



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

By Facsimile (202) 457-6315 and First Class Mail

William J. McGinley, Esq.
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

MAY 21 2009

**RE: MUR 5947
Poe for Congress and
Lisa Lisker in her official
capacity as treasurer**

Dear Mr. McGinley:

On May 7, 2009, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). 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).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "William Powers".

**William Powers
Attorney**

**Enclosure
Conciliation Agreement**

29044243305

BEFORE THE FEDERAL ELECTION COMMISSION

Perd O&C
MAY 14 2009
2:47 pm

In the Matter of)

Poe for Congress and Lisa Lisker,)
in her official capacity as treasurer.)

MUR 5947

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Poe for Congress and Lisa Lisker,¹ in her official capacity as treasurer ("Respondent") violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

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

¹ Lisa Lisker was named treasurer on June 16, 2008 and has replaced both Kindra Hefner and Virgil Poe as respondents, in their official capacities as the Committee's two prior treasurers. Virgil Poe was the treasurer at the time of the violations enumerated herein.

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1. Poe for Congress² ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Lisa Lisker is the treasurer of the Committee and is a respondent in this matter only in her official capacity as treasurer.

3. Each treasurer of a political committee is required to file reports of receipts and disbursements in accordance with 2 U.S.C. § 434(a). Each report shall disclose the amount of cash on hand at the beginning and end of the reporting period, the total amount of receipts for the reporting period and for the calendar year, the total amount of disbursements for the reporting period for the calendar year. 2 U.S.C. § 434(b)(1), (2) and (4).

4. The Committee failed to properly report its financial activity in 2003 and 2004. In 2003, the Committee overstated its receipts by \$5,000, understated its disbursements by \$1,230 and overstated its ending cash balance by \$6,230. In 2004, the Committee understated its receipts by a net amount of \$100,513, understated its disbursements by a net amount of \$185,140 and overstated its ending cash balance by \$90,857.

5. Following the interim audit report, the Committee cooperated fully with the Commission by complying with the recommendations of the Commission's Audit Division and amending its disclosure reports to materially correct the aforementioned misstatements of its financial activities.

6. The Commission has not made any findings in this matter that Congressman Poe personally violated the Act or any regulation thereunder in connection with this matter.

7. The Respondent contends that any violation of the law was inadvertent, and they have taken steps to remedy their internal compliance procedures by hiring an experienced FEC

² Effective February 11, 2005, Ted Poe for Congress changed its name to Poe for Congress.

reporting firm and compliance specialist (and continuing to retain them) to ensure that these errors will be avoided in the future. Respondents further contend that they have made significant improvements and incurred significant expense to remedy their internal compliance procedures in an effort to comply fully with the Act's reporting requirements. The Commission made no finding in this matter that the violations described herein were knowing or willful.

V. 1. Respondent violated 2 U.S.C. § 434(b) by failing to properly report its receipts, disbursements, and cash on hand.

2. Respondent will cease and desist from violating 2 U.S.C. § 434(b).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of twenty-five thousand dollars (\$25,000), 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. Respondent 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 resolves all allegations that may arise from the Commission's audit of the Committee for the 2004 election cycle. No other statement, promise, or agreement, either


Conciliation Agreement
MUR 5947 (Poe for Congress)

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:


Thomasenia P. Duncan
General Counsel

BY:


Ann Marie Terzaken
Associate General Counsel for Enforcement

5/20/09
Date

FOR THE RESPONDENT(S):


William J. McGinley
Counsel to Poe for Congress

4/21/09
Date

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