



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

APR 23 2007

J. Paul Sugameli, Esquire
Sugameli & Olson, P.L.C.
2833 Crooks Rd.
Suite 104
Troy, MI 48084

RE: MUR 5358
Jamie Jacob Morgan

Dear Mr. Sugameli:

On March 14, 2007, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of knowing and willful violations of 2 U.S.C. §§ 432(b)(3), 434(b), 441a(f), and 441f, and 11 C.F.R. § 102.3; and violations of 2 U.S.C. §§ 432(c) and (d), 434(b), and 11 C.F.R. § 104.14(b), provisions of the Federal Election Campaign Act of 1971, as amended, and the Commission's regulations. Accordingly, the file has been closed in this matter. Please be advised that the civil penalty in this agreement reflects unusual factors brought forth during the investigation.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Karau Philbert
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5358
Jamie Jacob Morgan)

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed by several

individuals - Mathew Roth, Sean Callaghan, Jessica M. Davis, Joseph N. Horenstein, Timothy P.

McDonald, and Cheryl A. Mathews. The Federal Election Commission ("Commission") found

reason to believe that Jamie Jacob Morgan ("Respondent") knowingly and willfully violated

2 U.S.C. §§ 432(b)(3), 434(b), 441a(f), and 441f, and 11 C.F.R. § 102.3, and that he violated

2 U.S.C. §§ 432(c) and (d), 434(b), and 11 C.F.R. § 104.14(b).

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. Jamie Jacob Morgan was a candidate for the Republican nomination in Michigan's

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1 12th Congressional District during the 2002 election cycle.¹

2 2. Morgan for Congress ("Morgan Committee") is a political committee within the
3 meaning of 2 U.S.C. § 431(4) and the principal campaign committee of Jamie Jacob Morgan
4 within the meaning of 2 U.S.C. § 431(5).

5 3. Jamie Jacob Morgan ("Morgan") served as the *de facto* treasurer of the Morgan
6 Committee.

7 4. As the *de facto* treasurer of the Morgan Committee, Morgan filed several disclosure
8 reports with the Commission. As detailed below, those reports contained many inflated and
9 fictitious receipts and disbursements, as well as other inaccuracies.

10 5. A comparison of the Morgan Committee's bank records and the amended disclosure
11 reports that Morgan filed with the Commission show that more than half of the over \$200,000 in
12 total receipts Morgan reported were fictitious receipts. In fact, the Morgan Committee's bank
13 records show receipts totaling only \$98,850.

14 6. In particular, in the Amended 2002 July Quarterly Report Morgan reported receipts
15 totaling \$200,300 from 115 contributors. However, the Morgan Committee's bank records show
16 receipts totaling only \$45,360 from 13 contributors, including a total of \$33,250 from Morgan,
17 during the July reporting period.

18

¹ All of the facts recounted herein 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, as amended, ("the Act") are to the Act as it read prior to the effective date of BCRA and all citations to the Commission's regulations are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA. All statements of the law in this agreement that are written in the present tense shall be construed to be in either the present or the past tense, as necessary, depending on whether the statement would be modified by the impact of BCRA or the regulations thereunder.

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7. Morgan also reported making a \$10,000 loan to the Morgan Committee from the proceeds of a bank loan he obtained that was secured by his personal automobile. However, the Morgan Committee's bank account records do not show receipt of any funds from this \$10,000 loan.

8. Similarly, in the Amended 2002 April Quarterly Report, Morgan reported receiving a total of \$11,300 in receipts - \$2,000 from two itemized contributors, \$2,800 in unitemized receipts, and a \$6,500 contribution from himself. However, the Morgan Committee's bank records show receipts totaling only \$2,025 from 21 contributors during the April reporting period, most of which were in amounts less than \$200 and did not require identification of the contributors in the committee's disclosure reports. See 2 U.S.C. § 434(b)(3); 11 C.F.R. § 104.3(a)(4)(i). In addition, the Morgan Committee's bank records do not show that the \$6,500 contribution from Morgan was in fact made.

9. Morgan reported similar inaccurate information regarding the Morgan Committee's disbursements. He reported \$253,666 in total disbursements, but the Morgan Committee's bank records show that over \$188,208 of the reported disbursements were wholly fictitious, and more than \$19,000 in reported disbursements were inflated.

