



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 MAY 18 P 3 23

**SENSITIVE**

**MEMORANDUM**

May 18, 2012

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Lynn M. Fraser *LMF*  
Director, ADR Office

BY: Krista J. Roche *KJR*  
Assistant Director, ADR Office

SUBJECT: ADR 609 John Kennedy for U.S. Senate, Inc.. and Keith Davis, Treasurer.  
Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Work with Commission staff to terminate the Committee and  
pay a civil penalty of \$2,376.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to  
ADR 609 (Audit 09-05). The ADR Office received this referral on March 5, 2012.

**SUMMARY:** The Audit Division (Audit) referred John Kennedy for U.S. Senate, Inc.. and Keith Davis, Treasurer (Respondents or the Committee) for a violation detailed in the Final Audit Report of the Commission approved on February 27, 2012. Specifically, an audit of the 2008 election cycle revealed that the Committee received excessive contributions totaling \$224,722. In response to the Interim Audit Report, Respondents provided copies of presumptive redesignation and/or reattribution letters, photocopies of negotiated refund checks, and a check to the U.S. Treasury. The Audit staff concluded that the Committee had materially resolved all excessive contributions, albeit in an untimely manner.

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**RECOMMENDATIONS:**

1. Approve the attached settlement agreement of John Kennedy for U.S. Senate, Inc., and Keith Davis, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.