



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 2012

Teri Davis Newman
12840 N Ridge Drive
Highland, IL 62249

Re: ADR 579 (MUR 6387)
Teri Davis Newman for Congress and Teri Davis Newman, Treasurer

Dear Ms. Newman:

Enclosed is the signed copy of the agreement resolving the matter involving the complaint filed on October 14, 2010 with the Federal Election Commission ("FEC/Commission") against Teri Davis Newman for Congress and Teri Davis Newman, Treasurer ("Respondents"). The agreement for ADR 579 (MUR 6387) was approved by the Commission on June 14, 2012 – 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 certifying 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.

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.

This agreement resolves the matter that was brought to the attention of the FEC by Kevin Hoerner regarding an alleged violation of the federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

12190292645

Sincerely,



Krista J. Roche, Assistant Director
Alternative Dispute Resolution Office
202-694-1661

Enclosure: Agreement

cc: Gwen Holmes, Finance and Accounting Office
Room 819

12190292646



**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 579

Source: MUR 6387

Case Name: Teri Davis Newman for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Kevin T. Hoerner. 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 Federal Election Commission (Commission) entered into negotiations with Teri Davis Newman representing Terri Davis Newman for Congress and Teri Davis Newman, 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 complaint. 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. Complainant Kevin T. Hoerner alleges that Respondents failed to timely file a Statement of Organization, failed to timely file a Statement of Candidacy, and failed to include disclaimers on public communications including yard signs, post cards, newspaper advertisement, website, and a billboard.
4. Each principal campaign committee shall file a Statement of Organization no later than ten days after designation pursuant to 11 C.F.R. § 101.1(a), 2 U.S.C. § 441d, 11 C.F.R. § 110.11. Within fifteen days of becoming a candidate, an individual must file a Statement of Candidacy with the Commission that designates the candidate's principal campaign committee. 2 U.S.C. § 432(e)(1). All public communications for which a political committee makes a disbursement must include a disclaimer. If the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly state that the communication has been paid for by the authorized political committee. 11 C.F.R. §§110.11(b)(1), 110.11(b)(1).

ADR: 579 (MUR 6387)

Page 1

12190292647

12190292648

5. Respondents contend that, as a first time candidate, they were unaware of the requirements to file with the FEC and that the committee had no paid staff or legal counsel. Respondents further contend that she was unaware that items received for free, including the brochures and billboard, required disclaimers. Respondents contend the yard signs were ordered with the proper disclaimer, but the sign company failed to print them as ordered. Respondents contend that upon hearing of the complaint, all materials without disclaimers were removed from public distribution or appropriate disclaimers were appended. Respondent is not a candidate for federal office in the current election cycle and has no plans to run for office again.
6. Respondents acknowledge that a civil penalty would be appropriate under the circumstances of this matter. The Respondents, however, indicate that financial hardship prevents them from paying any civil penalty, and have submitted financial documentation in support of this claim. Due to the mitigating circumstances pertaining to Respondents' material representations, the Commission agrees to depart substantially from the civil penalty justified in this matter. Respondents, in an effort to resolve this matter agree to work with the Commission to terminate the Committee 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, and shall certify compliance with the above settlement terms in writing to the Alternative Dispute Resolution Office on or before the date each term becomes due.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 579 (MUR 6387), 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**



Handwritten signature of Krista J. Roche over a horizontal line.

6/14/12
Date Signed

FOR THE RESPONDENTS:

**Teri Davis Newman
Representing Terri Davis Newman for Congress
and Teri Davis Newman, Treasurer**



Handwritten signature of Teri Davis Newman over a horizontal line.

5/17/12
Date Signed

12190292649