10. Specifically, Morgan reported disbursements, totaling \$11,200, to eight vendors in the 2002 Amended April Quarterly Report. However, as the following chart shows, the Morgan Committee's bank account records show that only three disbursements, totaling \$2,211.98, were made during the April reporting period:

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Date	Disbursement	Vendor
03/11/02	\$144.16	Office Max
03/21/02	\$67.82	Office Max
03/27/02	\$2,000.00	Victory Enterprise
	TOTAL \$2,211.98	

11. In addition, Morgan reported disbursements totaling \$38,425 to 15 persons in the 2002 Amended July Report. However, as shown in the chart below, the Morgan Committee's bank records show that disbursements totaling only \$19,860.73 were made to 16 persons during the July reporting period.

Date	Disbursement	Payee
04/26/02	\$72.14	Ameritech
05/13/02	\$60.00	Morgan, Jamie
05/23/02	\$40.00	City of Warren
05/23/02	\$20.00	City of Fraser
05/28/02	\$4,000.00	Summit Marketing & Design
06/03/02	\$1,500.00	Unidentified Payee ²
06/04/02	\$100.00	CTE William J. Neuron
06/17/02	\$188.64	Meijer
06/17/02	\$100.00	SOCNAACP
06/17/02	\$7,523.50	Impact Strategies
06/19/02	\$40.00	Tom Zontine
06/20/02	\$1,080.00	Maynard Consulting
06/24/02	\$50.00	Direct Mailers
06/26/02	\$57.24	Kinkos
06/27/02	\$210.00	Post Master
06/28/02	\$4,819.21	ADRAY Camera
	TOTAL	
	\$19,860.73	

² The records do not show a payee for this transaction.

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12. Furthermore, Morgan reported a total of \$204,041, including a total of \$26,841 to three vendors, as operating expenditures in his Amended Termination Report, covering July 16 to July 18, 2002. One hundred and seventy-seven thousand, two hundred dollars (\$177,200) in reported disbursements purportedly were refunds to the contributors disclosed in the April and July Reports. However, the Morgan Committee's bank account records do not show any of the reported refunds being made.

13. The Act requires every political committee to have a treasurer. 2 U.S.C. § 432(a). See 11 C.F.R. § 102.2(a)(1)(iv). The Act requires the treasurer of a political committee to file complete and accurate periodic reports of receipts and disbursements by the committee. 2 U.S.C. § 434(a)(1) and (2)(A). Among other items, the reports must disclose all contributions to and disbursements from the committee. 2 U.S.C. § 434(b)(2) and (b)(4); 11 C.F.R. § 104.3(b). Additionally, the treasurer of a committee is required to identify contributors, other than political committees, whose aggregate contribution(s) exceed \$200 in an election cycle. 2 U.S.C. § 434(b)(3); 11 C.F.R. § 104.3(a)(4)(i) and (iv). The treasurer must also disclose the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, and the name and address of each person who has received a disbursement in an aggregate amount or value in excess of \$200 within the election cycle, together with the date, amount, and purpose of such operating expenditure. 2 U.S.C. § 434(b)(5)(A) and (6)(A); 11 C.F.R. §§ 104.3(b)(4)(i) and (vi), and 104.9(a).

14. The treasurer is personally responsible for filing complete and accurate disclosure reports and statements, including the committee's registration form, with the Commission.

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1 11 C.F.R. § 104.14(d). A treasurer may also be held personally liable for violations of the Act.
2 See *FEC v. Toledano*, 317 F.3d 939, 947 (9th Cir. 2003); *FEC v. John A. Dramesi for Cong.*
3 *Comm.*, 640 F. Supp. 985 (D.N.J. 1986). As the *de facto* treasurer, who prepared and filed the
4 Morgan Committee's disclosure reports, Morgan may be held liable for their accuracy and
5 completeness. See, e.g., *FEC v. Committee to Elect Bennie O. Batts*, No. 87-5789 (S.D.N.Y.
6 Feb. 24, 1989); see also MUR 5453 (Giordano for U.S. Senate Committee) (deputy treasurer
7 functioning as *de facto* treasurer held liable for accepting excessive and prohibited contributions
8 and underreporting receipts on behalf of committee).

