



Federal Election Commission  
Washington, DC 20463

November 12, 2013

W. Alan Wilk, Esq.  
Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

Re: ADR 642 (RAD13L-22)  
Hardworking Americans Committee and Randall Thompson, Treasurer

Dear Mr. Wilk:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 18, 2013 by the Federal Election Commission ("FEC/Commission") involving the Hardworking Americans Committee and Randall Thompson, Treasurer ("Respondents"). The agreement for **ADR 642 (RAD13L-22)** was approved by the Commission on November 7, 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 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 December 7, 2013.<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 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

<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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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,

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 642

Source: RAD 13L-22

Case Name: Hardworking Americans Committee

### **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 W. Alan Wilk, Esq., representing the Hardworking Americans Committee and Randall Thompson, 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 timely file one (1) 24-Hour Report for an independent expenditure made after the 20<sup>th</sup> day but more than 24 hours before the 2012 General Election. Specifically, the Committee failed to timely file a 24-Hour Report for an independent expenditure made on October 26, 2012, totaling \$30,000, in opposition to Debbie Stabenow for the 2012 General Election.
4. A person, including a political committee that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g), 11 C.F.R. § 104.4(c).
5. Respondents acknowledge inadvertently failing to timely file a 24-Hour Report for one independent expenditure. Respondents contend, however, that all other 24-Hour Reports for independent expenditures totaling \$1,139,079 were timely filed. This one independent expenditure was overlooked due to the fact that there was another independent expenditure in the same amount to the same vendor a few days later, and staff failed to note there were two

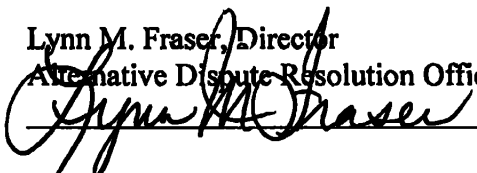
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disbursements to the same vendor in the same amount. Respondents contend the independent expenditure was, however, included on the Schedule E (Itemized Independent Expenditures) disclosing eleven (11) independent expenditures filed with the 30 Day Post-General Report on December 6, 2012. The Committee made changes to its financial procedures and staff to ensure timely and accurate reporting.

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) send a representative to a FEC conference within twelve (12) months of the effective day of this agreement; (c) develop and implement an internal training program for staff within sixty (60) days of the effective date of this agreement; and (d) pay a civil penalty of \$2,000 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 642 (RAD 13L-22), 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:

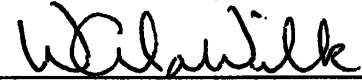
Lynn M. Fraser, Director  
Alternative Dispute Resolution Office

  
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11-7-2013

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Date Signed

FOR THE RESPONDENTS:

  
\_\_\_\_\_  
W. Alan Wilk, Esq.  
Representing the Hardworking Americans Committee  
And Randall Thompson, Treasurer

9.16.13

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Date Signed

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