



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 2012

Cleta Mitchell, Esq.
Foley & Lardner, LLP
3000 K Street, NW
Washington, DC 20007

Re: ADR 581 (RAD 11L-18)
Senate Conservatives Fund and Barry Wynn, Treasurer

Dear Ms. Mitchell:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 30, 2011 by the Federal Election Commission ("FEC/Commission") involving Senate Conservatives Fund and Barry Wynn, Treasurer ("Respondents"). The agreement for ADR 581 (RAD 11L-18) was approved by the Commission on February 27, 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. **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 March 26, 2012.¹ 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 in 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.

¹ Please note, if the Commission refers an unpaid civil penalty to the US Treasury or third party collection agent, additional costs and fees will be assessed.

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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 Roche
Assistant Director
Alternative Dispute Resolution Office

Enclosure: Agreement

cc: Gwen Holmes, Finance and Accounting Office

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 581
Source: RAD 11L-18
Case Name: Senate Conservatives Fund

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 Cleta Mitchell, Esq., representing Senate Conservatives Fund and Barry Wynn, 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 or the Committee for failing to disclose all financial activity on their 2010 12 Day Pre-General Report. Respondents filed the original 2010 12 Day Pre-General Report on October 21, 2010. On December 7, 2010, the Committee filed an amended report that disclosed additional disbursements totaling \$167,080.51.
4. Respondents duly filed Independent Expenditure reports which contained the correct disbursement amounts, timely filed within either 24 or 48 hours of public dissemination of the disbursements as required by FECA and the FEC regulations.
5. Treasurers of political committees are required to report all financial activity, including all disbursements and independent expenditures, pursuant to the FECA. 2 U.S.C. §§ 434(a)(1), 434(b)(4), 11 C.F.R. §§ 104.1, 104.3(b), 2 U.S.C. §434(b), (d), (g) and 11 C.F.R. §104.4.

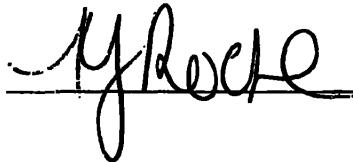
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6. One particular disbursement at issue in this matter, an independent expenditure on October 5, 2010, was mistakenly entered in the amount of "\$9289" rather than the correct amount of "\$159289" as appeared on the amended report. This independent expenditure, representing \$150,000 of the \$167,010.51 in omitted disbursements, was reported by Respondents prior to the election on a timely-filed 24-Hour Notice dated October 7, 2010.
7. Respondents, in an effort to resolve this matter, agree to pay a civil penalty of \$2,000 within thirty (30) days of the effective date of this agreement.
8. 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.
9. 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.
10. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with paragraph 6 above, and shall certify compliance with the payment of the civil penalty.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 581 (RAD 11L-18), 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.

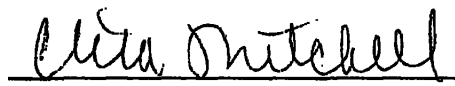
FOR THE COMMISSION:

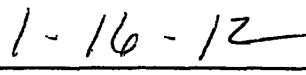
Krista J. Roche, Assistant Director
Alternative Dispute Resolution Office




_____ Date Signed

FOR THE RESPONDENTS:


_____ Cleta Mitchell, Esq.
Representing Senate Conservatives Fund and
Barry Wynn, Treasurer


_____ Date Signed

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