9 15. Morgan acknowledged that he reported the fictitious and inflated contributions and
10 disbursements described above. He explained that he inflated actual receipts from contributors
11 and reported receipts from individuals who made no monetary contribution to the Morgan
12 Committee. He also acknowledged that he did not make the reported refund disbursements.

13 16. Morgan's actions constitute knowing and willful conduct. The phrase "knowing and
14 willful" indicates that "acts were committed with a knowledge of all the relevant facts and a
15 recognition that the action is prohibited by law...." H.R. Rpt. 94-917 at 3-4 (Mar. 17, 1976)
16 (*reprinted in* Legislative History of Federal Election Campaign Act Amendments of 1976 at 803-
17 04 (Aug. 1977)); see also *National Right to Work Comm. v. FEC*, 716 F.2d 1401, 1403 (D.C.
18 Cir. 1983) (*citing* *AFL-CIO v. FEC*, 628 F.2d 97, 98, 101 (D.C. Cir. 1980)) for the proposition
19 that "knowing and willful" means "'defiance' or 'knowing, conscious, and deliberate flaunting'
20 [sic] of the Act"); *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). In addition,
21 the *Hopkins* court held that taking steps to disguise the source of funds used in illegal activities
22 may reasonably be explained as a "motivation to evade lawful obligations." *Hopkins*, 916 F.2d at

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213-14 (citing *Ingram v. United States*, 360 U.S. 672, 679 (1959)) (internal quotations omitted).

Morgan admitted that he was aware that he was required to file accurate information with the Commission. He admitted that he understood the need for accurate disclosure reports and recognized that the Commission was reviewing the reports for accuracy. Nevertheless, Morgan deliberately filed inaccurate reports with the Commission.

17. As Morgan was the *de facto* treasurer throughout the Morgan Committee's existence he is responsible for the reporting discrepancies in the Morgan Committee's disclosure reports.

18. In addition to reporting fictitious and inflated receipts and disbursements, Morgan failed to report or misreported several other receipts and disbursements. In particular, Morgan did not report or misreported a total of \$19,250 in receipts to the Morgan Committee from 7 contributors, including himself. The receipts span the period from June 4, 2002 through July 15, 2002 and were in amounts between \$1,000 and \$5,250.

19. Morgan also did not report \$29,106.89 in disbursements from the Morgan Committee's account to several vendors during his campaign. The disbursements range in amounts from \$210 to \$7,280 and span the period from June 27 to July 18, 2002.

20. Further, Morgan made several campaign related disbursements directly from his personal checking account and with his personal credit cards that he did not report to the Commission. Morgan's credit card statements show several unreported payments that likely were campaign-related. In particular, the statements show payments to Kinko's (copying) and Victorystore.com (signs and bumper stickers), vendors to which Morgan specifically acknowledged that he made campaign-related payments. As shown in the chart below, Morgan's credit card statements show a total of \$2,853.86 in apparent campaign-related disbursements

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- 1 between February 4 and July 11, 2002 to four vendors that exceeded the \$200 threshold for
2 disclosure to the Commission. See 2 U.S.C. § 434(b)(5) and (6).

Date	Amount	Vendor
02/04/02	\$215.45	Kinko's
02/07/02	\$319.54	Kinko's
03/27/02	\$1,630.00	Victorystore.com
07/11/02	\$688.86	Michigan Republicans
	TOTAL	
	\$2,853.86	

- 3
4 21. Morgan was required to report each such campaign disbursement from his personal
5 checking account and credit card as an in-kind contribution to the Morgan Committee.³
6 11 C.F.R. §§ 100.7(a)(1)(iii) and 100.8(a)(1)(iv). As *de facto* treasurer of the Morgan
7 Committee, Morgan did not comply with the Act by failing to report the above receipts and
8 disbursements.

- 9 22. In addition to the reporting discrepancies described above, the Morgan Committee's
10 bank records show that a total of \$62,000 of the Morgan Committee's total campaign receipts of
11 \$98,850 came from Morgan's father, Jerry Morgan, in the form of several cashier's checks,
12 which were not reported to the Commission. In particular, the bank records show the following:
13 On June 12, 2002, Morgan cashed a \$50,000 cashier's check from his father through his personal
14 checking account at Comerica Bank. On the same date, Morgan deposited \$20,000 of the funds
15 into the Morgan Committee's checking account. He deposited an additional \$20,000 of the funds

³ Although contributions made from a candidate's personal funds are not subject to the contribution limits, such contributions must be reported to the Commission. 11 C.F.R. § 110.10(a).

