



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**Via Facsimile and First Class Mail**

Fax (202) 842-1888  
Tel (202) 842-2600

SEP -7 2011

Mr. Roger Pollak, Esq.  
Ms. Tearyn J. Loving, Esq.  
Bredhoff & Kaiser, P.L.L.C.  
805 15<sup>th</sup> Street, NW  
10<sup>th</sup> Floor  
Washington, DC 20005

RE: MUR 6495  
BlueGreen Alliance, Inc.

Dear Mr. Pollak and Ms. Loving:

On August 30, 2011, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 434(c) and (g), provisions of the Federal Election Campaign Act of 1971, as amended. 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. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Dominique Dillenseger  
Attorney

Enclosure  
Conciliation Agreement

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1           2. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires  
2 every person (other than a political committee) that makes independent expenditures in an  
3 aggregate amount or value in excess of \$250 during a calendar year to file with the Commission  
4 a verified statement or report of such expenditures. See 2 U.S.C. § 434(c). The timing and  
5 frequency of such filings depends on the amount of the expenditures and when they are made.  
6 See 11 C.F.R. § 109.10(b). Independent expenditures aggregating \$250 or more are required to  
7 be reported in accordance with the quarterly reporting schedule specified in 11 C.F.R.  
8 § 104.5(a)(1)(i) and (ii). *Id.* Independent expenditures aggregating \$1,000 or more made after  
9 the 20<sup>th</sup> day, but more than 24 hours before the day of an election, must be reported within 24  
10 hours following the date on which the communication is publicly distributed. 2 U.S.C.  
11 § 434(g)(1)(A) and 11 C.F.R. § 109.10(d).

12           3. Respondent spent \$94,617.86 to print and mail 180,000 flyers advocating the  
13 defeat of Senator Blanche Lincoln and in support of candidate Bill Halter, in the Arkansas  
14 Senate Democratic primary race. The flyers were mailed on May 11, 12, and 13, 2010, days  
15 before the primary election on May 18, 2010. Respondent failed to file a 24-Hour Report  
16 within 24 hours of its expenditure, as required by 2 U.S.C. § 434(g), and failed to file a July  
17 Quarterly Independent Expenditure Report on or before July 15, 2010, as required by 2 U.S.C.  
18 § 434(c).

19           4. Respondent contends this was the first time it had ever made an independent  
20 expenditure. Respondent further contends that the failure to file was inadvertent and was the  
21 result of staff inexperience with the Commission's filing requirements.

22           5. Respondent contacted the Commission in September 2010 to disclose that it  
23 had not timely filed the required disclosure reports and to indicate that it took corrective action

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1 by filing these reports on September 29, 2010. Respondent also represented that it has taken  
2 remedial measures to prevent any recurrence by appointing an "FEC Compliance Officer."

3 V. Respondent failed to timely file a 24-Hour Report of Independent Expenditures  
4 and the 2010 July Quarterly Independent Expenditure Report, in violation of 2 U.S.C. §§ 434(g)  
5 and (c).

6 VI. Respondent will take the following actions:

7 1. Respondent will pay a civil penalty to the Federal Election Commission in the  
8 amount of Six Thousand Dollars (\$6,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

9 2. Respondent will cease and desist from violating 2 U.S.C. §§ 434(c) and (g).

10 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
11 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance  
12 with this agreement. If the Commission believes that this agreement or any requirement thereof  
13 has been violated, it may institute a civil action for relief in the United States District Court for  
14 the District of Columbia.

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

17 IX. Respondent shall have no more than 30 days from the date this agreement  
18 becomes effective to comply with and implement the requirements contained in this agreement  
19 and to so notify the Commission.  
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1 X. This Conciliation Agreement constitutes the entire agreement between the parties  
2 on the matters raised herein, and no other statement, promise, or agreement, either written or  
3 oral, made by either party or by agents of either party, that is not contained in this written  
4 agreement shall be enforceable.

5 FOR THE COMMISSION:

6 Christopher Hughey  
7 Acting General Counsel

8 BY: Kathleen Guith  
9 Kathleen Guith  
10 Acting Associate General Counsel  
11 for Enforcement

9-6-11  
Date

12 FOR THE RESPONDENT:

13 David A. Foster  
14 (Name) DAVID A. FOSTER  
15 (Position) Exec. Dir.  
BlueGreen Alliance

7-5-11  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 14, 2011

**TWO WAY MEMORANDUM**

TO: OGC Docket  
FROM: Rosa E. Swinton *RES*  
Financial Operation Specialist

SUBJECT: Account Determination for Funds Received

We recently received a check from **BlueGreen Alliance, Inc.** The check number is **5353**. Dated **07/06/2011**, in the amount of **\$6,000.00**. A copy of the check and all correspondence are attached. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

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TO: Rosa E. Swinton  
Financial Operation Specialist

FROM: OGC Docket

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$ 6,000.00,  
the MUR/Case number is Pre-MUR 509 and in the name of BlueGreen Alliance Inc.

Please this deposit in the account indicated below:

XX Civil Penalties Account, 95-1099.160

     Miscellaneous Receipt Account, 95-3220.160  
(Disgorgement)

\_\_\_\_\_  
Signature

July 14, 2011

Date

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BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of )  
 )  
BlueGreen Alliance, Inc. ) PRE-MUR 509

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 30, 2011, the Commission decided by a vote of 6-0 to take the following actions in Pre-MUR 509:

1. Open a MUR.
2. Accept the conciliation agreement with BlueGreen Alliance, Inc., prior to a finding of reason to believe, as recommended in the First General Counsel's Report dated July 26, 2011.
3. Approve the appropriate letter.
4. Close the file.

MUR # 6495

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 31, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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