



Federal Election Commission
Washington, DC 20463

December 20, 2007

Paul Kilgore
337 South Milledge Avenue, Suite 101
Athens, GA 30605

Re: ADR # 413
Van Taylor for Congress and Roy Giddens, Treasurer

Dear Mr. Kilgore:

Enclosed is the signed copy of the agreement resolving the referral initiated on August 28, 2007 with the Federal Election Commission ("FEC/Commission") against Van Taylor for Congress and Roy Giddens, Treasurer ("Respondents"). The agreement for ADR 413 (RR 07L-30) was approved by the Commission on December 17, 2007 – 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 6 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 January 17, 2008. 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 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

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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,


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

Enclosure: Agreement

cc: Angela Dillard, Finance and Accounting Office
Room 819

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NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("FEC" or "the 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 ("the FECA"), and resolve this matter, the Commission entered into negotiations with Paul Kilgore, representing Van Taylor for Congress and Roy Giddens, in his official capacity as Treasurer (collectively "Respondents" or "the Committee"). 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 Committee failed to disclose all financial activity on their 2006 12 Day Pre-General and 2006 30 Day Post-General Reports. Respondents filed the amended reports for the 2006 Pre-General and the 2006 30 Day Post-General on January 30, 2007, disclosing additional disbursements for the former of \$102,808.40 (a 57.6% increase from the original report) and additional disbursements of \$58,836.58 for the latter report (a 21.4% increase).
4. In an electronic submission to the Reports Analysis Division, the Committee explained that the increased disbursements for the 2006 12 Day Pre-General was the result of one inadvertently missed media buy and that the two other electronic funds transfers were reported. The Committee filed the amended report on its own volition. The Committee stated that the error was inadvertent and that they discovered the error during an internal audit. The Committee further stated that there was a communication gap between staff and the professional service provider who filed the report. The Committee added that the timing of the due date of the report contributed to the oversight because there was no available bank statement for reconciliation. With respect to the 2006 30 Day Post-General

Report, the Committee explained that the inadvertent error resulted from staff turnover. The Committee alleged that they discovered the oversight during a thorough audit and stated that they amended their filing to make the records accurate without any outside prompting.

5. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(b).
6. Respondents, in an effort to resolve this matter, agree to: (a) pay a \$5300 civil penalty and (b) work with Commission Staff in terminating the Committee.
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 set forth in paragraph 6 within thirty (30) days of the effective date of this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on the resolution of ADR 413 (RR 07L-30), and effectively resolves only those issues identified in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party that is not included herein shall be enforceable.

FOR THE COMMISSION:

By: Deborah Ruth Kant 12/17/07
Deborah Ruth Kant, Director *mf* Date Signed
Alternative Dispute Resolution Office

FOR THE RESPONDENTS:

Paul Kilgore 12-7-07
Paul Kilgore, Date Signed

Representing Van Taylor for Congress,
and Roy Giddens, in his official capacity as Treasurer

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