



Federal Election Commission
Washington, DC 20463

July 8, 2004

E. Whitney, President
E&M Electric Contracting
35 Rockaway Avenue
Brooklyn, NY 11233

Re: ADR 172 (MUR 5431)

Dear Mr. Whitney:

The Federal Election Commission ("FEC/Commission") received your response to our letter regarding the complaint filed against E&M Electric Contracting ("Respondents"). The Commission reviewed your reply and voted to refer the matter to the Alternative Dispute Resolution Office ("ADRO"). This case has been designated as ADR 172. Please refer to this number in all future correspondence.

The FEC established the ADR Program to provide an informal means for resolving complaints and to negotiate directly with Respondents. The ADR program provides Respondents with an opportunity to negotiate, and if necessary, mediate settlement of a complaint that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If the negotiations and/or mediation are successful, the resulting settlement would conclude the matter.

The Commission, in referring the matter to the ADR Office, determined that your case is eligible for processing in that program. To be considered for ADR processing; i.e., negotiation and/or mediation, you must: 1) indicate a willingness to have your case submitted to the ADR process; 2) agree to participate in the bilateral negotiations, and, if necessary, mediation; and 3) waive the statute of limitations while the matter is being processed under the Commission's ADR program. Additional information about the ADR program is provided in the enclosed material.

If, after reviewing the material, you would like your case to be identified for ADR processing, you need to affirmatively indicate that desire on the enclosed form. **Failure to respond affirmatively within fifteen (15) business days of receipt of this letter will be taken as a notice of disinterest in the program, and your case will be dropped from further consideration for ADR.** In that event, your case will be returned to the Commission's Office of General Counsel.

July 8, 2004

If you have any questions about the ADR Program, please contact me directly at the number given below.

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office
202-694-1665

Enclosures:

- ADR Booklet
- ADR Commitment Statement
- Designation of Counsel/Representative