



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ana M. Molina
Vice President, Finance & Human Resources
Entertainment Software Association
575 7th Street, N.W.
Suite 300
Washington, DC 20004

FEB 13 2006

RE: MUR 5665
Interactive Digital Software
Association Non-Federal PAC

Dear Ms. Molina:

On July 14, 2005, you signed a conciliation agreement and paid a civil penalty in the amount of \$1,250.00 on behalf of Interactive Digital Software Association Non-Federal PAC in the above referenced matter. Enclosed is a copy of the fully executed conciliation agreement for your files. On February 8, 2006, the Commission closed the file 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).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "AS" or similar initials.

Adam Schwartz
Staff Attorney

Enclosure
Conciliation Agreement

26044134112

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Interactive Digital Software Association)
Non-Federal PAC 1)
)
)

MUR 5665

1 2005 JUL 22 1A 9:59

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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.

On June 21, 2005, the Commission found reason to believe that the Interactive Digital Software Association Non-Federal PAC 1 ("Respondent") violated 2 U.S.C. §§ 441b(a) and 11 C.F.R. § 102.5(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. § 437(g)(a)(4)(A)(i).
- I. Respondent enters voluntarily into this agreement with the Commission.
- II. The pertinent facts in this matter are as follows:
 - 1. Respondent is the Interactive Digital Software Association Non-Federal PAC 1.
 - 2. Under Commission regulations, organizations that are not political committees under the Federal Election Campaign Act of 1971, as amended, (the "Act") may make contributions to federal committees, but they must be

26044134113

able to demonstrate through reasonable accounting methods that any contribution to a federal committee was made with funds raised subject to the limitations and prohibitions of the Act. 11 C.F.R. § 102.5(b)(1).

3. In May 2002, Respondent made a \$2,500 contribution to Take Back the House (a.k.a. Democratic Majority), a registered federal political committee.
4. Respondent lacked sufficient federal funds to make the contribution to Take Back the House. At the time the contribution was made, all of Respondent's receipts were comprised of "dues" from its member trade associations, all of which are for-profit corporations and are prohibited from making contributions to influence federal elections. 2 U.S.C. § 441b(a).

III. Respondent committed the following violation:

1. Respondent made a \$2,500 contribution to Take Back the House, a federal political committee, using impermissible funds in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b).

IV. Respondent will take the following actions:

1. Respondent will pay a civil penalty of \$1,250.
2. Respondent will waive its right to a refund of the contribution and will instruct Take Back the House to disgorge the \$2,500 contribution to the U.S. Treasury.
3. Respondent will cease and desist from violating 2 U.S.C. §§ 441b(a) and 11 C.F.R. § 102.5(b).

- V. 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.

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

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

VIII. This Conciliation Agreement constitutes the entire agreement between the parties on 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 H. Norton
General Counsel

BY:


Rhonda J. Vosdigh
Associate General Counsel
For Enforcement


Date

FOR THE RESPONDENT:


Ana Molina, Treasurer
Interactive Digital Software Association
Non-Federal PAC 1


Date

26044134115