



**Federal Election Commission
Washington, DC 20463**

December 8, 2008

Elizabeth A. Nadeau
Engineers Political Education Committee (EPEC)/
International Union of Operating Engineers
1125 17th St., NW
Washington, DC 20036

Re: ADR 467 (RAD 08L-29)
Engineers Political Education Committee (EPEC)/
International Union of Operating Engineers and
Christopher J. Hanley, Treasurer

Dear Ms. Nadeau:

Enclosed is the signed copy of the agreement resolving the referral initiated on August 12, 2008 with the Federal Election Commission ("FEC/Commission") against Engineers Political Education Committee (EPEC)/International Union of Operating Engineers and Christopher J. Hanley, Treasurer ("Respondents"). The agreement for ADR 467 (RAD 08L-29) was approved by the Commission on December 3, 2008 – 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 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 3, 2008. Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.]**

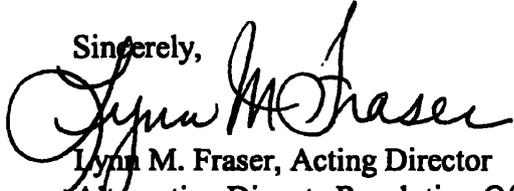
As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports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

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

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 467

Source: RAD 08L-29

Case Name: Engineers Political Education Committee/
International Union of Operating Engineers

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 Elizabeth Nadeau, Assistant General Counsel, representing the Engineers Political Education Committee/International Union of Operating Engineers and Christopher J. Hanley, 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:

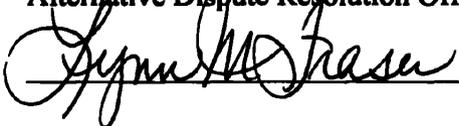
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 Respondents for failing to disclose all financial activity on their 2007 October Monthly Report. The Committee filed its initial 2007 October Monthly Report on October 19, 2007. Respondents filed an amended 2007 October Monthly Report on November 20, 2007 that disclosed additional receipts aggregating \$452,717.49.
4. Treasurers of political committees are required to report all financial activity, including all receipts, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(2), 11 C.F.R. §§ 104.1, 104.3(a).
5. Respondents acknowledge the inadvertent omission of receipts in the referenced report due to the unexpected departure, three days before the report deadline, of the individual responsible for filing the report. Respondents contend that as soon as the errors were noted, in addition to filing an amended report, the Committee undertook

significant procedural changes to improve administration of financial activities, cross-trained staff on the FECA, as well as compliance with reporting requirements. In addition to a cessation of disbursing federal contributions until the new procedures were implemented, the Committee also sent two representatives to a conference on the FECA, and required additional multiple-level review before reports are filed.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and maintain a FECA compliance manual for staff reference within 30 days of the effective date of the agreement; (b) develop a written tracking and timely response process for all Requests for Additional Information from the Commission within 30 days of the effective date of the agreement; (c) send a representative to a FEC conference within twelve (12) months of the effective date of this agreement; (d) pay a civil penalty of \$5,000 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 467 (RAD 08L-29), 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.

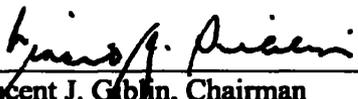
FOR THE COMMISSION:

Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office



12-3-08
Date Signed

FOR THE RESPONDENTS:



Vincent J. Gbin, Chairman
Engineers Political Education Committee/
International Union of Operating Engineers

11-20-08
Date Signed

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