



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

**March 21, 2000**

**Don McGahn, Esquire  
320 First Street, SE  
Washington, DC 20003**

**RE: MUR 4925  
Heather Wilson for Congress and  
David A. Archuleta, as treasurer**

**Dear Mr. McGahn:**

**On March 15, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. §§ 434(a)(6) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.**

**The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.**

**Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.**

Enclosed you will find a copy of the fully executed conciliation agreement for your files.  
If you have any questions, please contact me at (202) 694-1650.

Sincerely,

*Thomas J. Andersen / by SLZ*

Thomas J. Andersen  
Attorney

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 4925  
Heather Wilson for Congress and )  
David A. Archuleta, as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Heather Wilson for Congress and David A. Archuleta, as Treasurer ("the Committee," or "Respondents"), violated 2 U.S.C. §§ 434(a)(6) and 434(b).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

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1. Heather Wilson for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Heather Wilson's 1998 congressional campaign.

2. David A. Archuleta is the treasurer of Heather Wilson for Congress.

3. Ms. Wilson was a candidate in the Special General Election in New Mexico held on June 23, 1998.

4. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Commission, as appropriate, and the Secretary of State or the Commission, as appropriate, and the Secretary of State of the appropriate state, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). Pursuant to 2 U.S.C. § 434(b), such contributions must also be reported in post-election reports.

5. Respondents received seventy-two (72) contributions of \$1,000 or more totaling \$109,000 within 20 days but more than 48 hours before June 23, 1998. Although Respondents contend that they prepared 48 Hour Notices for these contributions, the Commission did not receive 48 Hour Notices from Respondents reporting these contributions.

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V. The following violations of the Act occurred:

1. Respondents failed to report campaign contributions of \$1,000 or more received after the 20th day, but more than 48 hours before the Special General Election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6).

2. Respondents failed to report a campaign contribution of \$5,000 received on June 9, 1998 on the Committee's Post-Special Election Report, in violation of 2 U.S.C. § 434(b). Respondents will amend their reports accordingly.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Fifteen Thousand dollars (\$15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

Lois G. Lerner  
Associate General Counsel

Date

3/20/00

FOR THE RESPONDENTS:

David A. Archuleta  
(Name) David A. Archuleta  
(Position) Treasurer

Date

2-16-00