

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of:)

4)
5 A.G. Condon, Jr.)

6 Robert P. Condon)

7 Bob Condon for Congress)

8 and Robert P. Condon,)

9 as treasurer)

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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12 **CONCILIATION AGREEMENT**

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14 This matter was generated based on information ascertained by the Federal Election

15 Commission ("the Commission") in the normal course of carrying out its supervisory
16 responsibilities. See 2 U.S.C. § 437g(a)(2).¹ The Commission found reason to believe that A.G.
17 Condon, Jr. violated 2 U.S.C. §§ 441a(a)(1) and (a)(3); Robert P. Condon violated 2 U.S.C.
18 § 441a(f); and Bob Condon for Congress and Robert P. Condon, as treasurer, (collectively
19 "Respondents") violated 2 U.S.C. §§ 441a(f) and 434(b).

20 NOW, THEREFORE, the Commission and Respondents, having participated in informal
21 methods of conciliation prior to a finding of probable cause to believe, do hereby agree as
22 follows:

23 I. The Commission has jurisdiction over Respondents and the subject matter of this
24 proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.
25 § 437g(a)(4)(A)(i).

26 II. Respondents have had a reasonable opportunity to demonstrate that no action should
27 be taken in this matter.

¹ All of the facts relevant to these matters occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), codified at 2 U.S.C. §§ 431 *et seq.*, or statements of law regarding provisions of the Act contained herein refer to the Act as it existed prior to the effective date of BCRA. Further, unless specifically noted to the contrary, any reference to Title 11 of the Code of Federal Regulations refers to the regulation as it existed prior to the implementation of BCRA, and as it appears in the 2002 edition of the Code of Federal Regulations.

1 III. Respondents enter voluntarily into this agreement with the Commission.

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

3 1. A.G. Condon, Jr. is the father of Robert P. Condon. A.G. Condon, Jr. is a "person"
4 within the meaning of 2 U.S.C. § 431(11).

5 2. Robert P. Condon ran for Florida's First Congressional District seat in the 2000
6 primary election and the 2001 special primary election. At all pertinent times, Robert P. Condon
7 was a "candidate" within the meaning of 2 U.S.C. § 431(2).

8 3. Bob Condon for Congress is a political committee within the meaning of 2 U.S.C.
9 § 431(4), and was Robert P. Condon's principal authorized campaign committee for his
10 Congressional races.

11 4. Robert P. Condon is the treasurer of Bob Condon for Congress.

12 5. The Federal Election Campaign Act of 1971, as amended (the "Act"), prohibits any
13 person from making contributions "to any candidate and his authorized political committee with
14 respect to any election for Federal office which, in the aggregate, exceed \$1,000." 2 U.S.C.
15 § 441a(a)(1). A contribution is any gift, subscription, loan, advance, or deposit of money or
16 anything of value made by any person for the purpose of influencing any election for federal
17 office. See 2 U.S.C. § 431(8)(A)(i).

18 6. The Act prohibits any individual from making contributions "aggregating more than
19 \$25,000 in any calendar year." 2 U.S.C. § 441a(a)(3). For purposes of 2 U.S.C. § 441a(a)(3),
20 "[A]ny contribution made to a candidate in a year other than the calendar year in which the
21 election is held with respect to which such contribution is made, is considered to be made during
22 the calendar year in which such election is held." 11 C.F.R. § 110.5(c)(2).

1 7. The Act prohibits any candidate or political committee from knowingly accepting any
2 contribution or making any expenditure in violation of the provisions of section 441a.

3 *See* 2 U.S.C. § 441a(f).

4 8. Any candidate who receives a contribution in connection with his or her campaign
5 shall be considered as having received such contribution as an agent of his or her authorized
6 committee. *See* 2 U.S.C. § 432(e)(2).

7 9. All contributions made by persons other than political committees must be reported in
8 accordance with 2 U.S.C. § 434(b)(2)(A). Political committees must report the identification of
9 each person who makes a contribution or contributions with an aggregate value in excess of \$200
10 during the reporting period, together with the date and amount. *See* 2 U.S.C. § 434(b)(3).
11 Additionally, a committee must report "the amount and nature of [any] outstanding debts and
12 obligations," such as loans, and must "continuously report [them] until extinguished." 11 C.F.R.
13 §§ 104.3(d), 104.11(a).

