



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF TUB # 1249

Date Filmed 4/6/81 Camera No. --- 2

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APR 22 1981 10 56 AM

POSTAGE WILL BE PAID BY ADDRESSEE REGISTERED, INSURED AND CERTIFIED MAIL

● **NOTE** - Complete items 1, 2, and 3. Add your address in the **RETURN TO** space on reverse.

1. The following service is requested (check one):
 Show to whom and date delivered _____ C
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 RESTRICTED DELIVERY
 Show to whom and date delivered _____ C
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$ _____
CONSULT POSTMASTER FOR FEES

2. **ARTICLE ADDRESSED TO**
 Mr. & Mrs. Thompson
 1234 Main St.
 Detroit, Michigan 48201

3. **ARTICLE DESCRIPTION**
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 123456789

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE Addressee Authorized agent
 [Signature]

4. **DATE OF DELIVERY** 1/27/74 **POSTMARK**

5. **ADDRESS** Complete only if requested

6. **UNABLE TO DELIVER BECAUSE** **CLERK'S INITIALS**

913467

GOV 4147

Jaspan, Kaplan, Levin & Daniels

ATTORNEYS AT LAW

200 Garden City Plaza

Garden City, New York 11530

(516) 248-1515

JOEL S. KAPLAN
ARTHUR W. JASPAN
A THOMAS LEVIN
THEODORE DANIELS

JOSEPH W. SIEGEL
GARY M. SCHWARTZ
VINCENT T. APICELLA

MARCUS KATZ
JOSEPH F. RUGGIERI
IRVING LEVIN

* N.Y. & FLA. BARS

FLORIDA OFFICE

SUITE 204

CENTURY BANK BUILDING
PARK SHERIDAN WEST
3363 SHERIDAN STREET
HOLLYWOOD, FLORIDA 33021
(305) 962-1600

March 4, 1981

Federal Election Commission
Washington, D.C. 20463

Att: Charles N. Steele
General Counsel

Re: Friends of Al D'Amato
MUR 1249

Dear Mr. Steele:

Enclosed herewith is a check of Friends of Al D'Amato in the sum of \$250, payable to the U.S. Treasurer in payment of the civil penalty due pursuant to the conciliation agreement which was finally approved on February 23, 1981.

Very truly yours,

Arthur W. Jaspan

AWJ:ss
Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jaspan, Kaplan, Lovin & Daniels
200 Garden City Plaza
Garden City, New York 11530

CERTIFIED

P32 8013912

MAIL

Federal Election Commission
Washington, D.C. 20463

Att: Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION

documents relating to
conciliation

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | | | |
|-------------------------------------|---|--------------------------|--|
| <input type="checkbox"/> | (1) Classified Information | <input type="checkbox"/> | (6) Personal privacy |
| <input type="checkbox"/> | (2) Internal rules and practices | <input type="checkbox"/> | (7) Investigatory files |
| <input checked="" type="checkbox"/> | (3) Exempted by other statute | <input type="checkbox"/> | (8) Banking Information |
| <input type="checkbox"/> | (4) Trade secrets and commercial or financial information | <input type="checkbox"/> | (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> | (5) Internal Documents | | |

Signed

Date

J. [Signature]
2/27/87



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 25, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur W. Jaspan
Jaspan, Kaplan, Levin
and Daniels
200 Garden City Plaza
Garden City, N.Y. 11530

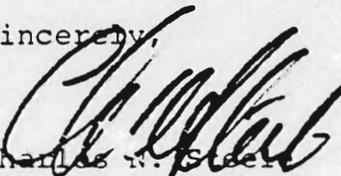
RE: MUR 1249
Friends of Al D'Amato

Dear Mr. Jaspan:

On February 23 1981, the Commission accepted the conciliation agreement signed by you on behalf of your client, Friends of Al D'Amato, in settlement of a violation of 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, upon receipt of the civil penalty, the file will be closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a) (4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. Please make the check for the civil penalty payable to the U. S. Treasurer.

Sincerely,


Charles W. Sizer
General Counsel

Enclosure

Conciliation Agreement

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur W. Jaspan
Jaspan, Kaplan, Levin
and Daniels
200 Garden City Plaza
Garden City, N.Y. 11530

RE: MUR 1249
Friends of Al D'Amato

Dear Mr. Jaspan:

On _____, 1981, the Commission accepted the conciliation agreement signed by you on behalf of your client, Friends of Al D'Amato, in settlement of a violation of 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, upon receipt of the civil penalty, the file will be closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a) (4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. Please make the check for the civil penalty payable to the U. S. Treasurer.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Conciliation Agreement

2/24/81

MT rd
ST
KAG

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1249
Friends of Al D'Amato)

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted after the Commission found reason to believe that Friends of Al D'Amato ("Respondent") violated 2 U.S.C. § 441d by financing a communication which expressly advocated the election of Alphonse D'Amato but which failed to state who authorized and paid for said communication;

NOW, THEREFORE, the Commission and Respondent, having duly participated in informal methods of conciliation, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of a conciliation agreement under 2 U.S.C. § 437g(a)(4)(A).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent is the principal campaign committee for Alphonse D'Amato, a 1960 Senatorial candidate in New York State.

2. Respondent authorized and paid for a brochure which advocated the election of Alphonse D'Amato.

3. Said brochure was distributed by mail and by hand to various members of the Republican Party of the State of New York.

4. Said brochure did not state that it was authorized and paid for by the Respondent.

WHEREFORE, Respondent agrees:

V. Respondent violated 2 U.S.C. § 441d.

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of \$250 (two hundred and fifty dollars), pursuant to 2 U.S.C. § 437a(a)(5)(A).

VII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437a(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement.

If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

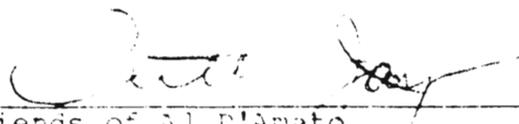
X. It is mutually agreed that Respondent shall comply with the requirement of Paragraph VI of this agreement within thirty (30) days from the date this agreement becomes effective.

