



Federal Election Commission
Washington, DC 20463

May 22, 2014

Karl J. Sandstrom, Esq.
Andrew H. Werbrock, Esq.
PERKINS COIE
700 Thirteenth Street, NW, Suite 600
Washington, DC 20005-3960

Re: ADR 673
Nolan for Congress Volunteer Committee and James A. Dechaine, Treasurer

Dear Mr. Sandstrom and Mr. Werbrock:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on December 13, 2013 by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on May 22, 2014 – the effective date of the agreement.

Note the specific time frames for compliance in Paragraph 7 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 7, 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 June 21, 2014.¹ Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

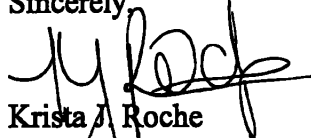
As you are aware, the Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our negotiations, and reports prepared for the 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: Nolan for Congress Volunteer Committee
Source: RAD 13L-52
Case Name: ADR 673

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 Andrew Werbrock, Esq. representing the Nolan for Congress Volunteer Committee and James A. Dechaine, 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 October Quarterly Report. On October 15, 2012, the Committee filed the original 2012 October Quarterly Report. On April 26, 2013, the Committee filed an Amended 2012 October Quarterly Report disclosing \$230,423.83 in disbursements not included on the original report.
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. In a Miscellaneous Electronic Submission (Form 99) filed on June 21, 2013, the Committee states that it retained a new compliance vendor who undertook a complete review of its 2011 and 2012 reports and filed an omnibus set of amendments (including this amendment) to correct the public record. Respondents contend his review was completed prior to the Reports Analysis Division's referral of this matter

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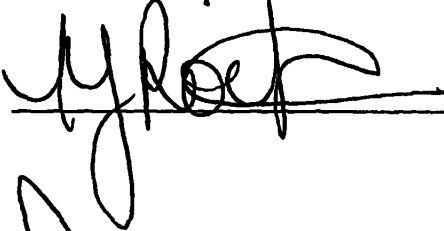
and the corrected reports were prepared and filed at Respondents' own initiative and expense.

6. Early in the campaign, reports were filed by staff and volunteers inexperienced in federal campaign finance reporting. As the campaign grew after the primary election, the Committee asserts there was a transition of financial staff which led to reporting errors. The Committee contends it has since hired an experienced compliance vendor to file reports in order to ensure compliance with the FECA. The Committee states that \$189,593.77 of the disbursements originally omitted from the 2012 October Quarterly Report was for four large wire transfers for advertising. In response, the Committee contends it has changed procedures surrounding the processing of wire transfers, including performing additional reconciliations and switching accounts to a financial institution that reflects wire transfers in real-time on electronic banking statements.
7. Respondents, in an effort to avoid similar errors in the future, agree to: (a) retain an outside consultant to review its compliance procedures and conduct a training with Committee staff responsible for the Committee's finances within ninety (90) days of the effective date of this agreement; (b) perform a financial reconciliation for reports filed in calendar year 2014, providing certification of that review by March 15, 2015; and (c) pay a civil penalty of \$5,250 within thirty (30) days of the effective date of this agreement.
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 7 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 673 (RAD 13L-52), 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.

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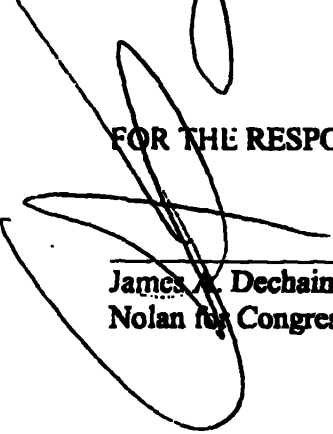
FOR THE COMMISSION:

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



5/22/14
Date Signed

FOR THE RESPONDENTS:



**James A. Dechaine, Treasurer
Nolan for Congress Volunteer Committee**

5/3/14
Date Signed

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