

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)

MUR 5188

)

Newinski for Congress and

)

Richard Riener, as 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 reason to believe that Newinski for Congress and Richard Riener, as treasurer, (collectively referred to as Respondents), violated 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b)(8), and 11 C.F.R. § 104.11(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. Newinski for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Richard Riener is the treasurer of Newinski for Congress.

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3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person may make contributions to a candidate and his or her committees which, in the aggregate, exceed \$1,000 per federal election. 2 U.S.C. § 441a.

4. No multicandidate political committee shall make contributions to any candidate with respect to any election for federal office which, in the aggregate, exceed \$5,000. 2 U.S.C. § 441a(a)(2)(A).

5. No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

6. A joint contribution must include the signatures of each contributor on the check or in a separate writing. 11 C.F.R. § 110.1(k)(1).

7. If a contribution on its face or in the aggregate exceeds the contribution limitations, the committee must return the contribution to contributor or deposit the contribution in a designated campaign depository and obtain a written designation or reattribution from the contributor within 60 days. 11 C.F.R. § 103.3(b)(3).

8. If no written redesignation or reattribution is obtained within 60 days, the committee must refund the contribution. *Id.* 11 C.F.R. §§ 110.1(b)(5)(ii) and 110.1(k)(3)(i). With respect to contributions from multicandidate political committees, similar rules for redesignation of contributions apply. 11 C.F.R. § 110.2(b)(5).

9. Each treasurer of a political committee shall file reports of receipts and disbursements pursuant to 2 U.S.C. § 434(a)(1), and such reports shall disclose the items set forth in 2 U.S.C. § 434(b). The reports shall include the amount and nature of outstanding debts and obligations owed by or to such political committee. 2 U.S.C. § 434(b)(8). Debts and obligations owed by or

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to a political committee which remain outstanding shall be continuously reported until extinguished. 11 C.F.R. § 104.11.

10. Respondents accepted contributions from 36 individuals totaling \$33,075 in excess of the contribution limitation.

11. Respondents accepted contributions from the 4th Congressional District RPM totaling \$1,015 in excess of the contribution limitation.

12. Respondents accepted contributions from 53B House District RPM totaling \$500 in excess of the contribution limitation.

13. Respondents failed to report debts and obligations on its Year End 1997 disclosure report, Pre-Primary 1998 Report and Pre-General 1998 Report.

V. Respondents violated 2 U.S.C. § 441a(f) by accepting excessive contributions from individuals totaling \$33,075, from the 4th Congressional District RPM totaling \$1,015, and 53B House District RPM totaling \$500.

VI. Respondents violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11(a) by failing to report debts and obligations on its 1997 Year End Report, 1998 Pre-Primary Report, and 1998 Pre-General Report.

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$12,225, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents will refund excessive contributions to contributors.

IX. 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

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has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

XI. 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.

XII. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION

Lois G. Lerner
Acting General Counsel

BY: *Gregory R. Baker*

Gregory R. Baker
Acting Associate General Counsel

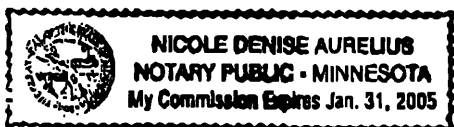
Date *5/9/01*

FOR THE RESPONDENTS

BY: *Richard C. Brewer*

TREASURER

Date *4-25-01*



*Nicole Denise Aurelius 4-25-01
Commission Expires Jan 31, 2005*

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Trimble & Associates, Ltd.

Attorneys at Law

11700 Wyzata Boulevard
Minneapolis, Minnesota 55305
Telephone: 763-797-7477 Facsimile: 763-797-5858

Offices also in:
Stillwater, Minnesota and
Auckland, New Zealand

TRANSMITTAL COVER SHEET

NAME: Delbert K. Rigsby

COMPANY/
LOCATION: General Counsel's Office, Central Enforcement Docket
FEDERAL ELECTION COMMISSION

FAX NO: 202-219-3923

MESSAGE:

RE: Newinski for Congress - MUR 5188

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THIS TRANSMITTAL IS BEING SENT FROM

NAME: Matthew W. Haapoja

BY: Barb
763-797-7477

DATE: May 24, 2001

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