23 February 1981
Date



Charles N. Steele
General Counsel
Federal Election Commission

2/14/81
Date



Friends of Al D'Amato

BY: Arthur W. Jaspah

ITS: Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Al D'Amato)

MUR 1249

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 23, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1249:

1. Accept the agreement as attached to the General Counsel's February 19, 1981 memorandum.
2. Close the file upon receipt of the civil penalty.

Commissioners Aikens, McGarry, Reiche, Thomson, and Tiernan voted affirmatively in this matter.

Attest:

2/24/81
Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 2-19-81, 11:01
Circulated on 48 hour vote basis: 2-19-81, 4:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/MARGARET CHANEY ~~_____~~
DATE: NOVEMBER 4, 1980
SUBJECT: MUR 1249 - Interim Investigative Report #1,
dated 10-30-80, Signed 10-31-80; Received
in OCS 11-3-80, 12:08

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, November 3, 1980.

There were no objections to the Interim Investigative Report.

November 3, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1249

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

CRP II
304 910635

Jaspan, Kaplan, Levin & Daniels

ATTORNEYS AT LAW

200 Garden City Plaza

Garden City, New York 11530

(516) 248-1515

JOEL S. KAPLAN
ARTHUR W. JASPAN
A. THOMAS LEVIN
THEODORE DANIELS

JOSEPH W. SIEGEL
GARY M. SCHWARTZ
VINCENT T. APICELLA

MARCUS KATZ
JOSEPH F. RUGGIERI
IRVING LEVIN

* N.Y. & FLA BARS

FLORIDA OFFICE
OCT 20 1980 2:08
CENTURY BANK BUILDING
PARK SHERIDAN WEST
3363 SHERIDAN STREET
HOLLYWOOD, FLORIDA 33021
(305) 962-1600

October 17, 1980

Federal Election Commission
Washington, D.C. 20463

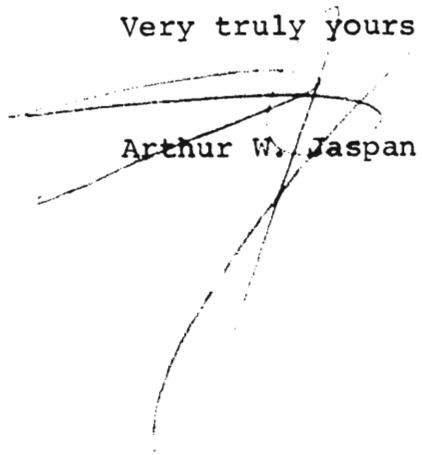
Attn: Mary Beth Tarrant, Esq.

Re: MUR 1249
Alfonse D'Amato
Friends of Al D'Amato

Dear Ms. Tarrant:

As per our discussion, I enclose herewith a copy of my letter of October 9th and the affidavit of Karl Ottosen, which was enclosed. As I indicated to you on the phone, I have, today, received the certified receipt which indicates that it was delivered to your office on October 14th at 3:15 p.m.

Very truly yours,



Arthur W. Jaspan

AWJ:eo
enc.

01:78 021001

October 9, 1980

Federal Election Commission
Washington, D.C. 20463

Re: MUR 1249
Alfonse D'Amato
Friends of Al D'Amato

Gentlemen:

In response to your letter of September 24, 1980, enclosed herewith is an affidavit of Karl Ottosen, the campaign manager of the campaign of Alfonse M. D'Amato, candidate for United States Senator from the State of New York, which responds to the questions presented.

It is our position that the brochure was not a communication expressly advocating the election of the candidate, but rather an informational piece of literature detailing Mr. D'Amato's record and background. In addition, we also contend that the limited mailing and distribution of the brochure to members and party officials of the Republican party was not general public political advertising as intended in Section 441(d) of the Federal Election Campaign Act. The nature of the brochure, the limited number printed and the limited nature of distribution sustain this position.

If you require any additional information, please feel free to contact the undersigned.

Very truly yours,

Arthur W. Jaspán

AWJ:eo
enc.

5. The cost of printing the brochure was paid for by Friends of Al D'Amato. The cost was \$400.00, which was paid to the Nassau County Republican Printing Department of 392 Clinton Street, Hempstead, New York, 11550 on July 22, 1980.

6. The expenditure is included on the twelfth day report preceding the Primary Election on September 9, 1980. It is listed on page 9 of 13 for Line Number 17, Item G.

7. The brochure was prepared for mailing to the members of the Republican State Committee of the State of New York and other Republican officials in the State of New York. The brochure was mailed just prior to the meeting of the State Committee in June, during which a candidate for United States Senate was to be designated. Each brochure was sent with a personal letter to the Committee Member or Official. Approximately 400 brochures were mailed in this manner.

8. Upon information and belief, some of the brochures were distributed at several Republican meetings held in June. It is estimated that approximately 500 of the brochures were distributed at such meetings.

9. The brochures were specifically prepared for use prior to the meeting of the Republican State Committee held in June. The balance of the brochures have been discarded.

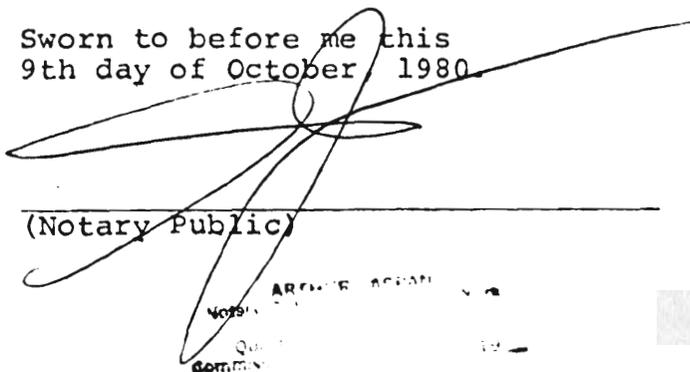
10. Alfonse M. D'Amato did not directly participate in the decision as to how, when and where to distribute the brochures. The brochure was prepared with his knowledge and consent. He

also knew the purpose of the brochure and that they would be mailed to the members of the Republican State Committee. He did not participate in the decision to distribute the brochures at any specific meeting.

11. Normally, Mr. D'Amato would not carry or distribute campaign literature at a political meeting. Such literature would be brought by and distributed by campaign aides. Mr. D'Amato does not recall personally distributing any of the brochures at any political meeting, although it is possible that he could have handled one or two of them.


