



Federal Election Commission  
Washington, DC 20463

January 11, 2007

Matthew Miller  
Lewis for Senate, Inc.  
416 Holland Avenue  
Morgantown, WV 26501

Re: ADR # 319  
Lewis for Senate, Inc. and Matthew Miller, Treasurer

Dear Mr. Miller:

Enclosed is the signed copy of the agreement resolving the referral initiated on April 5, 2006 with the Federal Election Commission ("FEC/Commission") against Lewis for Senate, Inc. and Matthew Miller, Treasurer ("Respondents"). The agreement for ADR 319 (RR 06L-13) was approved by the Commission on January 9, 2007 – 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 Respondent's 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.

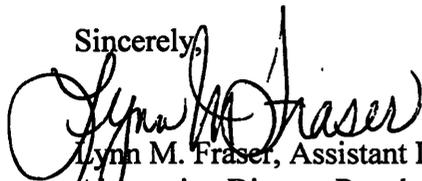
As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared 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

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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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Washington, DC 20463**

Case Number: ADR 319  
Source: RAD 06L-13  
Case Name: Lewis for Senate, Inc

### **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 Hiram Lewis, Esq., representing Lewis for Senate, Inc. and Matthew Miller, 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 failing to disclose all financial activity on their 2005 July Quarterly Report. RAD determined that the Committee filed an amended 2005 July Quarterly Report on September 22, 2005, which disclosed additional disbursements totaling \$50,124.56.
4. The FECA requires that political committees disclose all disbursements for the reporting period and the election cycle, in the case of an authorized committee of a candidate for Federal office. 2 U.S.C. § 434(b)(4), 11 C.F.R. § 104.3(b).
5. Respondents acknowledge an inadvertent violation of FECA when they failed to disclose two expenditures aggregating \$50,124.56. In response to RAD's request for additional information relative to the additional disbursements disclosed in the amended 2005 July Quarterly Report, Respondents stated that the amendment was necessary due to a delay in getting all expenditures to the Treasurer. The former

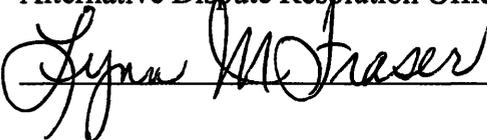
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candidate affirmed that he had the documentation for the two expenditures, and unintentionally failed to get it to the Treasurer due to his active duty with the National Guard.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) work with Commission staff to terminate the Committee; and (b) pay a civil penalty of \$ 1,500.
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 319 (RAD 06L-13), 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

  
\_\_\_\_\_

1-8-07  
Date Signed

FOR THE RESPONDENTS:

  
\_\_\_\_\_

Matthew Miller  
Representing Lewis for Senate, Inc. and  
Matthew Miller, Treasurer

6 December 2006  
Date Signed

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