, 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 these matters will be forwarded shortly to the FEC's Public Information Office.

The enclosed agreement effectively resolves the issues raised in the referral, which was the subject of this case.

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

Sincerely,



Allan D. Silberman,
Director, ADR Office

Enclosure: a/s

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 281
Source: RR 05L-34
Case Name: Republican Main Street
Partnership PAC

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 Trevor Potter, Esq. on behalf of the Republican Main Street Partnership PAC and Sarah Chamberlain Resnick, 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 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. The Respondents have voluntarily entered into this agreement with the Commission.
3. The Reports Analysis Division ("RAD") determined that Respondents failed to file two 24-Hour Notices for independent expenditures totaling \$26,139.25 made after the 20th day but more than 24 hours before the Congressional Primary Election on August 3, 2004. Respondents initially filed, on September 29, 2004, an amended September Monthly Report listing two independent expenditures totaling \$26,139.25 made on behalf of a federal candidate competing in the 2004 Michigan Primary election. A Request For Additional Information sent on October 22, 2004 advised that the Committee may have failed to file the required 48-Hour Notice for the aforementioned independent expenditures. RAD later determined that the Committee was required to file 24-Hour Notices for the independent expenditures rather than 48-Hour Notices. Respondents subsequently amended their 2004 August Monthly Report to disclose two independent expenditures as debt. Respondents, in response to a call from RAD, filed a 24-Hour Notice for the two independent expenditures, however, the date listed on the Notices was the payment date rather than the public dissemination date

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4. **Treasurers of political committees are required to file reports of receipts and disbursements in accordance with the provisions of the Act and regulations. 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.1(a). Each report filed by political committees other than authorized committees shall disclose 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 by the reporting committee, together with 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 an office sought by such candidate. 2 U.S.C. § 434(b)(6)(B)(iii) and 11 C.F.R. § 104.4(a)**
 5. **A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g)(1)(A) and 11 C.F.R. § 104.4(c). For purposes of determining whether 24-hour and 48-hour reports must be filed in accordance with 11 C.F.R. § 104.4(b) and (c) and 11 C.F.R. § 109.10(c) and (d), aggregations of independent expenditures must be calculated as of the first date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated, and as of the date that any such communication with respect to the same election is subsequently publicly distributed or otherwise publicly disseminated. 11 C.F.R. § 104.4(f).**
 6. **Respondents advised that their failure to file the 24-Hour Notices was due to the fact that the Committee was unaware at the time of any obligation for the subject independent expenditure and contend they believed they had not authorized such expenditure. Respondents explained that the subject expenditure, for two media buys, was placed by a Vendor who was also working at the time with another Committee in the same election. Respondents state that they did not file the required 24-Hour Notices because they were unaware of their obligation for these expenditures until they received the production invoices from the Vendor. Respondents subsequently learned that the Vendor had assumed that the Respondents had approved the subject expenditure.**
 7. **Respondents, in order to avoid similar errors in the future, agree to: 1) establish new internal operating procedures that will require prior review and documentation by the Committee before expenditures are authorized, copies of which will be forwarded simultaneously to their accounts office and 2) pay a civil penalty of \$1,250.**
 8. **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.**
 9. **The parties agree that if the Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance and/or forward any outstanding civil penalty to the US Treasury for collection.**
 10. **This agreement will become effective on the date signed by the parties and approved by**

the Commission. Respondents shall comply with the terms of this settlement within thirty (30) days from the effective date of this agreement.

11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 281/RR 05L-34 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

Dec. 10, 2005
Date

FOR THE RESPONDENTS:


Sarah Chamberlain Resnick, Treasurer
Republican Main Street Partnership PAC

11/30/05
Date

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