KARL OTTOSEN

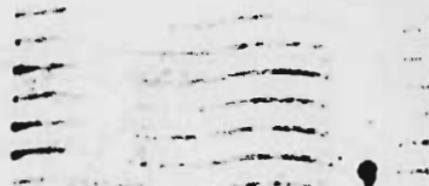
Sworn to before me this
9th day of October, 1980.



(Notary Public)

ARTHUR JASPAN
Notary Public, State of New York
No. 30-7076575
Qualified in Nassau County
Commission Expires March 30, 1982

Jaspan, Kaplan, Levin & Daniels
200 Garden City Plaza
Garden City, New York 11530



10 OCT 20 1998 P 3 98

Federal Election Commission
Washington, D.C. 20463

Attn: Mary Beth Tarrant, Esq.

910580

910 77 3994

Jaspan, Kaplan, Levin & Daniels
ATTORNEYS AT LAW

000CT17 AB:45

JOEL S. KAPLAN
ARTHUR W. JASPAN
A. THOMAS LEVIN
THEODORE DANIELS

200 Garden City Plaza

Garden City, New York 11530

(516) 248-1515

FLORIDA OFFICE

SUITE 204
CENTURY BANK BUILDING
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JOSEPH F. RUGGIERI
IRVING LEVIN

* N.Y. & FLA. BARS

October 9, 1980

Federal Election Commission
Washington, D.C. 20463

Re: MUR 1249
Alfonse D'Amato
Friends of Al D'Amato

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Arthur W. Jaspan

AWJ:eo
enc.

22:22-211000

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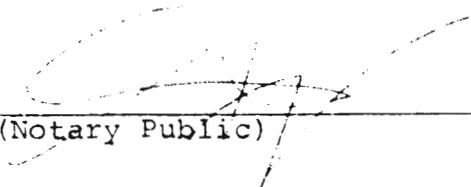
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KARL OTTOSEN

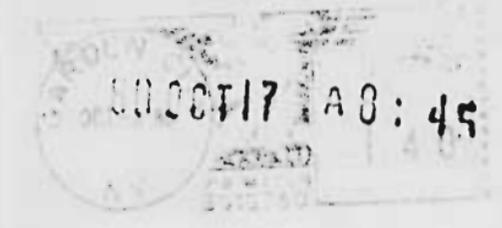
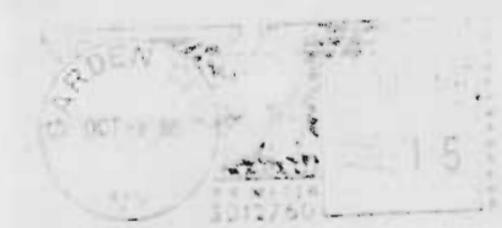
Sworn to before me this
9th day of October, 1980.



(Notary Public)

82

Jaspan, Kaplan, Levin & Daniels
200 Garden City Plaza
Garden City, New York 11530



Federal Election Commission
Washington, D.C. 20463

CERTIFIED

P32 8013879

MAIL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur W. Jaspan, Esq.
200 Garden City Plaza
Garden City, New York 11530

Re: MUR 1249
Alphonse D'Amato
Friends of Al D'Amato

Dear Mr. Jaspan:

The Federal Election Commission notified your clients on June 27, 1980, of a complaint which alleges that Alfonse D'Amato and the Friends of Al D'Amato may have violated a certain section of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on September 9, 1980, determined that there is reason to believe that Alphonse D'Amato and the Friends of Al D'Amato violated 2 U.S.C. § 441d. Specifically, it appears that Mr. D'Amato and his supporters were distributing a brochure which was prepared for the Friends of Al D'Amato and which clearly advocated the election of Mr. D'Amato. This brochure, however, did not contain any statements regarding who paid for it and whether or not it had been authorized by the Friends of Al D'Amato. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

Your clients' responses to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within 10 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

Letter to: Arthur W. Jaspán, Esq.
Page 2

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,



Max L. Friedersdorf
Chairman

31710114011

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one.) <input type="checkbox"/> Show to whom and date delivered..... <input type="checkbox"/> Show to whom, date and address of delivery..... <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered..... <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery 3.....	
(CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Arthur W. Jaspán, Esq. 200 Garden City Plaza GARDEN CITY, N.Y.	
ARTICLE DESCRIPTION: REGISTERED NO. 946584 CERTIFIED NO. 11530 INSURED NO.	(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent J. Colner
DATE OF DELIVERY	POSTMARK
3. ADDRESS (Complete only if requested)	
4. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MUR 1249 TARRANT

Alphonse D'Amato
Friends of Al D'Amato

QUESTIONS

1. Who designed and printed the brochures? Please provide the names and addresses of the individuals, businesses, or other persons involved.

2. Who authorized the preparation of the brochures? Please provide the names and addresses of the individuals, committees, or other persons who gave such authorization. In addition, please explain in detail: (a) the involvement of Friends of Al D'Amato, its officers, or agents, and (b) the involvement of Mr. D'Amato.

3. Who paid for the brochures? Please provide the names and addresses of the individuals, committees or other persons who so paid.

4. Who was paid for the brochures? Please provide the names and addresses of the individuals, businesses, or other persons so paid.

5. How much did the brochures cost?

6. Has Friends of Al D'Amato reported the cost of the brochures to the Commission? If so, please identify where the expenditure was reported.

7. How many of the brochures were distributed? Please specify how many brochures were distributed in the mailing to Republican Party members, how many were distributed by other means, and how many remain in the possession of Friends of Al D'Amato.

CONFIDENTIAL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*

DATE: SEPTEMBER 23, 1980

SUBJECT: MUR 1249 - Memorandum to the Commission
dated 9-19-80; Received in OCS 9-19-80,
4:26

The above-named document was circulated to the Commission on a no-objection basis at 11:00, September 22, 1980.

There were no objections to the proposed letter and questions.

September 19, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1249

Please have the attached Memo distributed to the
Commission on a 24 hour no-objection basis. Thank you.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION SECRETARY
80 SEP 19 P 4: 26

September 19, 1980

MEMORANDUM TO: The Commission
FROM: Charles N. Steele *CNS*
General Counsel
SUBJECT: MUR 1249

Pursuant to the Commission's September 9, 1980 findings of reason to believe against both Alphonse D'Amato and the Friends of Al D'Amato, the attached letter, with questions, is being circulated for Commission approval.

