



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, DC 20463

**September 19, 2001**

**Dennis J. Kearney, Esq.**  
**Choate, Hall & Stewart**  
**Exchange Place**  
**53 State Street**  
**Boston, MA 02109**

**Jack Cinquerana, Esq.  
Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109**

**William C. Oldaker, Esq.**  
**Oldaker & Harris, L.L.P.**  
**818 Connecticut Avenue, N.W.**  
**Washington, D.C. 20006**

**Michael Hall, Treasurer**  
**Richard E. Neal for Congress Committee**  
**76 Magnolia Terrace**  
**Springfield, MA 01118**

**Ms. Marie C. Carbone, Treasurer  
Markey for Congress Committee  
P.O.Box 526  
Medford, MA 02155**


**Dear Ms. Carbone:**

Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and the listed respondents resolving case ADR 038/MUR 5093. This agreement, which was approved by the Federal Election Commission on September 6, 2001 – the effective date of the agreement – resolves the matter brought to the attention of the FEC by John C. LeMenager.

As you are aware, the settlement agreement along with documents exchanged between your office and the FEC, prior to the commencement of negotiations, will be made part of the record that is released to the public. The Commission is obliged by Federal statute to make public all settlement agreements. Accordingly, the file on this

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I appreciate your assistance in resolving this matter and the help of all the parties in bringing this matter to a mutually satisfactory conclusion.

Sincerely,  
  
Allan D. Silberman,

Allan D. Sulberman,  
Director, ADR Office

**Enclosure**

[illegible]



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Case Number: ADR 038

Source: MUR 5093

Case Name: Kearney

### NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by John C. LeMenager. 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 discussions with Ralph J. Cinquegrana, Esq. representing Bernadette and Dennis Kearney ("the Primary Respondents"), and William C. Oldaker, Esq. representing Kennedy for Senate 2000 Committee, Marie C. Carbone, Treasurer, representing Markey for Congress Committee, Michael Hall, Treasurer, representing Richard E. Neal for Congress Committee and Ralph J. Cinquegrana, Esq. representing Choate, Hall & Stewart (collectively "the Other 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 ("the 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. The complaint alleges that Respondents Kearney made excessive federal campaign contributions of more than \$23,000 during the 2000 election year cycle. These contributions were made to twenty-two (22) candidates and three (3) party campaign committees. The complainant also alleges that Dennis Kearney's employer, Choate Hall & Stewart, may have reimbursed its employee for the contributions he made to the listed candidates and committees. Each allegation represents a potential serious violation of the Act, including 2 U.S.C. § 441a(a)(1), 441a(a)(3) and 441f of 2 U.S.C.
4. Detailed evaluation of the complaint disclosed that neither of the Kearney Respondents exceeded the statutory limits for federal election campaign contributions to individual candidates during the 2000 election year cycle of \$1,000 for any election to Federal office, 2 U.S.C. § 441a(a)(1) or the aggregate amount of \$25,000 allowed in any calendar year, 2 U.S.C. § 441a(a)(3).

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5. There is no evidence that the Kennedy for Senate 2000 Committee, the Markey for Congress Committee or the Richard E. Neal for Congress Committee accepted contributions from Dennis or Bernadette Kearney during the 2000 election cycle that exceeded the statutory limits. Furthermore, the three aforementioned committees listed on their reports filed with the FEC, for the 2000 election year cycle, receipt of contributions from Dennis and Bernadette Kearney that are in accordance with the provisions of the Act, 2 U.S.C. § 441a(a)(1), governing individual contributions to federal election campaigns.
6. No evidence was presented that Choate, Hall & Stewart reimbursed the Respondent, Dennis Kearney, for the aforementioned contributions, as alleged in the complaint that is the subject of this agreement. To the contrary, the firm provided an affirmative statement asserting that they did not, either directly or indirectly, reimburse or compensate their employee, Dennis Kearney, for the aforementioned contributions.
7. Based on the information cited herein, the ADR office concludes that the violations alleged in the complaint are unsubstantiated. The Commission concurs by dismissing this matter.
8. This agreement will become effective on the date signed by all the parties and approved by the Commission and will be placed on the public record within thirty days following approval by the Commission.
9. In addition to the Kearney Respondents, an individual copy of this agreement is being provided to the other four Respondents so that each Respondent also may sign the document. The resulting four separate signature pages subsequently will be appended to this agreement.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 038/MUR 5093 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.

