



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number: ADR 009-B  
Source: MUR 4984  
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 Jerry Spitler, Todd Spitler and Scott Spitler ("the Respondents"). 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 Respondents 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 Respondents. 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 Respondents have voluntarily entered into this agreement with the Commission.
3. In November 1999, the Respondents made in-kind campaign contributions to the Rogers for Congress Committee. Those contributions, totaling \$5,742.16, representing two thousand dollars (\$2,000) from Jerry Spitler, two thousand dollars (\$2,000) from Scott Spitler and seventeen hundred forty two dollars and sixteen cents (\$1,742.16) from Todd Spitler, exceed the amount individuals are allowed to contribute to political committees. No person can make contributions to any candidate and his authorized political committee with respect to any election for Federal office which in the aggregate exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). The Rogers for Congress Committee subsequently reimbursed the Respondents for the total amount of their contributions to the Committee.
4. In November 1999, the Respondents sponsored a fundraising event on behalf of the Rogers for Congress Committee. The cost of the event was subsequently paid by the Spitler family through their corporate business. The parties disagree on whether the aforementioned payment was a corporate contribution. Notwithstanding the disputed characterization of th is

payment, there is no dispute that the Rogers for Congress Committee, after learning that the Spillers paid for the cost associated with the event, reimbursed the facility where the event was held, which in turn, reimbursed the corporate business for this expenditure. It is unlawful for any corporation to make a contribution or expenditure in connection with any election at which a Representative to Congress is to be selected 2 U.S.C. § 441b(a).

5. The Respondents agree to pay a civil penalty of eighty two hundred dollars (\$8,200) in order to conclude this matter.
6. The parties agree that if the Respondents fail 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 Respondents 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.

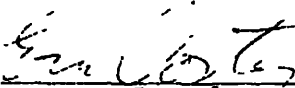
FOR THE COMMISSION:

Allan D. Silberman,  
Director Alternative Dispute Resolution Office

  
Allan D. Silberman

3/6/01  
Date

FOR THE RESPONDENTS:

  
(Name) Eric L. B. [illegible]  
(Position) Counsel

2/14/01  
Date