



**Federal Election Commission
Washington, DC 20463**

July 31, 2007

Vernon L. Robinson
Robinson for Congress
P.O. Box 272
Winston-Salem, NC 27103

Re: ADR # 359
Robinson for Congress and Michelle Smith, Treasurer

Dear Mr. Robinson:

Enclosed is the signed copy of the agreement resolving the complaint filed on August 14, 2006 with the Federal Election Commission ("FEC/Commission") against Robinson for Congress and Michelle Smith, Treasurer ("Respondents"). The agreement for ADR 359 (MUR 5794) was approved by the Commission on July 27, 2007 – the effective date of the agreement.

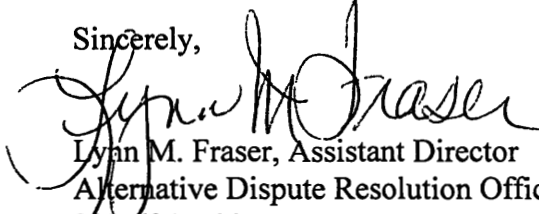
Note the specific time frames for compliance in paragraph 10 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 7 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 7.

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, 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.

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This agreement resolves the matter that was brought to the attention of the FEC by Jason Ottivore regarding an alleged violation of the 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 ADR 359
Source MUR 5794
Case Name Robinson for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Jayson A. Ovittore. 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 Federal Election Commission ("Commission") entered into negotiations with Vernon L. Robinson, representing Robinson for Congress and Michelle Smith, in her 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 complaint. 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 guided by "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 Complainant alleges a number of reporting errors by Respondents in their 2006 July Quarterly Report. The complaint alleges that among the errors noted were excessive contributions and contributions incorrectly designated. Specifically, the complaint states that the Committee received contributions designated for the primary election, but received after the primary election although there was no net debt disclosed following the primary election in violation of the FECA. The complaint also points to errors in the aggregate for some contributors.
- 4 Treasurers of political committees are required to report all financial activity, pursuant to the FECA. The statute and regulations limit contributions individuals can make, and political committees can accept, to any candidate and the candidate's authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,100.¹ 2 U.S.C. §§ 441a(a) and (f), 11 C.F.R. §§ 110.1(b), 110.9.
- 5 A contribution designated in writing for a particular election, but made after that election, shall be made and accepted only to the extent that the contribution does not exceed net debts outstanding from such election. To the extent that the contribution exceeds net debts

¹ These contribution limits are indexed for inflation in odd-numbered years. This amount is the contribution limit for the 2006 election cycle.

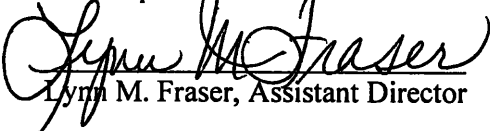
outstanding, the Committee shall return, refund or take other appropriate action. 11 C.F.R. § 110.1(b)(3)(i).

- 6 Respondents acknowledge some inadvertent reporting errors due to inexperienced Committee staff. Respondents contend that the Committee did have net debt due to obligations agreed to after the Primary election, but failed in understanding how that debt should be disclosed. In addition, Committee staff did not understand attribution and designation issues with some contributors' activity.
- 7 Respondents, in an effort to avoid similar errors in the future, agree to: (a) work with Commission staff to ensure all reports correctly reflect the Committee's financial activity, including net debt, if any, following the Primary Election; (b) refund or disgorge to the US Treasury any contributions that exceed net debts outstanding from the Primary Election, and (c) terminate the Committee within sixty days of the effective date of this agreement.
- 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 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.
- 10 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
- 11 This Negotiated Settlement constitutes the entire agreement between the parties on ADR 359 (MUR 5794), 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:

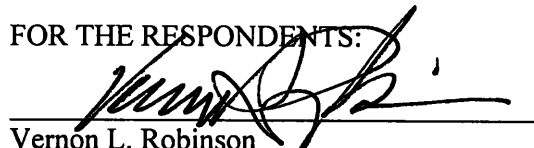
Deborah Ruth Kant, Director
Alternative Dispute Resolution Office


By:


Lynn M. Fraser, Assistant Director


Date Signed

FOR THE RESPONDENTS:


Vernon L. Robinson
Representing Robinson for Congress and
Michelle Smith, Treasurer


Date Signed