



Federal Election Commission
Washington, DC 20463

June 30, 2009

Thomas W. Kirby
Wein Rein LLP
1776 K St., NW
Washington, DC 20006

Re: ADR 488 (RAD 09L-09)
Mississippi Republican Party and Thomas B. Butchart, Treasurer

Dear Mr. Kirby:

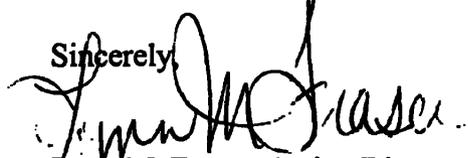
Enclosed is the signed copy of the agreement resolving referral initiated on March 24, 2009 by the Federal Election Commission ("FEC/Commission") involving Mississippi Republican Party and Thomas B. Butchart, Treasurer ("Respondents"). The agreement for ADR 488 (RAD 09L-09) was approved by the Commission on June 25, 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 July 25, 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

29190281514



**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 488
Source: RAD 09L-09
Case Name: Mississippi Republican Party

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 Thomas W. Kirby, Esq. and Andrew G. Woodson, Esq., representing the Mississippi Republican Party and Tom Butchart, 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. Specifically, the Committee failed to timely file three (3) 24-Hour Notices totaling \$29,413.66 to support three (3) independent expenditures made after the twentieth day before, but more than twenty-four hours prior to 12:01 a.m. on the day of, the 2008 Mississippi 1st Congressional District Special General Election. These independent expenditures were originally disclosed on a Schedule E in the Committee's 2008 May Monthly Report.
4. The FECA requires a person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election to file a report describing the expenditures within 24 hours. After a person files an initial report, the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates. 2 U.S.C. § 434(g), 11 C.F.R. § 104.4(c).

5. Respondents acknowledge an inadvertent omission of the necessary 24-Hour Notices due to a lack of familiarity with the FECA's special reporting requirements for late expenditures, particularly in the context of a special election. Respondents contend that the full amounts and identities of the vendors were disclosed on the Committee's original May 2008 Monthly Report filed on May 20, 2008, followed by the required 24-Hour Notices, albeit untimely, on October 28, 2008.
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) send the Committee's Treasurer and the individual responsible for recordkeeping and report filing to an FEC conference within six (6) months of the effective date of this agreement; (b) retain the services of an experienced compliance specialist to assist with preparing the FEC reports within 30 days of the effective date of this agreement; and (c) pay a civil penalty of \$1,000 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 488 (RAD 09L-09), 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.

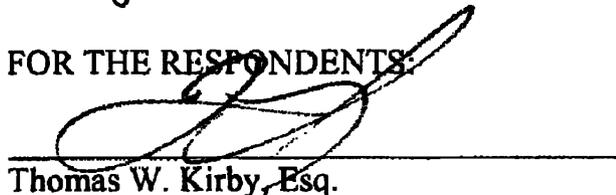
FOR THE COMMISSION:

Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office



6-25-09
Date Signed

FOR THE RESPONDENTS:



Thomas W. Kirby, Esq.
Representing the Mississippi Republican Party and
Tom Butchart, Treasurer

6/11/09
Date Signed

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