



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 15 2008

**BY FACSIMILE (202) 756-8087 AND U.S. MAIL**

Jason A. Levine, Esquire  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005-3096

RE: MUR 5871/Margaret Thurber

Dear Mr. Levine:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Margaret Thurber, in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Ligon", with a long horizontal flourish extending to the right.

Tracey L. Ligon  
Attorney

Enclosure  
Conciliation Agreement

28044211110

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Margaret Thurber

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MUR: 5871

2008 MAR -6 P 4: 02

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. The Commission found reason to believe that Margaret Thurber ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See 2 U.S.C. § 441f. Moreover, no

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person may knowingly help or assist any person in making a contribution in the name of another.

11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. *See* 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as “conduits,” and also recruited “super-conduits,” who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits.

5. The indictment further stated that Thomas W. Noe requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser; provided funds to conduits as an advance on or reimbursement for their contribution; and took steps to conceal the activity by making payments to several conduits in amounts slightly below the amount of the conduits' contribution, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from Mr. Noe.

6. Thomas W. Noe provided a check in the amount of \$3,750 as an advance on or reimbursement for a joint contribution of \$3,900 to Bush-Cheney '04, Inc. made by Respondent and her husband.

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7. The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986).

8. Respondent filled out a donor card stating that she and her husband were making a \$3,900 contribution drawn on their personal credit card that represents their personal funds when, in fact, the funds of Thomas W. Noe were used to make the contribution.

V. Respondent violated 2 U.S.C. § 441f. The Commission found that there is reason to believe this violation was knowing and willful, however the Respondent contends that she did not intend to violate the law.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Nine Thousand Dollars (\$9,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another.

VIII. 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.

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

X. Respondent shall have no more than thirty (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, except that Respondent shall have no more than sixty (60) days

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from the date this agreement becomes effective to comply with and implement the requirements contained in paragraph VI herein.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY: \_\_\_\_\_

  
Kathleen Guith **ANN MARIE TERZAKEN**  
Acting Associate General Counsel  
for Enforcement

\_\_\_\_\_

9/5/08

FOR THE RESPONDENT:

  
Margaret Thurber

\_\_\_\_\_

3-4-08

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BY FACSIMILE (419) 321-1991 AND U.S. MAIL**

Deborah Kovac Rump, Esquire  
1700 Canton, Ste. 2  
Toledo, Ohio 43604

SEP 15 2008

RE: MUR 5871/Donna Owens

Dear Ms. Kovac Rump:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Donna Owens, in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey E. Ligon", is written over a horizontal line.

Tracey E. Ligon  
Attorney

Enclosure  
Conciliation Agreement

28044211135

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
**BEFORE THE FEDERAL ELECTION COMMISSION**

ZCCB MAR 24 A 11: 21

In the Matter of

Donna Owens

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)

MUR: 5871

**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. The Commission found reason to believe that Donna Owens ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See 2 U.S.C. § 441f. Moreover, no

ZCCB MAR 24 A 11: 21

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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person may knowingly help or assist any person in making a contribution in the name of another.

11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. *See* 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as “conduits,” and also recruited “super-conduits,” who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits.

5. The indictment further stated that Thomas W. Noe requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser; provided funds to conduits as an advance on or reimbursement for their contribution; and took steps to conceal the activity by making payments to several conduits in amounts slightly below the amount of the conduits' contribution, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from Mr. Noe.

6. Thomas W. Noe provided a check in the amount of \$1,900 to Respondent as an advance on or reimbursement for Respondent's \$2,000 contribution to Bush-Cheney '04, Inc.

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7. The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Commission v. John A. Dramei for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986).

8. Respondent filled out a donor card stating that she was making a \$2,000 contribution drawn on her personal credit card that represents her personal funds when, in fact, the funds of Thomas W. Noe were used to make \$1,900 of the contribution.

V. Respondent violated 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another. The Commission has evidence it believes is sufficient to demonstrate that this violation was knowing and willful, but Respondent does not admit to the knowing and willful aspect of the violation.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Nine Thousand Dollars (\$9,000), pursuant to 2 U.S.C. § 437g(a)(5)(A):

1. A payment of Three Thousand Dollars (\$3,000) is due no more than thirty (30) days from the date this Agreement becomes effective;

2. Thereafter, Respondent will make two consecutive monthly installment payments of Three Thousand Dollars (\$3,000) each, and each such installment shall be paid within thirty (30) days of the due date for the previous payment.

3. In the event that any payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondent. Failure by the Commission to accelerate the payments with regard to any overdue payment shall not be construed as a waiver of its right to do so with regard to future overdue payments.

