



Federal Election Commission
Washington, DC 20463

November 25, 2008

Brian G. Svoboda
Perkins Coie, LLP
607 14th St., NW, Suite 800
Washington, DC 20005

Re: ADR 423 (RAD 07L-42)
Missouri Victory 2006 Committee and David Kirby, Treasurer

Dear Mr. Svoboda:

Enclosed is the signed copy of the agreement resolving the referral initiated on October 22, 2007 with the Federal Election Commission ("FEC/Commission") against Missouri Victory 2006 Committee and David Kirby, Treasurer ("Respondents"). The agreement for ADR 423 (RAD 07L-42) was approved by the Commission on October 29, 2008 – 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 December 26, 2008. Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

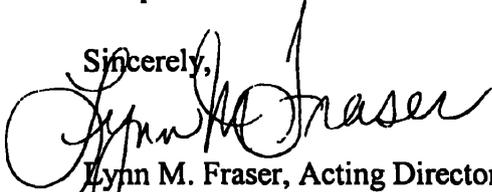
As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared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



Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

cc: Angela Dillard, Finance and Accounting Office
Ken Pezzella, Finance and Accounting Office
Room 819

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**THE FEDERAL ELECTION COMMISSION
Washington, DC 20463**

Case Number: ADR 423
Source: RAD 07L-42
Case Name: Missouri Victory 2006

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 Brian Svoboda, representing Missouri Victory 2006 and David Kirby, 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.

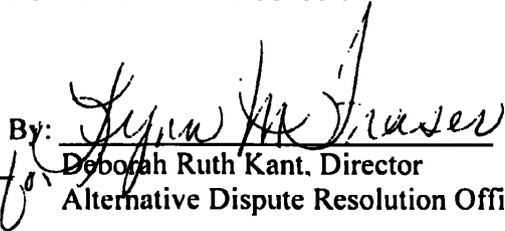
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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 Reports Analysis Division referred the Respondents for failing to disclose \$70,600 in receipts on its 2006 October Quarterly Report (a 21% increase in activity). The Committee filed an amended report on May 18, 2007, disclosing the additional receipts.
4. The Committee responded, by explaining that its Treasurer had died suddenly a few months before the election which caused disruption in the reporting process. The Committee further stated that it subsequently hired a compliance specialist who reviewed its FEC reports and filed amended reports based on the review.
5. Treasurers of political committees are required to report all financial activity, including all receipts. 2 U.S.C. §§ 434(a), 434(b)(2), 11 C.F.R. § 104.3(a).

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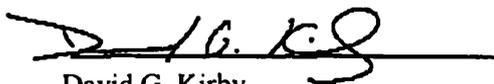
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6. Respondents, in an effort to resolve this matter, agree to: (a) work with the Commission to terminate and (b) pay a \$1000 penalty.
 7. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their 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 423 (RAD 07L-42), 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: 
for Deborah Ruth Kant, Director
Alternative Dispute Resolution Office

10-29-2008
Date Signed

FOR THE RESPONDENTS:


David G. Kirby,
Representing Missouri Victory 2006, and
David Kirby, in his official capacity as Treasurer

5-13-08
Date Signed