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1 into his personal checking account and kept the remaining \$10,000 as cash. One month later, on
2 July 12, 2002, Morgan deposited seven cashier's checks into the Morgan Committee's account in
3 the following amounts: one check in the amount of \$15,000; three checks in the amount of
4 \$5,000 each; and three checks in the amount of \$4,000 each. All seven of the cashier's checks
5 were from "J. Morgan" and were made payable to "J. Morgan."

23. The cashier's checks from Morgan's father resulted in excessive contributions under the Act, which defines a contribution as any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.

2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1).

24. During the 2002 election cycle, contributions from individuals were limited to a total of \$1,000 per election. See 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1). As pertinent herein, an election is defined as a general, special, primary, or runoff election. 2 U.S.C. § 431(1)(A); 11 C.F.R. § 100.2. Since Morgan was a candidate only for the primary election, his campaign was limited to a total contribution of \$1,000 per individual.

25. The Act and the Commission's regulations prohibit a candidate or political committee from knowingly accepting any contributions from an individual totaling over \$1,000 per election. *See* 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.9(a). Those provisions also prohibit an officer or employee of a political committee from knowingly accepting a contribution made for the benefit or use of a candidate that violate the contribution limitations of the Act. *Id.* Finally, the Act provides that any candidate who receives a contribution for use in connection with his campaign shall be considered as having received the contribution as an agent of the authorized committee of such candidate. *See* 2 U.S.C. § 432(e)(2).

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26. All of the cashier's check contributions from Morgan's father were greater than \$4,000, and therefore over the lawful \$1,000 contribution limit. Morgan was aware that he was accepting excessive contributions from his father. Morgan was fully aware of the amounts of the checks, since he personally endorsed the cashier's checks from his father and deposited each of them into the Morgan Committee's checking account.

27. Morgan's deliberate concealment of his father's contributions is sufficient to satisfy the knowing and willful standard of the Act. *See U.S. v. Hopkins*, 916 F.2d at 213-14.

28. The cashier's checks Morgan received from his father also resulted in contributions made in the name of another under the Act. The Act provides that no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 2 U.S.C. § 441f. The Commission's regulations also provide that no person shall knowingly help or assist any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b)(1)(iii). The regulations include examples of contributions in the name of another, such as giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made. 11 C.F.R. § 110.4(b)(2)(i).

29. In addition to not disclosing receipt of the cashier's checks to the Commission as contributions from his father, Morgan attempted to conceal his father's contributions by portraying them as his own personal contributions. In fact, Morgan reported several fictitious contributions in his own name in the Amended July Report, including a \$15,000 contribution on

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1 June 20, 2002. As stated previously, taking steps to disguise the source of funds is evidence of
2 knowing and willful conduct. *See Hopkins*, 916 F.2d at 213-14.

3 30. Morgan also did not disclose the correct amount of campaign receipts in the Morgan
4 Committee's account and outstanding obligations the Morgan Committee owed when he filed the
5 Morgan Committee's Termination Report.

6 31. The Act and Commission's regulations require that disclosure reports filed with the
7 Commission include the amount of cash on hand at the beginning and end of a reporting period.
8 *See* 2 U.S.C. § 434(b)(1) and (4)(G), and 11 C.F.R. § 104.3(a)(1) and (b)(2)(vi) and (vii).

9 32. The Act provides that a committee may terminate only when it files a statement that
10 it will no longer receive any contributions or make any disbursements, and it has no outstanding
11 debts or obligations. 2 U.S.C. § 433(d)(1). As pertinent herein, the Commission's regulations
12 further require that when a committee requests to terminate it shall provide a final report of
13 receipts and disbursements, which report shall include a statement as to the purpose for which
14 residual funds will be used. 11 C.F.R. § 102.3(a)(1). *See* 11 C.F.R. § 102.3(b) (applying the
15 above termination requirements to a principal campaign committee).

