



**Federal Election Commission  
Washington, DC 20463**

April 1, 2009

Caroline Goodson, Esq.  
Perkins Coie LLP  
607 14<sup>th</sup> Street, NW  
Washington, DC 20005

Re: ADR 412 (RAD 07L-29)  
Larry Kissell for Congress and Walter Ingram Butch Jenkins, III, Treasurer

Dear Ms. Goodson:

Enclosed is the signed copy of the agreement resolving the referral initiated on August 28, 2007 with the Federal Election Commission ("FEC/Commission") against Larry Kissell for Congress and Walter Ingram Butch Jenkins, III, Treasurer ("Respondents"). The agreement for ADR 412 (RAD 07L-29) was approved by the Commission on March 27, 2009 – the effective date of the agreement.

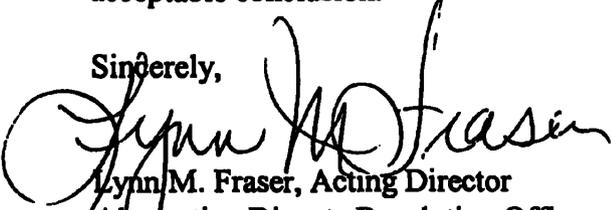
Note the specific time frames for compliance in paragraph 9 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 6 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 9 and contain the ADR caption and case number. **The civil penalty payment should be sent to the attention of the Accounting/Finance Office of the FEC. The civil penalty under the agreement is due on April 27, 2009. Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

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 referral 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, Acting Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosure: Agreement

cc: Ken Pezzella, Finance and Accounting Office  
Room 819

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**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 412  
Source: RAD 07L-29  
Case Name: Larry Kissell for Congress

### **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 Caroline Goodson Parker, Esq. and Brian Svoboda, Esq., representing Larry Kissell for Congress and Walter Ingram Butch Jenkins, III, 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 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 Reports Analysis Division (RAD) referred Respondents for failing to disclose all financial activity on their 2006 30 Day Post-General Report. Respondents filed their original 2006 30 Day Post-General Report on December 7, 2006. Respondents then filed an amended 2006 30 Day Post-General Report on January 31, 2007 that disclosed additional receipts of \$85,663.70, and additional disbursements of \$85,534.67.
4. Treasurers of political committees are required to report all financial activity, including all receipts and all disbursements, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(2), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(a), 104.3(b).
5. Respondents acknowledge inadvertent omissions on their 2006 30 Day Post-General Report. Respondents contend that the discrepancies in receipts were due to delayed receipt of some contributions from fundraisers, and the discrepancies in disbursements were due to clerical errors. This was the Committee's first campaign

cycle, but as soon as the omissions were noted, however, Respondents retained the services of an experienced compliance specialist. The compliance specialist immediately began a complete reconciliation of Respondents' financial records with their FEC reports, and also implemented new financial procedures, including authorization and tracking of expenditures.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop an operations manual within thirty (30) days of the effective date of the agreement; (b) the compliance specialist will conduct a complete reconciliation of all Committee financial records every month for one year from the effective date of the agreement; and (c) pay a civil penalty of \$1,000.
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 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 412 (RAD 07L-29), 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



3-27-09  
Date Signed

**FOR THE RESPONDENTS:**

  
Brian Svoboda, Esq.  
Representing Larry Kissell for Congress and  
Walter Ingram Butch Jenkins, III, Treasurer

3-11-2009  
Date Signed

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