



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Source: MUR 4984  
Case Number: ADR 009-A  
Case Name: Rogers for Congress

### **NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by Andrew Nickelhoff, counsel to the Michigan Democratic Party. 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 Eric E. Doster, Esq., representing the Rogers for Congress Committee ("the Respondent" and "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 with 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", 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. The Respondent has voluntarily entered into this agreement with the Commission.
3. The Respondent received in November, 1999, in-kind contributions from three individuals, i.e., Jerry Spitler, Scott Spitler, and Todd Spitler, totaling \$5,742, representing \$2,742 above the amount allowed in the FECA. No candidate or political committee shall knowingly accept any contribution in violation of the provisions of the section on the statute governing the limitation on contributions. 2 U.S.C. § 441a(f). On learning of the error, the Committee refunded the total contributions from the three individuals.
4. In November, 1999, the Spitlers sponsored a fundraising event on behalf of the Rogers for Congress Committee. The cost for the event was subsequently paid by the Spitler family through their corporate business. The Rogers for Congress Committee, after learning the corporation had paid for the cost associated with the event, reimbursed the facility where the event was held which in turn reimbursed the corporate business for its expenditure. The parties disagree on whether the aforementioned payment was a

corporate contribution. Political committees are prohibited from accepting or receiving contributions from corporations. 2 U.S.C. § 441b(a)

5. The Respondent, in order to avoid similar errors in the future, agrees to: (1) attend, during the current year, a Commission sponsored seminar in Washington D.C. on Campaign Committee Reporting requirements; (2) arrange to attend in Washington, D.C., during the same time period as noted in the previous clause, a one-on-one session with Commission staff to review the Committee's reporting procedures; and (3) pay a civil penalty of twenty five hundred and fifty dollars (\$2,550) 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 4984 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable


FOR THE COMMISSION:

Allan D. Silberman,  
Director Alternative Dispute Resolution Office

  
Allan D. Silberman

2/6/01  
Date

FOR THE RESPONDENTS:

  
(Name) Eric Coster  
(Position) Counsel

2/16/01  
Date