



Federal Election Commission
Washington, DC 20463

March 27, 2014

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

Re: ADR 651
Montanans for Rehberg and Lorna Kuney, Treasurer

Dear McGinley:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on July 23, 2013 by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on March 20, 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 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 April 19, 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 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.

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.

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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

Enc: Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 651
Source: RAD 13L-27
Case Name: Montanans for Rehberg

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. representing Montanans for Rehberg and Lorna Kuney, 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.

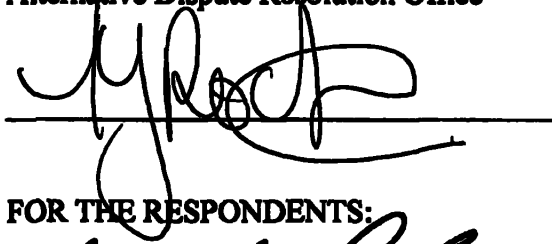
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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 Respondents for failing to disclose all financial activity on their 2012 30 Day Post-General Report. The Committee amended the report on May 6, 2013 to disclose additional receipts totaling \$125,686.31.
4. Treasurers of political committees are required to report all financial activity, including all receipts, pursuant to the FECA. 2 U.S.C. §434(b)(2), 11 C.F.R. §104.3(a).
5. The Committee contends that the omitted receipts included 2,637 contributions received on December 3, 2012 from a direct mail fundraising vendor. The Committee contends that it was impossible to record these contributions quickly enough to report them in a timely fashion, but that it amended the original report to ensure full disclosure.

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6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) send a representative to an FEC seminar within twelve (12) months of the effective date of this agreement; (b) perform an internal audit and reconciliation for reports filed in calendar year 2014, providing certification of that review on the first anniversary of the effective date of this agreement; and (c) pay a civil penalty of \$3,250 within thirty (30) days of the effective date of this agreement.
 7. In the event that Dennis Rehberg determines he will not run for election to federal office and wishes to terminate this Committee prior to the anniversary of the effective date of this agreement, the Committee will provide the certification due under subsection (b) of paragraph 6 upon filing the request for termination with the Commission. Under these circumstances, the Committee will not be required to satisfy the requirements of subsection (a) of paragraph 6. Subsection (c) of paragraph 6 will not be altered. In the event that Dennis Rehberg registers with the FEC as a candidate for federal election during the 2014, 2016, or 2018 election cycles using this or any other Committee, performance of subsection (a) of paragraph 6 shall be required within one year of the date of registration.
 8. 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.
 9. 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.
 10. 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.
 11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 651 (RAD 13L-27), 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:

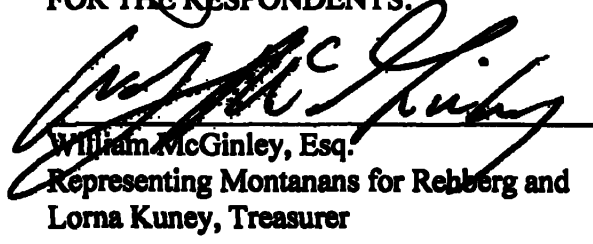
**Krista J. Roche, Assistant Director
Alternative Dispute Resolution Office**



Handwritten signature of Krista J. Roche over a horizontal line.

3/20/14
Date Signed

FOR THE RESPONDENTS:



Handwritten signature of William McGinley over a horizontal line.

**William McGinley, Esq.
Representing Montanans for Reberg and
Lorna Kuney, Treasurer**

2/26/2014
Date Signed

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