



**Federal Election Commission  
Washington, DC 20463**

September 6, 2001

Lisa Sherman  
Susan Davis for Congress Committee  
4113 Oliver Street  
Chevy Chase, MD 20815

Re: ADR 031  
Susan Davis for Congress, Carolyn Witt, Treasurer, and Susan Davis

Dear Ms. Sherman:

Enclosed please find a signed copy of the agreement between Susan Davis for Congress, Carolyn Witt, Treasurer, and Susan Davis and the Federal Election Commission (FEC/Commission) regarding ADR 031 (MUR 5073). The agreement was approved by the Commission on September 4, 2001.

I need to remind you that the settlement agreement, along with the exchange of correspondence, will be made part of the public record. The FEC is obligated by federal statute to put settlement agreements on the public record. 11 C.F.R. § 111.20(b). Accordingly, the appropriate portions of this file will be forwarded to the Commission's Public Information Office to be placed on the public record.

This agreement resolves the matter that was brought to the attention of the FEC by Donald McGahn, General Counsel of the National Republican Congressional Committee regarding a violation of the federal election campaign laws. I appreciate your assistance in effectively resolving this matter and bringing the case to a mutually satisfactory conclusion.

Sincerely,

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

Enclosure: Agreement

2001.09.11.14.54.44



Federal Election Commission  
Washington, DC 20463

Case Number: ADR 031  
Source: MUR 5073  
Case Name: Susan Davis for Congress,  
Susan Davis and Carolyn Witt, as Treasurer

### NEGOTIATED SETTLEMENT

This matter was initiated by a signed, sworn and notarized complaint filed by Donald F. McGahn, II, General Counsel for the National Republican Congressional Committee. 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 Lisa Sherman, representative for Susan Davis for Congress, Susan Davis and Carolyn Witt, as Treasurer (collectively "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 Respondents addressed all the issues raised in this matter. The parties agreed 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 entered into this agreement with the Commission.
3. Complainant allege that respondents transferred assets or funds from the candidate's non-federal campaign committee to her campaign for federal office by using signs and other paraphernalia from her non-federal campaign in violation of 11 C.F.R. § 110.3(d). Complainant provided photographs of candidate marching in a parade with signs from her non-federal campaign and also provided a defaced non-federal campaign yard sign.
4. Respondents maintained that the photographs depict the candidate at a parade in the district which she represented as a California Assemblywoman, and in which she must carry the appropriate campaign signs. As for the defaced non-federal

signs, respondents stated they have no idea where the sign came from and cannot identify the individual who may have defaced the sign or why anyone would do so. The campaign committee provides documentation that it purchased six thousand campaign signs for the federal campaign. Respondents request that the matter be dismissed.

5. Based on the information cited herein, the Alternative Dispute Resolution Office concludes that the violations alleged in the complaint are unsubstantiated, and the Commission concurs by dismissing this matter.
6. This agreement shall become effective on the date signed by respondents and approved by the Commission.
7. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 031 (MUR 5073), 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

9-6-01  
Date Signed

FOR THE RESPONDENTS:

  
Lisa Sherman  
Representative for Susan Davis for Congress,  
Susan Davis and Carolyn Witt, as Treasurer

7-9-01  
Date Signed