



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 2017

Mark Weinstein
420 East 117th Street
New York, NY 10035

Re: ADR 829 Adam Clayton Powell for Congress and Mark Weinstein, Treasurer

Dear Mark Weinstein:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on Monday, 11/6/2017 – 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.

Under the terms of the agreement, a civil penalty in the amount of \$2,550.00 is due on Wed 12/6/2017. Kindly review the attached payment instructions for details on payment methods and the collection of unpaid debts.

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
Acting Director
Alternative Dispute Resolution Office



**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 829

Source: RAD 17L-11

Case Name: Adam Clayton Powell 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 Mark Jay Weinstein, Esq., representing Adam Clayton Powell for Congress and himself, 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 failure to refund, redesignate, or reattribute 2016 General Election contributions totaling \$25,550 within the permissible timeframe following the candidate's loss in the 2016 New York Primary Election.
4. If the candidate is not a candidate in a general election, any contributions made for the general election shall be refunded to the contributors, redesignated, or reattributed within sixty (60) days. 52 U.S.C. 30116(a), 11 C.F.R. §§ 102.9(e), 110.1(b).
5. The Committee contends that it was unaware of the requirement to refund, redesignate, or reattribute general election contributions following the candidate's loss in the primary election. Respondents indicate that \$4,300 of the contributions at issue could have been reattributed to a spouse.

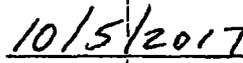
6. Respondents, in an effort to resolve this matter, agree to: (a) payment of a civil penalty of \$2,550 by Adam Clayton Powell within thirty (30) days of the effective date of this agreement; (b) file amended reports disclosing any reattributions, redesignations, and refunds within thirty (30) days of the effective date of this agreement; and (c) continue to file disclosure reports until such time as a termination report is approved.
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. It is understood that the Treasurer is not personally liable for payment of the civil penalty.
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 829 (RAD 17L-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:

Krista J. Roche, Acting Director
Alternative Dispute Resolution Office


Date Signed

FOR THE RESPONDENTS:


Mark Jay Weinstein, Esq.
Representing Adam Clayton Powell for
Congress and Mark Jay Weinstein, Treasurer
Date Signed