

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

Oakland Democratic Campaign
Committee and David Woodward,
as Treasurer

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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 the Oakland Democratic Campaign Committee ("committee") and David Woodward, as treasurer (collectively, "Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i) & (iv), 432(a), and 433(c).

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.

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IV. The pertinent facts in this matter are as follows:

1. The committee is a "political committee," within the meaning of 2 U.S.C. § 431(4), and is not an authorized committee of any candidate.
2. David Woodward is the treasurer of the committee.
3. The Federal Election Campaign Act of 1971, as amended ("Act" or FECA) requires periodic reporting of receipts and disbursements by political committees. 2 U.S.C. § 434(a)(1). A political committee which is not the authorized committee of a candidate must file quarterly reports, a pre-election report, and a post-general election report in an election year, and must file semi-annual reports in non-election years. 2 U.S.C. § 434(a)(4)(A)(i), (iv). Alternatively, such a committee may elect to report on a monthly basis. 2 U.S.C. § 434(b). Sections 434(a) and (b), respectively, prescribe dates certain for the filing of these reports.
4. The Act provides that "[e]very political committee must have a treasurer," 2 U.S.C. § 432(a); and that "[n]o contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant." *Ibid.*
5. Every political committee must report its address in its statement of organization. 2 U.S.C. § 433(b)(1). Every committee must report changes in its address to the Commission within ten days of the change. 2 U.S.C. § 433(c).
6. The committee's 1999 Mid-year report (covering January 1, 1999 to June 30, 1999) was due on July 31, 1999. The committee filed this report, which disclosed \$15,387.00 in receipts and no disbursements, on October 16, 2000, or 443 days late.
7. The committee's 1999 Year-end report (covering July 1, 1999 to December 31, 1999) was due on January 31, 2000. The committee filed this report, which disclosed \$27,011 in receipts and no disbursements on October 20, 2000, or 263 days late.

8. The committee's April 2000 Quarterly report (covering the period from January 1, 2000 to March 31, 2000) was due on April 15, 2000. The committee filed this report, which disclosed \$221,027 in receipts and \$212,484 in disbursements, on June 26, 2000, or 72 days late.

9. On or before November 15, 1999, the committee changed its address from the address then on file with the Commission (i.e., 3260 Coolidge Hwy, Suite 1, Berkley, MI 48072-1634). The Commission's first indication of the committee's new address came on or after February 1, 2000, when the Commission received correspondence from the committee bearing a new letterhead address (i.e., P.O. Box 423, Troy MI, 48099-0423). The committee's statement of organization was not formally amended to reflect the new address (i.e., P.O. Box 423, Troy MI, 48099-0423) until May 11, 2000.

10. On or before April 24, 2000, the committee's then-treasurer, Mr. Jerry L. Bixby, resigned that position. The first date on which the Commission received any communication from the committee indicating the identity of its new treasurer was May 30, 2000, an interval of 36 days. In that period of time, the committee made disbursements of \$19,999.51, and received contributions of \$45,742.00.

V. Respondents committed the following violations:

1. Respondents failed to timely file the committee's 1999 Mid-year report, 1999 Year-end report, and 2000 April Quarterly report, in violation of 2 U.S.C. § 434(a)(4)(A)(i) and (iv);
2. Respondents failed to notify the Commission of a change of address within ten days of the change, in violation of 2 U.S.C. § 433(c).
3. Respondents accepted contributions and made expenditures while the position of committee treasurer was vacant, in violation 2 U.S.C. § 432(a).

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VI. Respondents will take the following action:

1. Pay a civil penalty to the Federal Election Commission in the amount of Twelve Thousand Five Hundred Dollars (\$12,500), 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.

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. The 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.

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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:

Lois G. Lerner
Acting General Counsel

BY: Abigail A. Shaine Date 8/9/01
Abigail A. Shaine
Acting Associate General Counsel

FOR THE RESPONDENTS:

GARY L. KOHUT JUNE 21, 2001
(Name) GARY L. KOHUT
(Position) CHAIR Date

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