



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 28, 2011

Georgea Kontzamanis

Re: ADR 544 (RR09L-23)  
Committee to Re-Elect Vito Fossella and Vito Fossella, Treasurer

Dear Ms. Kontzamanis:

Enclosed is a copy of the executed Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on February 25, 2011, the effective date of the agreement.

Please note the specific time frames for compliance in Paragraph 6 of the agreement. Kindly forward this office by mail or e-mail a statement confirming Respondents' compliance with the settlement terms as each becomes due. The statement should note the date on which Respondents satisfied the term and contain the ADR caption and case number.

The civil penalty payment should be sent to the attention of the Finance Office of the FEC. The civil penalty under the agreement is due on or before March 25, 2011. Please put the ADR case number on the civil penalty check to ensure crediting to the correct case.

As you are aware, the Negotiated Settlement 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.

FEDERAL ELECTION COMMISSION - ALTERNATIVE DISPUTE RESOLUTION OFFICE  
999 E STREET, N.W., WASHINGTON, D.C. 20463  
TELEPHONE: 202.694.1670 FAX: 202.219.0613

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I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion. Should you have any questions or concerns, please do not hesitate to contact this office. We look forward to receiving your statements of compliance and civil penalty payment at the appropriate times.

Sincerely,



Krista J. Roche  
Assistant Director  
Alternative Dispute Resolution Office

Enc: Negotiated Settlement and Certification  
cc: Gwendolyn Holmes, Finance Office

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**Federal Election Commission  
Washington, DC 20463**

Case Number: 544  
Source: RR09L-23  
Case Name: Committee to  
Re-Elect Vito Fossella

### **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 George Kontzamanis representing the Committee to Re-elect Vito Fossella and Vito Fossella, 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 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) determined that Respondents failed to refund excessive primary and general election contributions in the amount of \$35,250. The Committee accepted \$137,975 in general election contributions and \$23,250 in primary election contributions after the candidate announced he would not seek re-election. While the Committee refunded the majority of these excessive contributions, \$35,250 remains unrefunded.
4. Primary election contributions received after the date a candidate withdraws from the election must be refunded, except to the extent that there are net debts outstanding for

the campaign on the date each primary election contribution is received. 2 U.S.C. 441a(f), 11 C.F.R. § 110.1(b)(3). Additionally, if a candidate is not a candidate in a general election, any contributions made for the general election shall be refunded to the contributors. 2 U.S.C. 441a(f), 11 C.F.R. § 102.9(e)(3).


5. Respondents contend that the excessive contributions were not refunded because the Committee's former Treasurer, Christopher Ward, misappropriated from the Committee's bank account leaving insufficient funds to complete all refunds. Respondents initially indicated the total funds misappropriated to be approximately \$15,000 to \$20,000, but upon further review contend that significantly more money may have been at issue. Respondents indicate that Vito Fossella is not seeking re-election in the current election cycle and has not registered to run for federal office in the future.
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) pay a civil penalty of \$6,450.00 within thirty (30) days of the effective date of this agreement; (b) work with FEC staff to terminate the committee within sixty (60) days of the effective date of this agreement; and (c) disgorge all unrefunded excessive contributions remaining in the Committee's account(s) to the United States Treasury within sixty (60) 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 544 (RR09L-23), 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.

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FOR THE COMMISSION:  
Lynn M. Fraser, Director  
Alternative Dispute Resolution Office

  
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Krista J. Roche, Assistant Director

  
\_\_\_\_\_  
Date Signed

FOR THE RESPONDENTS:  
  
\_\_\_\_\_  
Georgca Kontzamanis  
Representing the Committee to Re-elect Vito  
Fossella and Vito Fossella, Treasurer

  
\_\_\_\_\_  
Date Signed

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