



**Federal Election Commission
Washington, DC 20463**

March 27, 2006

Kevin A. Finnegan, Esq.
Levy Ratner, PC
80 8th Avenue
New York, New York 1011-5126

Re: ADR 295
New York State Committee of the Working Families Party
and Michael McGuire, Treasurer

Dear Mr. Finnegan:

Enclosed is the signed copy of the agreement resolving the referral initiated on September 1, 2005 by the Federal Election Commission ("FEC/Commission") against New York State Committee of the Working Families Party and Michael McGuire, Treasurer ("Respondents"). The agreement for ADR 295 (RR 05L-49) was approved by the Commission on March 21, 2006 – the effective date of the agreement.

Note that paragraph 9 of the agreement specifies that Respondents shall comply with terms (a), (b), and (c) 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 (a) – (c) 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.

You have undoubtedly read that the Federal Election Commission has recently been forced to cancel its scheduled 2006 conferences. The Commission hopes to resume its conference program in early 2007, although the location and time of those programs have not as yet been determined. You may wish to periodically check the conferences schedule at www.fec.gov in determining the date to satisfy term (d) of paragraph 6. In the event it becomes necessary to extend the compliance date beyond March 21, 2007, the Committee should request an extension.

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 referral, correspondence exchanged between your office and this office prior to our entry

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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 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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**Federal Election Commission
Washington, DC 20463**

Case Number 295
Source RR 05L-49
Case Name New York State Committee
of the Working Families Party

NEGOTIATED SETTLEMENT

This matter was initiated 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 Kevin Finnegan, Esq. representing the New York State Committee of the Working Families Party and Michael McGuire, 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. RAD referred the Respondents for failing to file one (1) 48-Hour Notice totaling \$19,152.32 and four (4) 24-Hour Notices totaling \$64,765.48 to support seven (7) independent expenditures disclosed on the 2004 30 Day Post-General Report. These expenditures were reported on Schedule E on the 2004 30 Day Post-General Report, but the appropriate Notices were not filed.
4. The FECA requires any political action committee or party committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour notices. The 48-hour reporting requirement is triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement is triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours before the day of the election. 2 U.S.C. § 434(g), 11 C.F.R. §§ 104.4(b)-(c).

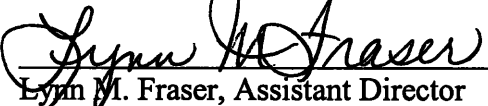
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5. Respondents acknowledge an inadvertent violation of the FECA due to the staff's inexperience with federal campaign finance reporting requirements. The Committee maintains that it is reorganizing and making changes to improve accuracy and statutory/regulatory compliance.
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) appoint a FEC Compliance Officer; (b) file the omitted 48-hour and 24-hour notices; (c) pay a civil penalty of \$6,500; and (d) send a staff member to a FEC seminar for political action committees within twelve (12) months of the effective date of the agreement.
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 (a), (b) and (c) within thirty (30) days from the effective date of this agreement, and with term (d) within twelve (12) months from the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 295 (RR 05L-49), and effectively resolves the issues identified in paragraph 3 above. 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

3/21/06
Date Signed

FOR THE RESPONDENTS:


Kevin Finnegan, Esq.
Representing the New York State Committee of the
Working Families Party and Michael McGuire, Treasurer

February 6, 2006
Date Signed