



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2009 AUG 24 P 3:54

SENSITIVE

MEMORANDUM

August 24, 2009

TO: The Commission

THROUGH: Robert A. Hickey *AP for RH*
Staff Director

FROM: John D. Gibson *JDG*
Chief Compliance Officer

Lynn M. Frase *LMF*
Acting Director, ADR Office

SUBJECT: ADR 500 Wicker for Senate and Paul Breazeale, Treasurer and
Friends of Roger Wicker and John P. Nail, Treasurer
Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Respondents shall provide to the Commission an accounting of all transferred contributions and make a good faith identification of any excessive contributions, including whether each contribution was refunded or redesignated. All redesignations and refunds will also be properly reported to the Commission in Respondent's quarterly filings.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to **ADR 500 (MUR 6045)**. The Commission voted to refer this matter to the ADR Office on June 24, 2009.

SUMMARY: Musgrove for U.S. Senate (Complainant) alleges that Wicker for Senate and Paul Breazeale, Treasurer accepted \$545,000 transferred from Friends of Roger Wicker and John P. Nail, Treasurer, but neither committee itemized the portions of the transfer that included contributions received and designated for the 2008 election cycle. Respondents contend that a conversation with a Commission auditor led to the Committee handling the transfers in a manner that the Commission believes is different than what the Regulations require.

RECOMMENDATIONS:

1. Approve the attached settlement agreement of Wicker for Senate and Paul Breazeale, Treasurer and Friends of Roger Wicker and John P. Nail, Treasurer
2. Approve the appropriate letters.
3. Close the file on this matter.

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