



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 11, 2001

Mary Kay Scullion, Esq.
Counsel for Byrum for Congress Committee
325 Bartlett Street
Lansing, MI 48915
FAX: 517-482-0452

Dear Ms. Scullion:

Enclosed is the signed copy of the agreement between the Byrum for Congress Committee and the Federal Election Commission resolving case ADR 001/MUR 4923, which was approved by the Federal Election Commission this morning.

Regarding the issue raised in your letter of December 7, 2000 concerning attendance at an FEC sponsored seminar and meeting with Commission staff to discuss reporting procedures, those sessions should be arranged at the convenience of the Committee's staff. We do not anticipate that those meetings will occur during the twenty day period specified in paragraph 5 of the agreement, however, the negotiated settlement requires that they be scheduled sometime during this year.

This agreement effectively resolves the issues raised in the complaint filed against the Bryum for Congress Committee which is the subject of this case. I appreciate your assistance in resolving matter and helping to bring this case to a mutually satisfactory conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan D. Silberman", is written over a horizontal line.

Allan D. Silberman,
Director, ADR Office

Enclosure

21 1 11 003



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Washington, DC 20463

Case Number. ADR 001
Source: MUR 4923
Case Name Byrum for Congress

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by the Michigan Republican State Committee. Following a review of the record and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA"), and to resolve this matter, the Federal Election Commission ("Commission") entered into negotiations with May Kay Scullion, Esq., and Patricia Curran, campaign treasurer, representing the respondent, the Byrum for Congress Committee ("the Committee"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and the Respondent have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:


1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondent. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", P.L.104-320, § 3(a) and is an extension of 2 U.S.C. § 437g.
2. The Respondent has voluntarily entered into this agreement with the Commission.
3. In July, 1999, the Respondent noted in its quarterly report to the Commission campaign contributions received during the period April 1 through June 30, 1999. A portion of these campaign contributions were earmarked funds from Emily's List, in the amount of \$72,023 and the New Democratic Network, in the amount of \$1,000. These earmarked contributions should have been reported as such to the Commission. "The recipient candidate or authorized committee shall report each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any calendar year." 11 U.S.C. § 110.6(c)(2)(i). The "report by the recipient candidate or authorized committee shall contain the following information: the identification of the conduit or intermediary...." 11 U.S.C. § 110.6 (c)(2)(ii)
4. The Respondent acknowledges that it inadvertently failed to report earmarked contributions from Emily's List and the New Democratic Network and on learning of the error corrected the appropriate reports, filing amended reports with the Commission.

5. The Respondent, in order to avoid similar errors in the future agrees to: (1) attend during the year, beginning January 1, 2001, a Commission sponsored seminar in Washington D.C. on Electronic Filing and Reporting requirements; (2) attend in Washington, D.C. during the same time period as noted in the previous clause, a one-on-one briefing session with Commission staff on Campaign Committee reporting procedure; and (3) pay a civil penalty of eighteen hundred and fifty dollars (\$1850) to conclude this matter.
6. The parties agree that if the Respondent fails to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
7. This agreement will become effective on the date signed by all the parties and approved by the Commission. The Respondent shall have no more than 20 days from the effective date of this agreement to comply with the terms set forth here.
8. This Negotiated Settlement constitutes the entire agreement between the parties on MUR 4923 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included in herein, shall be enforceable.


FOR THE COMMISSION:

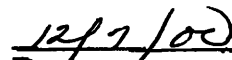
Allan D. Silberman,
Director Alternative Dispute Resolution Office


Allan D. Silberman


Date

FOR THE RESPONDENTS:


(Name)
(Position) Counsel


Date