

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 4973
Marta Macias Brown for Congress)
and M.S. Stan Tomlinson,)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to a *sua sponte* submission filed by the Respondents. The Commission found reason to believe that Marta Macias Brown for Congress and M.S. Stan Tomlinson, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a).

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:

1. Marta Macias Brown for Congress is a principal campaign committee within the meaning of 2 U.S.C. § 431(5).
2. M.S. Stan Tomlinson is the current treasurer of the Marta Macias Brown for Congress committee.

21-04-493-2708

3. Bobi Johnson is the Campaign Manager for Marta Macias Brown for Congress.
4. Marta Macias Brown was a 1999 candidate for the U.S. House of Representatives from California's 42nd Congressional District.
5. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that any person making an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any outdoor advertising facility or any other type of general public political advertising shall clearly state that the communication has been paid for by such authorized political committee, if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents. 2 U.S.C. § 441d(a).
6. During the campaign for the 1999 Special Election, the Committee authorized and paid for the printing and distribution of campaign literature that expressly advocated the election of Marta Macias Brown for Congress.

V. Respondents failed to provide a proper disclaimer on the campaign literature in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Thousand, Five Hundred dollars (\$2,500), 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.

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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 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.

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:

Lois G. Lerner
Acting General Counsel

BY:

Abigail A. Shaine
Abigail A. Shaine
Acting Associate General Counsel

3/26/01
Date

FOR THE RESPONDENTS:

M.S. Stan Tautman
(Name)
(Position)
Treasurer

3-14-01
Date

21-04-403-2710