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Federal Election Commission
Washington, DC 20463

SENSITIVE

MEMORANDUM

TO: The Commission
[Signature]

THROUGH: James A. Pehrkon
Staff Director
[Signature]

FROM: Allan D. Silberman
Director, ADR Office
[Signature]

BY: Lynn M. Fraser
Assistant Director, ADR Office *[Signature]*

SUBJECT: Negotiated Settlement ADR 172
Citizens for Tracy L. Boyland, et al.

DATE: October 12, 2004

Attached for your review is a signed agreement for ADR 172 (MUR 5431) – Respondents Citizens for Tracy L. Boyland and Sabrina Postles, Treasurer, et al. This case originated with a complaint filed with the Commission on March 17, 2004 and was assigned to the ADR Office on July 6, 2004.

ADR 172 (MUR 5431): Complainant alleges that the Year End 2003 Report filed by Respondents Citizens for Tracy Boyland and Sabrina Postles, Treasurer, (the "Committee") disclosed contributions from companies which appear to be corporations. In addition, Complainant alleges that this report was filed late and was not filed electronically as required. The Committee acknowledges the inadvertent acceptance of the prohibited contributions due to inexperience, and when they learned of their error, they refunded all contributions reflected in the complaint. Of the forty-one contributors named in the complaint, eight were not corporations, and the remaining thirty-three were small corporations who thought they were contributing to a New York City Council position and not a federal election. Three of the eight firms that were not corporations admitted that they exceeded the contribution limit.

ADR Director's Recommendations:

1. We recommend that the Commission approve the negotiated settlement for ADR 172 resolving the matter as to the Committee, and that we subsequently close the file on this matter and send the appropriate letters.

2. That the matter be dismissed as it pertains to R&M Health Systems Management, Schuman Lichtenstein Architects, Gotham Construction Company, Herrick Feinstein, and HPS Holding Company, and that we subsequently close the file and send the appropriate letters.
3. That no further action be taken against Michaels Development Co., Loewen Development, L&M Development, Full Spectrum, Sigma Contracting Co., Ocean Hill Developers, FTC Management, Novalex Contracting, A. Aleem Contracting, 4502 Park Avenue LLC, R&J Brick Masonry, A. Kornegay Senior Housing, MHR Management, Shinda Management, SBA Management, E&M Electric Contracting, Solon Contracting Corporation, National Real Estate Services, Grafton Construction, Major Sewer & Water Contractors, Kent Construction, Sanita Construction, L&S Mechanical, Delta Funding Corporation, Kay Organization H&K Realty Group, Bina Drugs, Delight Construction, E-Z Pay, Comprehensive Healthcare, The Hudson Companies, New Foundation Rental & Management Association, L&C Builders, Precise Management, The Osborne Group, Sure Drugs, and that we subsequently close the file and send the appropriate letters.