



Federal Election Commission
Washington, DC 20463

June 15, 2015

Neil P. Reiff, Esq.
Sandler, Reiff, Lamb, Rosenstein & Birkenstock
1025 Vermont Ave, Suite 300
Washington, DC 20005

Re: ADR 747 (AR 14-02)
Nebraska Democratic Party and Gerry Finnegan, Treasurer

Dear Mr. Reiff:

Enclosed is the signed copy of the Negotiated Settlement resolving the referral initiated on November 10, 2014, by the Federal Election Commission ("FEC/Commission") involving the above-shown Respondents. The Negotiated Settlement was approved by the Commission on June 11, 2015 – the effective date of the agreement.

Note the specific time frames for compliance in Paragraph 6 of the agreement. **Please forward to this office, a statement confirming Respondent's compliance with the terms listed in the aforementioned agreement.** The letter should note the dates on which Respondents satisfied each of the terms listed in Paragraph 6, and contain the ADR caption and case number. **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 as described in the agreement.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 Negotiated Settlement will be made part of the record that is released to the public. The Commission will also place on the record copies of the complaint/referral, correspondence exchanged between your office and this office prior to our 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.

This agreement resolves the matter that was initiated by the Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities regarding violations of federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually acceptable conclusion.

Sincerely,


Krista J. Roche
Assistant Director
Alternative Dispute Resolution Office

Enc: Negotiated Settlement

cc: Gwendolyn Holmes, Finance and Accounting Office

0001-010001-011



Federal Election Commission
Washington, DC 20463

Case Number: ADR 747
Source: AR 14-02
Case Name: Nebraska Democratic Party

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 Neil Reiff, Esq., representing the Nebraska Democratic Party and Gerry Finnegan, 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 52 U.S.C. § 30109.
2. Respondents voluntarily enter into this agreement with the Commission.
3. On October 23, 2014, the Commission approved this Committee's Final Audit Report for the 2010 election cycle, which included a finding that the Committee exceeded the coordinated party expenditure limit by \$29, 615.
4. A state committee of a political party may make coordinated party expenditures in connection with the general election campaign of candidates for federal office in that state and affiliated with that party, as limited by statutory formulas. The national and state committees of a political party may assign their respective authority to make coordinated party expenditures to another political party committee so long as the assignment is in writing, states the amount of authority assigned, and is received by the assignee committee before any coordinated party expenditure is made under the assignment. If the party exceeds the limits on coordinated party expenditures, the excess amount is considered an in-kind contribution subject to contribution limits. 52 U.S.C. § 30116 (a) and (d), 11 C.F.R. §§ 109.30, 109.32 and 109.33.

5. Respondents contend that the expenditures in question were for advertisements originally reported as federal election activity. Respondents indicate that this misreporting occurred due to a miscommunication with the candidate campaign. As part of its response to the Interim Audit Report, the Committee materially amended its disclosure reports to classify these expenditures as coordinated party expenditures.
6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) conduct internal training focused on coordinated party expenditures within ninety (90) days of the effective date of this agreement; and (b) pay a civil penalty of \$2,950 in six equal installments due every two months, with the first payment due two months from the effective date of this agreement.
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 of this agreement as set out in paragraph 6 above, and shall certify compliance with the above settlement terms in writing to the Alternative Dispute Resolution Office on or before the date each term becomes due.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 747 (AR 14-02), and resolves those 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:

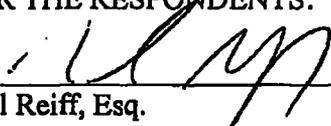
Krista J. Roche, Assistant Director
Alternative Dispute Resolution Office



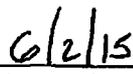


Date Signed

FOR THE RESPONDENTS:



Neil Reiff, Esq.
Representing Nebraska Democratic Party and
Gerry Finnegan, Treasurer



Date Signed