



Federal Election Commission
Washington, DC 20463

May 9, 2012

Timothy E. Gottschalk, Treasurer
Moran for Kansas
P.O. Box 541
Belleville, KS 66935-0541

Re: ADR 602 (RAD12L-05)
Moran for Kansas and Timothy E. Gottschalk, Treasurer

Dear Mr. Gottschalk:

Enclosed is the signed copy of the agreement resolving the referral initiated on February 2, 2012 by the Federal Election Commission ("FEC/Commission") involving Moran for Kansas and Timothy E. Gottschalk, Treasurer ("Respondents"). The agreement for **ADR 602 (RAD12L-05)** was approved by the Commission on **March 8, 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 June 8, 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 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

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

Sincerely,

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 602
Source: RAD 12L-05
Case Name: Moran for Kansas

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 Timothy E. Gottschalk representing Moran for Kansas and Timothy E. Gottschalk, 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 2010 30 Day Post-General Report. Respondents filed two Amended 2010 30 Day Post-General Reports, on May 9, 2011 and August 29, 2011 respectively, disclosing additional debt of \$180,661.64.
4. Treasurers are required to disclose the amount and nature of outstanding debts and obligations owed by or to the political committee. 2 U.S.C. § 434(b)(8), 11 C.F.R. § 104.3(d). If the exact amount of a debt or obligation is not known, the report shall state that the amount reported is an estimate. Once the exact amount is determined, the political committee shall either amend the report(s) containing the estimate or indicate the correct amount on the report for the reporting period in which such amount is determined. 11 C.F.R. § 104.11(b).
5. Respondents contend that the debt was not disclosed on the original 2010 30 Day Post-General Report because they received the invoices after the original filing date.

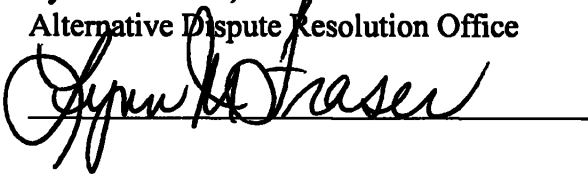
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Respondents further contend that they revised financial procedures to ensure future compliance.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a second level review of all FEC reports prior to the report being filed within thirty (30) days of the effective date of this agreement; (b) 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 within sixty (60) days of the effective date of this agreement; and (c) pay a civil penalty of \$3,500 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, 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 602 (RAD 12L-05), 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



5-8-2012

Date Signed

FOR THE RESPONDENTS:


Timothy E. Gottschalk
Representing Moran for Kansas and
Timothy E. Gottschalk, Treasurer

3-28-2012

Date Signed

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