



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

December 4, 2007

E. Mark Braden  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304

RE: MUR 5742  
Bill McCollum for U.S. Senate and  
Richard L. Pilhorn, in his official capacity as Treasurer

Dear Mr. Braden:

On November 26, 2007, the Federal Election Commission accepted the conciliation agreement you submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("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 first civil penalty payment is due within 10 days of the conciliation agreement's effective date, December 4, 2007. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Bonham, III".

Robert W. Bonham, III  
Senior Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of )  
Bill McCollum for U.S. Senate and )  
Richard L. Pilhorn, in his official capacity as Treasurer )  
)

MUR 5742

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COUNSEL  
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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.

The Commission found probable cause to believe that Bill McCollum for U.S. Senate and Richard L. Pilhorn, in his official capacity as Treasurer, violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and Bill McCollum for U.S. Senate and Richard L. Pilhorn, in his official capacity as Treasurer, 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 Bill McCollum for U.S. Senate and Richard L. Pilhorn, in his official capacity as Treasurer (collectively, "the Respondents") and the subject matter of this proceeding.

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. Bill McCollum for U.S. Senate is a political committee within the meaning of 2 U.S.C. § 431(4). It was the principal campaign committee

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for Bill McCollum, a candidate for the Republican Party's nomination for the United States Senate from Florida in 2004.

2. Richard L. Pilhorn is the treasurer of Bill McCollum for U.S. Senate.
3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires the treasurer of a principal campaign committee of a candidate for the Senate to file, in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, disclosure reports including a pre-election report. *See* 2 U.S.C. § 434(a)(2)(A). The pre-election report must disclose, for the reporting period and the election cycle, the total amount of all disbursements and all disbursements in certain categories, along with the name and address of each person who has received any disbursement in an aggregate amount or value in excess of \$200 within the election cycle, together with the date and amount (and purpose if the disbursement is an "expenditure") of any such disbursement. *See* 2 U.S.C. §§ 434(b)(4), 434(b)(5) and 434(b)(6)(A).
4. On October 15, 2004, the Respondents filed an Amended 2004 12-Day Pre-Primary Report, which revealed that the Respondents failed to disclose disbursements totaling \$755,839 in the Committee's original 2004 12 Day Pre-Primary Report. The omitted disbursements represented a 161% increase over the amount of financial activity the Committee originally reported.

V. Respondents failed to disclose disbursements totaling \$755,839 in violation of

2 U.S.C. § 434(b). Respondents will cease and desist from violating 2 U.S.C. § 434(b).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifty thousand dollars (\$50,000), pursuant to 2 U.S.C. § 437g(a)(5)(A):

1. A payment of ten thousand dollars (\$10,000) is due no more than ten (10) days from the date this Agreement becomes effective;
2. Thereafter, respondents will make four consecutive monthly installment payments of ten thousand dollars (\$10,000) each, and each such installment shall be paid within thirty (30) days of the due date for the previous payment; and
3. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to future overdue payments.

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 the Commission's own initiative, 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. 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:

Thomasenia P. Duncan  
General Counsel

BY:


  
Ann Marie Terzaken  
~~Acting~~ Associate General Counsel  
For Enforcement

Date:

12/4/07

FOR THE RESPONDENTS:

BY:

  
Mark Braden  
Baker & Hostetler, LLP

Date:

Oct 26, 2007

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