

5238

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5238

Ken Cayre

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 Ken Cayre ("Respondent"), violated 2 U.S.C. § 441a(a)(1)(A).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. The Respondent, Ken Cayre, is an individual contributor. Schumer '98 is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. 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.

3. Respondent contributed \$4,000 to Schumer '98 with regard to the 1998 primary election by check numbers 6301 and 6587, which exceeded the applicable contribution limitation by a total of \$3,000.

4. This contribution was not refunded, reattributed, or redesignated.

5. Respondent contributed \$9,000 to Dear for Congress with regard to the 1998 primary election, which exceeded the applicable contribution limitation by a total of \$8,000.

6.

V. Respondent contributed \$3,000 to Schumer '98 in excessive contributions in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$1,500, 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.

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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

9/13/02

Date

FOR THE RESPONDENT:



Ken Cayre

Date

23.04.406.0962