



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL 10 2007

Cleta Mitchell, Esq.
Foley & Lardner, LLP
3000 K Street NW, Suite 500
Washington, DC 20007

RE: MUR 5780
Santorum 2006

Dear Ms. Mitchell:

On June 20, 2007, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441d(c)(2), a provision of the Act, and 11 C.F.R. §§ 110.11 (c)(2)(ii) and 102.17(c)(1)-(2). Accordingly, the file has been closed in this matter as it pertains to Santorum 2006 and Gregg Melinson, in his official capacity as treasurer.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Belinski".

Kate Belinski
Attorney

Enclosure
Conciliation Agreement

20044190269

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5780
Santorum 2006 and)
Gregg Melinson, in his)
official capacity as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by William R. Caroselli. The Federal Election Commission ("Commission") found reason to believe that Santorum 2006 and Gregg Melinson, in his official capacity as treasurer ("Respondents"), violated 11 C.F.R. § 102.17(c)(1)-(2), 2 U.S.C. § 441d(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii).

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. Santorum 2006 was a political committee within the meaning of 2 U.S.C. § 431(4), and was Richard J. Santorum's authorized committee for his 2006 Senatorial race in Pennsylvania.

2. Gregg Melinson is the treasurer of Santorum 2006.

3. Pursuant to 11 C.F.R. § 102.17(c)(1), the participants in a joint fundraising activity shall enter into a written agreement that identifies the fundraising representative and states a formula for the allocation of fundraising proceeds. Further, the fundraising representatives shall retain the written agreement for a period of three and shall make it available to the Commission upon request.

4. Pursuant to 11 C.F.R. § 102.17(c)(2), a joint fundraising notice shall be included with every solicitation for contributions.

5. Respondents held a fundraising event on June 14, 2005, from 11 a.m. to 1 p.m. at a private residence in Pennsylvania, featuring President George Bush as the guest speaker. The Republican Federal Committee of Pennsylvania held an event on the same date, at the same time, at the same location, and with the same guest speaker. Respondents coordinated with the political committee regarding the logistics of the event, some of the vendors used, and the distribution of proceeds from the event.

6. Respondents failed to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

7. Respondents failed to include a joint fundraising notice with every solicitation for contributions for the Santorum 2006 event held on June 14, 2005.

8. The Act requires that when a candidate's authorized political committee makes a disbursement for the purpose of financing a public communication through a mailing, or solicits any contributions through a mailing, such communication shall clearly state that the authorized political committee paid for the communication. *See* 2 U.S.C. § 441d(a)(1).

9. Any disclaimer in a printed communication described in 2 U.S.C. § 441d(a)(1) must be contained in a printed box set apart from the other contents of the communication.

2 U.S.C. § 441d(c)(2). *See also* 11 C.F.R. § 110.11(c)(2)(ii).

10. Respondents paid for a solicitation for a March 24, 2006 fundraiser at a private residence in Pennsylvania, featuring President George Bush as the guest speaker. The solicitation included the disclaimer "Paid for by Santorum 2006" in small font at the bottom of the invitation.

11. The disclaimer was not contained in a printed box set apart from the other contents of the communication.

V. Respondents violated 11 C.F.R. § 102.17(c)(1) by failing to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

VI. Respondents violated 11 C.F.R. § 102.17(c)(2) by failing to include a joint fundraising notice with every solicitation for contributions for the Santorum 2006 event held on June 14, 2005.

VII. Respondents violated 2 U.S.C. § 441d(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii) by failing to contain the disclaimer at the bottom of the March 24, 2006 fundraiser invitations within a printed box set apart from the other contents of the communication.

VIII. Respondents will cease and desist from violating 11 C.F.R. § 102.17(c)(1)-(2), 2 U.S.C. § 441(d)(c)(2), and 11 C.F.R. § 110.11(c)(2)(ii).

IX. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Thousand Five Hundred dollars (\$6,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

X. 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.

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

XII. 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.

XIII. 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

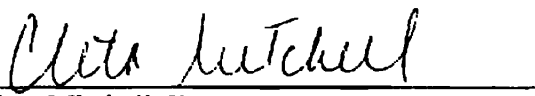
Thomasenia P. Duncan
General Counsel

BY: 

Ann Marie Terzaken
Acting Associate General Counsel
for Enforcement

7/10/07
Date

FOR THE RESPONDENTS ^


Cleta Mitchell, Esq.
Counsel for Respondent Santorum 2006

5-16-07
Date