



Federal Election Commission  
Washington, DC 20463

January 24, 2016

Marc E. Elias, Esq.  
Perkins Coie  
700 13<sup>th</sup> Street NW. Suite 600  
Washington, DC 20005-3960

Re: ADR 796 (RAD 16L-03)  
Duckworth for Congress and Keith D. Lowey, Treasurer

Dear Mr. Elias:

Enclosed is the signed copy of the agreement resolving the referral initiated on February 17, 2016 by the Federal Election Commission ("FEC/Commission") involving Duckworth for Congress and Keith Lowey, Treasurer ("Respondents"). The agreement for ADR 796 (RAD16L-03) was approved by the Commission on January 19, 2017 – 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 was received by the Accounting/Finance Office of the FEC.

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 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: Finance and Accounting Office Room 819



**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 796  
Source: RAD 16L-03  
Case Name: Duckworth for Congress

### **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 Marc Elias, Esq. and Danielle Friedman, Esq. representing Duckworth for Congress and Keith D. Lowey, 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:

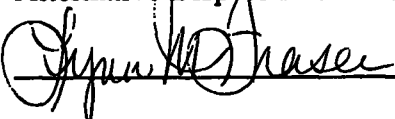
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 remedy impermissible 2016 General Election contributions. Respondents received \$30,400 in 2016 General Election contributions from six (6) individuals and three (3) multicandidate political action committees that were not refunded or redesignated within the permissible timeframe from the date L. Tammy Duckworth, the Candidate, announced her decision to not participate in the 2016 Primary Election.
4. During the 2015-2016 election cycle, 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 \$2,700. 52 U.S.C. § 30116 (a), 11 C.F.R. § 110.1(b). If the candidate is not a candidate in a general election, any contributions made for the general election shall be refunded to the contributors or redesignated within sixty (60) days. 52 U.S.C. 30116(a), 11 C.F.R. §§ 102.9(e), 110.1(b).
5. On October 14, 2015, Respondents filed an FEC Form 99, stating in part, that the Committee refunded the contributions of \$30,400 for 2016 General Election, and that the

refunds were disclosed on the 2015 October Quarterly Report. Respondents note that the referral does not allege, nor make a finding, that L. Tammy Duckworth engaged in any wrongdoing in connection with the issues identified in this agreement. The Committee wishes to terminate its political committee status upon resolution of this matter.

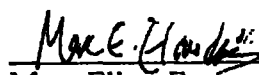
6. Respondents, in an effort to resolve this matter, agree to: (a) as the Committee wishes to terminate its political committee status, Respondents will certify the closure of the Committee's federal account and file a termination report within ninety (90) days of the effective date of this agreement, and work with Commission staff to terminate their political committee status and reporting obligations with the Commission. The Committee will continue reporting until such time as the termination has been approved; and (b) pay a civil penalty of \$2,280 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 796 (RAD 16L-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

  
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FOR THE RESPONDENTS:

  
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Marc Elias, Esq.  
Representing Duckworth for Congress and  
Keith D. Lowey, Treasurer

  
\_\_\_\_\_  
Date Signed

12/29/2016  
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Date Signed