



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Neil Reiff, Esq.
Stephen Hershkowitz, Esq.
Sandler, Reiff & Young, PC
50 E Street, SE
Suite 300
Washington, DC 20003

MAR 12 2007

RE: MUR 5760
West Virginia State Democratic Executive
Committee and Brian Kastick, in his official
capacity as treasurer

Dear Mr. Reiff:

On March 6, 2007, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's 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 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 black ink, appearing to read "Beth N. Mizuno", written over a horizontal line.

Beth N. Mizuno
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 5760
West Virginia State Democratic)	
Executive Committee and Brian Kastick,)	
in his official capacity 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.

The Commission found reason to believe that West Virginia State Democratic Executive Committee and Brian Kastick, in his official capacity as treasurer ("Respondents"), violated 2 U.S.C. § 434(b)(4).

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. West Virginia State Democratic Executive Committee ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4)(C).

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2. Brian Kastick is the treasurer of West Virginia State Democratic Executive Committee.
3. The treasurer of a political committee must file reports of all receipts and disbursements in accordance with the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 434(a)(1). Each report for the reporting period shall disclose the total amount of disbursements by the committee. 2 U.S.C. § 434(b)(4).
4. On October 21, 2004, Respondents filed an original 2004 12 Day Pre-General Election Report disclosing total disbursements of \$303,856.
5. On December 2, 2004, Respondents filed an original 2004 30 Day Post-General Election Report disclosing total disbursements of \$438,213.
6. On July 28 and August 18, 2005, Respondents filed an Amended 2004 12 Day Pre-General Election Report disclosing total disbursements \$397,034, an increase of \$93,178.
7. Also on July 28 and August 18, 2005, Respondents filed an Amended 2004 30 Day Post-General Election Report disclosing total disbursements of \$570,212, an increase of \$131,998.
8. In response to a Request for Additional Information from the Reports Analysis Division, Respondents explained that the disclosure errors were the result of the volume of activity and confusion surrounding the 2004 election.

V. Respondents violated the Act by failing to disclose disbursements of \$93,178 in its 2004 12 Day Pre-General Election Report and \$131,998 in disbursements in its 2004 30 Day Post General Election Report, in violation of 2 U.S.C. § 434(b)(4). Respondents contend that the

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West Virginia State Democratic Executive Committee inadvertently failed to disclose a few wire transfers in the closing days of the 2004 campaign due to an unprecedented level of activity coupled with the unexpected departure of its key compliance officer. After the election, the West Virginia State Democratic Executive Committee discovered its mistake and voluntarily amended reports and made staff and software improvements to prevent future disclosure errors.

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Twenty-One Thousand Seven Hundred and Fifty Dollars (\$21,750.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will cease and desist from violating 2 U.S.C. § 434(b)(4).

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,


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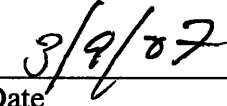
made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

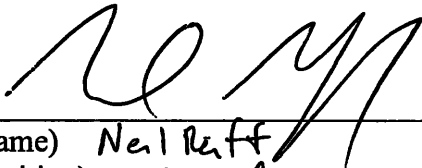
Lawrence H. Norton
General Counsel

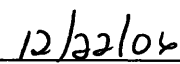
BY:


Rhonda J. Vodingh
Associate General Counsel
for Enforcement


Date

FOR THE RESPONDENTS:


(Name) Neil Ruff
(Position) Counsel


Date

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