



Federal Election Commission
Washington, DC 20463

December 23, 2013

Edwin B. Peacock, Jr.
Edwin Peacock for Congress
1115 East Morehead Street
Charlotte, NC 28204-2857

Re: ADR 553
Edwin Peacock for Congress and Donald Wofford Millen, Jr., Treasurer

Dear Mr. Peacock:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on August 6, 2013 by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on December 17, 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.

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.

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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 653
Source: RAD 13L-32
Case Name: Edwin Peacock 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, Commission entered into negotiations with Edwin B. Peacock, Jr., Assistant Treasurer of Edwin Peacock for Congress, representing Edwin Peacock for Congress and Donald Wofford Millen, Jr., 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 on the 2012 July Quarterly Report. The Committee filed an amendment to that report to disclose additional disbursements totaling \$205,953.05 for the partial repayment of a candidate loan totaling \$249,999. The remaining balance was forgiven by the candidate.
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 not including disbursement on the initially-filed report was an inadvertent clerical error which was remedied promptly after discovery with the guidance and assistance of FEC staff; the public record is now accurate and the

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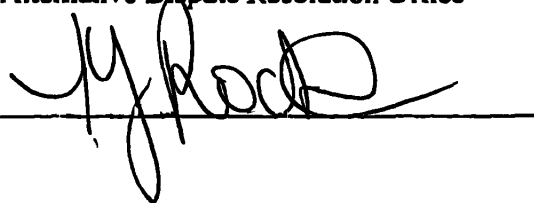
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relevant report was properly amended. Respondents further contend that the Committee was a new, volunteer organization who found the software difficult to use.

- 6. The Respondents indicate that financial hardship prevents them from paying any civil penalty, and submit financial documentation in support of this. The Committee will work with Commission staff to terminate its reporting obligations within ninety (90) 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. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the term of this agreement as set out in paragraph 6 above, and shall certify compliance in writing to the Alternative Dispute Resolution Office on or before the date due.
- 9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 653 (RAD 13L-32), 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



12/17/13
Date Signed

FOR THE RESPONDENTS:


Edwin Peacock, Jr.
Assistant Treasurer, Edwin Peacock for Congress
Representing Edwin Peacock for Congress
and Donald Wofford Millen, Jr., Treasurer

September 26, 2013
Date Signed