Recommendation

Approve the attached letter and questions.

Attachment

Proposed letter and questions



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur W. Jaspán, Esq.
200 Garden City Plaza
Garden City, New York 11530

Re: MUR 1249
Alphonse D'Amato
Friends of Al D'Amato

Dear Mr. Jaspán:

The Federal Election Commission notified your clients on June 27, 1980, of a complaint which alleges that Alphonse D'Amato and the Friends of Al D'Amato may have violated a certain section of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on September 9, 1980, determined that there is reason to believe that Alphonse D'Amato and the Friends of Al D'Amato violated 2 U.S.C. § 441d. Specifically, it appears that Mr. D'Amato and his supporters were distributing a brochure which was prepared for the Friends of Al D'Amato and which clearly advocated the election of Mr. D'Amato. This brochure, however, did not contain any statements regarding who paid for it and whether or not it had been authorized by the Friends of Al D'Amato. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

Your clients' responses to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within 10 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

Letter to: Arthur W. Jaspan, Esq.

Page 2

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202) 523-4175.

Sincerely,

31710210036

Alphonse D'Amato
Friends of Al D'Amato

QUESTIONS

1. Who designed and printed the brochures? Please provide the names and addresses of the individuals, businesses, or other persons involved.

2. Who authorized the preparation of the brochures? Please provide the names and addresses of the individuals, committees, or other persons who gave such authorization.

In addition, please explain in detail: (a) the involvement of Friends of Al D'Amato, its officers, or agents, and (b) the involvement of Mr. D'Amato.

3. Who paid for the brochures? Please provide the names and addresses of the individuals, committees or other persons who so paid.

4. Who was paid for the brochures? Please provide the names and addresses of the individuals, businesses, or other persons so paid.

5. How much did the brochures cost?

6. Has Friends of Al D'Amato reported the cost of the brochures to the Commission? If so, please identify where the expenditure was reported.

7. How many of the brochures were distributed? Please specify how many brochures were distributed in the mailing to Republican Party members, how many were distributed by other means, and how many remain in the possession of Friends of Al D'Amato.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *m*

DATE: SEPTEMBER 2, 1980

SUBJECT: OBJECTION - MUR 1249 - First General Counsel's
Report dated 8-28-80; Received in OCS
8-28-80, 11:27

The above-named document was circulated on a 48
hour vote basis at 4:00, August 28, 1980.

Commissioner Harris submitted an objection at 1:00,
September 2, 1980.

This matter will be placed on the Executive Session
Agenda for Tuesday, September 9, 1980.

August 28, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Jane Colgrove
SUBJECT: MUR 1249

Please have the attached First General Counsel's Report
on MUR 1249 distributed to the Commission on a 48 hour tally
basis.

Thank you.

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSIONER
AUG 26 1980

FIRST GENERAL COUNSEL'S REPORT

80 AUG 26 11: 27

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION AUG 28 1980

MUR # 1249
DATE COMPLAINT RECEIVED
BY OGC June 24, 1980

STAFF MEMBER Marybeth

Tarrant

COMPLAINANT'S NAME: Judah C. Sommer

RESPONDENT'S NAME: Alfonse M. D'Amato
Friends of Al D'Amato

RELEVANT STATUTE: 2 U.S.C. § 441d
11 C.F.R. § 110.11

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Attached to the complainant's letter was a brochure (Attachment 1) which, as alleged by the complainant, was being distributed to the public by Alfonse D'Amato, candidate for U.S. Senate from New York, and his supporters at a political meeting. The brochure clearly advocates the election of Mr. D'Amato, however, it contains no statement regarding who paid for the brochure and whether or not it was authorized by the candidate or an authorized committee of the candidate.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441d states that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election of a clearly identified candidate, such communication must clearly state who paid for the communication and whether or not it has been authorized by the candidate or by an authorized committee of the candidate. (See also 11 C.F.R. § 110.11)

On June 27, 1980, letters along with copies of the complaint, were sent to Mr. D'Amato and his principal campaign committee, Friends of Al D'Amato (the Committee). In their responses (See Attachment 2), both Mr. D'Amato and his campaign manager, Karl Ottosen, stated that only 2,000 copies of the brochure were printed and that they were prepared as part of a mailing to a limited number of members of the New York Republican Party. While they state it is a possibility that some of

the brochures were distributed at a political meeting, there are remaining copies in the possession of the Committee which will not be distributed unless a proper statement is included. In addition, both responses state the brochure was prepared for the Committee.

As the brochure expressly advocates the election of Mr. D'Amato but does not state who paid for it and whether or not it was authorized by the Committee, the General Counsel recommends the Commission find reason to believe the Committee violated 2 U.S.C. § 441d. In addition, it is further recommended that the Commission take no action against Mr. D'Amato as it appears it was an expenditure made by the Committee.

RECOMMENDATION

1. Find reason to believe the Friends of Al D'Amato violated 2 U.S.C. § 441d.
2. Take no action against Al D'Amato.
3. Approve the attached letter.

Attachments

1. Complaint
2. Letters from Respondents
3. Proposed letter

910102100113

JAVITS

PLEASE PRINT TO: Judah C. Sommer, Esq. Suite 600, 1150 17th St., N.W. Washington, D.C. 20036

June 24, 1980

Attachment 1

Charles N. Steele, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W. (7th Floor)
Washington, D.C. 20436

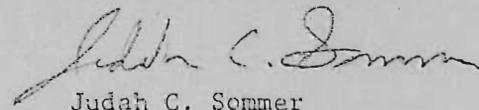
Dear Mr. Steele:

Enclosed is a brochure that was distributed to me, personally, and that I saw distributed to other members of the public by Alfonse D'Amato, candidate for U.S. Senator from New York, and his supporters at a political meeting in Rockland County, New York on Tuesday evening, June 17, 1980.

This brochure demonstrates a direct violation by Alfonse D'Amato and his campaign committee of Section 318(c) of the Federal Election Campaign Act of 1971, as amended, ("FECA"). It is a written communication expressly advocating the election of Alfonse D'Amato and fails to state whether it is authorized by the candidate or his campaign committee and, also, fails to identify the person or persons paying for the communication.

