



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

AUG 3 1 2004

Neil Reiff, Esq.
Sandler, Reiff & Young, P.C.
50 E Street, S.E., Suite 300
Washington, DC 20003

RE: MUR 5413
Democratic Party of Wisconsin Federal
Account and Robert Fyrst, as treasurer

Dear Mr. Reiff:

On August 24, 2004, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 432(c)(5) and 432(d), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 102.9(b), a regulation promulgated pursuant to the Act. Accordingly, the file has been closed in this matter.

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,

A handwritten signature in cursive script that reads "Delbert K. Rigsby".

Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5413
Democratic Party of Wisconsin Federal Account and)
 Robert Fyrst, as treasurer)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission, pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Federal Election Commission ("Commission") found reason to believe that Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer ("Respondents"), violated 2 U.S.C. §§ 432(c)(5) and 432(d) and 11 C.F.R. § 102.9(d).

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OFFICE OF GENERAL COUNSEL

NOW, THEREFORE, the Commission and the 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 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 Democratic Party of Wisconsin is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Robert Fyrst is the treasurer of the Democratic Party of Wisconsin Federal Account.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that the treasurer of a political committee shall keep an account of the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice or cancelled check for each disbursement in excess of \$200. 2 U.S.C. § 432(c)(5) and 11 C.F.R. § 102.9(b).

4. The treasurer of a political committee shall preserve all required records of disbursements and copies of reports for three years after the report is filed. *See* 2 U.S. C. § 432(d).

5. The Commission performed an audit of the Committee pursuant to 2 U.S.C. § 438(b), covering the period between January 1, 1999 and December 31, 2000. On April 10, 2003, the Commission approved the Final Audit Report, which found, based on a sample review of disbursements, that Respondents failed to maintain a cancelled check, invoice or receipt for 11% of its disbursements in excess of \$200, and failed to preserve required records of these disbursements for three years.

6. After the Final Audit Report was issued, Respondents provided cancelled checks and/or other supporting documentation for most of the disbursements which had lacked this documentation.

V. 1. Respondents violated 2 U.S.C § 432(c)(5) and 11 C.F.R. § 102.9(b) by failing to maintain a cancelled check, invoice, or receipt for disbursements in excess of \$200.

2. Respondents violated 2 U.S.C. § 432(d) by failing to preserve required records of disbursements for three years.

3. Respondents will cease and desist from violating 2 U.S.C. §§ 432(c)(5) and 432(d) and 11 C.F.R. § 102.9(b).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Nine Thousand dollars (\$9,000), 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.

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 among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral,

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

FOR THE COMMISSION

Lawrence H. Norton
General Counsel

BY: *Rhonda J. Vosding*
Rhonda J. Vosding
Associate General Counsel
for Enforcement

8/30/04
Date

FOR THE RESPONDENTS

Neil Kirk
(Name) *Neil Kirk*
(Position) *Counsel*

6/6/04
Date