



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 2018

Christopher Marston
PO Box 26141
Alexandria, VA 22313

Re: ADR 838
Stutzman for Senate and Christopher Marston, Treasurer

Dear Christopher Marston:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on 3/6/2018 – 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.

Under the terms of the agreement, a civil penalty in the amount of \$8,340.00 is due on 4/5/2018. 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
Director
Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office



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Case Number: ADR 838
Source: RAD 17L-29
Case Name: Stutzman for Senate

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 Christopher Marston representing Stutzman for Senate and Christopher 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 remedy excessive and prohibited contributions totaling \$95,540.31 for the 2016 Primary Election and \$775 for the 2016 General Election within the permissible timeframe. As of the referral, \$82,464.31 of these contributions had been remedied, albeit untimely, and \$13,851.00 remained unremedied.
4. During the 2015-2016 election cycle, no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,700. 52 U.S.C. § 30116 (a), 11 C.F.R. § 110.1(b). If a committee receives a contribution that appears to be excessive, the committee must return the check to the donor, deposit the contribution and maintain sufficient funds to potentially make a refund until the legality of the contribution is established, or seek a reattribution or a redesignation of the excessive portion. If the committee does not receive a proper reattribution or redesignation within 60 days of receiving the excessive contribution, the excessive portion must be refunded to the donor. 52 U.S.C. § 30116(f), 11 C.F.R. § 103.3. 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). It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, and it is unlawful for any candidate or political committee to accept such contributions. 52 U.S.C. §§ 30116 (f), 30118(a), 11 C.F.R. §§ 114.2(a), 114.2(d).

5. Respondents contend that the excessive contributions were the result of a database error in which duplicate contributor information from multiple sources was not being reconciled. Respondents contend that once the error was discovered, attempts were made to remedy all excessive contributions.
6. Respondents, in an effort to resolve this matter, agree to: pay a civil penalty of \$8,340 within thirty (30) days of the effective date of this agreement. As the Committee wishes to terminate its political committee status, Respondents will certify the closure of the Committee's federal account and, in compliance with 11 C.F.R. § 116.7, file a debt settlement plan with the Commission prior to filing its termination report, and work with Commission staff to terminate their political committee status and reporting obligations with the Commission. The Committee will continue reporting until such time as the termination has been 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.
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 838 (RAD 17L-29), 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



3/14/18
Date Signed

FOR THE RESPONDENTS:



Christopher Marston
Representing Stutzman for Senate
and Christopher Marston, Treasurer

1/5/2018
Date Signed

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