



Federal Election Commission
Washington, DC 20463

October 7, 2014

Ann M. Donaldson
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

Re: ADR 715
Romney for President, Inc. and Darrell Crate, Treasurer

Dear Ms. Donaldson:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on April 14, 2014 by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on October 2, 2014 – the effective date of the agreement.

Note the specific time frames for compliance in Paragraph 6 of the agreement. **The civil penalty payment should be sent to the attention of the Finance Office of the FEC. The civil penalty under the agreement is due on or before November 1, 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.

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

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.

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 Office



**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 715
Source: RAD 14L-11
Case Name: Romney for President, Inc.

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 Romney for President, Inc., and Darrell Crate, 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:

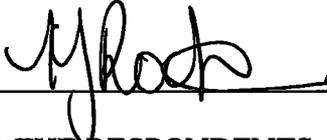
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g).
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division referred Respondents for failure to redesignate, reattribute, or refund excessive and prohibited 2012 Primary and General Election contributions totaling \$187,334.68 within the permissible timeframe.
4. No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,500. 52 U.S.C. §§ 30116(a) and (f) (formerly 2 U.S.C. §§ 441a(a) and (f)), 11 C.F.R. §§ 110.1(b), 110.9 (2012). If a committee receives a contribution that appears to be excessive, the committee must return the check to the donor, deposit the contribution and maintain sufficient funds to potentially make a refund until the legality of the contribution is established, or seek a reattribution or a redesignation of the excessive portion. If the committee does not receive a proper reattribution or redesignation within 60 days of receiving the excessive contribution, the excessive portion must be refunded to the donor. 52 U.S.C. § 30116(a)(1)(A) (formerly 441a(a)(1)(A)), 11 C.F.R. § 103.3(b)(3), (4), and (5). It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a

contribution or expenditure in connection with any election to any political office, and it is unlawful for any candidate or political committee to accept such contributions. 52 U.S.C. §§ 30116 (f), 30118(a) (formerly 2 U.S.C. §§ 441a(f), 441b(a)), 11 C.F.R. §§ 114.2(a), 114.2(d).

5. The Committee received a total of \$478,932,784.11 in receipts for the election cycle. Respondents contend that they implemented substantial compliance procedures in order to handle the volume of contributions received. Due to the sheer volume that process took time, leading to remedies outside the permissible timeframe. Respondents further contend that the contributions identified in this referral as excessive and not remedied timely represented .04% of the total contributions. The Committee consistently filed amended reports to correct the record as the process to remedy the excessive contributions continued.
6. Respondents, in an effort to resolve this matter, agree to pay a civil penalty of \$14,000 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 715 (RAD 14L-11), 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:

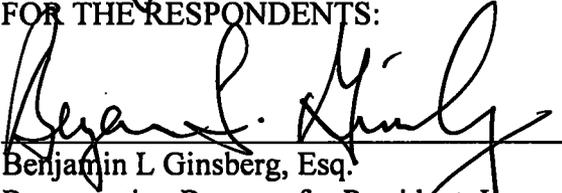
Krista J. Roche, Assistant Director
Alternative Dispute Resolution Office



10/2/04

Date Signed

FOR THE RESPONDENTS:



Benjamin L Ginsberg, Esq.
Representing Romney for President, Inc., and
Darrell Crate, Treasurer

Sept. 15, 2014

Date Signed

10-10-03-0010-0010