



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 19, 2000

Duane B. Starkey
1115 Coventry Lane
Duncanville, TX 75137

RE: MUR 4978
Mac Warren for Congress and
Duane B. Starkey, as Treasurer

Dear Mr. Starkey:

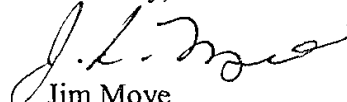
On September 14, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Jim Moye
Law Clerk

Enclosure
Conciliation Agreement

2000 AUG 31 P 12: 54

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4978
Mac Warren for Congress and)
Duane B. Starkey, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Sarah Merrill. The Federal Election Commission ("Commission") found reason to believe that Mac Warren for Congress and Duane B. Starkey, as treasurer ("Respondents") violated 2 U.S.C. § 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Mac Warren for Congress, the principal campaign committee for candidate Dorman "Mac" Warren (24th District, Texas), is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Duane B. Starkey is the treasurer of Mac Warren for Congress.

3. The Federal Election Campaign Act of 1971, as amended, ("the Act"), requires that all expenditures for communications which expressly advocate the election or defeat of a clearly identified candidate, or expenditures to solicit any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, must contain a disclaimer. 2 U.S.C. § 441d(a). Pursuant to Section 441d(a), the disclaimer must clearly state the identity of the person or committee who paid for the communication and whether the communication was authorized by the candidate or the candidate's committee.

4. According to 11 C.F.R. § 110.11(a)(1), the disclaimer shall be presented in a clear and conspicuous manner. The disclaimer need not appear on the front of the communication as long as it appears within the communication, except on communications such as billboards that contain only a front face. 11 C.F.R. § 110.11(a)(5)(i).

5. During the 2000 election cycle, Respondents purchased and distributed mailing brochures and contribution request cards expressly advocating the election of Dorman "Mac" Warren to Congress which lacked the proper disclaimer.

6. Respondents' 12 Day Pre-Primary, Amended 12 Day Pre-Primary, 2000 April Quarterly and 2000 Amended April Quarterly Reports show that Respondents spent \$4,968.45, to produce and distribute the mailing brochures and contribution request cards.

V. Respondents failed to place disclaimers on mailing brochures and contribution request cards which expressly advocated the election of and solicited for, a clearly identified candidate, in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel


BY:


Lois G. Lerner
Associate General Counsel

Date

9/19/00

FOR THE RESPONDENTS:


(Name)
(Position)
TREASURER

Date

8-28-00