



Federal Election Commission  
Washington, DC 20463

July 20, 2015

Laurence E. Gold  
Trister, Ross, Schadler & Gold, PLLC  
1666 Connecticut Avenue N.W. Fifth Floor  
Washington, DC 20009

Re: ADR 750 (RR 15L-01)  
Brotherhood of Railroad Signalmen Political Action Committee and Jerry C.  
Boles, Treasurer

Dear Mr. Gold:

Enclosed is the signed copy of the agreement resolving the referral initiated on March 16, 2015 by the Federal Election Commission ("FEC/Commission") involving the Brotherhood of Railroad Signalmen Political Action Committee and Jerry C. Boles, Treasurer ("Respondents"). The agreement for ADR 750 (RR 15L-01) was approved by the Commission on July 16, 2015 – 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 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 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 August 16, 2015.<sup>1</sup> Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.**

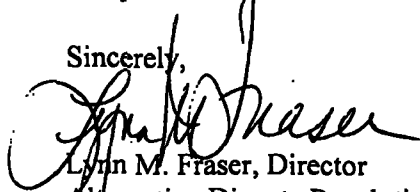
As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports 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

<sup>1</sup> 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.

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 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**

Case Number: ADR 750  
Source: RR 15L-01  
Case Name: Brotherhood of Railroad  
Signalmen Political Action Committee

### **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 Laurence E. Gold representing the Brotherhood of Railroad Signalmen Political Action Committee and Jerry C. Boles, 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.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division (RAD) referred Respondents for failing to disclose all financial activity on their 2010 May Monthly, 2010 June Monthly, 2010 July Monthly, 2010 30 Day Post-General, 2010 Year-End, 2011 February Monthly, 2011 March Monthly, 2011 April Monthly, 2011 May Monthly, 2011 June Monthly, 2011 July Monthly, 2011 October Monthly, 2012 February Monthly, 2012 March Monthly, 2012 May Monthly, 2012 June Monthly, 2012 July Monthly, 2012 August Monthly and 2012 October Monthly Reports. Respondents filed amended reports to disclose additional receipts totaling \$76,504.89 and additional disbursements totaling \$30,569.95. The activity on these nineteen amended reports resulted in an aggregate increase in activity totaling \$107,074.84.
4. Treasurers of political committees are required to report all financial activity, including all receipts and disbursements, pursuant to the FECA. 52 U.S.C. §§ 30104(b)(2) and (4), 11 C.F.R. §§ 104.3(a) and (b).

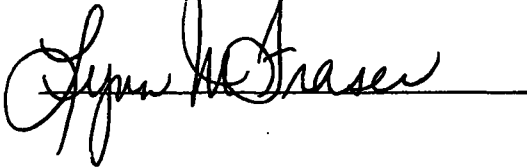
5. On February 28, 2013, the Committee filed a Miscellaneous Electronic Submission (Form 99), which stated, in part: "We are a railroad union and our members voluntarily may contribute to what we title the "Signalmen's Political League" (SPL), our internal name for the Political Action Committee. These deductions are made by their employers (Carriers) and deposited into our PAC account or a check is mailed to our office. With this, the carriers are to include a "deduction sheet" so that we will know who has given and in what amount on each deposit or check. On some occasions the Carrier does not provide the deduction sheet at the time of the payment and we are left to track it down. With this process, we are not always able to find this information in time for each monthly report. When we receive this information, an amendment is filed. We work diligently each time to provide accurate information at the time each report is due, and work regularly with each carrier to receive a complete deduction sheet from them, but, at times, we are unable to obtain that information in a timely fashion."
6. The Committee contends that it first learned that its practice of reporting contribution receipts only when it received supporting contributor information was incorrect after it received the referral in this matter, and the Committee then immediately ceased this practice. The Committee contends that \$18,944.32 of the increase in reported receipt activity consisted of a single misdeposit in the Committee's account of an employer's remittance of membership dues to the connected organization, and that the Committee self-determined this error and both undid the deposit and amended the report 21 days after the original report that omitted it. The Committee contends that \$30,569.95 of the increase in reported disbursement activity consisted of a single disbursement, and that the Committee self-determined the error and amended the report 19 days after filing the original report that omitted it. The Committee contends that all of the errors reflected in the referral were inadvertent and lacked any intent to violate the FECA. The Committee further contends that it has already taken other remedial steps to improve the accuracy and timeliness of its reporting.
7. Respondents, in an effort to avoid similar errors in the future, agree to: (a) certify that a representative of the Committee participated in an FEC conference, webinar, or other program developed in consultation with the FEC's Information Division within twelve (12) months of the effective date of this agreement; (b) certify annually for two (2) years that the Committee reconciled all financial data to the report being filed with the Commission prior to each report being filed, with the first certification due on the one year anniversary of the effective date of this agreement, and the second certification due on the second anniversary of the effective date of this agreement; and (c) pay a civil penalty of \$3,000 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 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.

11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 750 (RR 15L-01), 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



7-16-2015  
Date Signed

FOR THE RESPONDENTS:

  
Laurence E. Gold  
Representing the Brotherhood of Railroad  
Signalmen Political Action Committee and  
Jerry C. Boles, Treasurer

June 25, 2015  
Date Signed