VII. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another.

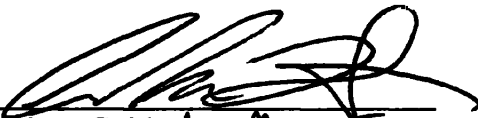
VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY:   
Kathleen Guith **ANN MARIE TERZAKEN**  
Acting Associate General Counsel  
for Enforcement

9/5/08  
Date

FOR THE RESPONDENT:

  
Donna Owens

3/17/08  
Date

28044211139



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BY FACSIMILE (419) 255-4660 AND U.S. MAIL**

Barry E. Savage, Esquire  
500 Madison Ave. Ste 315  
Toledo, Ohio 43604

SEP 15 2008

RE: MUR 5871/Sally Perz

Dear Mr. Savage:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Sally Perz, in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Ligon", written over a horizontal line.

Tracey L. Ligon  
Attorney

Enclosure  
Conciliation Agreement

28044211129

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Sally Perz

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)

MUR: 5871

2008 MAR - 7 P 1:12

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. The Commission found reason to believe that Sally Perz ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See

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2 U.S.C. § 441f. Moreover, no person may knowingly help or assist any person in making a contribution in the name of another. 11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. See 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as “conduits,” and also recruited “super-conduits,” who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits.

5. The indictment further stated that Thomas W. Noe requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser; provided funds to conduits as an advance on or reimbursement for their contribution; and took steps to conceal the activity by making payments to several conduits in amounts slightly below the amount of the conduits' contribution, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from Mr. Noe.

6. Thomas W. Noe provided a check to Respondent in the amount of \$3,900. Half of this amount, 1,950, was to be used by Respondent as an advance on or reimbursement for Respondent's \$2,000 contribution to Bush-Cheney '04, Inc.

7. The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986).

8. Respondent filled out a donor card stating that she was making the \$2,000 contribution with her personal funds when, in fact, Mr. Noe's funds were used to make \$1,950 of the contribution.

9. On April 20, 2005, Respondent repaid the \$1,950 advanced to her by Mr. Noe. Respondent contends that she made the \$1,950 repayment to Noe prior to having any knowledge of the investigation being conducted by either state or federal investigators.

V. Respondent violated 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another. The Commission has evidence it believes is sufficient to demonstrate that this violation was knowing and willful, but Respondent does not admit to the knowing and willful aspect of the violation.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seven Thousand Dollars (\$7,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another or by assisting a person in making a contribution in the name of another.

VIII. 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.


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

X. Respondent shall have no more than thirty (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.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY:   
~~Kathleen Guith~~ ANN MARIE TERZAKEN  
Acting Associate General Counsel  
for Enforcement

Date 9/5/08

FOR THE RESPONDENT:

  
Sally Perz

Date 3/3/08

28044211133



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BY FACSIMILE (419) 255-5530 AND U.S. MAIL**

**SEP 15 2008**

Jerome Phillips, Esquire  
Wittenberg, Phillips, Levy & Nusbaum  
840 Spitzer Building  
Toledo, Ohio 43604

RE: MUR 5871/Joseph Restivo

Dear Mr. Phillips:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Joseph Restivo, in settlement of violations of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Bigon", with a long horizontal line extending to the right.

Tracey L. Bigon  
Attorney

Enclosure  
Conciliation Agreement

28044211097

**BEFORE THE FEDERAL ELECTION COMMISSION**

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

In the Matter of

Joseph Restivo

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)

2009 FEB 13 A 9:54  
MUR. 587P

**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. The Commission found reason to believe that Joseph Restivo ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See 2 U.S.C. § 441f. Moreover, no

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person may knowingly help or assist any person in making a contribution in the name of another.

11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. *See* 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as “conduits,” and also recruited “super-conduits,” who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits.

5. Thomas W. Noe provided a check in the amount of \$6,000 to Respondent as an advance on or reimbursement for contributions to Bush-Cheney '04, Inc. Respondent then wrote two checks in the amount of \$2,000 to additional conduits, Barton Kulish and Phillip Swy, as an advance on, or reimbursement for, contributions those conduits made to Bush-Cheney '04, Inc.

6. The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986). An inference of a knowing and willful act may be drawn “from the defendant’s elaborate scheme for disguising” his or her actions. *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). *Id.* at 214-15.

7. Respondent filled out a donor card stating that he was making a \$2,000 contribution drawn on his personal credit card that represents his personal funds when, in fact, the funds of Thomas W. Noe were used to make the contribution. In addition, Respondent recruited other conduits to make contributions to Bush-Cheney '04, Inc. and passed along funds from Mr. Noe to reimburse their contributions, knowing that the conduits would also be filling out donor cards indicating that they were making contributions with their personal funds when Noe's money was being used for the contributions.

