

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

In the Matter of)

MUR 83-450 -7 A 11: 58

Brady Campaign to Prevent Gun Violence-Voter)

Education Fund and Mark Ingram, 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. See 2 U.S.C. § 437g(a)(2). The Commission found probable cause to believe that the Brady Campaign to Prevent Gun Violence-Voter Education Fund and Mark Ingram, as Treasurer ("Respondents"), violated 2 U.S.C. § 434(c)(2)(C) and 11 C.F.R. § 104.4(b).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) 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. The Brady Campaign to Prevent Gun Violence-Voter Education Fund ("the Fund") is a political committee within the meaning of 2 U.S.C. § 431(4) and is not an authorized committee of any candidate.
 2. Mark Ingram is the Treasurer of the Brady Campaign to Prevent Gun Violence-Voter Education Fund.
 3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that any expenditure (including those described in 2 U.S.C. § 434(b)(6)(B)(iii)) aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. 2 U.S.C. § 434(c)(2).

Such statement shall be filed with the Secretary of the Commission and the Secretary of State and shall contain the information required by subsection 434(b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. *Id.* The Commission's regulations implementing this requirement provide that political committees making independent expenditures must file such 24-Hour Reports. 11 C.F.R. § 104.4(b).


4. On October 25, 2000, Respondents made independent expenditures of \$111,777.97 opposing the election of Ernest Fletcher in the Kentucky 3rd Congressional District and \$99,731.52 opposing the election of Patrick Toomey in the Pennsylvania 15th Congressional District, but did not file timely 24-Hour Notices for these expenditures.
 5. On December 10, 2000, Respondents filed a 30-Day Post-General Report which included independent expenditures. Respondent, however, did not submit any information indicating that these 24-Hour Notices were timely sent to the Commission within 24-hours of the independent expenditures.
 6. The Reports Analysis Division sent prior notice to the Respondents on October 2, 2000 stating that "independent expenditures aggregating \$1,000 or more during the period beginning October 19 and ending November 5 must [be reported] within 24 hours."
- V. Respondents violated 2 U.S.C. § 434(c)(2)(c) and 11 C.F.R. § 104.4(b) by failing to file timely two (2) 24-Hour Notices for independent expenditures totaling \$211,509.
- VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Twenty-Six Thousand Dollars (\$26,000), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents will cease and desist from violating 2 U.S.C. § 434(c)(2)(C).
- VII. Respondents contend that: (1) that the Fund filed two (2) other 24-Hour Notices on October 30, 2000 related to independent expenditures in opposition to the elections of Ernest Fletcher and Patrick Toomey, and thereby the public was aware of the Fund's involvement in independent expenditures related to these elections; (2) that the non-filing of the two (2) 24-Hour Notices at issue was the result of a single administrative oversight; (3) that the Fund has taken corrective actions in connection with this matter; and (4) that the Fund has an otherwise excellent record of filing its FEC Reports on a timely basis.

11/23/2000 10:40:23

- VIII. 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.
- 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 thirty (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.
- 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. Vosdinger
Associate General Counsel
For Enforcement

10/25/03
Date

FOR THE RESPONDENTS:

By: 
Mark Ingram
Treasurer

10-2-03
Date

23-04-406-2372