Pursuant to Section 309 of the FECA and subject to the statutes governing perjury and 18 USC §1001, I file this complaint against Alfonse D'Amato, his campaign committee, and any person or persons paying for or distributing the communication.

Sincerely,



Judah C. Sommer
Secretary
Javits Campaign Committee

District)
of)
Columbia)

I, C. Elaine Krasul, a notary public in and for the District of Columbia, do hereby certify that Judah C. Sommer personally appeared before me, swore to the truth of the statements in the foregoing complaint, and signed said complaint in my presence.

Given under my hand and seal this 24th day of June, 1980.

(Seal)


Notary

My commission expires June 20, 1984.

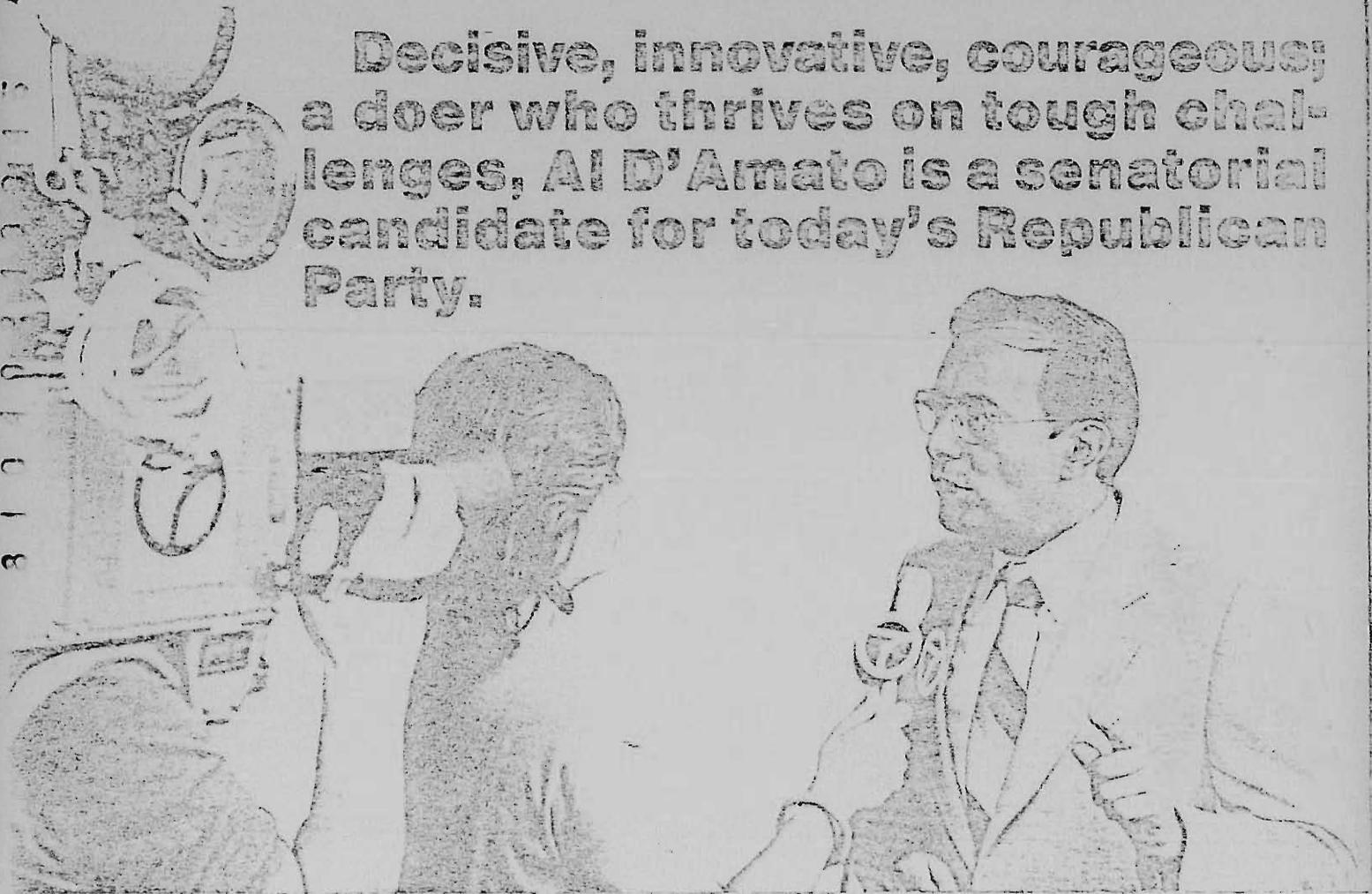
8101021001A

JAVITS CAMPAIGN
COMMITTEE
Campaign Headquarters
1140 Avenue of the Americas
New York, N.Y. 10036
(212) 575-9200

ALTONG MARSHALL
Campaign Chairman
JOHN TRUBIN
Campaign Manager
JOSEPH L. FRISTACHI
Campaign Director
MARY ANN KNAUSS
Deputy Campaign Director
ROBERT M. KAUFMAN
Treasurer

3
1
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1
9
3
1
3
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4

Decisive, innovative, courageous;
a doer who thrives on tough chal-
lenges, Al D'Amato is a senatorial
candidate for today's Republican
Party.



D'Amato in the swim for the Senate race

Senate hopeful D'Amato

By Ralph Bernstein
Journal staff writer

A Long Island town supervisor who hopes to unseat Sen. Jacob Javits criticized Javits and took conservative stands on the issues at a news conference in Poughkeepsie Monday.

Alfonse M. D'Amato, supervisor of the Town of Hempstead, made a series of stops in the Hudson Valley to

in Poughkeepsie and the surrounding communities,' D'Amato said, and went on to discuss issues ranging from the need for reform to abortion.

Hempstead Presiding Supervisor and running mate for U.S. Senate race. D'Amato is hopeful in Buffalo.

for the practical reason that Javits and other Republican leaders want him to run instead for the N.Y. County executive seat two years from now. This seat is now held by F.P. Percell, who is not expected to seek reelection.