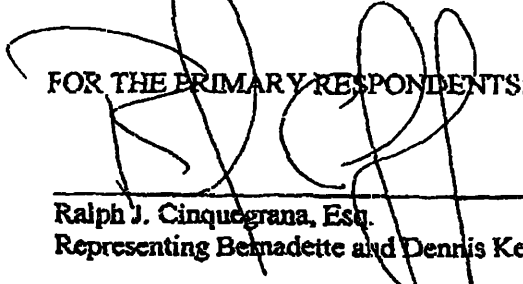
FOR THE COMMISSION:

Allan D. Silberman, Director  
Alternative Dispute Resolution Office

  
Allan D. Silberman

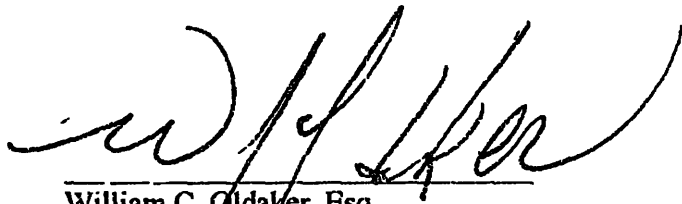
Sept. 19, 2001  
Date

FOR THE PRIMARY RESPONDENTS:

  
Ralph J. Cinquegrana, Esq.  
Representing Bernadette and Dennis Kearney

8.16.01  
Date

FOR THE OTHER RESPONDENTS



William C. Oldaker, Esq.  
Representing Kennedy for Senate 2000 Committee

20/Aug./01  
Date

Michael Hall, Treasurer  
Representing Richard E. Neal for Congress Committee

\_\_\_\_\_  
Date

Marie C. Carbone, Treasurer  
Representing Markey for Congress Committee

\_\_\_\_\_  
Date

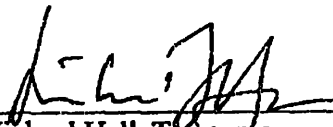
Ralph J. Cinquerana, Esq.  
Representing Choate, Hall & Stewart

\_\_\_\_\_  
Date

FOR THE OTHER RESPONDENTS.

\_\_\_\_\_  
William C. Oldaker, Esq.  
Representing Kennedy for Senate 2000 Committee

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Date

  
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Michael Hall, Treasurer  
Representing Richard E. Neal for Congress Committee

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8/24/01  
Date

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Marie C. Carbone, Treasurer  
Representing Markey for Congress Committee

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Date

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Ralph J. Cinquerana, Esq.  
Representing Choate, Hall & Stewart

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Date

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FOR THE OTHER RESPONDENTS

\_\_\_\_\_  
William C. Oldaker, Esq  
Representing Kennedy for Senate 2000 Committee

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Date

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Michael Hall, Treasurer  
Representing Richard E. Neal for Congress Committee

\_\_\_\_\_  
Date

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*Marie C. Carbone*  
Marie C. Carbone, Treasurer  
Representing Markey for Congress Committee

\_\_\_\_\_  
*August 21, 2001*  
Date

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Ralph J. Cinquerana, Esq.  
Representing Choate, Hall & Stewart

\_\_\_\_\_  
Date

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FOR THE OTHER RESPONDENTS:

\_\_\_\_\_  
William C. Oldaker, Esq.  
Representing Kennedy for Senate 2000 Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Hall, Treasurer  
Representing Richard E. Neal for Congress Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marie C. Carbone, Treasurer  
Representing Markey for Congress Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ralph J. Cinquerrana, Esq.  
Representing Choate, Hall & Stewart

\_\_\_\_\_  
8.16.01  
Date