



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 11, 2001

Andrew D. Herman, Esq.
Brand & Frulla
923 Fifteenth Street, N.W.
Washington, D.C 20005
FAX: 202-737-7565

Dear Mr. Herman:

Enclosed is the signed copy of the agreement between your client, Dr. Daniel R. Hightower, and the Federal Election Commission resolving case ADR 010/MUR 5152 which was approved by the Federal Election Commission this morning.

We have received Dr. Hightower's check in the amount of twelve hundred dollars (\$1200) covering the civil penalty, as specified in paragraph four (4) of the enclosed agreement. Please forward to this office a copy of the corporate policy statement stipulated in paragraph four (4) of the agreement as soon as it is adopted and distributed.

This agreement effectively resolves the issues raised in the complaint filed against Dr. Hightower which is the subject of this case. I appreciate your assistance in resolving this matter and helping to bring this case to a mutually satisfactory conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan D. Silberman", with a horizontal line extending to the right.

Allan D. Silberman,
Director, ADR Office

Enclosure



FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION

DEC 8 2000

Case Number ADR 010
Source MUR 5152
Case Name Dr. Hightower

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Mr. A. M. Thomas. Following a review of the record and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA"), and to resolve this matter, the Federal Election Commission ("the Commission") entered into negotiations with Andrew D. Herman, Esq., representing the respondent, Dr. Daniel R. Hightower ("the Respondent"). 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 the Respondent have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondent. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", and is an extension of P.L. 104-320, §3(a) and is an extension of 2 U.S.C. § 437g.
2. The Respondent has voluntarily entered into this agreement with the Commission.
3. The following violations of the FECA occurred.

a) Managers and corporate staff of Princeton's restaurant contributed thirty eight hundred dollars (\$3,800) to the campaign committee of Lamar Alexander. "It is unlawful for ... any corporation whatever... to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors are to be voted for, or in connection with any primary election or political convention...." 2 U.S.C. § 441b(a).

b) Contributions made by employees of the corporation were subsequently reimbursed by the corporation. Contributions made in the name of another are prohibited. "No person shall make a contribution in the name of another" 2 U.S.C. § 441f.

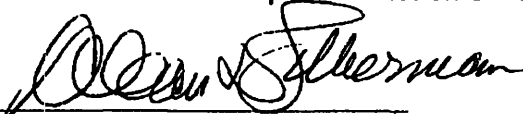
4. The Respondent acknowledges the inadvertent violations of the FECA and in an effort to

avoid similar errors in the future agree to: (1) adopt and distribute, within 90 days following the effect date of this agreement, a corporate policy prohibiting corporate contributions to federal election campaign or candidate committees; and (2) pay a civil penalty of twelve hundred dollars (\$1200) to conclude this matter

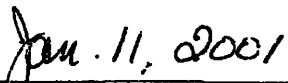
5. The parties agree that if the Respondent fails to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
6. This agreement will become effective on the date signed by all the parties and approved by the Commission. The Respondent shall have no more than 20 days from the effective date of this agreement to comply with the terms set forth here except as note in part one (1) of paragraph four (4) above.
7. This Negotiated Settlement constitutes the entire agreement between the parties on MUR 5152 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included in herein, shall be enforceable

FOR THE COMMISSION

Allan D. Silberman,
Director Alternative Dispute Resolution Office

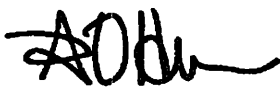


Allan D. Silberman



Date

FOR THE RESPONDENTS.



(Name) Andrew D. Herman
(Position) Attorney for Dr. Daniel R. Hightower

Date

