FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1820

Date Filmed 7/16/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

$ Memos to Commission, Conciliation Report, Blue Cards

Conciliation Letters, Letters to Respondents (Copies)

Conciliation Certification, 3 Objection Memos

Request for Additional Info., Routing Slip, 12 Day Report - Comment Sheet

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):

✓	(1) Classified Information	___	(6) Personal privacy
✓	(2) Internal rules and practices	___	(7) Investigatory files
✓	(3) Exempted by other statute	___	(8) Banking Information
___	(4) Trade secrets and commercial or financial information	___	(9) Well Information (geographic or geophysical)
✓	(5) Internal Documents		

Signed Andrew S Maitland

date 7/2/85

FEC 9-21-77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1820
People for DioGuardi Committee	)	
Richard J. DioGuardi, as treasurer	)	
Double "D" Associates	)	
300 North Broadway Company	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 24, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1820:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed May 21, 1985.

2. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

5/28/85
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 5-22-85, 12:18
Circulated on 48 hour tally basis: 5-22-85, 4:00

85040531933

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1985

Kelly Leight
Tenzer, Greenblatt, Fallon & Kaplan
405 Lexington Avenue
New York, New York 10174

RE: MUR 1820
300 North Broadway Co.
and William Cassin

Dear Ms. Leight:

On May 24,1985, the Commission accepted the conciliation agreement signed by your client and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been 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.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

85040531937

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
300 North Broadway Company	)	MUR 1820
and William F. Cassin	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that 300 North Broadway Company and William F. Cassin ("Respondents") violated 2 U.S.C. § 441a(a)(1)(A).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agremeent has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. People for DioGuardi Committee was the principal campaign committee of Joseph J. DioGuardi for the 1984 primary and general elections.

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2. On February 17, 1984, 300 North Broadway Company made a loan of $5,000 to the People for DioGuardi Committee.

3. The entire $5,000 was attributed to William F. Cassin, partner in 300 North Broadway Company.

4. People for DioGuardi Committee reported the receipt of a $5,000 loan from 300 North Broadway Company on February 17, 1984, for the 1984 primary election.

5. On April 27, 1984, the People for DioGuardi Committee repaid $5,000 to 300 North Broadway Company.

V. William F. Cassin violated 2 U.S.C. § 441a(a)(1)(A) by contributing $4,000 in excess of the contribution limitation with respect to the primary election campaign of Joseph J. DioGuardi.

VI. By way of the contribution set forth in paragraph V above, 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1)(A).

VII. 300 North Broadway Company will pay a civil penalty of Three Hundred Seventy-Five Dollars ($375) to the United States Treasurer, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. William F. Cassin will pay a civil penalty of Three Hundred Seventy-Five Dollars ($375) to the United States Treasurer, pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. Respondents agree to no undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. § 431, et seq.

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X. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(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.

XI. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XII. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Jan 3, 1985
Date

FOR RESPONDENTS:

William F. Cassin

William F. Cassin

4-20-85
Date

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1985

Richard J. DioGuardi
111 No. Central Park Avenue
Hartsdale, New York 10530

RE: MUR 1820
People for DioGuardi Committee
and Richard J. DioGuardi, as
assistant treasurer and Double
"D" Associates

Dear Mr. DioGuardi:

On May 24, 1985, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C.§§ 441a(f) and 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been 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.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

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GENERAL COUNSEL
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Double "D" Associates	)	MUR 1820

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Double "D" Associates ("Respondent") violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agremeent has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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. People for DioGuardi Committee was the principal campaign committee of Joseph J. DioGuardi for the 1984 primary and general elections.

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2. On January 26, 1984, Respondent made a loan of $8,000 to the People for DioGuardi Committee.

3. The entire $8,000 was attributed to Joseph J. DioGuardi, partner in Double "D" Associates.

4. People for DioGuardi Committee reported the receipt of an $8,000 loan from the Respondent on January 26, 1984, for the 1984 primary election.

5. On February 17, 1984, Respondent was repaid $5,000 by the People for DioGuardi Committee.

6. On April 27, 1984, Respondent was repaid $3,000 by the People for DioGuardi Committee.

V. Respondent violated 2 U.S.C. § 441a(a)(1)(A) by contributing $7,000 in excess of the contribution limitation with respect to the primary election campaign of Joseph J. DioGuardi.

VI. Respondent will pay a civil penalty of Five Hundred Dollars ($500) to the United States Treasurer, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent agrees he 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.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(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.

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IX. 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. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

June 3, 1985
Date

FOR RESPONDENT:

Richard J. DioGuardi
Richard J. DioGuardi

5/10/85
Date

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Markowitz

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer	)	MUR 1820

85 MAY 14 P 1:35
GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer ("Respondent") violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent, and the subject matter of this proceeding, and this agremeent has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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. People for DioGuardi Committee was the principal campaign committee of Joseph J. DioGuardi for the 1984 primary and general election.

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2. Richard J. DioGuardi was the assistant treasurer and custodian of the records for the People for DioGuardi Committee.

3. On January 26, 1984, Double "D" Associates made a loan of $8,000 to the People for DioGuardi Committee.

4. On February 17, 1984, 300 North Broadway Company made a loan of $5,000 to the People for DioGuardi Committee.

5. Both loans were reported by Richard J. DioGuardi in the People for DioGuardi Committee's 1984 April Quarterly Report.

6. On February 17, 1984, the People for DioGuardi Committee repaid Double "D" Associate $5,000.

7. On April 27, 1984, the People for DioGuardi Committee repaid Double "D" Associates $3,000 and 300 North Broadway Company $5,000.

V. Respondent violated 2 U.S.C. § 441a(f) by accepting $11,000 in excess of the contribution limitation with respect to the primary election campaign of Joseph J. DioGuardi.

