



Federal Election Commission
Washington, DC 20463

April 8, 2011

VIA ELECTRONIC MESSAGING

Neil Reiff, Esq.
Sandler Reiff & Young
300 M Street SE, Suite 1102
Washington, DC 20003

Re: ADR 556 (RAD 10L-15)
Congressional Black Caucus and Earl Jenkins, Treasurer

Dear Neil:

Enclosed is the signed copy of the agreement resolving the referral initiated on December 13, 2010 by the Federal Election Commission ("FEC/Commission") involving the Congressional Black Caucus and Earl Jenkins, Treasurer ("Respondents"). The agreement for **ADR 556 (RAD 10L-15)** was approved by the Commission on **April 7, 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 May 7, 2011. Please put the ADR case number on the civil penalty check as well, 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 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.

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

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assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Lynn M. Fraser

Lynn M. Fraser, Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

cc: Gwen Holmes, Finance and Accounting Office
Room 819

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Federal Election Commission
Washington, DC 20463

Case Number: ADR 556
Source: RAD 10L-15
Case Name: Congressional Black Caucus

NEGOTIATED SETTLEMENT

This matter was initiated 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 Neil Reiff, Esq., representing the Congressional Black Caucus and Earl Jenkins, 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 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 2009 Year End Report, as well as their 2010 April Quarterly Report. The Committee filed its original 2009 Year End Report on January 29, 2010. An amended 2009 Year End Report was filed on May 14, 2010 that disclosed additional receipts of \$142,087.64 and additional disbursements of \$135,616.50. Respondents filed an original 2010 April Quarterly Report on April 15, 2010, and an amended 2010 April Quarterly Report on May 14, 2010 that disclosed additional receipts of \$115,000.
4. Treasurers of political committees are required to report all financial activity, including all receipts and disbursements, pursuant to the FECA. U.S.C. §§ 434(a)(1), 434(b)(2), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(a)-(b).
5. Respondents acknowledge inadvertent reporting errors. Respondents contend that upon discovering the omissions, they took immediate steps to ensure the compliance lapses do not reoccur and to correct the record by filing amended reports. In addition, the Committee revised its financial procedures and contracted with an experienced vendor who is, in addition to supervising the Committee's reporting obligations, conducting an internal reconciliation of all financial activity to

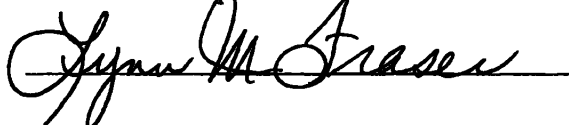
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the reports filed with the Commission from 2006 to the present. At the conclusion of the internal audit, the Committee will certify the results the Commission and file all amended reports to correct the record.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and implement a compliance operations manual which will include, *inter alia*, internal controls consistent with Commission policy, explicit financial procedures and record keeping requirements within thirty (30) days of the effective date of this agreement; (b) conduct annual reconciliation of the Committee's financial activity to its reports annually for four (4) years beginning with CY 2011 and certify the results with the Commission no later than March 1 of the succeeding year; (c) develop and implement a tracking system to respond to communications from the Commission within thirty (30) days of the effective date of this agreement; (d) send a representative to a FEC conference within twelve (12) months of the effective date of this agreement; and (e) pay a civil penalty of \$5,000 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 556 (RAD 10L-15), 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:

Lynn M. Fraser, Director
Alternative Dispute Resolution Office



4/7/2011
Date Signed

FOR THE RESPONDENTS:



Neil Reiff, Esq.
Representing the Congressional Black Caucus and
Earl Jenkins, Treasurer

3/25/11
Date Signed