D'Amato Hop

Monday, November 12, 1979

Chenango-Delaware

The Sun-Bulletin

Partial Clearing, 40c; Details, Page 6B

Binghamton, N.Y. 13902

A Gannett newspaper

20c

Long Island supervisor seeking Javits' seat

D'Amato hits gyp on emergency gas

D'Amato Fights to Strengthen Barr

During the height of the gasoline crisis last month, emergency allocations of gasoline for Albany County increased by 40% and the emergency allocations were emergency allocations for Nassau were up to 20%.

At the same time, Albany County's emergency allocations were up to 20%.

Emergency allocations for Albany County were up to 20%.

Under the U.S. Code of Reg.

Published by the Sun-Bulletin Co., Inc., Binghamton, N.Y. 13902. Telephone: 733-1111.

D'Amato Helps

D'Amato Char

Ecc

D'Amato Outlines

Course for Town \$2 Million in Cuts

Al D'Amato is presently serving his second term as Presiding Supervisor of the Town of Hempstead - the nation's biggest township and, with 800,000 people, the third largest municipality in New York State. He won re-election last year with a record 68% of the vote, running far ahead of his opponent even in areas normally considered Democratic strongholds.

Born in Brooklyn and raised in Nassau County, D'Amato is a loyal Republican who has advanced through the ranks of his party, carving a distinguished career in public service, and earning a solid reputation for hard work, unquestioned integrity and genuine concern for people. Time and again, he has shown he has the courage to face and make tough decisions instead of taking the easy way out.

Besides being chief executive of the Town of Hempstead, where he has cut taxes 10% two years in a row, D'Amato serves as the ranking legislator of the Nassau County Board of Supervisors. The Board oversees a budget of more than \$500 million for the county's 1.5 million people.

Before his election as Presiding Supervisor, D'Amato served seven years as the town's Supervisor and, before that, as Receiver of Taxes.

In addition to his public offices, D'Amato is a political leader and member of the Executive Committee of the Nassau Republican Committee. As a party leader, he works as hard to elect all Republican candidates as he



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worked in his own re-election campaign. In the annual ranking of the county's 70 executive areas, D'Amato's area placed fourth in 1979.

D'Amato is a graduate of Chaminade High School in Mineola, Syracuse College of Business Administration and Syracuse Law School.

He and his wife, Penny, have four children: Lisa, Lorraine, Daniel and Christopher.

A self-described activist, D'Amato is a man who acts boldly to solve problems while others are still talking about them.

When Levittown, a community of 90,000, was crippled by a long teachers' strike in 1979, he stepped in, brought the parties together, and helped settle the strike. Some people had warned he could be hurt politically by intervening in an area where he had no responsibility. But ducking crises is not Al D'Amato's way.

Explaining why he took the risk, D'Amato said, "This is my obligation, my town, my people . . . I think I have a duty to do things that may not be politically wise, but are the right things to do."

Of D'Amato's actions, the local LEVITTOWN TRIBUNE newspaper wrote:

" . . . time after time D'Amato demonstrated his responsiveness to the people of Levittown through the powers of his office . . .

"This powerhouse of a man knew that deeds, not words, were the way to victory at the ballot box."

D'Amato's record of performance is clear...

As Presiding Supervisor of Hempstead Town, and ranking legislator on the County Board of Supervisors, D'Amato has trimmed the size and scope of government by streamlining operations and cutting costs. He has cut town taxes by 10% in each of the past two years, and has led the Board of Supervisors in cutting county general fund taxes in eight out of the past nine years.

During his two terms as Presiding Supervisor, he has tackled the critical problems facing every urbanized area. Instead of ducking problems, he has met them head-on, demonstrating again and again that responsive local government officials can work out genuine solutions without resorting to quick fixes or political flimflam.

D'Amato believes that the single biggest challenge to local government is operating within severe fiscal restraints and broadening the property tax base to reduce the burden on taxpayers. Prudent fiscal management and cost reduction are the two most important goals of his administration.

"The people, not just the poor people, but the working people, need help and they need it now," D'Amato said as he voted for passage of a resolution asking the State Legislature for authorization to reduce the county's share of the sales tax on all home heating fuels.

By creating a healthy business climate in Hempstead



Roosevelt will not only stop the blight that threatens the hard-working, middle-class Roosevelt homeowner, but will create a commercial climate in which residents can shop in a convenient and secure atmosphere."

Innovation: The hallmark of the D'Amato administration . . .

● D'Amato unveiled a plan to assist young married couples and working families in purchasing single-family homes in the town. D'Amato said: "It's about time government did something for working people. The very rich have their tax shelters and the very poor have hundreds of federal and state supported programs but the family that falls in the middle has nothing. I believe it is about time we did something for the people who pay the freight."

● D'Amato started a self-insurance program for the town, immediately saving nearly \$1 million in premiums, and as much as \$715,000 a year thereafter. "With insurance companies boosting their annual premiums by nearly 25%, we felt we could further reduce the cost of government by going self-insured," he said in announcing the plan.

● The D'Amato administration saved millions of taxpayers' dollars by getting record low interest rates on new town bonds in 1979. D'Amato said: "In an era when New York City's fiscal crisis is still fresh in investors'





...minds, it is important to note that the town has maintained the trust of security-minded bankers who have awarded us record low interest rates on the town's borrowing. We will continue to follow prudent business methods in a further effort to cut the cost of government."

● *D'Amato created a town Department of Services for the Aging, a significant step in increasing services to the town's 100,000 senior citizens.*

● *D'Amato expanded the town's parks and recreation services so that town residents, faced with high energy costs, can enjoy a full range of leisure activities close to home. "If there is one thing of which I'm really proud, it's our parks and recreation programs," he said.*

● *D'Amato was instrumental in forging a unique partnership between government and the private sector through which the world's first total resource recovery and energy-producing facility was brought to the town. Private industry invested more than \$100 million to construct the plant. Not one cent of taxpayers' money was used. When fully operational, the plant will supply 15% of the household electrical needs of the town as well as recover metals, glass and aluminum.*

Of this new plant, D'Amato said: "It's a pioneer response to the nation's energy shortage and will help relieve the pressure of bulging landfills and intolerable incinerators and contribute electricity to the local lighting company."

