



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2012 FEB 16 A

**SENSITIVE**

**MEMORANDUM**

TO: The Commission

February 15, 2012

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Lynn M. Fraser *LMF*  
Director, ADR Office

SUBJECT: ADR 590 Marco Rubio for US Senate and Keith A. Davis, Treasurer, Recommendation to Approve Settlement Agreement

**RESOLUTION TERMS:** Send a representative to a FEC conference; develop and certify implementation of a compliance operations manual which includes internal controls consistent with the Commission's Best Practices for Committee Management (2009 update) and a process to track receipt of, and response to, communications with the Commission; certify the appointment of a Committee compliance specialist to interface with the compliance vendor; and pay a civil penalty of \$8,000.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to **ADR 590 (RAD 11L-24)**. The ADR Office received this referral on August 30, 2011.

**SUMMARY:** In this case, the Reports Analysis Division (RAD) referred Respondents for receiving prohibited, excessive, and other impermissible contributions totaling \$210,173.09 for the 2010 Primary and General Elections. The Committee did not refund, reattribute, or redesignate these contributions within the appropriate timeframes.

Respondents contend that they refunded all contributions noted in the referral. They further contend that their internal audit demonstrated that the actual amount of excessive contributions not refunded, reattributed or redesignated timely was \$61,958, with an additional \$22,400 in contributions for which it was clearly stated on the check or transmittal device that the funds were a joint contribution, but the Committee failed to send the letter requesting written verification of the joint contribution.

Recommendation to Approve  
Settlement Agreement  
ADR 590 (RAD 11L-24)  
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