VI. Respondent will pay a civil penalty of Eight Hundred Seventy-five Dollars ($875) to the United States Treasurer, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondent agrees to 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.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

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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. 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. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

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FOR THE COMMISSION:

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

June 3, 1985
Date

FOR RESPONDENT:

Richard J. DioGuardi

Richard J. DioGuardi

5/10/85
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
People for DioGuardi Committee)
and William F. Cassin, as treasurer)
Double "D" Associates)
300 North Broadway Company)

MUR 1820

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On October 10, 1984, the Commission determined there is reason to believe the People for DioGuardi Committee and William F. Cassin, as treasurer, violated 2 U.S.C. § 441a(f), and that Double "D" Associates and 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1). Subsequent to the Commission's findings, the People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer[1/] and partner in Double "D" Associates, and William F. Cassin, as partner in 300 North Broadway Company, requested to settle this matter through conciliation prior to a finding of probable cause to believe (Attachments 1 and 2).

II. LEGAL AND FACTUAL ANALYSIS

On January 26, 1984, Double "D" Associates, a partnership in New York, made an $8,000 loan to the People for DioGuardi Committee. According to Richard J. DioGuardi, partner in Double "D" Associates, the entire amount of the loan was apportioned by the partnership to Joseph J. DioGuardi, candidate for Representative in New York's 20th District. Therefore, there is

---

1/ Richard J. DioGuardi was listed as the assistant treasurer in the People for DioGuardi Committee's Statement of Organization and signed the April Quarterly Report accepting the illegal partnership contributions as such.

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no individual contribution violation in regards to the $8,000 loan.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, made a $5,000 loan to the Committee. According to counsel for William F. Cassin, half owner of the partnership, the entire amount of the loan was apportioned to his share. Therefore, the Office of General Counsel recommends the Commission find reason to believe William F. Cassin violated 2 U.S.C. §441a(a)(1) by making an excessive contribution of $4,000 to the People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer.

Both loans were repaid in full by April 27, 1984.

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III. RECOMMENDATIONS

The Office of General Counsel recommends the Commission:

1. Find reason to believe William F. Cassin violated 2 U.S.C. § 441a(a)(1) by making an excessive contribution to the People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer.

2. Find reason to believe the People for DioGuardi Committee and Richard J. DioGuardi, as assistant treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution.

3. Approve the attached conciliation agreement with the People for DioGuardi Committee and Richard DioGuardi, as assistant treasurer.

4. Approve the attached conciliation agreement with Double "D" Associates.

5. Approve the attached conciliation agreement with 300 North Broadway Company and William F. Cassin.

6. Approve the attached letters.

Charles N. Steele
General Counsel

January 22, 1985
Date

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments
1. Letters from Richard DioGuardi
2. Letters from William F. Cassin
3. Proposed Conciliation Agreements (3) and letters (2)

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GCC#S315

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 OCT 26 P2:39

DOUBLE "D" ASSOCIATES

NEW YORK OFFICE
111 No. Central Park Avenue
Hartsdale, NY 10530
Telephone (914)683-9444

FLORIDA OFFICE
186 NEEDLES BLVD
OCALA, FLORIDA 32670
TELEPHONE (904) 732-0243

October 22, 1984

CERTIFIED MAIL - R.R.R.

Ms. Lee Ann Elliott, Chairman
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1820

Dear Ms. Elliott:

We are in receipt of your letter dated October 16, 1984 (copy enclosed) concerning the above referenced item.

As you requested, we have enclosed answers to your questions concerning this matter and other information which we deem relevant to your review.

If we could be of further assistance to you, please feel free to contact the undersigned.

Very truly yours,

DOUBLE "D" ASSOCIATES

Richard J. DioGuardi

Richard J. DioGuardi, Partner

RJD:rmr
Enclosures

QUESTIONS TO: Double "D" Associates

1. Please list the address and formation date of Double "D" Associates.

111 No. Central Park Avenue
Hartsdale, NY 10530
Formed - September 3, 1976

2. Is Double "D" Associates a partnership?

Yes - (See attached Articles of Agreement)

3. Please list the names, addresses and partnership share of all partners of Double "D" Associates.

Joseph J. DioGuardi - 50%
Richard J. DioGuardi - 50%

4. Please attribute to each partner the portion of the January 26, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share.

Joseph J. DioGuardi - 100%

5. The New York Secretary of State's Office lists a Double "D" Associates, Inc., headquartered in New York, New York. Please list any affiliation your organization or any of its owners have with this corporation.

NONE

6. Is Double "D" Associates, Inc., the entity which made the $8,000 loan to the People for Dio Guardi Committee?

NO

7. Has the $8,000 loan been repaid by the People for Dio Guardi Committee?

YES

85040531954

107 Articles of Co-Partnership

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS
80 EXCHANGE PLACE AT BROADWAY, NEW YORK

Articles of Agreement,

Made the 3RD *day of* September *one thousand nine hundred and* seventy-six

BETWEEN

JOSEPH J. DIOGUARDI, residing at 50 Baraud Avenue, Scarsdale, New York and

RICHARD J. DIOGUARDI, residing at 155 Beverly Road, White Plains, New York 10605

WITNESSETH: *The said parties above named have agreed to become co-partners and by these presents form a partnership under the trade name and style of* Double "D" Associates

for the purpose of buying, selling, ~~vending and manufacturing~~ trading and investing in real estate, securities, commodities and other properties, both real and personal,

and all other goods, wares and merchandise belonging to the said business and to occupy the following premises: c/o Richard J. DioGuardi (Suite 20G) 100 West 57th Street, New York, New York

their co-partnership to commence on the 3RD *day of* September *19*76

and to continue until the death of either partner

and to that end and purpose the said partners agree to each contribute and do hereby contribute the sum of Eight Thousand ($8,000) Dollars as the initial capital of this partnership and such other sums as may be required from time to time.

85040531955

grow or arise from or by means of their said business shall be divided between them, as follows:

Fifty (50%) per cent to Joseph J. DioGuardi
Fifty (50%) per cent to Richard J. DioGuardi

and all loss that shall happen to their said joint business by ill-commodities, bad debts or otherwise shall be borne and paid between them, as follows:

Fifty (50%) per cent to Joseph J. DioGuardi
Fifty (50%) per cent to Richard J. DioGuardi

AND *it is agreed by and between the said parties, that there shall be had and kept at all times during the continuance of their co-partnership, perfect, just, and true books of account, wherein each of the said co-partners shall enter and set down, as well all money by them or either of them received, paid, laid out and expended in and about the said business, as also all goods, wares, commodities and merchandise, by them or either of them, bought or sold, by reason or on account of the said business, and all other matters and things whatsoever, to the said business and the management thereof in anywise belonging; which said book shall be used in common between the said co-partners, so that either of them may have access thereto, without any interruption or hindrance of the other.* AND ALSO, *the said co-partners, once in* each year

or oftener if necessary, shall make, yield and render, each to the other, a true, just and perfect inventory and account of all profits and increase by them or either of them, made, and of all losses by them or either of them, sustained; and also all payments, receipts, disbursements and all other things by them made, received, disbursed, acted, done, or suffered in this said co-partnership and business; and the same account so made, shall and will clear, adjust, pay and deliver, each to the other, at the time, their just share of the profits so made as aforesaid.