D'Amato's philosophy as stated in part of his speech announcing his candidacy for the United States Senate:

"... this is a decision not made lightly... for too long, the people of this nation and state have seen their senatorial representative become the representative of government and not the representative of the people...

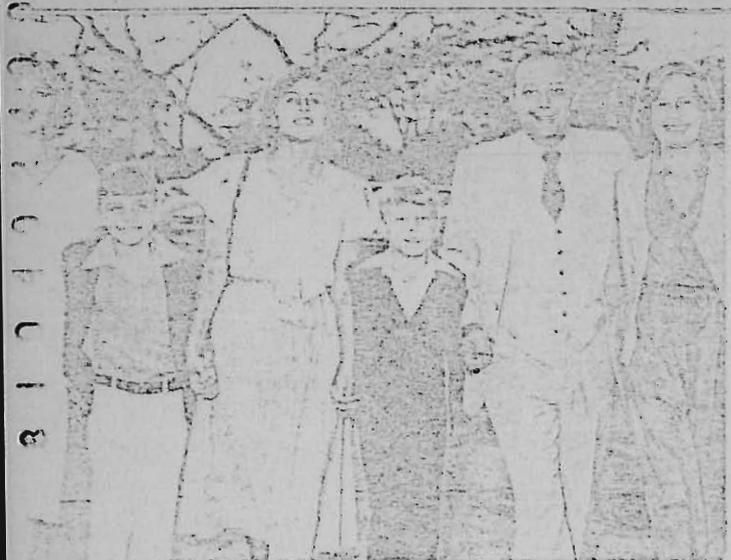
"... somehow we have forgotten the people who work, the people who pay taxes, the people who have made it possible to sustain a quality of life second to none...

"... we need leaders who will insist that the energy independence that was only a wish of the 70's become a reality of the 80's...

"... the future of our nation is something that is more than abstract. It is very real to me and... we should let the nations of the world know that we will bear any burden to preserve our democratic institution. And while we are a people devoted to peace, we will meet belligerence with determination; we will meet aggression with a will to prevail. To all the powers of the earth, we must say with one voice, 'the era of appeasement is over'..."



310101109



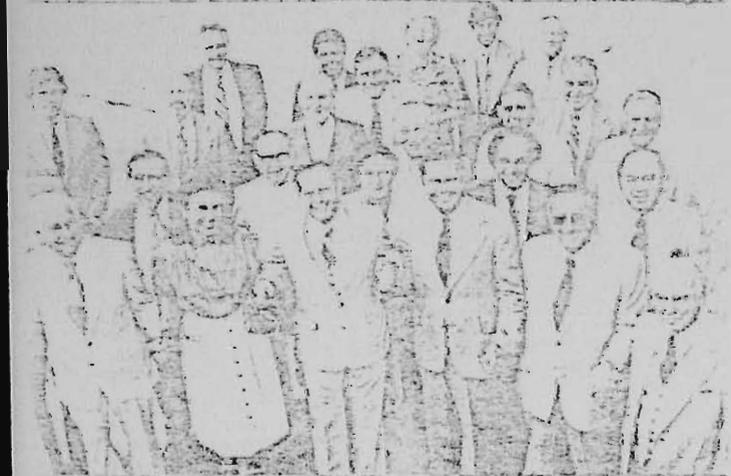
D'Amato's reason for seeking this prestigious position:

"... the future of our nation is something that is more than abstract. It is very real to me and to my wife, Penny, our children, our friends, our neighbors, and our community... we must recognize that we live in a world that requires, indeed demands, the strength to defend that freedom..."

Noting that as Presiding Supervisor of Hempstead Town, he administers a municipality larger than 11 states and currently represents more people than 22 U.S. senators, he said of his candidacy, "This could be construed by some as a wild dream. But we still haven't lost that kind of philosophy, that any kid can grow up and become a governor or a U.S. senator. That kind of feeling has propelled me and has given me thought..."

"We are not wealthy, but I don't think the office should be restricted to people with great wealth. I think it is important that people from modest backgrounds have the opportunity to run for national office," he told reporters when questioned about an unknown supervisor seeking such a high office.

"I'm an optimist who believes with all my heart in our country." Al D'Amato said on January 7, 1980, when he announced his candidacy.



RECEIVED
GENERAL COUNSEL

Tarrant
Alfonse M. D'Amato

14 SOUTHARD DRIVE
ISLAND PARK, NEW YORK 11558

6/22/82 RECEIVED

00 JUL 21 AM 9:55

30 JUL 21 12:17

July 14, 1980

909157

Attachment 2

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1249

Dear Mr. Steele:

This letter is submitted in response to the complaint of Judah C. Sommer, Secretary of the Javits Campaign Committee dated June 24, 1980 and received by me on July 3, 1980.

The brochure submitted with the complaint was prepared for Friends of Al D'Amato, my principal campaign committee. I am advised that the brochure was prepared as part of a mailing to a limited number of members of the Republican Party in the State of New York and not for general distribution.

While it is possible that some of the brochures were distributed at a political meeting attended by me as alleged in the complaint, I am advised that the major portion of the brochures other than those mailed as planned, remain in the possession of my campaign committee. The remaining brochures will not be separately distributed unless a proper statement is made a part thereof as required by the Federal Election Campaign Act.

This response is not an admission by me of a violation of the Federal Election Campaign Act or any other statute. It is being submitted to provide information to you regarding the complaint. Both I and my authorized committee recognize the requirements of the Federal Election Campaign Act as amended and intend to fully comply with it and to cooperate with the Federal Election Commission.

Very truly yours,

Alfonse M. D'Amato

Alfonse M. D'Amato

AMD'A:eo

D'AMATO!
U.S. SENATE

RECEIVED

70 JUL 21 AM 9:55

July 14, 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1249

Dear Mr. Steele:

This letter is submitted in response to the complaint of Judah C. Sommer, Secretary of the Javits Campaign Committee dated June 24, 1980 and received by us on July 3, 1980.

The brochure submitted with the complaint was prepared for this Committee as part of a mailing to a limited number of members of the Republican Party in the State of New York and not for general distribution.

Only 2,000 copies of the brochure were printed and there was no intention to distribute the brochure other than as part of the mailing.

