

# BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Committee to Elect Mike Burkhold )  
to Congress, and )  
Hulic Ratteree, treasurer )

MUR 5043

## CONCILIATION AGREEMENT

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
JAN 19 10 56 AM '01

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 the Committee to Elect Mike Burkhold to Congress, and Hulic Ratteree, as treasurer ("Respondents") violated 2 U.S.C. § 441a(f).

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 and violations of law in this matter are as follows:

1. Committee to Elect Mike Burkhold to Congress ("Committee") is the authorized committee of Mike Burkhold.

2. Hulic Ratteree is the treasurer of the Committee.

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3. The Federal Election Campaign Act of 1971 ("Act"), as amended, provides that no person shall make contributions to any candidate or authorized committee with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). The Act further provides that multicandidate political committees are prohibited from making contributions in excess of \$5,000 to any candidate and his or her authorized political committee with respect to any election for federal office. 2 U.S.C. § 441a(a)(2)(A). Candidates and their committees are prohibited from knowingly accepting any contributions in excess of the Act's limitations. 2 U.S.C. § 441a(f); *see also* 11 C.F.R. § 110.9(a). Contributions made "with respect to any election" means, in the case of a contribution not designated in writing by the contributor for a particular election, the next election for the federal office after the contribution is made. 11 C.F.R. §§ 110.1(b)(2) and 110.2(b)(2). Contributions which exceed the contribution limitations of the Act on their face, and contributions which do not exceed the Act's limitations on their face but which do exceed those limitations when aggregated with other contributions from the same contributor, may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution in accordance with 11 C.F.R. §§ 110.1(b), 110.1(k), or 110.2(b). If a written redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor. 11 C.F.R. § 103.3(b)(3).

4. Twenty-one individuals made excessive contributions to Respondents totaling \$18,025 and four multicandidate political action committees made excessive contributions to Respondents in the amount of \$2,375. Respondents contend that as a result of a range of clerical errors, high staff turnover which resulted in confusion in the management of paperwork and

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maintenance of records, and staff inexperience with federal election finance laws and regulations, and various other mistakes by their novice campaign, Respondents received excessive contributions and did not obtain written redesignations or reattributions of the excessive contributions within 60 days of receipt as required by the applicable provisions of the federal election finance laws and regulations. These same federal election finance laws and regulations required respondents to refund the excessive contribution amounts within 60 days of receipt of such contributions. Respondents deny knowingly and willfully receiving excessive contributions in violation of the Federal Election Campaign Act and did not refund excessive contributions within the required 60 day time period. Subsequently, pursuant to Commission recommendations, the Committee refunded excessive contributions in the amount of \$13,700.

V. Respondents accepted excessive contributions in the amount of \$20,400 from 21 individuals and four multicandidate political action committees in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$6,000, 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 the 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:

  
Kim Leslie Bright  
Associate General Counsel

2/6/01  
Date

FOR THE RESPONDENT:

  
F. Ronald Jenkins  
Attorney-at-Law

1-15-01  
Date