AND *the said parties hereby mutually covenant and agree, to and with each other, that during the continuance of the said co-partnership,* neither *of them shall nor will endorse any note, or otherwise become surety for any person or persons whomsoever, nor will sell, assign, transfer, mortgage or otherwise dispose of the business of the co-partnership, nor each of* them *share, title and interest therein without the written consent of the parties hereto. And at the end or other sooner termination of their co-partnership the said co-partners each to the other, shall and will make a true, just and final account of all things relating to their said business, and in all things truly adjust the same; and all and every the stock and stocks, as well as the gains and increase thereof, which shall appear to be remaining, either in money, goods, wares, fixtures, debts or otherwise, shall be divided between them as follows:*

Fifty (50%) per cent to Joseph J. DioGuardi

3504031956

IT IS FURTHER AGREED *that during the continuance of the co-partnership herein, all notes, drafts or money received for and in behalf of the said co-partnership by the parties hereto shall be deposited in a bank to be agreed upon by the parties hereto and the moneys credited to said co-partnership shall only be withdrawn by check signed by* either of the partners, singly or jointly

who shall also receive said notes, drafts or moneys or other orders for payment of moneys of the said co-partnership for the purpose of making said deposits.

IT IS FURTHER AGREED *that during the continuance of said co-partnership the parties hereto shall mutually agree in writing, upon a weekly allowance, to be paid to each of the parties hereto for services to be rendered, and said allowance shall be charged as an item of expense of the co-partnership business, or if otherwise agreed upon in writing may be charged against their personal interest in said business.*

IN THE EVENT *of the death of a party hereto, the surviving co-partner shall within a period of* six (6) months *make and give, to the legal representative of the deceased co-partner, a true, just and final account of all things relating to the co-partnership business, and within a period of* twelve (12) *months, in all things truly adjust the same with the legal representative of the deceased co-partner. The surviving co-partner shall have the privilege of purchasing the interest of the deceased co-partner from his legal representative, upon a true and proper valuation of the interest of the deceased co-partner; and until the purchase of said interest by the surviving co-partner, or a division as herein agreed upon, the legal representative of the deceased co-partner during reasonable business hours shall have access to the books of the co-partnership and examine same personally or with the aid of other persons and make copies thereof or any portion thereof without any interruption or hindrance, and the said legal representative of said deceased co-partner shall have equal and joint control of the said co-partnership with the surviving partner or partners.*

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This instrument may not be changed orally.

JOSEPH J. DIOGUARDI

and

RICHARD J. DIOGUARDI

Article of Co-Partnership

Dated, September *19*76

JOHN J. PARKER, ESQ.
575 Lexington Avenue
New York, NY 10022
(212) 688-2600

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strument, and they acknowledged to me that they executed the same.

Notary Public

JOHN J. PARKER
Notary Public State of New York
No. 60-7017900
Qualified in Westchester County
Certificate filed in New York County
Commission Expires March 30, 1977

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TENZER, GREENBLATT, FALLON & KAPLAN

A LAW PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

HERBERT TENZER
FOUNDING PARTNER

ALAN J. BROCKMAN
WOLFE R. CHARNEY
JOHN D. COHEN
MARSHALL J. COHEN
HAROLD DAITCH[1]
MICHAEL E. FELDMAN
IRA A. FINKELSTEIN
ROBERT S. FRIEDMAN[◇]
BERNARD H. GOLDSTEIN
JAMES H. GOODFRIEND[1]
KENNETH GORDON
WILLIAM KLEIN II, P.C.
JEROME LIPPER[◇]
S. SIDNEY MANDEL
ROBERT J. MITTMAN
STEPHEN A. OLLENDORFF[*]
BENJAMIN RAPHAN
EDWARD L. SADOWSKY
HAROLD L. SCHNEIDER
SHERMAN F. TAUB
PETER C. VALENTE
STACY L. WALLACH
LYONEL E. ZUNZ[*]

EMANUEL J. ADLER
KEVIN P. BARRY
ROBIN L. BLOOM
HARRIS N. COGAN
DANIEL M. FREEDMAN
JEFFREY M. GITTLEMAN
STUART W. GOLDSTEIN[1]
MARC J. KURZMAN
MARTIN LUSKIN[*]
GARY M. LYMAN
HAROLD MICHAELS
PHILIP J. MICHAELS
KEITH S. NEBEL
HAROLD N. PAPPAS
MONA D. SHAPIRO
MICHAEL S. SIMON
KATHERINE R. STEINER
DENISE M. SWARTZ

[*]ADMITTED TO N.Y. & N.J. BARS
[1]ADMITTED TO N.Y. & FLA. BARS
[◇]ADMITTED TO N.Y. & D.C. BARS

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NEW YORK 10174
(212) 573-4300

CABLE: "TENGRAN NEW YORK"
TELEX: 968711
TELECOPIER: (212) 573-4313

WRITER'S DIRECT DIAL NUMBER:
(212) 573-4371

LOUIS GREENBLATT
(1937-1978)
NATHANIEL R. KAPLAN
(1937-1982)

COUNSEL
HERBERT BERMAN, P.C.
ALVIN JAY FELDMAN
NATHANIEL T. HELMAN
DANIEL R. KAPLAN
EDWARD J. LEON[◇]

[*] NEW JERSEY OFFICE
15 WARREN STREET
HACKENSACK, N.J. 07601
(201) 487-7511

WASHINGTON, D.C. OFFICE
MARSHALL, TENZER, GREENBLATT
FALLON & KAPLAN
4545-42ND STREET, N.W.
WASHINGTON, D.C. 20016
(202) 362-6300
SYLVAN M. MARSHALL[◇]
RESIDENT PARTNER

December 13, 1984

Andrew Maikovitch, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: William F. Cassin/MUR 1820

Dear Mr. Maikovitch:

I have enclosed copies of the cancelled checks for the Commission's use in William F. Cassin's pre-probable cause concilliation investigation. The check signed by William F. Cassin is the check making the loan. The check signed by Richard J. DioGuardi is the check repaying the loan.

