



Federal Election Commission
Washington, DC 20463

November 7, 2013

David N. Martin, Treasurer
Rethink PAC
202 Bonham Road
Dedham, MA 02026-5404

Re: ADR 661 (RR 13L-16)
Rethink PAC and David N. Martin, Treasurer

Dear Mr. Martin:

Enclosed is the signed copy of the agreement resolving the referral initiated on May 21, 2013 by the Federal Election Commission ("FEC/Commission") involving Rethink PAC and David N. Martin, Treasurer ("Respondents"). The Negotiated Settlement was approved by the Commission on November 6, 2013 – the effective date of the agreement.

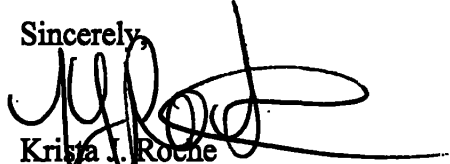
Note the specific time frames for compliance in Paragraph 6 of the agreement. **Please forward to this office, a statement confirming Respondent's compliance with the terms listed in the aforementioned agreement.** The letter should note the dates on which Respondents satisfied each of the terms listed 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 December 6, 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.

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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 661
Source: RR 13L-16
Case Name: Rethink PAC

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 David N. Marin representing Rethink PAC and David N. Martin, 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 Office of General Counsel (OGC) transferred a matter involving Rethink PAC and David N. Martin, Treasurer (Respondents or the Committee), which was initially referred to OGC by the Reports Analysis Division. A review of reports indicated that the Committee failed to file one 24-Hour Report to support one independent expenditure totaling \$59,000.08. That expenditure was disclosed on November 26, 2012.
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. The Committee contends that the omission was discovered during a routine review of disbursements conducted in preparation for filing the 2012 Post-General Report. On November 26, 2013, the Committee filed the missing 24-Hour Notice to ensure the

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accuracy of the public record. The Committee contends that staff have reviewed procedures to ensure that future independent expenditures are reported in a timely manner.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) perform an annual internal audit and reconciliation, providing annual certification of that review on the anniversary of the effective date of this agreement each year (2014 and 2015); (b) attend an FEC conference within twelve (12) months of the effective date of this agreement; and (c) pay a civil penalty of \$4,500 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 661 (RR13L-16), 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



11/6/13
Date Signed

FOR THE RESPONDENTS:



David N. Martin
Representing Rethink PAC and
David N. Martin, Treasurer

10/23/2013

Date Signed

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