



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 21, 2017

David Orentlicher  
6100 West 96th Street  
Suite 150  
Indianapolis, IN 46278

Re: ADR 830  
Orentlicher, David and Russell Stilwell, Treasurer

Dear David Orentlicher:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on 11/17/2017 – 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 \$2,150.00 is due on 12/17/2017. 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

Enc: Payment Instructions  
Compliance Chart  
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

## ADRO Civil Penalty Payment Instructions

You may remit payment by credit card, debit card, or ACH withdrawal from your bank account through Pay.gov, the federal government's secure portal for online collections. Visit <https://pay.gov/public/form/start/80875795> to be directed to Pay.gov's FEC ADR Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
Attn: Finance Office  
999 E St. NW  
Washington, DC 20463

### Unpaid Civil Penalties

Unpaid civil money penalties will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## ADR 830 Compliance Chart

Type	Date Due
Meet with RAD staff	Sun 12/17/2017

0101150100011111



Federal Election Commission  
Washington, DC 20463

Case Number: ADR 830  
Source: RAD 17L-17  
Case Name: Orentlicher 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 David Orentlicher representing the Orentlicher for Congress and Russell Stilwell, 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 timely refund or redesignate 2016 General Election contributions totaling \$28,950 within the permissible timeframe after the candidate conceded the 2016 Indiana Primary Election following a recount. All contributions were refunded within a few weeks after the sixty (60) day timeframe for making the refunds.
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. On May 10, 2017, the Committee filed a Miscellaneous Electronic Document (Form 99) stating that the failure to meet the permissible timeframe to refund or redesignate the contributions was an oversight and funds were returned upon notification from RAD. The Committee indicates that the funds were not used by the campaign prior to their refund just a few weeks after the sixty (60) day deadline.

6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) participate in a one-on-one training regarding 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) pay a civil penalty of \$2,150 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 830 (RAD 17L-17), 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

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

FOR THE RESPONDENTS:

  
\_\_\_\_\_

David Orentlicher  
Representing Orentlicher for Congress and  
Russell Stilwell, Treasurer

10/31/2017  
\_\_\_\_\_ Date Signed