



**Federal Election Commission  
Washington, DC 20463**

May 21, 2009

Brian Svoboda, Esq.  
Perkins Coie  
607 14<sup>th</sup> Street, NW  
Washington, DC 20005

Re: ADR 481  
Christine Jennings for Congress and Susan K. Flynn, Treasurer

Dear Mr. Svoboda:

Enclosed is the signed copy of the agreement resolving the referral initiated on January 12, 2009 by the Federal Election Commission ("FEC/Commission") involving Christine Jennings for Congress and Susan K. Flynn, Treasurer (Respondents). The agreement for ADR 481 (AD 07-16) was approved by the Commission on May 21, 2009 – the effective date of the agreement.

Note the specific time frames for compliance in paragraph 8 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 8, 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 June 21, 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.

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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

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**Federal Election Commission  
Washington, DC 20463**

**Case Number: ADR 481  
Source: Audit 07-16  
Case Name: Christine Jennings 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 Brian Svoboda, Esq., representing Christine Jennings for Congress and Susan Flynn, 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 Audit Division (Audit) referred Respondents as a result of three findings following an audit of the Committee's 2006 election cycle financial records. One finding identified 111 contributions from individuals that exceeded the limitations by \$95,897. In another finding, Audit determined that Respondents failed to file 48-Hour notices for 27 contributions totaling \$43,700 received prior to the primary and general elections. In the final finding, Audit found that Respondents failed to itemize 30 contributions from 24 political committees totaling \$43,310 on its itemizations of receipts.
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. 2 U.S.C. § 441a(a), 11 C.F.R. § 110.1(b). (2006) No candidate or political committee shall knowingly accept any contributions prohibited by the FECA. 2 U.S.C. § 441a(f), 11 C.F.R. §§ 110.9, 114.2(d).

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5. If any contribution of \$1,000 or more is received by any authorized committee of a candidate after the 20<sup>th</sup> day, but more than 48 Hours, before 12:01 am of the day of the election, the principal campaign committee of that candidate shall notify the Commission within 48 hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be filed in accordance with 11 C.F.R. § 100.19. The notification shall be in addition to the reporting of these contributions on the post election report. 2 U.S.C. § 434(a)(6), 11 C.F.R. § 104.5(f).
  6. Reports filed with the Commission must disclose the identification of other political committees from which funds are received. 2 U.S.C. § 434(b)(3)(B)-(D), 11 C.F.R. § 104.3.
  7. Respondents acknowledge some reporting issues but they followed the recommendations of Audit staff and materially corrected the record through redesignations, reattributions, refunds and amended reports.
  8. Respondents, in an effort to resolve this matter, agree to: (a) work with Commission staff to terminate the Committee within 60 (sixty) days of the effective date of this agreement; and (b) pay a civil penalty of \$2,500 within 30 (thirty) days of the effective date of this agreement.
  9. 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.
  10. 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.
  11. 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.
  12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 481 (Audit 07-16), 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

  
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21 May 2009  
Date Signed

**FOR THE RESPONDENTS:**

  
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Brian Svoboda, Esq.  
Representing Christine Jennings for Congress  
and Susan Flynn, Treasurer

20 Apr. 2009  
Date Signed

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