



Federal Election Commission
Washington, DC 20463

August 18, 2014

Graham Wilson, Esq.
Perkins Coie LLP
700 13th Street N.W. Suite 600
Washington, DC 20005

Re: ADR 700 (RAD 14L-01)
Obama for America and Martin H. Newbitt, Treasurer

Dear Mr. Wilson:

Enclosed is the signed copy of the agreement resolving the referral initiated on February 26, 2014 by the Federal Election Commission ("FEC/Commission") involving Obama for America and Martin H. Newbitt, Treasurer ("Respondents"). The agreement for ADR 700 (RAD 14L-01) was approved by the Commission on August 14, 2014 – the effective date of the agreement.

Note the specific time frame for compliance in **paragraph 6** of the agreement. **The civil penalty payment should be sent to the attention of the Accounting/Finance Office of the FEC. The civil penalty under the agreement is due on or before September 14, 2014.**¹ Please put the ADR case number on the civil penalty check as well, to ensure crediting to the correct case.

As you are aware, the settlement agreement will be made part of the record that is released to the public. The Commission will also place on the record copies of the referral, correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

¹ Please note, if the Commission refers an unpaid civil penalty to the US Treasury or third party collection agent, additional costs and fees will be assessed.



Federal Election Commission
Washington, DC 20463

Case Number: ADR 700
Source: RAD 14L-01
Case Name: Obama for America

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 Graham Wilson, Esq., representing Obama for America and Martin H. Nesbitt, 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 guided by "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 a failure to timely refund, reattribute or redesignate excessive contributions during the 2012 Primary and General Elections. Respondents received excessive contributions totaling \$160,271.74 for the 2012 Primary and General Elections from two hundred (200) individuals. The Committee did not refund, reattribute, or redesignate these excessive contributions within the permissible timeframe.
4. No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$2,500. 2 U.S.C. §§ 441a(a) and (f), 11 C.F.R. §§ 110.1(b), 110.9 (2012). If a committee receives a contribution that appears to be excessive, the committee must return the check to the donor, deposit the contribution and maintain sufficient funds to potentially make a refund until the legality of the contribution is established, or seek a reattribution or a redesignation of the excessive portion. If the committee does not receive a proper reattribution or redesignation within 60 days of receiving the

