



Federal Election Commission
Washington, DC 20463

October 20, 2004

Elizabeth Holtzman, Esq.
Herrick Feinstein
2 Park Avenue
New York, NY 10016

Re: ADR 172 (MUR 5431)

Dear Ms. Holtzman:

On March 24, 2004, the Federal Election Commission ("Commission") notified Herrick Feinstein of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification. The Commission referred the matter to the Alternative Dispute Resolution Office ("ADR Office") for resolution. The case was designated ADR 172.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and either dismiss or take no action against individual Respondents. In its memorandum to the Commission, dated October 12, 2004, this office stated:

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 that 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 exceeded the contribution limit.

The ADR Office recommended that the Commission approve the settlement negotiated with the campaign committee, Citizens for Tracy L. Boyland and Sabrina Postles, Treasurer. The ADR Office also recommended that the complaint be dismissed as it pertains to R&M Health Systems Management, Schuman Lichtenstein Architects, Gotham Construction Company, Herrick Feinstein, and HPS Holding Company. In addition, that no further action be taken against Michaels Development Co., Loewen Development, L&M Development, Full Spectrum, Signa 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, and Sure Drugs. Accordingly, the Commission approved the recommendations of the ADR Office and closed its file in this matter on October 18, 2004.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and this office, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

Enclosed is a copy of the negotiated settlement reached with Tracy L. Boyland and Sabrina Postles, Treasurer and the certification of the votes of the Commission. Please note in the certification the action taken by the Commission as to the individual Respondents named in the complaint. If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,

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

Enclosure: Agreement with Certification of Commission Vote