



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 2019

Fred Page
5221-A Cliff Gookin Blvd
Tupelo, MS 38801

Re: ADR 886
Kelly for Congress and Fred Page, Treasurer

Dear Fred Page:

Enclosed is the signed copy of the Negotiated Settlement resolving the above-shown matter. The Negotiated Settlement was approved by the Commission on 3/7/2019 – 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 \$1,900.00 is due on 4/6/2019. 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

Director

Alternative Dispute Resolution Office

Enc: Payment Instructions
Compliance Chart
Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

ADR 886 Compliance Chart

Type
Attend FEC seminar

Date Due
Sat 3/7/2020

CONFIDENTIAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Case Number: ADR 886
Source: AR 18-04
Case Name: Kelly 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 Fred Page representing Kelly for Congress and Fred Page, 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:

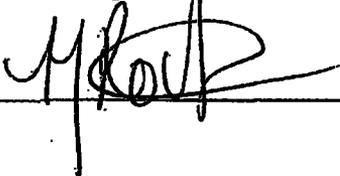
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 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 Audit Division referred Respondents for one finding detailed in the Final Audit Report approved by the Commission on July 12, 2018. The audit concluded that there was an excessive contribution from a loan guarantor totaling \$49,900 and excessive contributions from individuals totaling \$25,200, which have all been resolved, albeit untimely.
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, exceeds \$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
5. A gift, subscription, loan (except a loan made in accordance with 11 CFR §§ 100.82 and 100.83), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office is a contribution. A loan that exceeds

the contribution limitations of 52 U.S.C. 30116 and 11 CFR part 110 shall be unlawful whether or not it is repaid. The aggregate amount loaned to a candidate or committee by a contributor, when added to other contributions from that individual to that candidate or committee, shall not exceed the contribution limitations set forth at 11 CFR part 110. 11 CFR § 100.52(a) and (b)(1)-(3).

6. In a letter dated August 13, 2018, Respondents contend that there were reporting challenges due to the "hectic and short" 2015 Mississippi Special Election. Additionally, the Respondents contend that the loan in question was repaid within thirty (30) days and that excessive contributions by individuals were resolved with redesignation and reattribution letters, signed by the contributors. Finally, the Committee has since hired a Compliance firm to ensure that "compliance in the future will not be a problem."
7. Respondents, in an effort to avoid similar errors in the future, agree to: (a) 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 (b) pay a civil penalty of \$1,900 within thirty (30) days of the effective date of this agreement.
8. 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.
9. 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.
10. 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 7 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.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 886 (AR 18-04), 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



3/7/19

Date Signed

FOR THE RESPONDENTS:



Fred Page
Representing Kelly for Congress
and Fred Page, Treasurer

2-5-19

Date Signed