



**Federal Election Commission  
Washington, DC 20463**

October 1, 2001

Kevin L. Colosimo, Esq.  
Houston Harbaugh  
Two Chatham Center  
Twelfth Floor  
Pittsburgh, PA 15219-3463

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

Dear Mr. Colosimo:

Enclosed please find a signed copy of the agreement between the Flitter 2000 Committee, Thomas A. Monahan, as Treasurer, Erie County Democratic Committee, and Ric Coluzzi, as Treasurer, and the Federal Election Commission (FEC/Commission) regarding ADR 017 (MUR 5140) and ADR 033 (MUR 5076). The agreement was approved by the Commission on September 27, 2001.

I need to remind you that the settlement agreement, along with the exchange of correspondence, will be made part of the public record. The FEC is obligated by federal statute to put settlement agreements on the public record. 11 C.F.R. § 111.20(b). Accordingly, the appropriate portions of this file will be forwarded to the Commission's Public Information Office to be placed on the public record.

This agreement resolves the matter that was brought to the attention of the FEC by Donald F. McGahn, II, General Counsel for the National Republican Congressional Committee, regarding an alleged violation of the federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually satisfactory conclusion.

Sincerely,

Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosure: Agreement

2001 OCT 1 10 25 AM



**Federal Election Commission  
Washington, DC 20463**

Case Number: ADR 017 & ADR 033

Source: MUR 5140 & MUR 5076

Case Name: Flitter 2000 Committee, Thomas A. Monohan, Treasurer  
Erie County Democratic Committee, Ric Coluzzi, Treasurer

### **NEGOTIATED SETTLEMENT**

These matters were initiated by two signed, sworn and notarized complaints filed by Donald F. McGahn, II, General Counsel for the National Republican Congressional Committee. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Federal Election Commission ("Commission") entered into negotiations with Kevin L. Colosimo, Esq., representing the Flitter 2000 Committee, Thomas A. Monohan, Treasurer, Erie County Democratic Committee and Ric Coluzzi, Treasurer (collectively "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 respondents addressed all the issues raised in these matters. The parties agree to resolve these matters according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of respondents. The Commission's use of alternative dispute resolution procedures (ADR) 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. Respondents voluntarily enter into this agreement with the Commission.
3. Complainant alleged in the first complaint filed that the Flitter 2000 Committee accepted in-kind contributions in the form of office space from Erie County Democratic Committee, but did not report the contributions as required in 2 U.S.C. § 434(a). In the second complaint, complainant alleged that amended reports reflected that the Flitter 2000 Committee reported in-kind contributions of \$200 per month for office space from January 2000 through October 2000. As local party organizations not registered with the Commission are limited to an aggregate of \$1,000 per calendar year in receipts or disbursements for the purpose of influencing any election for Federal office, the Erie

County Democratic Committee made excessive contributions to the Flitter 2000 Committee in violation of the FECA.


4. The FECA defines a contribution as including anything of value made for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8). The term *anything of value* includes all in-kind contributions of, among other things, facilities, equipment or supplies. 11 C.F.R. § 100.7(a)(1)(iii). The treasurer of political committees must file reports of receipts and disbursements in accordance with the FECA and the regulations relevant to the statute. 2 U.S.C. § 434(a). Any committee, club, association, or other group of persons which receive contributions or make expenditures aggregating a value in excess of \$1,000 for the purpose of influencing any election for Federal office shall register a statement of organization with the Commission as a political committee within ten days of reaching the aggregate amount. 2 U.S.C. § 433(a).
5. Respondents acknowledge that they inadvertently violated the FECA, but on learning of the requirements of the statute and prohibited contributions, took corrective action. The Flitter 2000 Committee filed amended reports reflecting the in-kind contributions from Erie County Democratic Committee, and refunded \$1,000 to Erie County Democratic Committee, a local party committee registered with the State of Pennsylvania, but not with the Commission. The candidate does not anticipate campaigning for Federal office again, and, wishes to terminate his authorized committee. The Erie County Democratic Committee intends to retain its local party status and not register with the Commission as a political committee at this time.
6. Respondents, in an effort to avoid similar errors in the future, agree to the following: (a) Flitter 2000 Committee will pay a civil penalty of \$250; (b) Flitter 2000 Committee will confer with an analyst from the Commission's Reports Analysis Division to terminate the Flitter 2000 Committee; (c) Erie County Democratic Committee will pay a civil penalty of \$250; and (d) Erie County Democratic Committee will have a representative attend an FEC seminar on political committee requirements by July 30, 2002.
7. The parties agree that if 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.
8. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondent shall comply with the terms of the settlement within 30 days from the effective date of this agreement, with the exception of term (d) of paragraph 6 above, which shall be complied with no later than July 30, 2002.

9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 017 (MUR 5140) and ADR 033 (MUR 5076), and effectively resolves these matters. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

Allan D. Silberman, Director  
Alternative Dispute Resolution Office

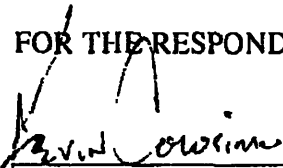
By:

  
Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office

9/28/01

Date Signed

FOR THE RESPONDENTS:

  
Kevin L. Colosimo, Esq.  
Counsel for the Flitter 2000 Committee,  
Thomas A. Monohan, Treasurer,  
Erie County Democratic Committee and Ric Coluzzi, Treasurer

9/10/2001

Date Signed