



Federal Election Commission
Washington, DC 20463

Case Number ADR 328
Source RR 06L-11
Case Name Republican Party of Texas

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Commission entered into negotiations with Keith Davis, representing the Republican Party of Texas and Wayne Tucker, in his official capacity as Treasurer ("the Committee" or "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 addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

- 1 The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") 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 voluntarily enter into this agreement with the Commission
- 3 The Reports Analysis Division ("RAD") referred Respondents for failing to disclose all financial activity on their 2004 30 Day Post-General Report, and their 2005 February Monthly Report. RAD determined that the Committee's Amended 2004 30 Day Post-General Report disclosed additional receipts in the amount of \$173,619, and its Amended 2005 February Monthly Report disclosed additional receipts of \$65,768 in additional receipts, and \$65,985 in additional disbursements.
- 4 The FECA requires the Treasurer of a political committee to disclose all receipts and disbursements in accordance with the provisions of the Act 2 U S C § 434(a)(1) and 11 C F R § 104.3
- 5 Respondents acknowledge inadvertent violations of FECA, due in large part, to coding errors by the previous bookkeeper. The coding errors resulted in financial activity not being included in the relevant reports. Respondents contend that amended

26190270381

reports were filed when the errors were discovered during an internal audit Respondents noted that the current Treasurer was not the Treasurer at the time of these errors In addition, to ensure future compliance, Respondents contracted with two firms; one to assist with reporting, and a law firm to provide training and updates to Committee staff on its requirements under the FECA

- 6 Respondents, in an effort to avoid similar errors in the future, agree to. (a) develop a Compliance Manual; and (b) pay a civil penalty of \$7,500.
- 7 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.
- 8 The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S Treasury for collection or undertake civil action in the U S District Court for the District of Columbia to secure compliance
- 9 This agreement shall become effective on the date signed by all parties and approved by the Commission Respondents shall comply with the terms within thirty (30) days from the effective date of this agreement
- 10 This Negotiated Settlement constitutes the entire agreement between the parties on ADR 328 (RR 06L-11), and effectively resolves the issues identified in paragraph 3 above No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.


FOR THE COMMISSION.

Lynn M Fraser, Acting Director
Alternative Dispute Resolution Office



11/22/06
Date Signed

FOR THE RESPONDENTS


Keith Davis
Representing Republican Party of Texas
and Wayne Tucker, Treasurer

11/9/06
Date Signed