



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MAR 23 2009

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**MEMORANDUM**

**TO:** The Commission

**FROM:** Thomasenia P. Duncan  
General Counsel

Ann Marie Terzaken  
Associate General Counsel for Enforcement

Kathleen Guith  
Deputy Associate General Counsel for Enforcement

**BY:** Mark Shonkwiler *MS*  
Assistant General Counsel

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Attorney

**SUBJECT:** MUR 5408 (Sharpton 2004/National Action Network/Rev. Al Sharpton)  
Recommendation to Accept Pre-Probable Cause Conciliation Agreements

Attached are two signed pre-probable cause conciliation agreements that resolve all violations for which the Commission has made findings in the above-referenced matter. The agreements require the payment of a combined \$285,000 in civil penalties [redacted]

The first agreement, with Rev. Alfred C. Sharpton and Sharpton 2004 and Andrew Rivera, in his official capacity as Treasurer, (f/k/a Rev. Al Sharpton Presidential Exploratory Committee) (the "Committee" or "Sharpton 2004") resolves violations of 2 U.S.C. §§ 434(b), 441a(f) and 441b and requires the payment of a civil penalty of \$208,000 [redacted] and also requires the Committee to refund or disgorge the impermissible contributions it received. See Attachment 1. [redacted]

[redacted] the revised agreement sets forth a payment schedule that requires Respondents to pay an initial installment of \$35,000 within 90 days of the effective date of the agreement, a second installment of \$105,000

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1 on or before August 1, 2009, and a final installment of \$68,000 on or before October 1, 2009.  
2 Respondents have 90 days from the date that the agreement becomes effective to comply with the  
3 non-financial obligations such as amending disclosure reports.  
4

5 The second agreement, with National Action Network, Inc. ("NAN") and Rev. Alfred C.  
6 Sharpton, as President, resolves violations of 2 U.S.C. § 441b for making prohibited corporate  
7 contributions to Sharpton 2004 and requires the payment of a civil penalty of \$77,000 [redacted]

8 [redacted]  
9 [redacted]  
10 [redacted]  
11 [redacted] the revised version of the NAN  
12 agreement extends the time for Respondents to pay the civil penalty until May 1, 2009.  
13

14 [redacted]  
15 [redacted]  
16 [redacted]  
17 [redacted]  
18 [redacted]  
19 [redacted]  
20  
21 We [redacted]  
22 recommend that the Commission accept the attached conciliation agreements.  
23

24  
25 **RECOMMENDATIONS:**

- 26 1. Accept the attached conciliation agreement with Rev. Alfred C. Sharpton, Sharpton  
27 2004 and Andrew Rivcra, in his official capacity as Treasurer;  
28 2. Accept the attached conciliation agreement with National Action Network and Rev.  
29 Alfred C. Sharpton, as President.  
30 3. Approve the appropriate letters; and  
31 4. Close the file.  
32

33 [redacted]  
34 [redacted]  
35 [redacted]  
36 [redacted]  
37 [redacted]  
38 [redacted]

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