



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 28, 2012

Rebecca Gordon, Esq.  
Perkins Coie  
700 Thirteenth Street, NW, Suite 600  
Washington, DC 20005

Re: ADR 615 (RAD 12L-21))  
National Committee to Preserve Social Security & Medicare PAC and Christine  
Kim, Treasurer

Dear Ms. Gordon:

Enclosed is the signed copy of the agreement resolving the referral initiated on May 10, 2012 by the Federal Election Commission ("FEC/Commission") involving National Committee to Preserve Social Security & Medicare PAC and Christine Kim, Treasurer ("Respondents"). The agreement for ADR 615 was approved by the Commission on August 23, 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 September 22, 2012.<sup>1</sup> 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

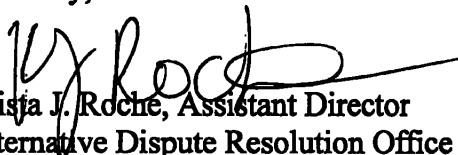
<sup>1</sup> Please note, if the Commission refers an unpaid civil penalty to the US Treasury or third party collection agent, additional costs and fees will be assessed.

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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 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,

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

Enclosure: Agreement

cc: Gwen Holmes, Finance and Accounting Office  
Room 819

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**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 615  
Source: RAD 21L-21  
Case Name: National Committee to Preserve  
Social Security and Medicare PAC

**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 Rebecca Gordon, Esq., representing the National Committee to Preserve Social Security & Medicare PAC and Christine Kim, 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 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 this Committee for receiving \$98,888.24 from its connected organization for the reimbursement of salary and benefits paid by the Committee. The reimbursement occurred ninety-four (94) days after it was received, outside the permissible timeframe of thirty (30) days.
4. A separate segregated fund may not be reimbursed for administrative expenses from its collecting agent later than thirty (30) days after the expense was paid by the separate segregated fund. 2 U.S.C. §441b, 11 C.F.R. §114.5(b)(3).
5. Respondents contend that this is a one-time, isolated error. Respondents further contend that prompt action was taken to correct the error. The Committee was notified of the error by letter dated June 1, 2011, and refunded the administrative

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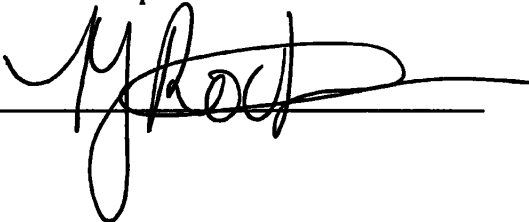
expense in question on June 9, 2011. Respondents contend that the Board of Directors that authorized the transfer of funds to the Committee was unaware of the thirty day requirement to make such transfers. Respondents contend that the Committee has subsequently amended its procedures. Now, major decisions by the connected organization's Board of Directors on Committee matters may not be implemented without prior notification and review by the Committee's treasurer and administrator.

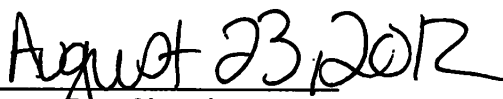
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a compliance operations manual which includes internal controls consistent with the Commission's Best Practices for Committee Management (2009 update) and a process to track receipt of, and response to, communications with the Commission within sixty (60) days of the effective date of this agreement; (b) circulate to the collecting organization's Board of Directors a written policy and procedure document, including a detailed explanation of the law, regarding transfers between the Committee and its connected organization within thirty (30) days of the effective date of this agreement; and (c) pay a civil penalty of \$7,500 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 615 (RAD 12L-21), 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.

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FOR THE COMMISSION:

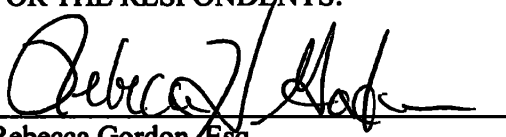
Krista J. Roche, Assistant Director  
Alternative Dispute Resolution Office

  
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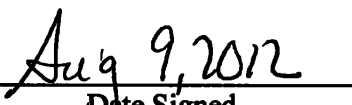
  
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Date Signed

FOR THE RESPONDENTS:

  
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Rebecca Gordon, Esq.  
Representing National Committee to  
Preserve Social Security & Medicare PAC  
and Christine Kim, Treasurer

  
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Date Signed

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