



**Federal Election Commission
Washington, DC 20463**

November 12, 2014

Matthew T. Sanderson, Esq.
Caplin & Drysdale, Chartered
One Thomas Circle, NW, Suite 1100
Washington, DC 20005

Re: ADR 726 (RR 14L-03)
Joe Kyrillos For US Senate, Inc. and Ronald Gravino, Treasurer

Dear Mr. Sanderson:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 30, 2014 by the Federal Election Commission (“FEC/Commission”) involving Joe Kyrillos For US Senate, Inc. and Ronald Gravino, Treasurer (“Respondents”). The agreement for **ADR 726 (RR14L-03) was approved by the Commission on November 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 civil penalty under the agreement is due on or before –December 6, 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 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 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

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.

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 and Adam Liu, Finance and Accounting Office
Room 819



**Federal Election Commission
Washington, DC 20463**

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Case Number: ADR 726
Source: RR 14L-03
Case Name: Joe Kyrillos For US Senate, 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 Matthew Sanderson, Esq., representing Joe Kyrillos For US Senate, Inc. and Ronald Gravino, 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:

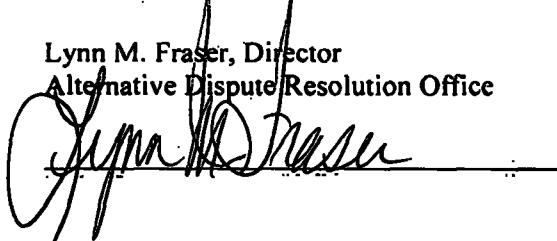
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 (RAD) referred Respondents for accepting excessive contributions totaling \$138,950 from two (2) individuals, eight (8) partnerships, and one (1) federal political action committee (PAC) not qualified for multicandidate status during the 2012 election cycle. Respondents failed to remedy these contributions within the permissible timeframe.
4. The FECA mandates that 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. (2012) 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. 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 fund to potentially make a refund until the legality of the contribution is established, or seek a reattribution or a redesignation of the excessive portion within sixty days. 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)), 11 C.F.R. §§ 103.3(b)(3), (4), and (5). A contribution by a partnership

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- shall be attributed to the partnership and to each partner in direct proportion to his share of the partnership profits or by agreement of the partners. 11 C.F.R. § 110.1(e).
- 5. The Committee contends that the excessive contributions were accepted due to a misunderstanding of the FECA, specifically those provisions dealing with how to attribute a partnership contribution. Respondents further contend that they were able to refund all the excessive contributions, albeit untimely.
- 6. Respondents, in an effort to resolve this matter, agree to: (a) certify the closure of the Committee's federal account and work with Commission staff to terminate their political committee status and reporting obligations with the Commission within sixty (60) days of the effective date of this agreement; and (b) pay a civil penalty of \$5,200 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 726 (RR 14L-03), 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



11/6/2014
Date Signed

FOR THE RESPONDENTS:

Ronald Gravino
Representing Joe Kyrillos For US Senate, Inc.
and Ronald Gravino, Treasurer

10/7/14
Date Signed