



Federal Election Commission  
Washington, DC 20463

August 3, 2009

Timothy S. Knowlton, Esq.  
Honigman Miller Schwartz and Cohn LLP  
222 N. Washington Square, Ste. 400  
Lansing, MI 48933

Re: ADR 460 (RAD 08L-23)  
Schwarz for Congress Committee and Robert Hans Schuler, Treasurer

Dear Mr. Knowlton:

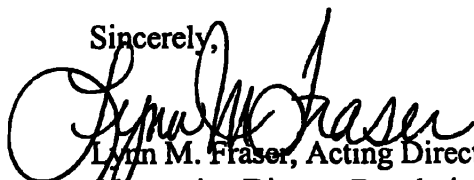
Enclosed is the signed copy of the agreement resolving referral initiated on June 2, 2008 by the Federal Election Commission ("FEC/Commission") involving Schwarz for Congress Committee and Robert Hans Schuler, Treasurer ("Respondents"). The agreement for ADR 460 (RAD 08L-23) was approved by the Commission on July 29, 2009 – the effective date of the agreement.

Note the specific time frames for compliance in paragraph 6 of the agreement. **Please forward to this office, a statement confirming Respondent's compliance with the terms listed in 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 or before August 29, 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 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, Acting Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosure: Agreement

cc: Ken Pezzella, Finance and Accounting Office  
Room 819



**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 460  
Source: RAD 08L-23  
Case Name: Schwarz 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 Timothy S. Knowlton, Esq., representing Schwarz for Congress and Robert Hans Schuler, 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:

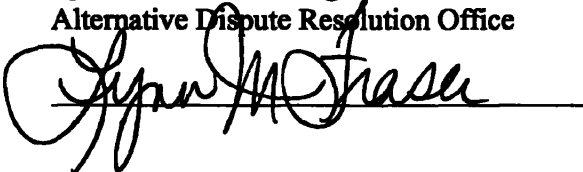
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 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.
4. No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,100 (2006). No candidate or political committee shall knowingly accept any contributions prohibited by the FECA. These contribution limits are indexed for inflation in odd-numbered years. 2 U.S.C. §§ 441a(a) and (f), 11 C.F.R. §§ 110.1(b), 110.9, 114.2(d) (2006).

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5. Respondents acknowledge some omissions in their reports, but contend that they attempted to correct the errors that were discovered. Respondents contend that inexperienced committee staff contributed to the reporting errors, but many records were misplaced, and thus the exact extent of the errors cannot be confirmed.
  6. Respondents, in an effort to resolve this matter, agree to: (a) work with RAD staff to terminate the committee within sixty (60) days of the effective date of this agreement; and (b) pay a civil penalty of \$6,000 within 30 days of the effective date of this agreement.
  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 of this agreement as set out in paragraph 6 above.
  10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 460 (RAD 08L-23), and resolves 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.

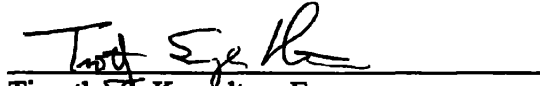
FOR THE COMMISSION:

Lynn M. Fraser, Acting Director  
Alternative Dispute Resolution Office



7/29/09  
Date Signed

FOR THE RESPONDENTS:

  
Timothy S. Knowlton, Esq.  
Representing Schwarz for Congress and  
Robert Hans Schuler, Treasurer

July 5, 2009  
Date Signed