



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 2018

Robert Klepinger
2483 Division Street
Dayton, OH 45414

Re: ADR 816
R. Klepinger for Congress and Robert Klepinger, Treasurer

Dear Robert Klepinger:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on Wed 10/10/2018 – the effective date of the agreement.

Note the specific time frames for compliance detailed in the agreement. Please forward to this office, a statement confirming Respondent's compliance with each term. The letter should note the dates on which Respondents satisfied each of the terms and contain the ADR case number. For your convenience, a compliance chart is attached.

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 Records Office.

This agreement resolves this matter. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,

Krista J. Roche
Krista J. Roche
Director
Alternative Dispute Resolution Office

Enc: Compliance Chart
Negotiated Settlement



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WASHINGTON, D.C. 20463

Case Number: ADR 816
Source: MUR 7036
Case Name: R Klepinger 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 Robert Klepinger representing R Klepinger for Congress and also 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 Citizens for Turner filed this Complaint alleging violations of the FECA by R Klepinger For Congress and Robert P. Klepinger, Treasurer (Respondents or the Committee). The Complaint alleges that Respondents failed to include disclaimers on fund raising materials, used public disclosure statements for soliciting contributions, failed to disclose receipts and/or disbursements through filing reports with the Commission, and failed to respond to an inquiry from the Commission as required.
4. If a communication is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly state that the communication has been paid for by the authorized political committee. 52 U.S.C. § 30120, 11 C.F.R. § 110.11(b)(1)
5. The FECA provides that any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed under the Act, shall not be sold or used by any person for the purpose of soliciting contributions. 52 U.S.C. § 30111(a)(4), 11 C.F.R. § 104.15(a).

6. Treasurers of political committees are required to report all financial activity, including all receipts, disbursements, and debts, pursuant to the FECA. 52 U.S.C. §§ 30104(b)(2), (4), and (8), 11 C.F.R. §§ 104.3(a), (b), and (d).
7. Respondents contend that Mr. Klepinger ran the 2014 and 2016 campaigns on his own, and did not realize that he exceeded the \$5,000 limit until the Complaint was filed. Respondents also contend that an adequate disclaimer was added to communications in response to the Complaint. In addition, the Committee asserts that it was not aware it could not use the public disclosure of those who donated to his opponent to solicit contributions and did not receive any contributions from the impermissible solicitations.
8. Respondents, in an effort to resolve this matter, agree to: (a) participate in a one-on-one training regarding basic reporting requirements and procedures scheduled with the Information Division and/or Reports Analysis Division (RAD) within thirty (30) days of the effective date of this agreement; and (b) file and/or amend reports disclosing all campaign activity for the 2014 and 2016 election cycles and respond to any outstanding inquiries from the Commission within ninety (90) days of the effective date of this agreement and continue to file disclosure reports until such time as a termination report is approved.
9. 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.
10. 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.
11. 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 8 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.
12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 816 (MUR 7036), 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.

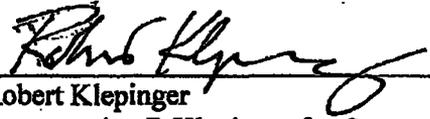
FOR THE COMMISSION:

Krista J. Roche, Director
Alternative Dispute Resolution Office



10/10/18
Date Signed

FOR THE RESPONDENTS:



Robert Klepinger
Representing R Klepinger for Congress
and Robert Klepinger, Treasurer

8/29/2018
Date Signed

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