



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

March 24, 2006

Ambassador William R. Timken, Jr.
American Embassy
PSC 120 Box 1000
APO AE 09265

Re: ADR 292/PMUR 428

Ambassador Timken:

Enclosed is the signed copy of the agreement between the Federal Election Commission and you resolving the matter that you brought to the Commission's attention on August 12, 2005. The agreement, ADR 292/PMUR 428, was approved by the Federal Election Commission on March 21, 2006 -- 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 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 you brought to the Commission's attention on a *sua sponte* submission.

I appreciate your assistance in resolving this matter and bringing it to a satisfactory conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan D. Silberman", with a long horizontal flourish extending to the right.

Allan D. Silberman,
Director, ADR Office

Enclosure: a/s

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number: ADR 292

Source: PMUR 428

Case Name: W.R. Timken, Jr.

NEGOTIATED SETTLEMENT

This matter was brought to the attention of the Federal Election Commission ("the Commission") on a *sua sponte* submission by W.R. Timken, Jr. (the "Contributor"). 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 W. R. Timken, Jr. on behalf of himself. 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 the Contributor 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 Contributor. 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 Contributor has voluntarily entered into this agreement with the Commission.
3. On August 12, 2005, the Contributor advised the Commission that in 2001 he inadvertently made contributions to federal campaign and political action committees that exceeded the annual aggregate limits for individuals that existed at the time the contributions were made. In his *sua sponte* submission, the Contributor explained that his contributions in 2001 exceeded the limits by \$6,499.00.
4. No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held. 2 U.S.C. § 441a(a)(3)(2000) and 11 C.F.R. § 110.5(b)(2001). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i) and 11 C.F.R. § 100.52(a).
5. The Contributor advised that in 2001 he made contributions to federal candidates and political action committees that in total exceeded the annual aggregate limit on individual contributions allowable at the time under the Federal Election Campaign Act (FECA). He notes that when he was advised that his contributions exceeded the

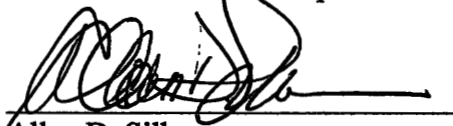
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limits applicable at the time, he immediately sought and obtained refunds of \$6,499.00 which brought his aggregate contributions into compliance with the FECA.

6. The Contributor concurs that he exceeded the annual contribution limit applicable at the time the contributions were made by \$6,999.00 In order to resolve this matter the Contributor agrees to disgorge and forward to the US Treasury \$6,999.00.
7. The Contributor agrees that all information provided to resolve this matter is true and accurate to the best of his knowledge and that he signs this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if the Contributor fails 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 all the parties and approved by the Commission. The Contributor shall comply with the terms of settlement within thirty (30) days of the effective date of this agreement.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 292/PMUR 428 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

March 24, 2006
Date

FOR THE CONTRIBUTOR:



W. R. Timken, Jr.

Feb. 13, 2006
Date

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