If I can be of any further assistance, please contact me.

Very truly yours,

TENZER, GREENBLATT, FALLON & KAPLAN

Kelly Rosso Leight

Kelly Rosso Leight
Associate Awaiting Admission

KRL/dd
ENCLS.

8504051952

FOR INTERNAL USE ONLY
RESPLY FOR DIOGUARDI

PEOPLE FOR DioGUARDI

50-235/219

4/23 1984

PAY TO THE ORDER OF 300 NORTH BROADWAY Co. $ 5,000.00

FIVE THOUSAND 00/100 DOLLARS

THE BANK OF NEW YORK
COUNTY TRUST REGION
232 East Hartsdale Avenue
Hartsdale, N.Y. 10530

FOR LOAN REPAYMENT

Richard J. DioGuardi

⑈000119⑈ ⑆021902352⑆ ⑈06⑉225330⑈ ⑈0000500000⑈

8504053 1960

DEPOSIT

AP '84' 30
PAID
THE BANK OF NEW YORK
COUNTY TRUST BRANCH
WHITE PLAINS, N.Y.
50-235

FOR DEPOSIT ONLY
300 NORTH BROADWAY
W. C. REALTY CO. ACCT.
229-355-7

8504051961

QUESTIONS TO: 300 North Broadway Company

1. Please list the address and formation date of 300 North Broadway Company. 11 Elm Place
Rye, New York 10580
Partnership formation date: July 1977.

2. Is 300 North Broadway Company a partnership?

Yes.

3. Please list the names, addresses and partnership share of all partners of 300 North Broadway Company. William F. Cassin, 11 Elm Place, Rye, New York 10580 (owner of 50% of partnership shares); Donald P. Hetchka, 400 Clifton, New Jersey 07011 (owner of 50% of partnership shares).

4. Did 300 North Broadway Company make a $5,000 loan to People for Dio Guardi Committee?

Yes.

5. Please attribute to each partner the portion of the February 17, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share above.
100% attributable to William F. Cassin.

6. Has the $5,000 loan been repaid by the People for Dio Guardi Committee?

Yes, repaid in full.

8504051962

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCtober 16, 1984

William F. Cassin, Treasurer
People for Dio Guardi Committee
498 Main Street
New Rochelle, New York 10801

Re: MUR 1820

Dear Mr. Cassin:

On October 10, 1984, the Federal Election Commission determined that there is reason to believe the People for Dio Guardi Committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

85040531961

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1820
STAFF MEMBER & TEL. NO.
Andrew Maikovich 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

A report for additional information was sent to the Committee on May 8, 1984, citing the excessive contributions and possible corporate contributions. In its May 21, 1984 reply, Richard L. Dio Guardi, assistant treasurer of the Committee, acknowledged receipt of the excessive contributions. He stated

that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

The People of Dio Guardi Committee (the "Committee") is the authorized political committee of Joseph Dio Guardi, candidate for Representative in New York's 20th District. Individuals may not contribute more than $1,000 to a candidate or his authorized committee with respect to a Federal election. 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(a)(1).

Partnership are under the same contribution limits as individuals. 11 C.F.R. § 110.1(e)(3). Therefore, partnerships may not contribute more than $1,000 to a candidate or his authorized committee per election.

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On January 26, 1984, Double "D" Associates, a partnership in New York, loaned $8,000 to the Committee. Loans are considered contributions under 2 U.S.C. § 431(8)(A)(i). Double "D" Associates' loan exceeded the contribution limitation by $7,000, thereby violating 2 U.S.C. § 441a(a)(1). The Committee correspondingly violated 2 U.S.C. § 441a(f), which prohibits committees from knowingly accepting contributions in violation of contribution limitations.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)1, a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1984

300 North Broadway Company
17 Elm Place
Rye, New York 10580

Re: MUR 1820

Dear Sir or Madam:

On October 10, 1984, the Federal Election Commission determined that there is reason to believe that 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your company. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your company, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

8 5 0 4 0 5 3 1 9 5 3

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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8504051962

QUESTIONS TO: 300 North Broadway Company

1. Please list the address and formation date of 300 North Broadway Company.

2. Is 300 North Broadway Company a partnership?

3. Please list the names, addresses and partnership share of all partners of 300 North Broadway Company.

4. Did 300 North Broadway Company make a $5,000 loan to People for Dio Guardi Committee?

5. Please attribute to each partner the portion of the February 17, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share above.

6. Has the $5,000 loan been repaid by the People for Dio Guardi Committee?

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1820
STAFF MEMBER & TEL. NO.
Andrew Maikovich 523-4000

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

A report for additional information was sent to the Committee on May 8, 1984, citing the excessive contributions and possible corporate contributions. In its May 21, 1984 reply, Richard L. Dio Guardi, assistant treasurer of the Committee, acknowledged receipt of the excessive contributions. He stated

that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

The People of Dio Guardi Committee (the "Committee") is the authorized political committee of Joseph Dio Guardi, candidate for Representative in New York's 20th District. Individuals may not contribute more than $1,000 to a candidate or his authorized committee with respect to a Federal election. 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(a)(1).

Partnership are under the same contribution limits as individuals. 11 C.F.R. § 110.1(e)(3). Therefore, partnerships may not contribute more than $1,000 to a candidate or his authorized committee per election.

