



**Federal Election Commission
Washington, DC 20463**

November 9, 2006

W. Eric Minamy, Esq.
9832 Farmstead Court
Loveland, OH 45140

Re: ADR #315
Minamy for Congress and Ralph Lee Minamy, Treasurer

Dear Mr. Minamy:

Enclosed is the signed copy of the agreement resolving the referral initiated on February 21, 2006 with the Federal Election Commission ("FEC/Commission") against Minamy for Congress and Ralph Lee Minamy, Treasurer ("Respondents"). The agreement for ADR 315 (RR 06L-02) was approved by the Commission on October 19, 2006 – the effective date of the agreement.

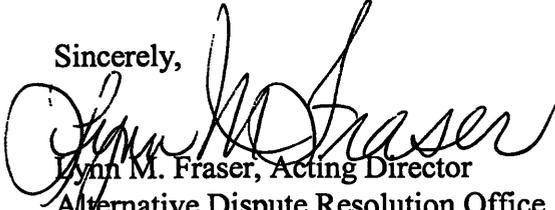
Note that paragraph 8 specifies that this agreement shall become effective on the date signed by all parties and approved by the Commission. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 6 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied the term 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 assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

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Sincerely,



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

Enclosure: Agreement

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 315
Source: RR 06L-02
Case Name: Minamyer for Congress

NEGOTIATED SETTLEMENT

This matter was 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 W. Eric Minamyer, Esq., representing the Minamyer for Congress and Ralph Lee Minamyer, in his official capacity as 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 for receiving excessive contributions totaling \$47,600 for the 2005 Special Primary Election. The Committee received the excessive contributions in the form of three (3) loans, totaling \$56,000, made by four (4) individuals. The contributions were not refunded, redesignated, or reattributed within sixty (60) days from the date of receipt, nor within sixty (60) days from the date of the initial notice sent to the Committee by RAD.
4. The FECA limits contributions from individuals to any candidate and his authorized political committees, with respect to any election for Federal office, which, in the aggregate, exceeds \$2,100. 2 U.S.C. § 441a(a)(1)(A), 11 C.F.R. § 110.1(b).
5. Respondents acknowledge an inadvertent violation of FECA due to an all volunteer Committee. Respondents contend they were unaware that the loans from family members constituted contributions, and thus excessive contributions. The Respondents assert that

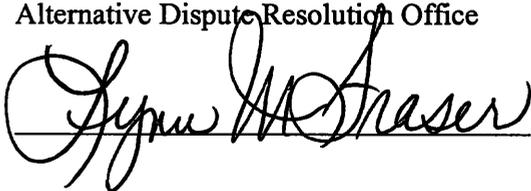
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after a loan to the Committee by the candidate, \$47,600 was refunded to those family members who made the loans.

6. In an effort to resolve this matter, Respondents agree to work with Commission staff to terminate the Committee within six (6) months. Respondents acknowledge that a civil penalty would be appropriate under the circumstances of this matter. The Respondents, however, indicate that financial hardship prevents them from paying any civil penalty, and have submitted extensive financial documentation in support of this claim. Due to the mitigating circumstances pertaining to Respondents' material representations, the Commission agrees to depart substantially from the civil penalty justified in this matter.
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. This agreement shall become effective on the date signed by all parties and approved by the Commission.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 315 (RR 06L-02), 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:

Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office



October 18, 2006
Date Signed

FOR THE RESPONDENTS:


W. Eric Minamy, Esq.
Representing Minamy for Congress and
Ralph Lee Minamy, Treasurer

9-15-2006
Date Signed

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