



Federal Election Commission  
Washington, DC 20463

July 11, 2007

Hiram Lewis, Esq.  
Lewis for Senate, Inc.  
416 Holland Avenue  
Morgantown, WV 26501

Re: ADR # 379  
Lewis for Senate, Inc. and Matthew Miller, Treasurer

Dear Mr. Lewis:

Enclosed is the signed copy of the agreement resolving the referral initiated on February 8, 2007 with the Federal Election Commission ("FEC/Commission") against Lewis for Senate, Inc. and Matthew Miller, Treasurer ("Respondents"). The agreement for ADR 379 (RR 07L-01) was approved by the Commission on July 3, 2007 – the effective date of the agreement.

Note the specific time frames for compliance in paragraph 8 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 5 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 5.

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

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assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,



Deborah Ruth Kant, Director  
Alternative Dispute Resolution Office  
202-694-1661

Enclosure: Agreement

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Washington, DC 20463

Case Number ADR 379  
Source: RR 07L-01  
Case Name Lewis for Senate, Inc.,  
Matthew Miller, Treasurer

### NEGOTIATED SETTLEMENT

This matter was initiated by a signed submission filed by counsel for Lewis for Senate, Inc., and Matthew Miller, Treasurer. 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 Hiram Lewis, representing Lewis for Senate, Inc., and Matthew Miller, Treasurer, (collectively "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 submission. 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. Respondents ("the Committee") filed an amended 2006 April Quarterly Report to disclose increased disbursements totaling \$114,246.39 on July 14, 2006, a 67% increase in disbursements from the financial activity reported in the original 2006 April Quarterly Report. In filing the amended report, the Committee explained that it had been conducting internal audits and reconciling its records when this error was found. On October 10, 2006, the Reports Analysis Division sent a RFAI to the Respondents. The Respondents stated that the candidate had been deployed and that his treasurer could not get to the information that was needed. The Respondents also explained that the Committee's January 2006 bank statement was not available to the treasurer at the time the Committee filed its report. The Committee filed the amended report once the January disbursements were discovered. Respondents further state that the candidate does not intend to run again, and the Committee has some financial constraints.

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4. Treasurers of political committees are required to report all financial activity, including disbursements pursuant to the FECA. 2 U.S.C. § 434(b)(4), 11 C.F.R. § 104.3(b)(1)(i)(C).
5. Respondents, understanding that nothing in this settlement precludes any proceeding or action that might be taken by the U.S. Department of Justice, or any other government entity against Respondents, agree to: (a) work with Commission Staff to terminate the Committee; and (b) pay a civil penalty of \$3500. The civil penalty will be paid in seven (7) installments, \$500 per month.
6. 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.
7. 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.
8. 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 except as otherwise noted in paragraph 5.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 379 (RR 07L-01), and effectively resolves those 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:

By: Deborah Ruth Kant  
 Deborah Ruth Kant, Director  
 Alternative Dispute Resolution Office

7/9/07  
 Date Signed

FOR THE RESPONDENTS:

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

JUNE 27, 2007  
 Date Signed