8. Respondent contends that he participated in the reimbursement activity at issue at the request and suggestion of his brother-in-law Thomas W. Noe, who was a well-respected political leader in Ohio.

V. Respondent knowingly and willfully violated 2 U.S.C. § 441f by permitting his name to be used to effect a contribution made in the name of another, and by assisting a person in making a contribution in the name of another.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty-Five Thousand Dollars (\$25,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting his name to be used to effect a contribution made in the name of another or by assisting a person in making a contribution in the name of another.

VIII. 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.

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

X. Respondent shall have no more than thirty (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.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY:   
Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

9/5/08  
Date

FOR THE RESPONDENT:

  
Joseph Restivo

2/7/08  
Date

28044211101



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 15 2008

David E. Shultz, Esquire  
1499 Barclay Blvd.  
Westlake, Ohio 44145

RE: MUR 5871/Betty Shultz

Dear Mr. Shultz:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Betty Shultz, in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Ligon", with a large, stylized flourish extending to the right.

Tracey L. Ligon  
Attorney

Enclosure  
Conciliation Agreement

28044211122

**BEFORE THE FEDERAL ELECTION COMMISSION**

2008 MAR 17 A 11: 41

In the Matter of

MUR: 5871

Betty Shultz

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**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. The Commission found reason to believe that Betty Shultz ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See 2 U.S.C. § 441f. Moreover, no

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person may knowingly help or assist any person in making a contribution in the name of another.  
11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. *See* 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as “conduits,” and also recruited “super-conduits,” who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits. The Respondent has not reviewed the indictment of Mr. Noe.

5. The indictment further stated that Thomas W. Noe requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser; provided funds to conduits as an advance on or reimbursement for their contribution; and took steps to conceal the activity by making payments to several conduits in amounts slightly below the amount of the conduits' contribution, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from Mr. Noe. The Respondent has not reviewed the indictment of Mr. Noe.

6. Thomas W. Noe provided a check in the amount of \$1,950 to Respondent as an advance on or reimbursement for Respondent's \$2,000 contribution to Bush-Cheney '04, Inc.

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7. The knowing and willful standard requires knowledge that one is violating the law. *See Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986). An inference of a knowing and willful act may be drawn “from the defendant’s elaborate scheme for disguising” his or her actions. *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). *Id.* at 214-15.

8. Respondent filled out a donor card stating that she was making a \$2,000 contribution with her personal funds when, in fact, Mr. Noe’s funds were used to make \$1,950 of the contribution.

V. Respondent violated 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another. The Commission has evidence it believes is sufficient to demonstrate that this violation was knowing and willful, but Respondent does not admit to the knowing and willful aspect of the violation.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Five Hundred Dollars (\$1,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting her name to be used to effect a contribution made in the name of another.

3. Respondent Betty Schultz, through the submission of extensive financial documentation to the Commission, has demonstrated that financial hardship prevents her from paying the full civil penalty to the Commission. The Commission regards these submissions and representations as material representations. Due to the mitigating circumstances presented by Respondent Schultz’s financial condition, the Commission agrees to depart from the civil

penalty that the Commission would normally seek for the violations at issue, and the Commission agrees that a civil penalty of one thousand five hundred dollars (\$1,500) shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a total civil penalty of nine thousand dollars (\$9,000) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. 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.

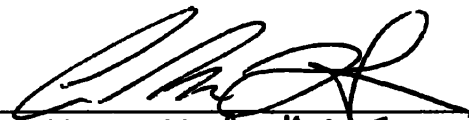
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than thirty (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.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY:   
Kathleen Guith ANN MARI TERZAKEN  
Acting Associate General Counsel  
for Enforcement

9/5/08  
Date

FOR THE RESPONDENT:

  
Betty Shultz

3-6-2008  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BY FACSIMILE (614) 621-0010 AND U. S. MAIL**

SEP 15 2008

Albert J. Lucas, Esquire  
Calfee, Halter & Griswold LLP  
1100 Fifth Third Center  
21 East State Street  
Columbus, Ohio 43215-4243

RE: MUR 5871/Howard D. Talbott

Dear Mr. Lucas:

On August 19, 2008, the Federal Election Commission accepted the conciliation agreement submitted on behalf of your client, Howard D. Talbott, in settlement of violations of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalties are due within 30 days of the conciliation agreement's effective date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey L. Eigon", with a long horizontal line extending to the right.