16 33. On July 18, 2002, Morgan filed a Termination Report with the Commission
17 (covering the period July 16-18, 2002), in which he reported that the Morgan Committee had
18 only three cents (\$.03) Cash on Hand. However, the Morgan Committee's bank records show
19 that there was \$33,506.34 in its checking account at the time. On July 22, 2002, Morgan closed
20 the Morgan Committee's checking account and deposited the \$33,506.34 into his personal
21 Comerica Bank checking account and used the vast majority of the funds (\$27,232.50) to pay
22 campaign obligations. After paying campaign obligations, Morgan later filed with the

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1 Commission on July 29, 2002 an Amended Termination Report that showed the same three cents
2 (\$.03) Cash on Hand as in the original Termination Report and did not show the \$27,232.50 in
3 disbursements for campaign obligations. The Report purportedly covered the period from July 1-
4 18, 2002. Finally, almost two months later, on September 18, 2002, Morgan filed a final
5 Amended Termination Report that showed \$984 Cash on Hand for the same July 16-18, 2002
6 period shown in the original Termination Report. That final Amended Termination Report also
7 did not disclose the \$27,235.50 in disbursements that Morgan made after filing the original
8 Termination Report.

9 34. As discussed above, Morgan did not disclose the Morgan Committee's true financial
10 condition when he filed the Morgan Committee's Termination Reports, as required by the Act
11 and the Commission's regulations. See 2 U.S.C. § 434(b)(1) and (4)(G), and 11 C.F.R.
12 § 104.3(a)(1) and (b)(2)(vi) and (vii). Consequently, Morgan was able to terminate the Morgan
13 Committee without complying with the procedures set forth in the Act and the Commission's
14 regulations. See 2 U.S.C. § 433(d)(1) and 11 C.F.R. § 102.3(b).

15 35. Admittedly, Morgan was aware that disclosure reports filed with the Commission
16 were required to be accurate. Morgan acknowledged that he intentionally filed inaccurate
17 information in the Termination Report in order to terminate the Morgan Committee. The
18 requirement for accurate information in disclosure reports extends to the Termination Report
19 Morgan filed with the Commission. 11 C.F.R. § 102.3.

20 36. In addition to depositing the \$33,506.34 in campaign receipts into his personal
21 Comerica Bank checking account, Morgan also deposited two \$2,000 checks from two

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1 contributors (Jeffrey and Andrew Jones) directly into his personal Comerica Bank account on
2 June 17, 2002.

3 37. The Act provides that all funds of a political committee shall be segregated from, and
4 may not be commingled with, the personal funds of any individual. 2 U.S.C. § 432(b)(3).
5 See 11 C.F.R. § 102.15. The Act and the Commission's regulations also require that all receipts
6 received by a political committee be deposited into the committee's checking account. 2 U.S.C.
7 § 432(h)(1); 11 C.F.R. § 103.3(a).

8 38. Morgan's actions in commingling campaign funds with his personal funds are
9 knowing and willful. Morgan withdrew the \$33,506 in campaign funds to conceal them from the
10 Commission in order to terminate the Morgan Committee.

11 39. Efforts at concealment or disguise are sufficient to support a conclusion of knowing
12 and willful violation of the Act, particularly regarding the \$33,506 in residual campaign funds.
13 See *United States v. Hopkins*, 916 F.2d 207, 213-14.

14 40. Finally, The Act and the Commission's regulations require a treasurer to keep the
15 following records: (1) an account of all contributions received by or on behalf of the committee;
16 (2) the name and address of any person who makes any contribution in excess of \$50, together
17 with the date and amount of such contribution by any person; (3) the identification of any person
18 who makes a contribution or contributions aggregating more than \$200 during a calendar year,
19 together with the date and amount of any such contribution; and (4) the name and address of
20 every person to whom any disbursement is made; the date, amount, and purpose of the
21 disbursement, and the name of the candidate and the office sought by the candidate, if any, for
22 whom the disbursement was made, including a receipt, invoice, or cancelled check for each

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1 disbursement in excess of \$200. 2 U.S.C. § 432(c)(1)-(3) and (5); 11 C.F.R. § 102.9(a) and (b).

2 The treasurer is required to maintain records, including vouchers, worksheets, receipts, bills and
3 accounts, which shall provide in sufficient detail the necessary information and data from which
4 the filed reports and statements may be verified, explained, clarified, and checked for accuracy
5 and completeness by the Commission or its authorized representative(s). 11 C.F.R.

