



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 21, 2011

Paul Kilgore  
PDS, Inc.  
264 N. Lumpkin Street, # 202  
Athens, GA 30601

Re: ADR 555 (RAD 10L-14)  
Westmoreland for Congress and Ann B. Hand, Treasurer

Dear Mr. Kilgore:

Enclosed is the signed copy of the agreement resolving the referral initiated on December 9, 2011, by the Federal Election Commission ("FEC/Commission") involving Westmoreland for Congress and Ann B. Hand, Treasurer. The agreement for ADR 555 (RAD 10L-14) was approved by the Commission on March 17, 2011 – 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.

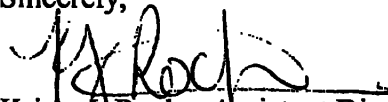
The civil penalty payment should be sent to the attention of the Accounting/Finance Office of the FEC. The civil penalty under the agreement is due on or before April 16, 2011. Please put the ADR case number on the civil penalty check to ensure crediting to the correct case.

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 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.

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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,



Krista J. Roche, Assistant Director  
Alternative Dispute Resolution Office

Enclosure: Negotiated Settlement

cc: Gwen Holmes, Finance and Accounting Office

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Federal Election Commission  
Washington, DC 20463

RECEIVED

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FEC MAIL CENTER

Case Number: ADR 555

Source: RAD 10L-14

Case Name: Westmoreland 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 Paul Kilgore representing Westmoreland for Congress and Ann B. Hand, in her 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 Reports Analysis Division (RAD) referred Respondents for failing to disclose all financial activity on their 2010 12 Day Pre-Primary Report, originally filed on July 8, 2010. On September 16, 2010, the Committee filed an amended 2010 12 Day Pre-Primary Report disclosing additional disbursements of \$88,000.00.
4. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(b)
5. To explain the discrepancy, the Committee responded to a Request for Additional Information from RAD by filing a Miscellaneous Electronic Submission which stated that the "original report was unfortunately incomplete." Respondents contend that there was an oversight in not communicating the issuance of three checks from an office other than campaign headquarters.

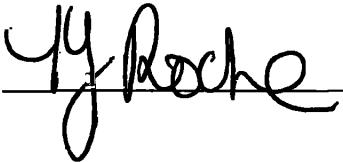
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6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and implement financial procedures consistent with best practices within thirty (30) days of the effective date of this agreement; (b) send a committee representative to a FEC conference within twelve (12) months of the effective date of this agreement; (c) circulate a memo to all campaign staff and volunteers regarding the procedure for reporting receipts and disbursements to campaign headquarters; (d) draft and implement a compliance manual within thirty (30) days of the effective date of this agreement; and (e) pay a civil penalty of \$1,500 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 555 (RAD 10L-14), 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.

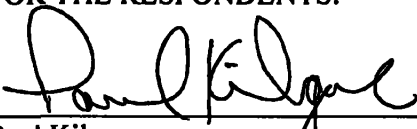
FOR THE COMMISSION:

Krista J. Roche, Assistant Director  
Alternative Dispute Resolution Office

  
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3-18-11  
Date Signed

FOR THE RESPONDENTS:

  
\_\_\_\_\_

Paul Kilgore  
Representing Westmoreland for Congress  
and Ann B. Hand, Treasurer

2-28-11  
Date Signed