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On January 26, 1984, Double "D" Associates, a partnership in New York, loaned $8,000 to the Committee. Loans are considered contributions under 2 U.S.C. § 431(8)(A)(i). Double "D" Associates' loan exceeded the contribution limitation by $7,000, thereby violating 2 U.S.C. § 441a(a)(1). The Committee correspondingly violated 2 U.S.C. § 441a(f), which prohibits committees from knowingly accepting contributions in violation of contribution limitations.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)1, a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 16, 1984

Double "D" Associates
111 North Central Park
Hartsdale, New York 10530

Re: MUR 1820

Dear Sir or Madam:

On October 10, 1984, the Federal Election Commission determined that there is reason to believe that Double "D" Associates violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Double "D" Associates. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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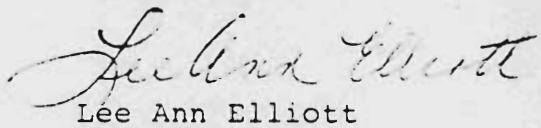
stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8504051977

QUESTIONS TO: Double "D" Associates

1. Please list the address and formation date of Double "D" Associates.

2. Is Double "D" Associates a partnership?

3. Please list the names, addresses and partnership share of all partners of Double "D" Associates.

4. Please attribute to each partner the portion of the January 26, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share.

5. The New York Secretary of State's Office lists a Double "D" Associates, Inc., headquartered in New York, New York. Please list any affiliation your organization or any of its owners have with this corporation.

6. Is Double "D" Associates, Inc., the entity which made the $8,000 loan to the People for Dio Guardi Committee?

7. Has the $8,000 loan been repaid by the People for Dio Guardi Committee?

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1820
STAFF MEMBER & TEL. NO.
Andrew Maikovich 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

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that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

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On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)1, a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William F. Cassin, Treasurer
People for Dio Guardi Committee
498 Main Street
New Rochelle, New York 10801

Re: MUR

Dear Mr. Cassin:

On , 1984, the Federal Election Commission determined that there is reason to believe the People for Dio Guardi Committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8 5 0 4 0 5 5 1 9 3 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

300 North Broadway Company
17 Elm Place
Rye, New York 10580

Re: MUR

Dear Sir or Madam:

On , 1984, the Federal Election Commission determined that there is reason to believe that 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8 5 0 4 0 5 3 1 9 3 3

QUESTIONS TO: 300 North Broadway Company

1. Please list the address and formation date of 300 North Broadway Company.

2. Is 300 North Broadway Company a partnership?

3. Please list the names, addresses and partnership share of all partners of 300 North Broadway Company.

4. Did 300 North Broadway Company make a $5,000 loan to People for Dio Guardi Committee?

5. Please attribute to each partner the portion of the February 17, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share above.

6. Has the $5,000 loan been repaid by the People for Dio Guardi Committee?

Am

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Double "D" Associates
111 North Central Park
Hartsdale, New York 10530

Re: MUR

Dear Sir or Madam:

On , 1984, the Federal Election Commission determined that there is reason to believe that Double "D" Associates violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Double "D" Associates. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

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Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8504052193

QUESTIONS TO: Double "D" Associates

1. Please list the address and formation date of Double "D" Associates.

2. Is Double "D" Associates a partnership?

3. Please list the names, addresses and partnership share of all partners of Double "D" Associates.

4. Please attribute to each partner the portion of the January 26, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share.

5. The New York Secretary of State's Office lists a Double "D" Associates, Inc., headquartered in New York, New York. Please list any affiliation your organization or any of its owners have with this corporation.

6. Is Double "D" Associates, Inc., the entity which made the $8,000 loan to the People for Dio Guardi Committee?

7. Has the $8,000 loan been repaid by the People for Dio Guardi Committee?

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR
STAFF MEMBER & TEL. NO.
Andrew Maikovich 523-4000

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

A report for additional information was sent to the Committee on May 8, 1984, citing the excessive contributions and possible corporate contributions. In its May 21, 1984 reply, Richard L. Dio Guardi, assistant treasurer of the Committee, acknowledged receipt of the excessive contributions. He stated

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that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

The People of Dio Guardi Committee (the "Committee") is the authorized political committee of Joseph Dio Guardi, candidate for Representative in New York's 20th District. Individuals may not contribute more than $1,000 to a candidate or his authorized committee with respect to a Federal election. 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(a)(1).

Partnership are under the same contribution limits as individuals. 11 C.F.R. § 110.1(e)(3). Therefore, partnerships may not contribute more than $1,000 to a candidate or his authorized committee per election.

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On January 26, 1984, Double "D" Associates, a partnership in New York, loaned $8,000 to the Committee. Loans are considered contributions under 2 U.S.C. § 431(8)(A)(i). Double "D" Associates' loan exceeded the contribution limitation by $7,000, thereby violating 2 U.S.C. § 441a(a)(1). The Committee correspondingly violated 2 U.S.C. § 441a(f), which prohibits committees from knowingly accepting contributions in violation of contribution limitations.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)1, a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	RAD Referral 84L-23
People for Dio Guardi	)	
William F. Cassin, Treasurer	)	
Double "D" Associates	)	
300 North Broadway Co.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 10, 1984, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 84L-23:

1. Open a MUR.

2. Find reason to believe that the People for Dio Guardi Committee and its treasurer, William F. Cassin, violated 2 U.S.C. § 441a(f).

3. Find reason to believe that Double "D" Associates and 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1).

4. Approve the letters, questions and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed October 4, 1984.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

10-11-84
Date

Judy C. Ransom
for Marjorie W. Emmons
Secretary of the Commission

3 5 0 4 0 5 3 1 9 7 1

SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

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

FIRST GENERAL COUNSEL'S REPORT 84 OCT 5 A8:20

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 10/5/84-8:25

RAD Referral 84L-23
STAFF MEMBER Andrew Maikovich

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS' NAMES: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

INTERNAL REPORTS CHECKED: Reports of the People for Dio Guardi Committee

GENERATION OF MATTER

This matter was referred to the Office of General Counsel on August 10, 1984, by the Reports Analysis Division (Attachment 1).

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

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The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

A report for additional information was sent to the Committee on May 8, 1984, citing the excessive contributions and possible corporate contributions. In its May 21, 1984 reply, Richard L. Dio Guardi, assistant treasurer of the Committee, acknowledged receipt of the excessive contributions. He stated that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

The People of Dio Guardi Committee (the "Committee") is the authorized political committee of Joseph Dio Guardi, candidate

for Representative in New York's 20th District. Individuals may not contribute more than $1,000 to a candidate or his authorized committee with respect to a Federal election. 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(a)(1).

