



**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 076A

Source: MUR 5245

Case Name: A.J. Fusco, Jr. and A.J. Fusco & Associates

NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Mark D. Serra, Esq. 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 Anthony J. Fusco, Jr., Esq., representing the A. J. Fusco, Jr. and A. J. Fusco & Associates ("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 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. Respondents voluntarily enter into this agreement with the Commission.
3. Complainant alleges that while he was employed at the law firm Respondents unlawfully compelled him to engage in partisan politics and give up one week's pay, in the amount of \$580.84, in order to increase the firm's contribution to a campaign for federal election.
4. The FECA states that no corporation shall make a contribution or expenditure in connection with any election for Federal office. 2 U.S.C. § 441b.
5. Respondents contend that a reception and fund-raiser was held for Senator D'Amato at the firm during the six weeks Complainant was employed, however, no wages were withheld from any employee and the firm made no

contribution to the campaign. Respondents further contend Complainant received and negotiated six weekly salary disbursements from the law firm representing the time he was employed.

6. After a review of the complaint, the response, and documentation in the file, the Office of Alternative Dispute Resolution concludes that the alleged violations of the FECA, in this matter, are unsubstantiated. The Commission agrees to dismiss this matter.
7. This agreement shall become effective on the date signed by all parties and approved by the Commission.
8. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 076A (MUR 5245), and effectively resolves this matter. 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

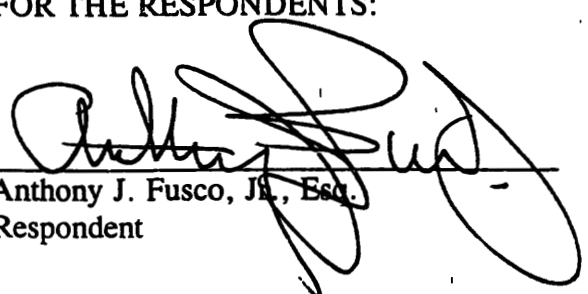
By:



Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

11/26/02
Date Signed

FOR THE RESPONDENTS:



Anthony J. Fusco, Jr., Esq.
Respondent

Oct 11, 2002
Date Signed