



Federal Election Commission
Washington, DC 20463

January 31, 2014

Mark Braden, Esq.
Baker Hostetler
1050 Connecticut Avenue, NW, Suite 1100
Washington, DC 20036

Re: ADR 662 (RAD 13L-40)
America's Next Generation LLC d/b/a/ The Next Generation and Lance Davis,
Treasurer

Dear Mr. Braden:

Enclosed is the signed copy of the agreement resolving the referral initiated on September 17, 2013 by the Federal Election Commission ("FEC/Commission") involving America's Next Generation LLC d/b/a/ The Next Generation and Lance Davis, Treasurer ("Respondents"). The agreement for **ADR 662 (RAD 13L-40)** was approved by the Commission on **January 28, 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 February 28, 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 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

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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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.

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 662
Source: RAD 13L-40
Case Name: America's Next Generation LLC
d/b/a/ The Next Generation

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 Mark Braden, Esq., representing America's Next Generation LLC d/b/a/ The Next Generation and Lance Davis, 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:

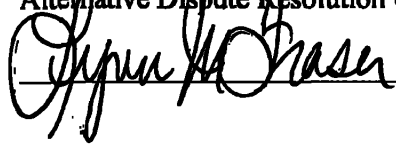
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 (RAD) referred Respondents for failing to disclose all financial activity on their 2012 July Quarterly Report and their 2012 12 Day Pre-General Report. The Committee filed two amended 2012 July Quarterly Reports on March 31, 2013 that disclosed additional debts of \$143,010.20. The Committee filed an amended 2012 12 Day Pre-General Report on April 3, 2013 that disclosed additional debts of \$89,884.34.
4. Treasurers of political committees are required to report all financial activity, including all receipts, disbursements, and debts, pursuant to the FECA. 2 U.S.C. §§ 434(b)(2), (4), and (8), 11 C.F.R. §§ 104.3(a), (b), and (d).
5. Respondents acknowledge inadvertently omitting some of their debt on the 2012 July Quarterly Report and the 2012 12 Day Pre-General Report due to untimely and/or incomplete receipt of invoices. When the Committee realized what occurred, a new process was developed to accurately and completely track the expenditures and obligations outstanding, and amended reports were filed.

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- 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), a process to track receipt of, and response to, communications with the Commission, and tracking the dates the work is performed on the vendor invoices, the payment application data, and getting work-in-process files from the vendor showing un-invoiced work that has been performed during the reporting period within sixty (60) days of the effective date of this agreement; and (b) pay a civil penalty of \$5,800 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 662 (RAD 13L-40), 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. Frasen, Director
Alternative Dispute Resolution Office



January 28, 2014
Date Signed

FOR THE RESPONDENTS:


E. Mark Braden, Esq.
Representing America's Next Generation LLC
d/b/a/ The Next Generation and Lance Davis, Treasurer

Dec. 26 2013
Date Signed