Partnership are under the same contribution limits as individuals. 11 C.F.R. § 110.1(e)(3). Therefore, partnerships may not contribute more than $1,000 to a candidate or his authorized committee per election.

On January 26, 1984, Double "D" Associates, a partnership in New York, loaned $8,000 to the Committee. Loans are considered contributions under 2 U.S.C. § 431(8)(A)(i). Double "D" Associates' loan exceeded the contribution limitation by $7,000, thereby violating 2 U.S.C. § 441a(a)(1). The Committee correspondingly violated 2 U.S.C. § 441a(f), which prohibits committees from knowingly accepting contributions in violation of contribution limitations.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)(1), a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her

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share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the People for Dio Guardi Committee and its treasurer, William F. Cassin, violated 2 U.S.C. § 441a(f).

3. Find reason to believe that Double "D" Associates and 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1).

4. Approve the attached letters, questions and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

October 4, 1984
Date

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments
1) Referral
2) Letters and Questions to Respondents
3) General Counsel's Factual and Legal Analysis

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Attachment I

84L-23

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 10 August 1984

ANALYST: Pat Sheppard

I. COMMITTEE: People for DioGuardi
C00179200
William Cassin, Treasurer
498 Main Street
New Rochelle, NY 10801*/

II. RELEVANT STATUTE: 2 U.S.C. 441a(f)

III. BACKGROUND:

Acceptance of Excessive Contributions

The People for DioGuardi Committee's (the Committee's) 1984 April Quarterly Report, received on April 16, 1984, disclosed the receipt of two loans from partnership entities totalling $13,000. The first loan on January 26, 1984 from the Double "D" Associates was for $8,000, and the second loan on February 17, 1984 from the 300 North Broadway Company was for $5,000 (Attachment #2). This resulted in a total of $11,000 in excessive contributions; $7,000 from Double "D" Associates and $4,000 from 300 North Broadway Company. A $5,000 loan repayment was made to Double "D" Associates on February 17, 1984 (Attachment #3).

A Request for Additional Information (RFAI) citing the excessive contribution and a possible corporate contribution was sent to the Committee on May 8, 1984 (Attachment #4). The response received on May 29, 1984 acknowledged the receipt of the excessive contributions, clarified that Double "D" Associates was not a corporation and noted that a full repayment was made to both partnerships on April 27, 1984 (Attachment #5). The Committee's 1984 July Quarterly Report, received July 17, 1984, disclosed the repayment on April 23, 1984 (Attachment #6).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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*/ The Committee's July Quarterly Report of receipts and disbursements received on July 17, 1984 changed the Committee's street address from 271 North Avenue, Suite 221 to 498 Main Street.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

William F. Cassin, Treasurer
People for DioGuardi
498 Main Street
New Rochelle, NY 10801

Identification Number: C00179200

Reference: July Quarterly Report (4/1/84-6/30/84)

Dear Mr. Cassin:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution, or any other source. If the candidate borrowed funds from a lending institution or any other source, please provide the name of the lending institution and the complete terms of the loan. <u>If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report.</u> Further, it is important to note that "personal funds" is strictly defined by Commission regulations and may be found in 11 CFR 110.10. (11 CFR 100.7(a)(1) and 104.3(d))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pat Sheppard

Pat Sheppard
Reports Analyst
Reports Analysis Division

2

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FEDERAL ELECTION COMMISSION
1983-1984
CANDIDATE INDEX OF SUPPORTING DOCUMENTS (CI)

DATE 30JUL84

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
DIOGUARDI, JOSEPH J	HOUSE 20	REPUBLICAN PARTY			NEW YORK		1984 ELECTION	ID# H4NY20055	
1. STATEMENT OF CANDIDATE									
1984 STATEMENT OF CANDIDATE							14MAR84	1	84HSE/255/4766
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE									
PEOPLE FOR DIOGUARDI							ID# C00179200	HOUSE	
1984 STATEMENT OF ORGANIZATION							14MAR84	1	84HSE/255/4767
STATEMENT OF ORGANIZATION - AMENDMENT							11JUN84	1	84HSE/261/3899
APRIL QUARTERLY			59,500		55,442		1JAN84 -31MAR84	12	84HSE/258/491
APRIL QUARTERLY - AMENDMENT			-		-		1JAN84 -31MAR84	3	84HSE/261/1901
APRIL QUARTERLY - AMENDMENT							1JAN84 -31MAR84	1	84HSE/262/1069
REQUEST FOR ADDITIONAL INFORMATION							1JAN84 -31MAR84	3	84FEC/313/4545
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JAN84 -31MAR84	1	84FEC/316/1042
JULY QUARTERLY			129,630		93,442		1APR84 -30JUN84	36	/84HSE/265/2287
TOTAL			189,130	0	148,884	0		58	TOTAL PAGES
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports have received review.
Cash on hand 6/30/84 = $40,245.42
debts owed by cmte 6/30/84 = $65,000.

ATTACHMNET #1

6

SCHEDULE C
(Revised 3/80)

LOANS

Page 1 of 2 to
Line NUMBER 10
(Use separate schedule for each numbered line)

Name of Committee (in Full): PEOPLE FOR DIOGUARDI

A. Full Name, Mailing Address and ZIP Code of Loan Source: DOUBLE "D" ASSOCIATES, 111 NO. CENTRAL PARK, HARTSDALE, N.Y. 10530

Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
8,000.00	5,000.00	3,000.00

Election: Primary / General / Other (specify)

Terms: Date Incurred 1/26/84 Date Due DEMAND Interest Rate 0.0 % Unpaid Secured

List A. Endorsers or Guarantors (if any) to Item A: N/A

1. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $
2. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $
3. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $

B. Full Name, Mailing Address and ZIP Code of Loan Source: 300 NORTH BROADWAY CO, 17 ELM PLACE, RYE, N.Y. 10580

Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
5,000.00	—	5,000.00

Election: Primary / General / Other (specify)

Terms: Date Incurred 2/17/84 Date Due DEMAND Interest Rate 0.0 % Unpaid Secured

List A. Endorsers or Guarantors (if any) to Item B: N/A

1. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $
2. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $
3. Full Name, Mailing Address and ZIP Code — Name of Employer / Occupation / Amount Guaranteed Outstanding $