Tracey L. Eigon  
Attorney

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Howard D. Talbott

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)  
)

MUR: 5871

**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. The Commission found reason to believe that Howard D. Talbott ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and 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 Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits any person from making a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. See 2 U.S.C. § 441f. Moreover, no

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MUR 5871  
Conciliation Agreement  
Howard D. Talbott

person may knowingly help or assist any person in making a contribution in the name of another.

11 C.F.R. § 110.4(b)(1)(iii).

2. During the 2003-2004 election cycle, a person could contribute no more than \$2,000 to a candidate and his or her authorized committee per election. See 2 U.S.C. § 441a(a)(1)(A).

3. On October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser at the Hyatt Regency hotel in Columbus, Ohio, to which the admission fee was a \$2,000 contribution – the maximum amount an individual could give to Bush-Cheney '04, Inc.

4. On May 31, 2006, Thomas W. Noe pled guilty to federal charges of making illegal conduit contributions in connection with the October 30, 2003 campaign fundraiser. The indictment stated that Mr. Noe used \$45,400 of his funds to make contributions over the legal limits, and concealed the true source of the contributions by making them in the names of other individuals, known as "conduits," and also recruited "super-conduits," who not only acted as conduits but also recruited additional conduits and passed funds from Mr. Noe to those additional conduits.

5. The indictment further stated that Thomas W. Noe requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser; provided funds to conduits as an advance on or reimbursement for their contribution; and took steps to conceal the activity by making payments to several conduits in amounts slightly below the amount of the conduits' contribution, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from Mr. Noe.

6. Thomas W. Noe provided a check in the amount of \$14,300 to Respondent, a super-conduit, as an advance on or reimbursement for contributions to Bush-Cheney '04, Inc., and Respondent then wrote checks in the amounts of \$3,750, \$3,500 and \$3,900 to additional conduits, Douglas Moormann, Jim Mermis, Dwayne Sattler, and their wives, as an advance on or

MUR 5871  
Conciliation Agreement  
Howard D. Talbott

reimbursement for contributions those conduits made to Bush-Cheney '04, Inc. Thomas W. Noe instructed Respondent to vary the amounts of the reimbursement checks for the three couples so that the checks would not be made for exactly \$4,000.

7. The knowing and willful standard requires knowledge that one is violating the law. See *Federal Election Commission v. John A. Dramesi for Congress Committee*, 640 F. Supp. 985, 987 (D. N.J. 1986). An inference of a knowing and willful act may be drawn "from the defendant's elaborate scheme for disguising" his or her actions. *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). *Id.* at 214-15.

8. Respondent filled out a donor card stating that he was making a \$2,000 contribution with his personal funds when, in fact, the funds of Thomas W. Noe were used to make the contribution. In addition, Respondent recruited other conduits to make contributions to Bush-Cheney '04, Inc. and passed along funds from Mr. Noe to reimburse their contributions, knowing that the conduits would also be filling out donor cards indicating that they were making contributions with their personal funds when Noe's money was being used for the contributions.

V. Respondent violated 2 U.S.C. § 441f by permitting his name to be used to effect a contribution made in the name of another. The Commission has evidence it believes is sufficient to demonstrate that this violation was knowing and willful, but Respondent does not admit to the knowing and willful aspect of the violation.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Five Thousand Dollars (\$5,000), pursuant to 2 U.S.C.

§ 437g(a)(5)(A).

2. Respondent will cease and desist from violating 2 U.S.C. § 441f by permitting his name to be used to effect a contribution made in the name of another or by assisting

MUR 5871  
Conciliation Agreement  
Howard D. Talbott

a person in making a contribution in the name of another.

3. Respondent Howard D. Talbott, through the submission of extensive financial documentation to the Commission, has demonstrated that financial hardship prevents him from paying the full civil penalty to the Commission. The Commission regards these submissions and representations as material representations. Due to the mitigating circumstances presented by Respondent Talbott's financial condition, the Commission agrees to depart from the civil penalty that the Commission would normally seek for the violations at issue, and the Commission agrees that a civil penalty of five thousand dollars (\$5,000) shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a total civil penalty of sixty-four thousand dollars (\$64,000) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(B).

VII. 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.

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

IX. Respondent shall have no more than thirty (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.

MUR 5871  
Conciliation Agreement  
Howard D. Talbott

X. This Conciliation Agreement constitutes the entire agreement between the parties on the 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:

Thomasenia P. Duncan  
General Counsel

BY:   
Ann Marie Terzaken  
Associate General Counsel  
for Enforcement

9/5/08  
Date

FOR THE RESPONDENT:

  
Howard D. Talbott

April 30, 2008  
Date

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