



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via Facsimile and First Class Mail

Fax (202) 429-5565

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NOV 01 2011

Mark Schneider, Esquire
Service Employees International Union
1800 Massachusetts Avenue, NW
Washington, DC 20036

RE: MUR 6499
Service Employees International Union
Committee on Political Education (SEIU
COPE) and Gerald Hudson, in his official
capacity as treasurer

Dear Mr. Schneider:

On October 27, 2011, 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(g), a provision of the Federal Election Campaign Act of 1971, as amended. 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. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Dominique Dillenseger
Attorney

Enclosure
Conciliation Agreement

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COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION NOV 22 1972 1 PM 2: 49

In the Matter of)
)
Service Employees International Union Committee) MUR 6499
on Political Education and Gerald Hudson,)
in his official capacity as treasurer)

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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Service Employees International Union Committee on Political Education ("SEIU COPE") and Gerald Hudson, in his official capacity as treasurer, ("the Committee" or "Respondents") violated 2 U.S.C. § 434(g), a provision of the Federal Election Campaign Act of 1971, as amended, ("the Act").

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. SEIU COPE is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Gerald Hudson is the Committee's treasurer.

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3. An independent expenditure is an expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate, and is not coordinated with a candidate, candidate's committee, party committee or their agents. 2 U.S.C. § 431(17). A political committee that makes or contracts to make independent expenditures aggregating \$1,000 or more with respect to a given election after the 20th day, but more than 24 hours before the date of an election, shall file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g)(1)(A); 11 C.F.R. § 104.4(c). The reports, known as 24-Hour Notices, must be filed within 24 hours "following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated." 11 C.F.R. § 104.4(c). The Committee shall file additional reports within 24 hours after each time it makes or contracts to make independent expenditures aggregating an additional \$1,000. 2 U.S.C. § 434(g)(1)(B).

4. On September 20, 2010, the Committee filed its 2010 September Monthly Report, which included a Schedule E disclosing four independent expenditures, totaling \$119,624.44, in opposition to a federal candidate in the Florida primary election held on August 24, 2010. The expenditures, each in the amount of \$29,906.11 paid to 4900 Group LLC, were made on August 11, 2010 for mailings distributed on August 11, 13, 16, and 18, 2010. However, the Committee failed to file 24-Hour Notices for these independent expenditures. On October 21, 2010, the Committee amended the 2010 September Monthly Report, the amendment did not include any changes to the independent expenditure transactions disclosed on the original report.

5. On November 30, 2010, RAD sent a Request for Additional Information ("RFAI") to the Committee concerning the Amended 2010 September Monthly Report in which it notified the Committee that the report's Schedule E listed "last minute" independent

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expenditures that were not disclosed on 24-Hour Notices of Independent Expenditures, identified the specific expenditures, and sought a response. On December 28, 2010, the Committee filed a Miscellaneous Electronic Submission (FEC Form 99) in response to the RFAI, in which it acknowledged that it had failed to file 24-Hour Notices for four independent expenditures disclosed on its 2010 September Monthly report.

V. Respondents violated 2 U.S.C. § 434(g) by failing to file 24-Hour Notices disclosing \$119,624.44 in independent expenditures.

VI. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Nine Thousand Six Hundred Dollars (\$9,600), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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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:

Anthony Herman
General Counsel

BY:

K M Guith

Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

10-31-11
Date

FOR THE RESPONDENTS:

Mark Schneider
Name:

Position: Mark Schneider
counsel to SEIU COPE

10/31/11
Date

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