



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2011

Henry T. Berger, Esq.
127 West 77th Street
New York, NY 10024

Re: ADR 557 (RAD 11L-01)
Mason Tenders District Council of Greater New York & LI PAC and Michael
Prohaska, Treasurer

Dear Mr. Berger:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on January 13, 2011, by the Federal Election Commission ("FEC" or "Commission") involving Mason Tenders District Council of Greater New York & LI PAC and Michael Prohaska, Treasurer ("Respondents"), which was approved on March 24, 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 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 23, 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.

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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: Gwendolyn Holmes, Finance and Accounting Office

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 557

Source: RAD 11L-01

Case Name: Mason Tenders District Council

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 Henry T. Berger, Esq. representing the Mason Tenders District Council of Greater New York & LI PAC and Michael Prohaska, 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 referred Respondents for amending their 2007 Year End Report on October 10, 2010, to disclose additional receipts totaling \$199,362.43, a 45.7% increase over the originally reported activity.
4. Treasurers of political committees are required to report all financial activity, including all receipts, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(2), 11 C.F.R. §§ 104.1, 104.3(a).
5. The Committee contends that due to a software error, some contribution data was not captured on the original report. The Committee further states that the software provider has eliminated the problem and added precautions to avoid an error of this type in the future. The Committee also contends it implemented new internal reporting procedures including reconciliation of records to reports each time a report is filed and monthly bank reconciliation. Additionally, the Committee states it regularly sends representatives to FEC conferences and roundtables.

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6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and implement a compliance manual within thirty (30) days of the effective date of this agreement; (b) attend a FEC conference within twelve (12) months of the effective date of this agreement; and (c) pay a civil penalty of \$2,500 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 557 (RAD 11L-01), 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

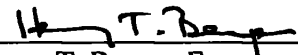


Krista J. Roche, Assistant Director



Date Signed

FOR THE RESPONDENTS:



Henry T. Berger, Esq.
Representing Mason Tenders District Council
of Greater New York & LI PAC and
Michael Prohaska, Treasurer



Date Signed