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In the Matter of )  
 )  
Texans for Rudy Izzard ) **MUR 5040**  
And its 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 probable cause to believe that Texans for Rudy Izzard and its Treasurer ("Respondents"), violated 2 U.S.C. §§ 432(b)(3), (h)(1), and 441a(f).**

**NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:**

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.**
- 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. Texans for Rudy Izzard is a political committee within the meaning of 2 U.S.C. § 431(4).**
- 2. Rudy Izzard is the current treasurer of Texans for Rudy Izzard.**

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A), 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 \$1,000.

4. Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate in violation of any limitation imposed on contributions under 2 U.S.C. § 441a.

5. Pursuant to 2 U.S.C. § 432(b)(3), all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. Pursuant to 2 U.S.C. § 432(h)(1), all receipts received by a political committee shall be deposited in an account at its campaign depository.

6. Respondents failed to produce copies of written reattribution or redesignation instructions related to 21 contributions from 15 individuals that, because of the absence of the reattribution or redesignation instructions, exceeded the applicable contribution limitation by a total of \$17,325, in violation of 2 U.S.C. § 441a(f).

7. Respondents commingled contributions from 29 contributors totaling \$15,300 and one \$300 refund from a vendor owed to the Committee with the candidate's dental practice bank account. The commingled funds were forwarded to the campaign account within 24 hours and resulted in no misuse of committee funds. Respondents commingled a total of \$15,600 of Committee funds in violation of 2 U.S.C. §§ 432(b)(3) and (h)(1).

V. Respondents will pay a civil penalty to the Federal Election Commission in the amount of eight thousand five hundred dollars (\$8,500), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

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1. One initial payment of \$2,125 due with the execution of this Agreement;
2. Thereafter, 3 consecutive quarterly installment payments of \$2,125 each due on April 1, 2002; July 1, 2002; and October 1, 2002;
3. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VI. Respondents will refund the excessive contributions of \$8,325 to the contributors, as designated by the Commission. Respondents will provide the Commission with copies of the front and back of negotiated refund checks within 90 days from the date this Agreement becomes effective.

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. Except as specified in Paragraph V., Respondents shall have no more than 90 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 H. Norton  
General Counsel


BY

  
Gregory R. Baker  
Acting Associate General Counsel

Date

3/27/02

## FOR THE RESPONDENTS:

  
Rudy Izzard  
Texans for Rudy Izzard

Date

1-11-02

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