



FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

August 14, 2001

Gregory M. Harvey, Esq.
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109

Dear Mr. Harvey:


Enclosed is the signed copy of the agreement between the Federal Election Commission (FEC) and your clients, the Robert Casey, Jr. for Auditor General Committee and Thomas Ostrowski, treasurer, regarding MUR 5166 and subsequently numbered ADR 016C. This agreement, which was approved by the Federal Election Commission today -- the effective date of the agreement -- resolves the matter brought to the attention of the FEC by Stephen Brane on behalf of the Katie True for Auditor General Committee.

As you are aware, the settlement agreement along with documents exchanged between your office and the FEC, prior to the commencement of negotiations, will be made part of the record that is released to the public. The Commission is obliged by Federal statute to make public all settlement agreements. Accordingly, the file on this case, including the above mentioned document, will be forwarded next month to the FEC's Public Information Office.

This agreement effectively resolves the issues raised in the complaint filed against the Committee 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,



Allan D. Silberman,
Director, ADR Office

Enclosure

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

Case Number ADR 016C
Source MUR 5116
Case Name Casey for Auditor

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Stephen Brame, Campaign Manager, on behalf of the Katie True for Auditor General Committee. 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 Gregory M. Harvey, Esq. on behalf of the Robert Casey Jr. for Auditor General Committee and Thomas Ostrowski, treasurer, ("the Respondents"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

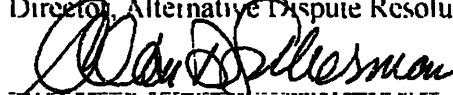
Negotiations between the Commission and the Respondents have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms.

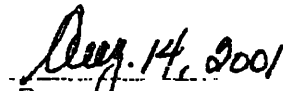
1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance of the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. The Respondents have voluntarily entered into this agreement with the Commission.
3. The complaint alleges that the Robert Casey, Jr. for Auditor General Committee ("the Committee"), a PA state campaign committee, and its treasurer, Thomas Ostrowski, contributed a total of two thousand dollars (\$2,000) to Citizens for Ron Klink, one thousand (\$1,000) for the primary campaign and one thousand (\$1,000) for the general election campaign, and another thousand (\$1,000) to the Ed O'Brien for Congress Committee. The complaint alleges that the aggregate sum of these contributions exceeded the annual amount allowed in the regulations. No person, including a committee, association, or organization, may contribute to any candidate or his or her authorized committee with respect to any election for Federal office which in the aggregate exceed \$1,000. 11 C.F.R. § 110.1(a)(b).
4. The complaint charges the Respondents, having made contributions to federal election campaigns in excess of the limits specified in the regulations, were required to file a Statement of Organization with the Commission, as stated in 11 C.F.R. § 102.1(d).

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5. The Respondents acknowledge contributing three thousand dollars (\$3,000) to the two aforementioned federal campaign committees through a misunderstanding of the law. Once advised of the error, the Respondents requested and subsequently received refunds of the excess contribution of two thousand dollars (\$2,000)
 6. Campaign committees are required to file a Statement of Organization no later than ten days after becoming a political committee. 11 C.F.R. § 102.1(d). Campaign committees are considered political committees under the provision of the Act when they make expenditures aggregating in excess of one thousand dollars (\$1,000) during a calendar year. 11 C.F.R. § 100.5(a).
 7. The Respondents assert that the Committee is not required to file a Statement of Organization since the excess contributions were refunded and recovered prior to the election. The Respondents acknowledge their mistake and misinterpretation of the law. They agree to pay a civil penalty of \$600 and to make no further contributions to federal election campaigns that exceed the annual limits specified in the 11 C.F.R. § 110.1.
 8. The parties agree that if the Respondents fail 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.
 9. This agreement will become effective on the date signed by all the parties and approved by the Commission. The Respondents shall have no more than 20 days from the effective date of this agreement to comply with the terms set forth here.
 10. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 016C/MUR 5116 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.

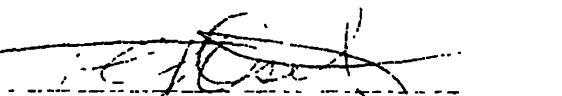
FOR THE COMMISSION

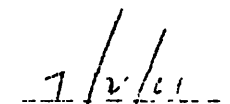
Allan D. Silberman,
 Director, Alternative Dispute Resolution Office


 Allan D. Silberman


 Date Aug. 14, 2001

FOR THE RESPONDENTS


 (Name) Henry J. Ostrowski
 (Position) TREASURER


 Date 7/2/01