



Federal Election Commission
Washington, DC 20463

March 11, 2014

Robert Harms, Chairman
North Dakota Republican Party
1029 North 5th Street
Bismarck, ND 58501

Re: ADR 670 (RAD 13L-51)
North Dakota Republican Party and Shane Goettle, Treasurer

Dear Mr. Harms:

Enclosed is the signed copy of the agreement resolving the referral initiated on November 19, 2013 by the Federal Election Commission ("FEC/Commission") involving the North Dakota Republican Party and Shane Goettle, Treasurer ("Respondents"). **The agreement for ADR 670 (RAD13L-51) was approved by the Commission on March 6, 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 first installment of the civil penalty under the agreement is due on or before April 7, 2014. The second installment of the civil penalty under the agreement is due on or before May 6, 2014.¹ Please put the ADR case number on each 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

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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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 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 670
Source: RAD 13L-51
Case Name: North Dakota Republican Party

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 Robert Harms, Chairman of the North Dakota Republican Party, representing the North Dakota Republican Party and Shane Goettle, 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 the Respondents for the cumulative nature of deficiencies on reports filed with the Commission in the 2012 election cycle which disallowed the Committee was not in substantial compliance with the FECA.
4. A political committee may be referred if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 2 U.S.C. § 437(g).
5. Respondents acknowledge that when the new business manager began approximately 4 years ago, they noted inconsistencies in reporting. They contend they then hired an accounting firm to complete an internal audit, and made significant changes in financial procedures. Respondents contend that they filed amended reports to correct the record as a result of an earlier audit, as well as their own internal reconciliation of financial records to FEC reports.

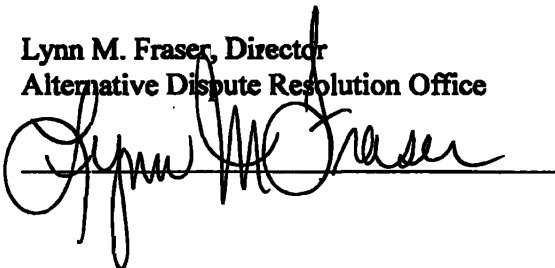
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- 6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a compliance operations manual which includes internal controls consistent with the Commission's Best Practices for Committee Management (2009 update) 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 an FEC conference within twelve (12) months of the effective date of this agreement; and (c) pay a civil penalty of \$5,000 in two payments, with the first payment of \$2,500 within thirty (30) days of the effective date of this agreement, and the second payment of \$2,500 within thirty (30) days thereafter.
- 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 will submit any unpaid civil penalty to the U.S. Treasury for collection or may 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 670 (RAD 13L-51), 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



3-6-14
Date Signed

FOR THE RESPONDENTS:

Robert Harms
Robert Harms, Chairman of the
North Dakota Republican Party
Representing the North Dakota Republican Party
And Shane Goettle, Treasurer

2-12-14
Date Signed