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May 16, 2001

Allan D. Silberman, Director
Alternative Dispute Resolution Office
Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

Re: **ADR 017 (MUR 5140)**
ADR 033 (MUR 5076)

Dear Mr. Silberman:

As your records should reflect, I am the attorney of record for the respondents in the above-referenced matters. Since both matters involve identical parties and identical issues, I am formally requesting that they be consolidated for all intents, purposes and proceedings before the Federal Election Commission. I will address them together herein.

Both matters involve election year complaints filed by the National Republican Congressional Committee against a Democratic Candidate for the United States House of Representatives from Pennsylvania's Twenty-First District. Both center around that candidate's failure to disclose in-kind contributions, in the form of rent, made to his campaign committee by the local political party organization, namely, the Erie County Democratic Party Committee. Subsequent to both complaints, amended filings were made to correct the in-kind contribution discrepancy and in the latter instance to repay the Erie County Democratic Party Committee its contribution in excess of contribution limits. In short, the matters complained of by the NRCC have been corrected such that the only issue remaining for decision or dispute resolution is penalty.

I have filed responses with the FEC in both matters indicating my belief that further FEC inquiry and further depletion of commission resources was not necessary. Apparently, the matter was referred to your office in lieu of my response.

Allan D. Silberman, Director
May 16, 2001
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While I am certainly not opposed to any means of alternative dispute resolution, and participate in such programs on a regular basis, I am reluctant to push this matter to ADR in light of my client's inability to pay the fees and expenses associated with participating in the program. The Flitter 2000 Committee is essentially defunct and the Erie County Democratic Party Committee is an organization of extremely limited means. Therefore, I am greatly concerned in both clients' ability to participate in an out of town proceeding. Moreover, I question their ability to satisfy any monetary penalty which may be levied against them.

To this end, I am hopeful that this matter can somehow be resolved short of formal proceedings before the ADR office. I am hopeful that the NRCC will agree to voluntarily withdraw their complaint against the two named respondents, or, in the alternative, agree to an extremely modest penalty along with an assurance of future compliance. By copy of this letter, to Attorney Donald McGahn, I am formally requesting that the NRCC withdraw their complaint in light of the circumstances.

In any event, I am available to speak with you or your designee about this matter at your convenience. I thank you for your cooperation and courtesy in this matter.

Very truly yours,

ELDERKIN, MARTIN, KELLY & MESSINA

By 

Kevin L. Colosimo

KLC/jln

cc: Donald F. McGahn, II, Esq.
Thomas A. Monahan, CPA
William J. Schaaf, Treasurer, Erie County Democratic Committee
Marc A. Flitter, M.D.
Lynn M. Fraser, Assistant Director, ADR Office