



FEDERAL ELECTION COMMISSION
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SENSITIVE

MEMORANDUM

June 25, 2010

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director *AP*

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Lynn M. Fraser *LMF*
Director, ADR Office

SUBJECT: ADR 518 (RAD 09L-37) Harris County Democratic Party and Gerald Birnberg,
Treasurer, Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Develop and implement a quarterly staff training program; develop and implement a compliance operations and procedures manual; develop and implement internal control procedures consistent with the Commission's Internal Controls Policy (2007); and pay a civil penalty of \$2,000.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to ADR 518 (RAD 09L-37). The ADR Office received this referral on October 14, 2009.

SUMMARY: The Reports Analysis Division referred the Harris County Democratic Party and Gerald Birnberg, Treasurer, (Respondents or the Committee) for cumulative errors during the 2007-2008 election cycle which disclosed the Committee was not in substantial compliance with the FECA. A political committee may be referred if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 2 U.S.C. § 437(g).

Respondents have cooperated with RAD since the time of this referral in order to ensure accurate reporting and contend they are determined to fully comply with the provisions of the FECA.

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RECOMMENDATIONS:

1. Approve the attached settlement agreement of Harris County Democratic Party and Gerald Birnberg, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.

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