



Federal Election Commission  
Washington, DC 20463

June 19, 2014

Jason Torchinsky, Esq.  
Holtzman Vogel Josefiak PLLC  
45 North Hill Drive, Suite 100  
Warrenton, VA 20186

Re: ADR 702 (P-MUR 570)  
Republican Party of Florida and Jeff Howell, Treasurer

Dear Mr. Torchinsky:

Enclosed is the signed copy of the agreement resolving the *sua sponte* submission of January 28, 2014 filed with the Federal Election Commission (FEC/Commission) by the Republican Party of Florida and Jeff Howell, Treasurer (Respondents). The agreement for ADR 702 (P-MUR 570) was approved by the Commission on June 10, 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 confirming Respondent's compliance with the terms listed in paragraph 6 of 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 July 10, 2014. 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 *sua sponte* submission 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 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 issues involved in the *sua sponte* submission. 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 and Adam Liu, Accounting and Finance Office

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Federal Election Commission  
Washington, DC 20463

Case Number: ADR 702  
Source: P-MUR 570  
Case Name: Republican Party of Florida

### NEGOTIATED SETTLEMENT

This matter was initiated by a *sua sponte* submission. 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 Federal Election Commission (Commission) entered into negotiations with Jason Torchinsky, Esq., Michael Bayes, Esq., and Lauren Battey-Baubauer, Esq., representing the Republican Party of Florida and Jeff Howell, 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:

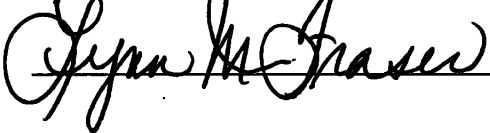
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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. Respondents filed this *sua sponte* submission on January 28, 2014. The Committee self-reported that it failed to file 48-Hour Reports for eleven (11) independent expenditures in the amount of \$213,905.06 made between December 6, 2013 and January 17, 2014 in connection with the March 11, 2014 special general election in Florida's 13<sup>th</sup> Congressional District. The 48-Hour Reports were filed on January 28, 2014 and the independent expenditures were disclosed on Schedule E of the 2013 Year End Report filed January 31, 2014 and the 2014 February Monthly Report filed February 20, 2014.
4. Respondents contend that the failure to file these reports was an inadvertent oversight, and that they have updated internal procedures to ensure that this omission does not reoccur.
5. A person, including a political committee, that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20<sup>th</sup> day before the date of an election shall file a report describing the expenditures within 48 hours. After a person files an initial report under this section, the person shall file an additional report within 48 hours after each time the person makes or contracts to make

independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates. 2 U.S.C. § 434(g), 11 C.F.R. § 104.4(b).

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; and (b) pay a civil penalty of \$6,500 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 702 (P-MUR 570), 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.

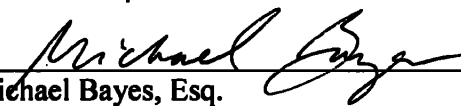
FOR THE COMMISSION:

Lynn M. Fraser, Director  
Alternative Dispute Resolution Office

  
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6-10-2014  
Date Signed

FOR THE RESPONDENTS:

  
Michael Bayes, Esq.  
Representing the Florida Republican Party  
And Jeff Howell, Treasurer

4/30/2014  
Date Signed

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