



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 JUN -6 P 1:53

SENSITIVE

MEMORANDUM

June 6, 2011

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director *AP*

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Lynn M. Fraser *LMF*
Director, ADR Office

SUBJECT: ADR 562 Joe Miller for US Senate and Bernadette C. Koppy, Treasurer,
Recommendation to Approve Settlement Agreement

RESOLUTION TERMS: Work with Commission staff to terminate the Committee's reporting obligations.

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to ADR 562 (MUR 6426). The ADR Office received this referral on March 1, 2011.

SUMMARY: In this case, Andrée McLeod filed a complaint that alleges the Joe Miller for US Senate and Bernadette C. Koppy (Committee) did not properly disclose transactions associated with campaign flights in which the Committee used a private plane owned Thomas R. Wickwire (Respondent Wickwire) in violation of the FECA. The complaint further alleges that the reports filed by the Committee failed to disclose, or disclosed inaccurately, expenditures for flights during the campaign.

Respondents acknowledge there were some omissions on the Committee's reports due to confusion over Respondent Wickwire's understanding of the Federal Aviation Administration's (FAA) regulations, which he understood limited him to only allowing a passenger to pay for operating costs (basically fuel) and prohibiting him from charging charter rates because he did not have a Pilot 135 Certificate (Air Taxi/Charter). After clarification by the FAA that there is an exception if federal law requires the pilot to receive payment for carrying a candidate, agent or person traveling on behalf of a candidate, Respondent Wickwire made in-kind contributions for the primary and general elections. The Committee then reimbursed Respondent Wickwire the difference and filed amended reports reflecting the in-kind contributions and the expenditures for the charter flight costs.

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Settlement Agreement
ADR 562 (MUR/6426)
Page 1

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