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August 31, 2000

RECEIVED
FEDERAL ELECTION
COMMISSION
SEP 5 9 31 AM '00

Mr. Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 5076

Dear Mr. Jordan:

I am in possession of a Complaint filed by NRCC Counsel Donald F. McGahn II against Flitter 2000 Committee, Thomas Monahan as Treasurer, and the Erie County Democratic Party Committee. I serve as counsel to both Flitter 2000, Thomas Monahan as Treasurer and the Erie County Democratic Party Committee. This response is filed on behalf of all respondents.

As you are aware, the NRCC contends that Flitter 2000 has failed to report any expenditure or contribution in kind representing the office space they occupy and do business from in Erie, Pennsylvania. For your information, the Flitter 2000 Campaign Committee operates out of 900 State Street, Suite 101, Erie, Pennsylvania 16501. Flitter 2000 receives mail at P.O. Box 1181, Erie, Pennsylvania 16512 in a post office box which is maintained by the Flitter 2000 Committee.

In June of 1998, the Erie County Democratic Party was reorganized under the chairmanship of Pasqualino S. Cappabianca. I served as counsel for the Party during that reorganization. The Party resolved to obtain a permanent physical location suitable for its activities and the activities of Democratic Candidates running for office in Erie County. Thereafter, on December 22, 1998 the Party entered into a Lease Agreement for office space located at 900 State Street, Suite 101, Erie, Pennsylvania 16501. The premises consists of a suite of four office rooms and a common reception area. In consideration therefore, the Party pays rent in the amount of \$200.00 per month and has made certain physical improvements to the property.

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In Mid January of 2000, the Flitter 2000 Committee began occupancy of one of the four office rooms in the Party's suite of offices. In or around March of 2000, the Flitter 2000 Committee hired an additional staff person and took on certain volunteer interns such that additional space was required. Thereafter, the Flitter 2000 Committee began to occupy an additional office space inside of the Party's suite of offices. Throughout this time, the Party continued to pay the monthly rent on the office suite. At present, the Flitter 2000 Committee continues to occupy two of the four rooms at Erie County Democratic Party Headquarters. Other campaigns occupy the remainder of the space along with the Party.

The NRCC Complaint is accurate in as much as it states that the Flitter 2000 Committee has failed to report the office space as a contribution in kind from the Erie County Democratic Party. This omission was clearly unintentional and innocent in that the Flitter 2000 Committee has never attempted to hide its physical location. Upon learning of the NRCC Complaint, I advised the Flitter 2000 Committee to file an Amendment to their first quarter 2000 and second quarter 2000 FEC filings, reflecting the in kind contribution of office space from the Erie County Democratic Party. I understand that, in consultation with the FEC filing office, this task has been completed.

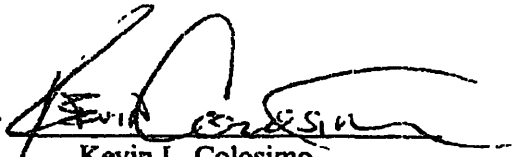
Neither the Party, the Flitter 2000 Committee or Mr. Monahan acted intentionally in failing to report the in kind contribution of office space provided to the Flitter 2000 Committee by the Erie County Democratic Party. The mistake was merely an oversight that, quite frankly, I, as counsel to both, should have foreseen.

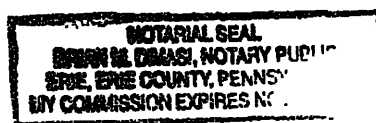
The respondents herein believe, given the timely filing of amendments, that this matter is now resolved. The respondents contend that any error or omission was unintentional and harmless. Accordingly, respondents request that no action be taken against them and further that this matter does not warrant the additional use of commission resources.

Should you have any questions, comments or concerns, please contact me directly.

Respectively submitted,


ELDERKIN, MARTIN, KELLY & MESSINA

By 
Kevin L. Colosimo



KLC/jln
cc: Marc A. Flitter, M.D.
Thomas A. Monahan, C.P.A.
Pasqualino S. Cappabianca
Donald F. McGahn, II, Esq.

Sworn to and subscribed before me
this 31st day of August, 2000.


Notary Public