



Federal Election Commission
Washington, DC 20463

Case Number: ADR 060B
Source: MUR 5214
Case Name: Michael Feinstein

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Barry R. Ziman. 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 James Russo, Esq., counsel for Michael Feinstein ("Respondent"). 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 Respondent addressed the issues raised in this complaint. The parties agree to resolve the matter according to the following terms:

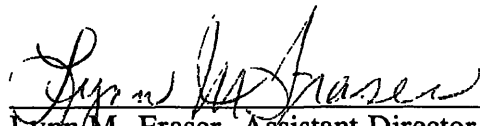
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondent voluntarily enters into this agreement with the Commission.
3. The complaint alleges that Respondent made excessive contributions to the Engel for Congress Committee (committee) in violation of 2 U.S.C. § 441a(1). Specifically, the complainant alleges that the reports filed with the Commission by the committee reflected that Respondent contributed \$2,000 in 1999 and \$2,000 in 2000 for the primary and general elections held in 2000.
4. The FECA states that no person shall make contributions to any candidate and the authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1). The statute defines the term "election" to mean a general, special, primary, or runoff election. 2 U.S.C. § 431(1).

5. Respondent acknowledges that he contributed the amount specified in the reports filed by the committee, but contended that any violation of the FECA was unintentional. Respondent stated that he did not recall making the first contributions in the fall of 1999 at the time of the second contributions in July 2000.
6. Respondent, in an effort to resolve the matter, agrees to pay a civil penalty of \$500 within thirty days of the effective date of this agreement.
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.
9. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 060B (MUR 5214), and effectively resolves this matter as it pertains to Michael Feinstein. 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

7-12-02
Date Signed

FOR THE RESPONDENT:


James Russo, Esq.
Representing Michael Feinstein

6/21/02
Date Signed

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