



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCT 29 2003

Jennifer Lewis Smith, Treasurer
Van Hollen for Congress
10605 Concord St.
Kensington, MD 20895

RE: MUR 5328

Dear Ms. Smith:

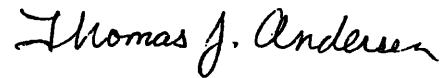
On October 27, 2003, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to Van Hollen for Congress and you, as treasurer.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that, upon receiving notice that PAC to the Future and Team Majority have waived their right to any refund, Van Hollen for Congress and you, as treasurer, shall disgorge to the U.S. Treasury \$5,000. The disgorgement check, made payable to the U.S. Treasury, should reference MUR 5328 and be sent to the Commission.

If you have any questions, please contact me or Joshua Heller at (202) 694-1650.

Sincerely,



Thomas J. Andersen
Attorney

Enclosure
Conciliation Agreement

24.04.407.1962

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Van Hollen for Congress and
and Jennifer Lewis Smith, as treasurer

MUR 5328

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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 Van Hollen for Congress and Jennifer Lewis Smith, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f). . . .

NOW, THEREFORE, the Commission and 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 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. Van Hollen for Congress is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee of Chris Van Hollen.

2. Jennifer Lewis Smith is the treasurer of Van Hollen for Congress.

1 3. PAC to the Future and Team Majority are multicandidate committees
2 registered with the Commission.

3 4. The Federal Election Campaign Act of 1971, as amended ("the Act"),
4 states that for the purposes of the limitations set forth in 2 U.S.C. § 441a(a), all
5 contributions made by political committees "established or financed or maintained or
6 controlled by any . . . person, or by any group of . . . persons, shall be considered to have
7 been made by a single political committee." 2 U.S.C. § 441a(a)(5). Committees
8 established, financed, maintained or controlled by the same person or group of persons
9 are "affiliated" committees. 11 C.F.R. § 100.5(g)(2). Contributions made to or by such
10 committees shall be considered to have been made to or by a single committee. *Id.*

11 5. PAC to the Future and Team Majority are affiliated within the meaning
12 of the Act and regulations, and therefore share the same contribution limits.

13 6. An authorized candidate committee may only accept \$5,000 from a
14 multicandidate PAC during each election. 2 U.S.C. §§ 441a(a)(2)(A), 441a(f). If a
15 committee accepts contributions that exceed these limits, it must either refund the
16 excessive contributions or seek redesignation or reattribution within sixty days. *See*
17 11 C.F.R. § 103.3(b)(3).

18 7. PAC to the Future made a \$5,000 contribution to Van Hollen for
19 Congress on September 16, 2002, and Team Majority made a \$5,000 contribution to Van
20 Hollen for Congress on October 15, 2002. Because the two PACs were limited to making
21 a \$5,000 contribution to any candidate committee, the contributions made by PAC to the
22 Future and Team Majority, when aggregated, constituted excessive contributions to Van
23 Hollen for Congress.

1 V. Respondents accepted excessive contributions totaling \$5,000, in violation of
2 2 U.S.C. § 441a(f). Respondents will cease and desist from violating 2 U.S.C. § 441a(f).

3 VI. 1. Respondents agree to pay a civil penalty to the Federal Election
4 Commission in the amount of Two Thousand Five Hundred dollars (\$2,500), pursuant to
5 2 U.S.C. § 437g(a)(5)(A).

6 2. Respondents will, upon receiving notice that PAC to the Future and Team
7 Majority have waived their right to any refund, disgorge to the U.S. Treasury Five
8 Thousand Dollars (\$5,000) in excessive contributions.

9 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
10 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review
11 compliance with this agreement. If the Commission believes that this agreement or any
12 requirement thereof has been violated, it may institute a civil action for relief in the
13 United States District Court for the District of Columbia.

14 VIII. This agreement shall become effective as of the date that all parties hereto
15 have executed it and the Commission has approved the entire agreement.

16 IX. Respondents shall have no more than thirty (30) days from the date this
17 agreement becomes effective to comply with and implement the requirements contained
18 in this agreement and to so notify the Commission.

19 X. This Conciliation Agreement constitutes the entire agreement between the
20 parties on the matters raised herein, and no other statement, promise, or agreement, either
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- 1 written or oral, made by either party or by agents of either party, that is not contained in
2 this written agreement shall be enforceable.

3 FOR THE COMMISSION:

4 Lawrence H. Norton
5 General Counsel

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8 BY:

Rhonda J. Vosdingh

9 Rhonda J. Vosdingh
10 Associate General Counsel
11 for Enforcement

10/29/03
Date

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13 FOR THE RESPONDENTS:

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Jennifer Lewis Smith

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(Name) Jennifer Lewis Smith

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(Position) Treasurer

October 7, 2003
Date

24-407-1565