



Federal Election Commission  
Washington, DC 20463

November 16, 2016

Elliot S. Berke  
Berke Farah LLP  
1200 New Hampshire Ave, NW  
Suite 800  
Washington, DC 20036

Re: ADR 803  
Majority Committee PAC – MCPAC and Jill Thomson, Treasurer

Dear Mr. Berke:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on June 6, 2016, by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on November 14, 2016—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 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, 2016.<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 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.

<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.





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Case Number: ADR 803  
Source: A 13-16  
Case Name: Majority Committee PAC - MC PAC

### 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 Elliot S. Berke, Esq., representing the Majority Committee PAC - MC PAC, and Jill Thomson in her 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 Audit Division referred Respondents for making excessive contributions to federal candidate committees. On May 13, 2016, the Commission approved the final audit report for the 2012 election cycle including Finding 1, which stated that the Committee had made excessive contributions to federal candidate committees in the amount of \$20,110. These in-kind contributions consisted of airfare paid by the Committee for the leadership PAC's sponsor to speak or make appearances at fundraising events that directly benefitted these federal candidate committees.
4. No multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000. 52 U.S.C. §30116 (a)(2)(A), 11 C.F.R § 110.2(b).
5. During the audit process, the Committee requested refunds of the excessive contributions. At the time the final audit report was approved, \$4,874 of the excessive contributions were unrefunded. Currently, \$2,699 remains unrefunded. The

