



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

Case Number: ADR 258
Source: MUR 5561
Case Name: M. Jaliman for US
House of Representatives

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Scott C. Johnson. Following a review of the matter and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA" or "Act"), and to resolve this matter, the Federal Election Commission (the "Commission") entered into negotiations with Michael Jaliman, on behalf of M. Jaliman for U.S. House of Representatives and M. Kathryn Jaliman, Treasurer, (the "Committee") and Michael Jaliman (collectively 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 Respondents have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

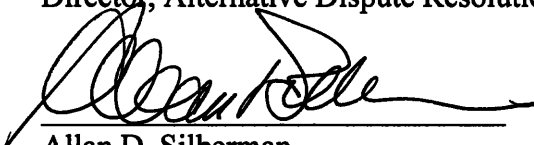
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance with the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents have voluntarily entered into this agreement with the Commission.
3. The complaint contends that Respondents produced and distributed campaign related material without the necessary disclaimer notice. Complainant also alleges that the Committee prepared and maintained a website, developed and distributed at least two direct mail pieces and recorded and circulated phone messages in the candidate's Congressional district thereby exceeding the \$5,000 threshold in campaign related expenditures. That activity, according to the Complainant, required that Respondents file reports of the Committee's financial activity after filing a statement of candidacy.
4. Each authorized committee is obliged to file a statement of organization no later than ten (10) days after designation as specified in the statute 2 U.S.C. § 433(a) and 11 C.F.R. § 102.1(a). Within 15 days after becoming a candidate, each candidate shall designate in writing a principal campaign committee. 2 U.S.C. § 432(e)(1) and 11 C.F.R. § 101.1(a). A "candidate" is defined in the Act as an individual who seeks nomination for election, or election, to Federal office and that individual shall be deemed to seek nomination for election, or election, if such individual has received contributions aggregating in excess

of \$5,000 or has made expenditures aggregating in excess of \$5,000. 2 U.S.C. § 431(2)(A) and 11 C.F.R. § 100.3(a).

5. Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of the Act. 2 U.S.C. § 434(a) and 11 C.F.R. § 104.1(a).
6. Whenever a political committee makes a disbursement for the purpose of financing any communication through mailing or any other type of general public political advertising such communications if paid for and authorized by a candidate, or an authorized political committee, shall clearly state that the communication has been paid for by such authorized committee. 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a).
7. Respondent Jaliman contends that the Committee registered and filed appropriately with the Commission once the Committee exceeded the \$5,000 threshold in expenditure which occurred in September 2004. Respondents argue that the Committee's financial reports were filed in accordance with the provisions of the Act. However, Respondents acknowledged distributing direct mail pieces without the required disclaimer notice and that the referenced website and phone messages, although identified as coming from the Jaliman Committee, failed to include the appropriate disclaimer notices.
8. Respondents acknowledge their errors in failing to comply with the requirements of the Commission's regulations. They sight their inexperience in conducting a campaign for federal office and the modest nature of their operations as causing the aforementioned omissions. In order to resolve this matter and avoid any repetition, Respondents agree to:
1) send within twelve months of the effective date of this agreement the Treasurer to a FEC seminar of Federal election campaign reporting requirements; and 2) amend and correct the Committee's website and ensure it is in compliance with the provisions of 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11.
9. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
10. The parties agree that if the Respondents fail to comply with the terms of this agreement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
11. This agreement will become effective on the date signed by all the parties and approved by the Commission. Respondents shall comply with the terms of this settlement listed in paragraph eight (8) above within thirty (30) days except for item one (1) which shall be complied with within twelve months of the effective date of the agreement.
12. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 258/MUR 5561 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

Oct. 31, 2005
Date

FOR THE RESPONDENTS:


M. Jaliman on behalf of M. Jaliman
for U.S. House of Representatives and
M. Kathryn Jaliman, Treasurer

Sept 14, 2005
Date

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