



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SENSITIVE

MEMORANDUM

February 10, 2011

TO: The Commission

THROUGH: Alec Palmer *AP*
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Lynn M. Fraser *LMF*
Director, ADR Office

BY: Krista J. Roche *KJR*
Assistant Director, ADR Office

SUBJECT: ADR 544 Committee to Re-Elect Vito Fossella and Vito Fossella,
Treasurer, Recommendation to Approve Negotiated Settlement

RESOLUTION TERMS: Pay a civil penalty of \$6,450; disgorge all unrefunded
excessive contributions to the U.S. Treasury; and terminate
the committee.

Attached for your review is a signed ADR Negotiated Settlement pertaining to **ADR 544 (RR 09L-23)**. The ADR Office received this referral on May 25, 2010.

SUMMARY: The Commission referred the Committee to Re-elect Vito Fossella and Vito Fossella, Treasurer, (Respondents or the Committee) for failure to refund excessive contributions. The Reports Analysis Division (RAD) determined that Respondents failed to refund \$35,250 of general election contributions and primary election contributions accepted after the candidate announced he would not seek re-election. The Committee has no remaining funds outside a portion of the unrefunded excessive contributions at issue in this matter.

Recommendation to Approve
Settlement Agreement
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RECOMMENDATIONS:

1. Approve the attached settlement agreement of the Committee to Re-elect Vito Fossella and Vito Fossella, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.

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