



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET

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SENSITIVE

MEMORANDUM

July 15, 2009

TO: The Commission

THROUGH: Robert A. Hickey, *[Signature]* 15 Jul 09
Staff Director

FROM: John D. Gibson, *[Signature]*
Chief Compliance Officer

Lynn M. Frase, *[Signature]*
Acting Director, ADR Office

SUBJECT: ADR 460 Schwarz for Congress and Robert Hans Schuler, Treasurer
Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Work with RAD staff to terminate the committee; and pay a civil penalty of \$6,000 (amount in dispute \$32,750)

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to ADR 460 (RAD 08L-23). This case was referred to the ADR Office on June 2, 2008.

SUMMARY: In this case, the Reports Analysis Division (RAD) referred Schwarz for Congress and Robert Hans Schuler, Treasurer (Respondents or the Committee) for receiving potentially excessive contributions totaling \$32,750.00 for the 2006 Primary and General Elections. The excessive contributions were made by 136 individuals and one non-party multi-candidate political committee. The contributions in question were designated for either the 2006 Primary or General Election, and received during the first quarter of 2007.

Respondents contend the errors occurred due to inexperienced staff, and as many records were not retained, there was no way to ascertain how many of the contributions were, in fact, excessive.

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RECOMMENDATIONS:

1. Approve the attached settlement agreement of Schwarz for Congress and Robert Hans Schuler, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.