



Federal Election Commission
Washington, DC 20463

February 12, 2014

Jay Specter
Andre Bauer for Congress
P.O. Box 2222
North Myrtle Beach, SC 29598

Re: ADR 641 (RAD 13L-18)
Andre Bauer for Congress and Randall Cole, Treasurer

Dear Mr. Specter:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 3, 2013, by the Federal Election Commission ("FEC/Commission") Andre Bauer for Congress and Randall Cole, Treasurer ("Respondents"). The agreement for ADR 641 (RAD 13L-18) was approved by the Commission on February 2, 2014— 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 March 8, 2014.¹ 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 complaint/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

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.

14190293812

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,



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

Enclosure: Agreement

cc: Gwen Holmes, Finance and Accounting Office

14190293813



Federal Election Commission
Washington, DC 20463

Case Number: ADR 641
Source: RAD 13L-18
Case Name: Andre Bauer 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 Jay Specter representing Andre Bauer for Congress and Randall Cole, 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.

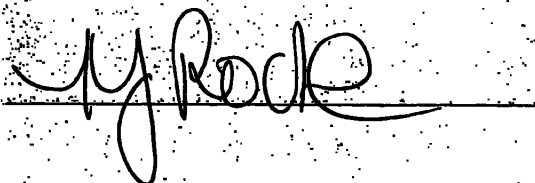
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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 referred Respondents for failing to disclose all financial activity. The Committee amended its 2012 October Quarterly Report to disclose additional disbursements of \$102,750 for the repayment of a candidate loan.
4. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA, 2 U.S.C. § 434(b) (4), 11 C.F.R. § 104.3 (b).
5. Respondents contend that the error was inadvertent, and the result of using the wrong data file when filing the 2012 October Quarterly Report. The individual responsible for the error has been removed, and the Committee now utilizes an experienced compliance vendor.

- 14190293815
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) send a representative to an FEC seminar, and (b) pay a civil penalty of \$3,100 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 641 (RR 13L-18), 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





Date Signed

FOR THE RESPONDENTS:



Jay Specter
Representing Andre Bauer for Congress and
Randall Cole, Treasurer



Date Signed