



Federal Election Commission  
Washington, DC 20463

October 24, 2016

Stefan C. Passantino  
Dentons  
1900 K Street N.W.  
Washington, DC 20006

Re: ADR 806 (RAD 16L-11)  
Rodney for Congress and Chris Marston, Treasurer

Dear Mr. Passantino:

Enclosed is the signed copy of the agreement resolving the referral initiated on June 28, 2016 by the Federal Election Commission ("FEC/Commission") involving Rodney for Congress and Chris Marston, Treasurer ("Respondents"). The agreement for ADR 806 (RAD16L-11) was approved by the Commission on October 24, 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 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 November 24, 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 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 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.

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 Nida Awan, Finance and Accounting Office  
Room 819



**Federal Election Commission  
Washington, DC 20463**

**Case Number: ADR 806  
Source: RAD 16L-11  
Case Name: Rodney 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 Stefan C. Passantino, Esq., representing Rodney for Congress and Chris Marston, 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.

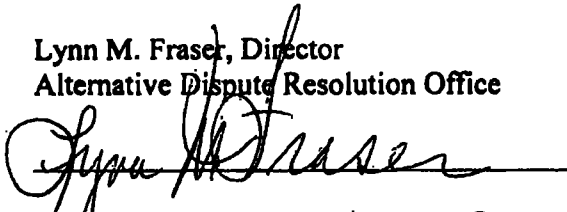
Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

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 transactions on their 2016 12 Day Pre-Primary Report. The Committee filed an Amended 2016 12 Day Pre-Primary Report on April 15, 2016 that disclosed an additional \$95,059.63 in disbursements.
4. Treasurers of political committees are required to report all financial activity, including all disbursements, pursuant to the FECA. 52 U.S.C. §§ 30104(a)(1), 30104(b)(4), 11 C.F.R. §§ 104.1, 104.3(b)
5. On April 15, 2016, Respondents filed an Amended 2016 12 Day Pre-Primary Report and contended in an included memo text that stated, in part: "In the process of fixing [an issue with Column B totals on the 2015 Year-End Report] and an error on the [2016] April quarterly report, we learned some disbursements from this period were inadvertently left off the original report. We have fixed this and included all disbursements in this amendment."

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) develop and certify implementation of a compliance operations manual which includes internal controls consistent with those described in the Commission's Internal Controls and Political Committees advisory document (2007) and the Best Practices for Committee Management (published in the April 2009 Record, available at [www.fec.gov/pages/brochures/bestpractices.shtml](http://www.fec.gov/pages/brochures/bestpractices.shtml)), as well as a process to track receipt of, and response to, communications with the Commission within one hundred twenty (120) days of the effective date of this agreement; (b) 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; and (c) pay a civil penalty of \$3,400 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 806 (RAD 16L-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:

Lynn M. Fraser, Director  
Alternative Dispute Resolution Office



10-24-2016  
Date Signed

FOR THE RESPONDENTS:

Stefan C. Passantino, Esq.  
Representing Rodney for Congress  
and Chris Marston, Treasurer



9/29/16  
Date Signed