14 10. A.G. Condon, Jr. made contributions of \$1,000 to Bob Condon for Congress on
15 May 11, 2000 for the 2000 primary election and on June 28, 2001 for the 2001 special primary
16 election.

17 11. During the 2000 election cycle, A.G. Condon, Jr. loaned \$29,000 to his son, Robert P.
18 Condon. Robert P. Condon transferred \$29,000 to Bob Condon for Congress.

19 12. During the 2000 election cycle, Bob Condon for Congress accepted excessive
20 contributions totaling \$29,000 through the Committee's agent, Robert P. Condon. Bob Condon
21 for Congress improperly reported these contributions as loans from Robert P. Condon's
22 "personal funds."

1 13. In its 2001 Year-End report, Bob Condon for Congress did not report the status of a
2 \$28,000 loan that originated from Citizens and Peoples Bank.

3 14. In its amended July 2000 Quarterly Report's Schedule B, Bob Condon for Congress
4 reported that a \$28,000 refund was disbursed to A.G. Condon, Jr. on October 16, 2001.

5 15. In its amended January 2001 Year-End Report, Bob Condon for Congress reported
6 that a \$28,000 refund was disbursed to A.G. Condon, Jr. on October 30, 2001.

7 16. Respondents contend that their violations of the Act were not knowing and willful.

8 V. 1. Respondent A.G. Condon, Jr. made excessive contributions totaling \$29,000, in
9 violation of 2 U.S.C. §§ 441a(a)(1) and (a)(3). Respondent A.G. Condon, Jr. will cease and
10 desist from violating 2 U.S.C. §§ 441a(a)(1) and (a)(3).

11 2. Respondent Robert P. Condon accepted excessive contributions totaling \$29,000,
12 in violation of 2 U.S.C. § 441a(f). Respondent Robert P. Condon will cease and desist from
13 violating 2 U.S.C. § 441a(f).

14 3. Respondents Bob Condon for Congress and Robert P. Condon, as treasurer,
15 accepted excessive contributions totaling \$29,000, in violation of 2 U.S.C. § 441a(f).
16 Respondents Bob Condon for Congress and Robert P. Condon, as treasurer, will cease and desist
17 from violating 2 U.S.C. § 441a(f).

18 4. Respondents Bob Condon for Congress and Robert P. Condon, as treasurer, failed
19 to accurately report contributions totaling \$29,000, the date of disbursement of a refund of
20 \$28,000, and the status of a \$28,000 loan from Citizens and Peoples bank, in violation of
21 2 U.S.C. § 434(b). Respondents Bob Condon for Congress and Robert P. Condon, as treasurer,
22 will cease and desist from violating 2 U.S.C. § 434(b).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Thousand dollars (\$6,000), pursuant to 2 U.S.C. § 437g(a)(5)(A). Respondents Bob Condon for Congress and Robert P. Condon, as treasurer, will also disgorge an additional One Thousand dollars (\$1,000) to the United States Treasury, the amount of the excessive contribution that has not yet been refunded, and Respondent A.G. Condon, Jr. will waive any and all claims he may have to these funds.

2. Respondents Bob Condon for Congress Committee and Robert P. Condon, as treasurer, will amend their disclosure reports to properly reflect the contributions from and refunds to A.G. Condon, Jr., and the status of the \$28,000 loan that originated from the Citizens and Peoples Bank.

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. 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.

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,

1 made by either party or by agents of either party, that is not contained in this written agreement
2 shall be enforceable.

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4 FOR THE COMMISSION:

5
6 Lawrence H. Norton
7 General Counsel
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11 BY: 

12 Rhonda J. Vosdinger
13 Associate General Counsel
14 for Enforcement
15

4/1/03
Date

16 FOR RESPONDENTS:
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21 Name: Robert P. Condon
22 Position: Attorney

March 18, 2003
Date