

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

★ JUN 09 2004 ★

FEDERAL ELECTION COMMISSION, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DEAR FOR CONGRESS, et al., )  
 )  
 Defendants. )

BROOKLYN OFFICE

Civil Action Number 03-CV-2897  
(NGG/VP)

Stipulation for Entry  
of Consent Judgment

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

Plaintiff Federal Election Commission ("Commission") and Defendants hereby stipulate that:

1. Defendants enter into this Stipulation solely for the purpose of settling this litigation and neither admit nor deny the allegations contained in the Commission's Complaint.

2. Payment of \$45,000 by Abraham Roth, as treasurer, to the Commission will satisfy any and all of his liability, potential and actual, for any and all alleged violations of the Federal Election Campaign Act in this litigation and in MUR 5180.

3. Abraham Roth, as treasurer, will pay \$45,000 to the Commission within 60 days of the entry of the Consent Judgment.

4. The political committees will pay to the Commission within 10 days of the entry of the Consent Judgment all funds remaining in their accounts on the date the parties execute this Stipulation.

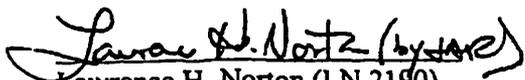
5. Defendants Dear for Congress and Dear 2000 will terminate as federally registered political committees with the Commission, pursuant to 11 C.F.R.102.4, after the

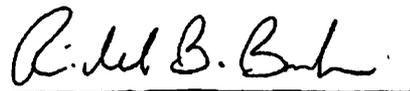
political committees and Abraham Roth, as treasurer, have paid to the Commission the amounts specified in paragraphs 3-4.

6. The parties agree that they will bear their own costs and attorney fees, and Defendants waive any right they may have to appeal or to seek relief under the Equal Access to Justice Act, 28 U.S.C. 2412.

7. Plaintiff and Defendants agree that the Court should enter the attached Consent Judgment.

Respectfully submitted,

  
Lawrence H. Norton (LN 2190)  
General Counsel

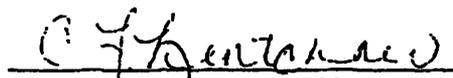
  
Richard B. Bader (RB 7968)  
Associate General Counsel

\_\_\_\_\_  
Stephen E. Hershkowitz (SH 7652)  
Assistant General Counsel

  
Holly J. Baker (HB 0387)  
Attorney

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463  
(202) 694-1650

Dated: <sup>Five</sup> May 4, 2004

  
Cassandra F. Lentchner (CL 8212)  
Marc E. Elias (ME 2128)  
Brian G. Svoboda (BS 6715)  
PERKINS COIE LLP  
Attorneys for All Defendants

Dated: May 25, 2004

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

DEAR FOR CONGRESS, et al.,

Defendants.

Civil Action Number 03-CV-2897  
(NGG/VP)

Consent Judgment

CONSENT JUDGMENT

Plaintiff Federal Election Commission ("Commission" or "FEC") and Defendants having stipulated to the entry of this judgment, solely for the purposes of settlement, with defendants neither admitting nor denying the findings herein, it is HEREBY ORDERED, ADJUDGED and DECREED that:

1. Defendant Friends of Noach Dear violated 2 U.S.C. 441a(a)(1)(A) and 11 C.F.R. 110.1(h)(1)
2. Defendants Dear 2000 and Abraham Roth, as treasurer, violated 2 U.S.C. 441a(f), 434(b)(2), 434(b)(4), and 11 C.F.R. 110.9(a) (now codified as 11 C.F.R. 110.9).
3. Defendant Dear for Congress violated 2 U.S.C. 441f.
4. Defendants Dear for Congress and Abraham Roth, as treasurer, violated 2 U.S.C. 441a(f), 441b(a), 434(b)(4)(F), 434(b)(8), 434(a)(6)(A), 11 C.F.R. 110.9(a), 114.2(d), 104.5(a).
5. The Defendants shall pay a civil penalty as follows: (a) Dear for Congress, Dear 2000, and Friends of Noach Dear will pay to the Commission within 10 days of the entry of the Consent Judgment all funds remaining in their accounts as of the

date the parties execute the Stipulation; and (b) Abraham Roth, as treasurer, will pay \$45,000 to the FEC within 60 days of the entry of this Consent Judgment.

6. Defendant Friends of Noach Dear, and its agents, successors and assigns, are enjoined from making *in-kind contributions in excess of the contribution limits set forth at 2 U.S.C. 441a(a)(1)(A) and 11 C.F.R. 110.1(b)(1).*

7. Defendant Dear 2000, and its agents, successors and assigns, are enjoined from accepting in-kind contributions in excess of the contribution limits in 2 U.S.C. 441a(a)(1) and from failing to file timely and accurate financial disclosure reports with the Commission as required by 2 U.S.C. 434(b)(2) and 434(b)(4) and 11 C.F.R. 110.9.

8. Defendant Dear for Congress, and its agents, successors and assigns, are enjoined from knowingly accepting contributions in the name of another as prohibited by 2 U.S.C. 441f and 441a(f), accepting contributions that violate the contribution limits set forth at section 441a and from prohibited sources, 2 U.S.C. 441b(a), and from failing to file timely and accurate campaign finance disclosure reports required by 2 U.S.C. 434(b)(4)(F), 434(b)(8), 434(a)(6)(A), 11 C.F.R. 110.9, 114.2(d), and 104.5(a).

9. Abraham Roth, as treasurer, is enjoined from failing to file accurate and timely financial disclosure reports for any authorized political committee for which he is or may become the treasurer, as required by 2 U.S.C. 434(b)(2), 434(b)(4), 434(b)(8), 434(a)(6)(A) and 11 C.F.R. 110.9, 114.2(d), and 104.5(a), and from accepting contributions to any authorized political committee for which he is treasurer that violate the limits set by 2 U.S.C. 441a(a)(1) or from the source prohibitions in 2 U.S.C. 441b.

10. There shall be no prejudgment interest payable in this matter, and the parties will bear their own costs and attorney fees.

SO ORDERED.

signed/

NICHOLAS G. GARAUFI  
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2004