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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 5133R

Stenberg for Senate 2000 Committee and)
Charles V. Sederstrom, Jr., as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a complaint filed on October 30, 2000, and supplemented by letters received on November 6 and 7, 2000, by Anne Boyle, Chairperson of the Nebraska Democratic Party. See 2 U.S.C. § 437g(a)(1). The Commission found reason to believe that the Stenberg for Senate 2000 Committee and Charles V. Sederstrom, Jr., as treasurer ("Respondents") violated 2 U.S.C. §§ 441b and 434(a)(6)(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. Stenberg for Senate 2000 Committee is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Don Stenberg's 2000 senatorial campaign.

1 2. Charles V. Sederstrom, Jr. is the treasurer of the Stenberg for Senate 2000
2 Committee.

3 3. The Federal Election Campaign Act of 1971, as amended ("the Act"), makes it
4 unlawful for corporations to make a contribution in connection with any election for Federal
5 office, "or for any candidate, political committee, or other person knowingly to accept or receive
6 any contribution prohibited by this section." 2 U.S.C. § 441b(a). According to the Act, "[a]ll
7 receipts ...shall be deposited in account(s) established pursuant to 11 C.F.R. § 103.2, except that
8 any contribution may be, within 10 days of the treasurer's receipt, returned to the contributor
9 without being deposited." 11 C.F.R. § 103.3(a). The treasurer has the responsibility of
10 determining the legality of a contribution. See 11 C.F.R. § 103.3(b)(1).

11 4. Respondents accepted and deposited three corporate contributions totaling
12 \$3,500 during the 2000 election campaign, as follows: a corporate contribution of \$1,500 was
13 accepted on 9/22/00 and refunded on 10/26/00; a second corporate contribution of \$1,000 was
14 accepted on 9/22/00 and refunded on 10/26/00; a third corporate contribution of \$1,000 was
15 accepted on 10/13/00 and refunded on 10/26/00.

16 5. The Act requires principal campaign committees of candidates for Federal
17 office to notify in writing either the Secretary of the Senate or the Commission, as appropriate,
18 and the Secretary of State of the appropriate state, of each contribution totaling \$1,000 or more,
19 received by any authorized committee of the candidate after the 20th day but more than 48 hours
20 before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made
21 within 48 hours after the receipt of the contribution and to include the name of the candidate and
22 office sought, the date of receipt, the amount of the contribution, and the identification of the

1 contributor. *Id.* The notification of these contributions shall be in addition to all other reporting
2 requirements. 2 U.S.C. § 434(a)(6)(B).

3 6. Among the contributions that Respondents received on October 28, 30, and 31,
4 2000 were eight contributions of \$1,000, totaling \$8,000. Respondents did not submit 48-Hour
5 Notices for these contributions.

6 7. Respondents contend that they inadvertently accepted and deposited three
7 corporate contributions totaling \$3,500, believing them to be legal PAC contributions.
8 Respondents further contend that they intended to, but inadvertently failed to submit 48-Hour
9 Notices for eight campaign contributions of \$1,000 totaling \$8,000 received on October 28, 30,
10 and 31, 2000. Respondents contend that the violations set forth in this agreement were not
11 knowing and willful.

12 V. 1. Respondents accepted and deposited three prohibited corporate contributions
13 in violation of 2 U.S.C. § 441b.

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

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

19 VII. Respondents will cease and desist from violating 2 U.S.C. §§ 441b(corporate
20 contributions) and 434(a)(6)(A)(48-Hour Notices).

21 VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
22 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance
23 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.

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

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XI. 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:


Rhonda J. Vosdigh
Associate General Counsel

11/13/02
Date

FOR THE RESPONDENTS:


Charles V. Sederstrom, Jr.
Treasurer

9-26-02
Date