



**Federal Election Commission
Washington, DC 20463**

March 18, 2010

Charles Johnston
Zinga for Congress
158 Speegle Rd.
Oneonta, AL 35121

Re: ADR 498 (AR 09-03)
Zinga for Congress and Charles McClurg, Treasurer

Dear Mr. Johnston:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 19, 2009 by the Federal Election Commission ("FEC/Commission") involving Zinga for Congress and Charles McClurg, Treasurer ("Respondents"). The agreement for ADR 498 (AR 09-03) was approved by the Commission on March 15, 2010 – the effective date of the agreement.

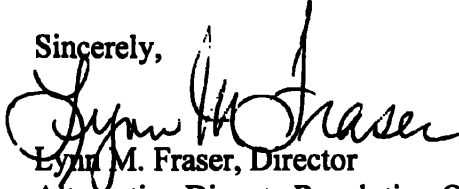
Note the specific time frames for compliance in paragraph 6 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 6, and contain the ADR caption and case number. The ADR Office records reflect that the civil penalty was paid.

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 referral, correspondence exchanged between Respondents 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, Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

cc: Chris Wedderburn, Finance and Accounting Office
Room 819

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 498
Source: AR 09-03
Case Name: Zinga 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 Charles Johnston, representing Zinga for Congress and Charles McClurg, 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 Audit Division (Audit) referred Respondents after it identified 16 contributions from nine individuals that exceeded the limitation by \$8,600. Of these excessive contributions, \$1,800 could have been resolved by Respondents sending presumptive reattribution notices. The remaining \$6,800 appeared resolvable only by refund. The Audit staff recommended that the Committee provide evidence demonstrating that the contributions were not excessive, send notices to those contributors that were eligible for presumptive reattribution, or refund the excessive amounts.\
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) and (f), 11 C.F.R. §§ 110.1(b), 110.9 (2006).
5. Respondents acknowledge that not all contributions were appropriately accounted for, but contend that they worked with Audit to reattribute, redesignate and when necessary, refund the relevant contributions.

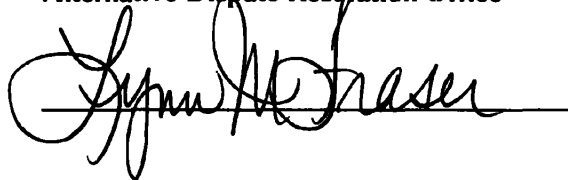
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- 6. Respondents, in an effort to resolve this matter, agree to: (a) provide confirmation Respondents made a good faith effort to refund the excessive contributions to the contributors, or in the alternative, disgorge those contributions to the U.S. Treasury within sixty (60) days of the effective date of this agreement. If Respondents have insufficient funds to cure an excessive contribution remaining after seeking to refund the relevant excessive contributions, the Committee shall report those amounts not refunded as debt on all future reports to the Commission until such time as the excessive contributions are refunded; and (b) pay a civil penalty of \$1,200 within thirty (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 498 (AR 09-03), 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:

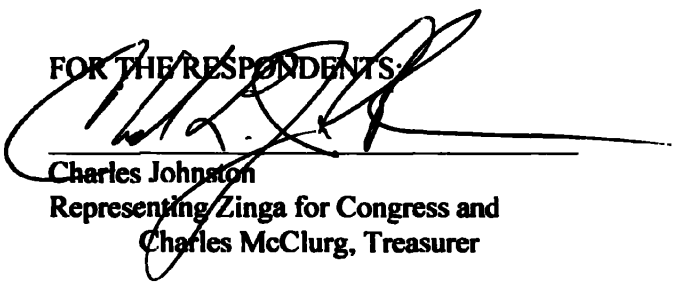
Lynn M. Fraser, Director
Alternative Dispute Resolution Office



3/15/10
Date Signed

FOR THE RESPONDENTS:

Charles Johnston
Representing Zinga for Congress and
Charles McClurg, Treasurer



Jan 5, 2009
Date Signed