PJS

SUBTOTALS This Period This Page (optional): 8,000.00

TOTALS This Period (last page in this line only):

4

1984 April Quarterly report
ATTACHMENT #3
Page 1 Of 1

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Page 1 of 1 to
LINE NUMBER 19B
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

PEOPLE FOR DiGUARDI

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code DOUBLE "D" ASSOCIATES 111 NORTH CENTRAL PARK AVE HARTSDALE, N.Y. 10530	LOAN REPAYMENT Disbursement for ☒ Primary ☐ General ☐ Other (specify)	2/17/84	$5,000 — P&S
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			$5,000 —

5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MAY 8 1984 RQ-2

William Cassin, Treasurer
People for DioGuardi
271 North Avenue Suite 221
New Rochelle, NY 10801

Identification Number: C00179200

Reference: April Quarterly Report (1/1/84-3/31/84)

Dear Mr. Cassin:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of $1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of $1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20a of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration.

PJS

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8504053203

-Your report discloses an apparent contribution(s) from a corporation(s) (pertinent portion attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate segregated fund established by the corporation. If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20(a) of the Detailed Summary Page of your next report. (2 U.S.C. 441b(a))

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by you to refund the full amount will be taken into consideration. PSS

-When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used his/her personal funds or borrowed the money from a lending institution or other source. If the candidate borrowed funds from a lending institution or any other source, please provide the name of the lending institution and the complete terms of the loan. <u>If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report.</u> Further, it is important to note that "personal funds" is strictly defined by Commission regulations and may be found in 11 CFR 110.10. (11 CFR 100.7(a)(1) and 104.3(d))

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pat Sheppard

Pat Sheppard
Reports Analyst
Reports Analysis Division

CERTIFIED MAIL

MAY 24 1984

RECEIVED AT THE FEC

84 MAY 29 P12:42

ATTACHMENT # 5
Page 1 of 2

DIOGUARDI, ELETTO & CO.
111 NO. CENTRAL PARK AVE
HARTSDALE, N.Y. 10530
TELEPHONE (914) 683-0444

RICHARD J. DIOGUARDI CPA
RONALD V. ELETTO

TAX CONSULTING & PLANNING
ACCOUNTING
BUSINESS MANAGEMENT

164769

May 21, 1984

CERTIFIED MAIL -R.R.R.

Pat Sheppard, Reports Analyst
Federal Election Commission
Washington, DC 20463

RE: People for DioGuardi
271 North Avenue, Room221
New Rochelle, NY 10801
I.D. #C00179200
April Quarterly Report(1/1/84-3/31/83)

Dear Ms. Sheppard:

We are in receipt of your letter dated May 8, 1984 (copy enclosed) concerning the above referenced Committee, and hereby respond within the required 15 day period.

Schedule A of our report did show loans from two partnerships (Double "D" Associates, and 300 North Broadway Co.) each of which exceeded the $1,000 limitation. At the time the loans were made to the Committee, I was not fully aware or completely knowledgeable of the Federal Election Campaign regulations. This is the first time I became involved in a campaign. In any case, soon after the quarterly report was filed and made public, the error was brought to my attention and repayments were immediately made in full on April 27, 1984. At the same time, a call was made to your office to determine if an amended report was required and your representative said an amendment was not required since the loans were properly and completely disclosed. Your representative did say that the repayment would have to be disclosed in the second quarter and noted "return of excess contribution," which we will so report.

PJS

Your letter and notation on a copy of our Schedule A also made reference to our disclosure of a contribution from a corporation. Please note that Double "D" Associates is not a corporation but a partnership which was created September 3, 1976 and has as its partners DioGuardi family members. Also, I am a partner myself of Double "D" Associates and as an accountant I have prepared the annual partnership return since the partnership's inception.

PJS

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ATTACHMENT # 5
Page 2 of 2

I realize that there is a lot to learn for someone like myself regarding campaign accounting and disclosure. For this reason, I am attending the Campaign Finance School sponsored by the National Conservative Foundation in Washington, D.C. on May 22 through 24, 1984. This school will cover among other topics, FEC Regulations and I expect that after attending this school I will be more proficient in my reporting to your Commission.

We appreicate your time and consideration in this matter.

Very truly yours,

Richard J. DioGuardi

Richard J. DioGuardi, Assistant Treasurer
People for DioGuardi

RJD:rmr

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SCHEDULE B **ITEMIZED DISBURSEMENTS**

LINE NUMBER 7(b)
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

PEOPLE FOR DIO GUARDI

	Purpose of Disbursement	Date (month day year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Lucile "D" Associates 111 North Central Park Ave Hartsdale, NY 10530	LOAN REPAYMENT Disbursement for: X Primary ☐ General ☐ Other (specify)	4/23/84	3 000 00
B. Full Name, Mailing Address and ZIP Code 300 North Broadway Co 17 Elk Place Rye, New York 10580	LOAN REPAYMENT Disbursement for: X Primary ☐ General ☐ Other (specify)	4/23/84	5 000 00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month day year)	Amount of Each Disbursement This Period

Subtotal of Disbursements This Page (optional)

Total of Disbursements to Date (optional)

10

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William F. Cassin, Treasurer
People for Dio Guardi Committee
498 Main Street
New Rochelle, New York 10801

Re: MUR

Dear Mr. Cassin:

On , 1984, the Federal Election Commission determined that there is reason to believe the People for Dio Guardi Committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Double "D" Associates
111 North Central Park
Hartsdale, New York 10530

Re: MUR

Dear Sir or Madam:

On , 1984, the Federal Election Commission determined that there is reason to believe that Double "D" Associates violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Double "D" Associates. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

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QUESTIONS TO: Double "D" Associates

1. Please list the address and formation date of Double "D" Associates.

2. Is Double "D" Associates a partnership?

3. Please list the names, addresses and partnership share of all partners of Double "D" Associates.

4. Please attribute to each partner the portion of the January 26, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share.

5. The New York Secretary of State's Office lists a Double "D" Associates, Inc., headquartered in New York, New York. Please list any affiliation your organization or any of its owners have with this corporation.

