Federal Election Commission
Washington, DC 20463

November 25, 2008

Anne Rosenfield
P.O. Box 1428
Seaford, NY 11783

28190274898

Re: ADR 431 (RR 07L-49)
Pete King for Congress and Anne Rosenfield, Treasurer

Dear Ms. Rosenfield:

Enclosed is the signed copy of the agreement resolving the referral initiated on November 2, 2007 with the Federal Election Commission ("FEC/Commission") against Pete King for Congress and Anne Rosenfield, Treasurer ("Respondents"). The agreement for ADR 431 (RR 07L-49) was approved by the Commission on November 12, 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 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 assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Lynn M. Fraser

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

28190274899

Federal Election Commission
Washington, DC 20463

Case Number: ADR 431
Source: RAD 07L-49
Case Name: Pete King for
Congress Committee

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 Donald McGahn, Esq., representing the Pete King for Congress Committee and Anne Rosenfield, 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 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 a series of errors beginning with the 2005 July Quarterly Report and continuing through the 2006 30 Day Post General Report. While most of the errors involved significant mathematical discrepancies, which Respondents failed to correct, the reports also included a failure to file accurate schedules of contributions, a failure to file required 48-Hour Notices, and a failure to provide identification on more than twenty percent (20%) of the contributors on a report. The series of errors made the Committee eligible for an audit.

4. Under the FECA, committees who are eligible for audit are not in substantial compliance with the law. 2 U.S.C. § 438(b).

5. Respondents acknowledge some soft-ware related reporting issues, but contend that such issues were due to confusing financial reporting software resulting in data inadvertently being entered incorrectly. The Committee worked with the software

vendor and RAD to correct the mathematical errors. In addition, Respondents submitted documentation reflecting their "best efforts" to obtain identification of contributors, and assert they updated reports when additional information became available. Respondents acknowledge that they inadvertently failed to file 48 Hour Notices for two contributions of $1,000 or more received from October 19 through November 4, 2006.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) work with Commission staff to correct mathematical errors and amend all necessary reports; (b) certify that a representative attended a FEC conference: and (c) pay a civil penalty of $4,500.

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 within thirty (30) days from the effective date of this agreement.

10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 431 (RAD 07L-49), and resolves only 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:

Deborah Ruth Kant, Director
Alternative Dispute Resolution Office

By: ______________________ 11-12-08
Lynn M. Fraser, Assistant Director — Date Signed

FOR THE RESPONDENTS:

______________________ 6/20/08
Donald McGahn, Esq. — Date Signed
Representing Pete King for Congress Committee
and Anne Rosenfield, Treasurer