



**Federal Election Commission
Washington, DC 20463**

February 18, 2009

Jonathan Zucker
ACTBLUE
P.O. Box 382110
Cambridge, MA 02238-2110

Re: ADR 445 (RAD 08L-05)
ACTBLUE and Matt DeBergalis, Treasurer

Dear Mr. Zucker:

Enclosed is the signed copy of the agreement resolving the referral initiated on January 24, 2008 with the Federal Election Commission ("FEC/Commission") against ACTBLUE and Matt DeBergalis, Treasurer ("Respondents"). The agreement for ADR 445 (RAD 08L-05) was approved by the Commission on February 10, 2009 – the effective date of the agreement.

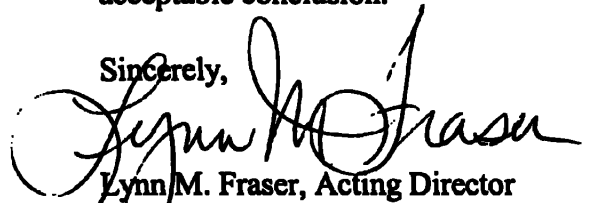
Note the specific time frames for compliance in paragraph 9 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 6 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the 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 on March 12, 2009. 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.

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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,



Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

cc: Ken Pezzella, Finance and Accounting Office
Room 819

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 445
Source: RAD 08L-05
Case Name: ACTBLUE

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 Steve Gold, Esq. and Jonathan Zucker, Esq., representing ACTBLUE and Matt DeBergalis, 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:

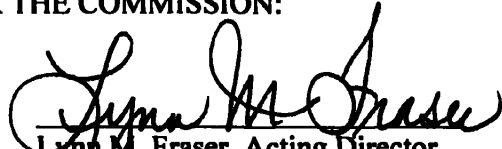
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is guided by "The Administrative Dispute Resolution Act 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 the Respondents for the cumulative nature of deficiencies on reports filed with the Commission in the 2006 election cycle which disclosed the Committee was not in substantial compliance with the FECA.
4. An audit of a political committee may be conducted if, after an internal review of reports filed by the committee, the Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. 2 U.S.C. § 438(b).
5. Respondents acknowledge reporting challenges due to inexperience and limited staff. Respondents contend that they hired staff and retained the services of experienced campaign finance professionals. Respondents further contend a steadily increasing commitment to compliance with the FECA, through the use of improved financial software and stringent financial procedures, as well as additional review of each report prior to it being filed with the Commission.

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6. Respondents, in an effort to avoid similar errors in the future, agree to: (a) send a representative to a FEC conference within twelve months of the effective date of the agreement; (b) file amended reports to correct deficiencies in itemization of disbursements as determined by RAD within four months of the effective date of the agreement; and (c) pay a civil penalty of \$12,000 within thirty days of the effective date of the 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 all terms of the settlement by the deadlines agreed upon in paragraph 6 above.
10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 445 (RAD 08L-05), and resolves only 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:

By: 
 Lynn M. Fraser, Acting Director
 Alternative Dispute Resolution Office

2-10-09
 Date Signed

FOR THE RESPONDENTS:


 Jonathan Zucker, Esq.
 Representing ACTBLUE and Matt DeBergalis, Treasurer

7/22/08
 Date Signed