



Federal Election Commission
Washington, DC 20463

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

BY: Lynn M. Fraser
Assistant Director, ADR Office

SUBJECT: Negotiated Settlement ADR 017 & ADR 033

DATE: September 19, 2001

Attached for your review is a signed agreement resolving ADR 017 (MUR 5140) and ADR 033 (MUR 5076) involving respondents Flitter 2000 Committee, Thomas A. Monahan, as Treasurer, Erie County Democratic Committee, and Ric Coluzzi, as Treasurer. These cases were consolidated at the request of respondents, and were assigned by the Commission to the ADR Office on April 3, 2001.

ADR 017: Respondents were charged with exceeding the contribution limit for a local committee, in violation of 2 U.S.C. § 431(1)(4)(C), and regulations 11 C.F.R. § 100.5(c) and 11 C.F.R. § 102.5(b). Respondents stated that they misunderstood the statutes and regulations when the local committee respondents made in-kind contributions for office space aggregating \$2,000 for the primary election. Respondents further stated that the excessive contribution was reimbursed to the local committee respondents and that reimbursement was reported to the Commission.

ADR 033: Respondents were charged with failing to report in-kind contributions for campaign headquarters located in the suite of offices leased by the local committee respondents in violation of 2 U.S.C. § 434(a) and 2 U.S.C. § 434(b). Respondents stated it was an oversight in not reporting the in-kind contribution for office space. Respondents stated that amended reports were filed, and when it was determined that an excessive in-kind contribution by the local committee resulted, a refund was made to the local committee respondents.

We recommend that the Commission approve the consolidated negotiated settlement resolving ADR 017 and ADR 033, and that we subsequently close the files on these matters.