



FEDERAL ELECTION COMMISSION SECRETARIAT

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Federal Election Commission  
Washington, DC 20463

**SENSITIVE**

**MEMORANDUM**

July 28, 2014

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Lynn M. Fraser *LMF*  
Director, ADR Office

SUBJECT: ADR 700 Obama for America and Martin H. Nesbitt, Treasurer,  
Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Pay a civil penalty of \$12,000.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to ADR 700 (RAD 14L-01). The ADR Office received this referral on February 26, 2014.

**SUMMARY:** In this case, the Reports Analysis Division (RAD) referred Obama for America and Martin H. Nesbitt, Treasurer (Respondents or the Committee) for a failure to timely refund, reattribute or redesignate excessive contributions made for the 2012 Primary and General Elections. Respondents received excessive contributions totaling \$160,271.74 for the 2012 Primary and General Elections from two hundred (200) individuals. The Committee did not refund, reattribute, or redesignate these excessive contributions within the permissible timeframe.

Respondents contend that they had a very robust compliance process, and that they worked consistently to remedy excessive contributions. Due to the sheer volume that process took time, but the Committee remedied all but \$2,352 of the excessive contributions. Respondents further contend that the contributions identified in this referral as excessive and not remedied timely represented less than .03% of the total contributions. The Committee consistently filed amended reports to correct the record as the process to remedy the excessive contributions continued.

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