



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

January 20, 2006

Michael DeHaven  
Jim Gerlach for Congress Committee  
PO Box 87  
Uwchland, PA 19480

Re: ADR 306 (Audit 05-24)  
Jim Gerlach for Congress Committee and Michael DeHaven, Treasurer

Dear Mr. DeHaven:

The Audit Division of the Federal Election Commission ("FEC" or "Commission") determined that matters arising from its recent review of the Jim Gerlach for Congress Committee's 2004 records warranted further examination for possible violation of the Federal Election Campaign Act of 1971, as amended. The Commission, thereafter, reviewed the file and voted on January 17, 2006 to assign this matter to the FEC's Alternative Dispute Resolution Office ("ADRO") for processing.

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with Respondents. The ADR Program provides Respondents with an opportunity to negotiate, and if necessary, mediate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If 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 the case is eligible for processing in the ADR program. If Respondents decide to participate in the Program, i.e., negotiation and/or mediation, you must: 1) indicate in writing 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 FEC's ADR program.

The issues referred to the ADRO and the focus of our subsequent negotiations are summarized as follows:

Audit referred the Jim Gerlach for Congress Committee and Michael DeHaven, Treasurer ("Respondents" or the "Committee") for accepting \$35,021 in excessive contributions

FEDERAL ELECTION COMMISSION, ALTERNATIVE DISPUTE RESOLUTION OFFICE  
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during the 2004 election cycle. Audit stated that Respondents received excessive contributions of \$5,950 in total from two political action committees, and \$29,071 in total from three partnerships and eleven individuals. At the recommendation in the interim audit, Respondents issued refund checks to all contributors in question.

If after reviewing this letter and the enclosed brochure, which describes the ADR program, Respondents would like this case selected for ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Submit Matter to ADR Program 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 sent to the FEC's Office of General Counsel and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as **ADR 306**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,

Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office  
202-694-1665

Enclosures: Brochure  
Commitment to Submit Matter to ADR  
Designation of Representative/Counsel

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