



Federal Election Commission  
Washington, DC 20463

August 19, 2013

William McGinley, Esq.  
PATTON BOGGS, LLP  
2550 M Street, NW  
Washington, DC 20037

Re: ADR 629  
Randy Hultgren for Congress and Paul Kilgore, Treasurer

Dear Mr. McGinley:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on March 19, 2013 by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on August 15, 2013—the effective date of the agreement.

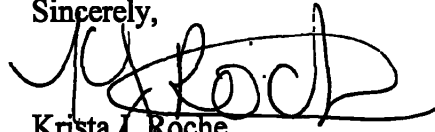
Note the specific time frames for compliance in Paragraph 6 of the agreement. **Please forward to this office, a statement confirming Respondent's compliance with the terms listed in the aforementioned agreement.** The letter should note the dates on which Respondents satisfied each of the terms listed 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 14, 2013. 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 Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our 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.

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.

13190293345

Sincerely,



Krista J. Roche  
Assistant Director  
Alternative Dispute Resolution Office

Enc: Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

13190293346



Federal Election Commission  
Washington, DC 20463

Case Number: ADR 629  
Source: Audit 11-01  
Case Name: Randy Hultgren for Congress

### 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 William McGinley, Esq. and Glenn Willard, Esq. representing Randy Hultgren for Congress and Paul Kilgore<sup>1</sup>, 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 Audit Division referred the Committee for misstatement of financial activity, as detailed in the Final Audit Report approved by the Commission on March 4, 2013. In 2010, the Committee understated receipts by \$83,278.
4. Treasurers of political committees are required to report all financial activity, including all receipts. 2 U.S.C. §§ 434(a)(1), 434(b)(2), 11 C.F.R. §§ 104.1, 104.3(a)
5. In response to the Interim Audit Report, the Committee filed amended reports that materially corrected the misstatement.
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,

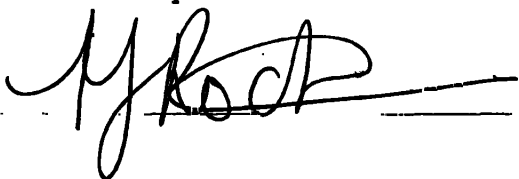
<sup>1</sup> Paul Kilgore was not Treasurer at the time the transactions covered by this settlement agreement occurred.

communications with the Commission within sixty (60) days of the effective date of this agreement; (b) send a staff representative to an FEC seminar within twelve (12) months of the effective date of this training; and (c) pay a civil penalty of \$2,500 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 629 (Audit 11-01), 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:

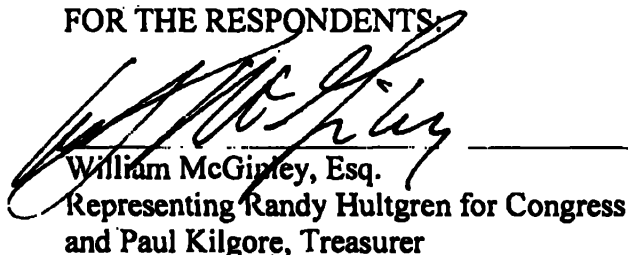
Krista J. Roche, Assistant Director  
Alternative Dispute Resolution Office



8/15/13  
Date Signed

FOR THE RESPONDENTS:

William McGintey, Esq.  
Representing Randy Hultgren for Congress  
and Paul Kilgore, Treasurer



8/15/2013  
Date Signed

13190293348