6 § 104.14(b)(1) and (3). The records must be kept for 3 years after the corresponding report is
7 filed. 2 U.S.C. § 432(d); 11 C.F.R. § 104.14(b)(3).

8 41. Morgan did not comply with the above provisions. Morgan admitted that he did not
9 keep or maintain proper records of receipts or disbursements. For example, he did not keep any
10 log or record of the contributions he received or disbursements made on behalf of the Morgan
11 Committee. Consequently, Morgan was unable to provide the Commission with any checks,
12 deposit slips, or ledgers regarding contributions in response to its subpoena for such documents,
13 which was issued within the prescribed three-year period for the preservation of such records.
14 Morgan was equally unable to provide receipts, invoices, or cancelled checks for campaign
15 disbursements. In fact, Morgan was unable to provide much of the necessary information and
16 data from which the filed reports may be verified, explained, clarified, or checked for accuracy
17 and completeness.

18 V. 1. Respondent knowingly and willfully violated 2 U.S.C. § 434(b) by filing with the
19 Commission disclosure reports that contained fictitious and inflated receipts and disbursements.

20 2. Respondent violated 2 U.S.C. § 434(b) by failing to report additional campaign
21 receipts and disbursements.

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3. Respondent knowingly and willfully violated 2 U.S.C. § 441a(f) by accepting contributions that exceeded the contribution limits of the Act.

4. Respondent knowingly and willfully violated 2 U.S.C. § 441f by accepting contributions made in the name of another.

5. Respondent knowingly and willfully violated 2 U.S.C. § 432(b)(3) by commingling campaign funds with personal funds.

6. Respondent violated 2 U.S.C. § 432(c) and (d), and 11 C.F.R. § 104.14(b) by failing to keep and maintain campaign records.

7. Respondent knowingly and willfully violated 11 C.F.R. § 102.3 by falsely terminating the Morgan Committee.

8. Respondent will cease and desist from violating 2 U.S.C. §§ 432(b)(3), 432(c) and (d), 434(b), 441a(f), and 441f, and 11 C.F.R. §§ 102.3 and 104.14(b).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Sixty Thousand dollars (\$60,000), pursuant to 2 U.S.C. § 437g(a)(5)(A) and § 437g(a)(5)(B), such penalty to be paid as follows:

1. An initial installment payment of \$20,000 shall be paid within 30 days from the date this agreement becomes effective;

2. A second installment payment of \$20,000 shall be paid within 60 days from the date this agreement becomes effective;

3. A final installment payment of \$20,000 shall be paid within 90 days from the date this agreement becomes effective;

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1 4. In the event that any installment payment is not received by the Commission by the
2 fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining
3 payments and cause the entire amount to become due upon ten days written notice to the
4 respondent(s). Failure by the Commission to accelerate the payments with regard to any overdue
5 installment shall not be construed as a waiver of its right to do so with regard to future overdue
6 installments.

7 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.
8 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance
9 with this agreement. If the Commission believes that this agreement or any requirement thereof
10 has been violated, it may institute a civil action for relief in the United States District Court for
11 the ~~District of Columbia~~
DISTRICT OF COLUMBIA

12 VIII. This agreement shall become effective as of the date that all parties hereto have
13 executed same and the Commission has approved the entire agreement.

14 IX. This Conciliation Agreement constitutes the entire agreement between the parties on
15 the matters raised herein, and no other statement, promise, or agreement, either written or oral,

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1 made by either party or by agents of either party, that is not contained in this written agreement

2 shall be enforceable.

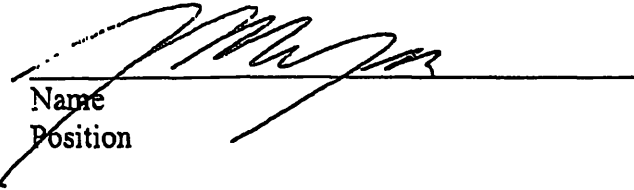
3 FOR THE COMMISSION:

4 Thomasenia Duncan
5 Acting General Counsel

6 BY:

7  ~~Rhonda J. Vordingh~~ ~~Ann Marie Terzaken~~ Date 4/20/07
8 ~~Acting~~ Associate General Counsel
9 for Enforcement

10 FOR THE RESPONDENT:

11 
12 Name
13 Position
14
15

Date

2/27/07

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