While it is possible that some of the brochures were distributed at a political meeting as alleged in the complaint, the major portion of the brochures, other than those mailed as indicated, remain in the possession of this Committee. The remaining copies of the brochure will not be separately distributed unless a proper statement is made a part thereof as required by the Federal Election Campaign Act.

This response is not intended an admission by this Committee of a violation of the Federal Election Campaign Act or any other statute. It is being submitted to provide information to you regarding the complaint. The Committee recognizes the requirements of the Federal Election Campaign Act as amended and intends to fully comply with them and to cooperate with the Federal Election Commission.

Very truly yours,

FRIENDS OF AL D'AMATO



By Karl Ottosen
Campaign Manager

1697 Broadway
New York, New York 10019
212 582-1772

KO:eo



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur W. Jaspan, Esq.
200 Garden City Plaza
Garden City, New York 11530

Re: MUR 1249
Alphonse D'Amato
Friends of Al D'Amato

Dear Mr. Jaspan:

The Federal Election Commission notified your clients on June 27, 1980, of a complaint which alleges that Alfonse D'Amato and the Friends of Al D'Amato may have violated a certain section of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaint were forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission, on _____, 1980, determined that there is reason to believe that the Friends of Al D'Amato violated 2 U.S.C. § 441d and, in addition, determined to take no action against the candidate, Alphonse D'Amato. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

We acknowledge receipt of your clients' explanations of this matter which were dated July 14, 1980. However, these responses did not provide information in regard to the cost of the brochures in question. Please provide this information.

In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

600#1982 RECEIVED

Alfonse M. D'Amato

14 SOUTHARD DRIVE
ISLAND PARK, NEW YORK 11558

80 JUL 21 AM 9:55

10 JUL 21 P12:17

July 14, 1980

909157

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Very truly yours,
Alfonse M. D'Amato
Alfonse M. D'Amato

AMD'A:eo

Alfonse M. D'Amato

14 SOUTHARD DRIVE
ISLAND PARK, NEW YORK 11558

RECEIVED

'80 JUL 21 AM 9:55

July 14, 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1249

Dear Mr. Steele:

The undersigned hereby designates Arthur W. Jaspan, Esq. of 200 Garden City Plaza, Garden City, New York, 11530, counsel in this matter. His telephone number is (516) 248-1515.

Mr. Jaspan is authorized to receive any and all notifications and other communications from the Commission on behalf of the undersigned.

Very truly yours,



Alfonse M. D'Amato

AMD'M:eo

D'AMATO!
U.S. SENATE

600#1983 RECEIVED

GENERAL

80 JUL 21 AM 9:55

80 JUL 21 P12:17

909156

July 14, 1980

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1249

Dear Mr. Steele:

The undersigned hereby designates Arthur W. Jaskan, Esq. of 200 Garden City Plaza, Garden City, New York, 11530, counsel in this matter. His telephone number is (516) 248-1515.

Mr. Jaskan is authorized to receive any and all notifications and other communications from the Commission on behalf of the Committee.

Very truly yours,

FRIENDS OF AL D'AMATO



By Karl Ottosen
Campaign Manager

KO:eo

1697 Broadway
New York, New York 10019
212 582-1772

D'AMATO!
U.S. SENATE

RECEIVED

60 JUL 21 AM 9:55

July 14, 1980

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General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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Very truly yours,

FRIENDS OF AL D'AMATO

Karl Ottosen
By Karl Ottosen
Campaign Manager

KO:eo

1697 Broadway
New York, New York 10019
212 582-1772

D'AMATO!

U.S. SENATE

1697 Broadway, New York, N.Y. 10019

CERTIFIED

No. 349956

MAIL

RECEIVED

30 JUL 21 AM 9:55

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Judah C. Sommer
Secretary, Javits Campaign Committee
Suite 600
1150 17th Street, N.W.
Washington, D.C. 20036

Dear Mr. Sommer:

This letter is to acknowledge receipt of your complaint of June 24, 1980, against Alfonse D'Amato and Friends of Al D'Amato which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Any additional information to this office. A brief description of the complaint.

L. Steele
Counsel

A. Gross
General Counsel

31710227755

PS Form 3811, Aug. 1978

1. SENDER. Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

2. The following service is requested (check one)
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$
 (CONSULT POSTMASTER FOR FEES)

3. ARTICLE ADDRESSED TO:
Judah Sommer

4. ARTICLE DESCRIPTION: REGISTERED NO. 945319 INSURED NO.

5. I have received the article described above.
 Signature: [Signature] Address: [Address] Authorized agent

6. DATE OF DELIVERY: 7/1/80

7. ADDRESS (Complete only if requested): 1249 Javits

8. UNABLE TO DELIVER BECAUSE:

9. POST OFFICE: 1150 17th Street, N.W., Washington, D.C. 20036

10. DELIVERER'S INITIALS: [Initials]

11. RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alfonse M. D'Amato
14 Southard Drive
Island Park, New York 11558

Re: MUR 1249

Dear Mr. D'Amato:

This letter is to notify you that on June 24, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1249. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By:

Kenneth A. Gross
Kenneth A. Gross
Acting General Counsel

Enclosure

- 1. Complaint
- 2. Procedures

31710110333

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. **SERVICE:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
Show to whom and date delivered
 RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$.....
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Alfonso D'Amato

3. ARTICLE DESCRIPTION:
REGISTERED NO. *100546* | CERTIFIED NO. | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
Alfonso D'Amato

4. DATE OF DELIVERY: *7/3/80*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
JUL 3 1980
CLERK'S INITIALS

1249 Tarrant

GPO: 1978-272-282



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Friends of Al D'Amato
Steward L. Yanover, Treasurer
18 East Sunrise Highway
Suite 301
Freeport, New York 11520

Re: MUR 1249

Dear Mr. Yanover:

This letter is to notify you that on June 24, 1980, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1249. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Complaint should
be sent to
both:

MUR 1249

Friends of Al D'Amato
Steward L. Yanover, Treasurer
18 East Sunrise Highway, Suite 301
Freeport, NY 11520

Alfonse M. D'Amato
14 ~~Shaw~~ Southard Drive
Island Park, NY
11558

8174011007?



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1249

Date Filmed 4/6/81 Camera No. --- 2

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