6. Is Double "D" Associates, Inc., the entity which made the $8,000 loan to the People for Dio Guardi Committee?

7. Has the $8,000 loan been repaid by the People for Dio Guardi Committee?

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

300 North Broadway Company
17 Elm Place
Rye, New York 10580

Re: MUR

Dear Sir or Madam:

On , 1984, the Federal Election Commission determined that there is reason to believe that 300 North Broadway Company violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your company. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your company, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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QUESTIONS TO: 300 North Broadway Company

1. Please list the address and formation date of 300 North Broadway Company.

2. Is 300 North Broadway Company a partnership?

3. Please list the names, addresses and partnership share of all partners of 300 North Broadway Company.

4. Did 300 North Broadway Company make a $5,000 loan to People for Dio Guardi Committee?

5. Please attribute to each partner the portion of the February 17, 1984, loan to the People for Dio Guardi Committee that each individual contributed if different from their ownership share above.

6. Has the $5,000 loan been repaid by the People for Dio Guardi Committee?

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Attachment 3

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR
STAFF MEMBER & TEL. NO.
Andrew Maikovich 523-4000

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS: People for Dio Guardi and its treasurer, William F. Cassin

Double "D" Associates
111 North Central Park
Hartsdale, N.Y. 10530

300 North Broadway Co.
17 Elm Place
Rye, N.Y. 10580

SUMMARY OF ALLEGATIONS

It is alleged the People for Dio Guardi Committee (the Committee) accepted two loans from partnership entities totalling $13,000, resulting in a total of $11,000 in excessive contributions under 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.1(a)1.

FACTUAL AND LEGAL ANALYSIS

Facts

According to the Committee's 1984 April Quarterly Report, the Committee accepted an $8,000 loan on January 26, 1984, from Double "D" Associates, a partnership in New York.

The Committee subsequently received a $5,000 loan from 300 North Broadway Company, another New York partnership, on February 17, 1984.

A report for additional information was sent to the Committee on May 8, 1984, citing the excessive contributions and possible corporate contributions. In its May 21, 1984 reply, Richard L. Dio Guardi, assistant treasurer of the Committee, acknowledged receipt of the excessive contributions. He stated

that both partnerships had been repaid in full on April 27, 1984, shortly after discovering the problem. A partial repayment of $5,000 was made to Double "D" Associates on February 17, 1984. The violations were attributed to a lack of knowledge of election laws.

Dio Guardi also clarified that Double "D" Associates was not a corporation, but a family owned partnership in the state of New York, of which he is a partner and accountant. He did not provide a specific list of the partners involved or the individual apportionment to be made on the partnership loan contribution. No mention was made relating to 300 North Broadway Company.

Joseph Dio Guardi ran unopposed in the New York primary. The Committee's 1984 July Quarterly Report disclosed complete partnership loan repayments on April 23, 1984.

Legal Analysis

The People of Dio Guardi Committee (the "Committee") is the authorized political committee of Joseph Dio Guardi, candidate for Representative in New York's 20th District. Individuals may not contribute more than $1,000 to a candidate or his authorized committee with respect to a Federal election. 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(a)(1).

Partnership are under the same contribution limits as individuals. 11 C.F.R. § 110.1(e)(3). Therefore, partnerships may not contribute more than $1,000 to a candidate or his authorized committee per election.

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On January 26, 1984, Double "D" Associates, a partnership in New York, loaned $8,000 to the Committee. Loans are considered contributions under 2 U.S.C. § 431(8)(A)(i). Double "D" Associates' loan exceeded the contribution limitation by $7,000, thereby violating 2 U.S.C. § 441a(a)(1). The Committee correspondingly violated 2 U.S.C. § 441a(f), which prohibits committees from knowingly accepting contributions in violation of contribution limitations.

On February 17, 1984, 300 North Broadway Company, a partnership in New York, loaned $5,000 to the Committee. This loan exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1) by $4,000. The Committee correspondingly violated 2 U.S.C. § 441a(f) by accepting the illegal contribution.

For both loans, there is the possibility of additional individual violations of contribution limitations. Under 11 C.F.R. § 110.1(e)1, a contribution by a partnership shall be "attributed to each partner in direct proportion to his or her share of the partnership profits according to instructions which shall be provided by the partnership to the committee or candidate."

The individuals who are partners in Double "D" Associates and 300 North Broadway Company have never been established. No apportionment between partners was reported by the Committee for the loan contributions. When an apportionment is made, liability may be incurred if individual contributions exceeded $1,000. 2 U.S.C. § 441a(a)(1).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1984

Double "D" Associates
111 North Central Park
Hartsdale, New York 10530

Re: MUR 1820

Dear Sir or Madam:

On October 10, 1984, the Federal Election Commission determined that there is reason to believe that Double "D" Associates violated 2 U.S.C. § 441a(a)(1), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Double "D" Associates. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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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.

The investigation now being conducted will be 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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Andrew Maikovich, the staff member assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1820

Date Filmed 7/16/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 1820 .

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Sent 5/14/85 GCC# 7445

MEMORANDUM

TO: CHERYL THOMAS TO: JOAN HARRIS

FROM: JOAN HARRIS FROM: CHERYL THOMAS

CHECK NO. 1462 (a copy of which is attached) RELATING TO MUR 1820 AND NAME Double "D" Associates WAS RECEIVED ON May 14, 1985. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

/✓/ BUDGET CLEARING ACCOUNT (#95F3875.16)

/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE Cheryl R. Thomas DATE 5/14/85

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1462

PEOPLE FOR DioGUARDI
GENERAL ELECTION

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PAY TO THE ORDER OF U.S. TREASURER $ 500.00

Five hundred 00/100 DOLLARS

THE BANK OF NEW YORK
COUNTY TRUST REGION
232 East Hartsdale Avenue
Hartsdale, N.Y. 10530

FOR CIVIL PENALTY - MUR-1820

Richard J. DioGuardi

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DIOGUARDI

Common Sense Candidate for Congress

[illegible]

DIOGUARDI, ELETTO & CO.
111 NO. CENTRAL PARK AVE
HARTSDALE, N.Y. 10530

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MR. ANDREW MAIKOVICH
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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