



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2672

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88 AUG 12 AM 9:50

George McDonald
233 E. 86th Street, #9C
New York, N.Y. 10028

August 8, 1988

Federal Election Commission
999 East Street, N.W.
Washington, D.C. 20463

Ladies and Gentlemen:

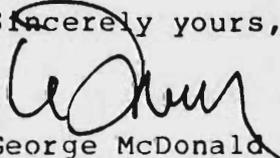
Please accept this letter as a request that the Commission review and investigate the finances of the Committee To Elect Levitt (15th Congressional District of New York, Registration #124281). Based upon information and belief, the August 3, 1988 ammended report of the Levitt Committee discloses apparent irregularities.

The August 3 report lists loans from the candidate to the committee totalling \$91,941.50. The report states that there are no endorsers or guarantors on such a loan. Nevertheless, the financial disclosure statement filed by Mr. Levitt with the clerk of the House, dated March 4, 1988, discloses that he has limited current income, limited investment income and liabilities in excess of assets.

Under the Federal election laws, an endorsement of guaranty of a loan is considered as a campaign contribution, subject to the contribution limitations. In addition, a loan to a candidate or to a committee is considered as a contribution unless entered into as a normal commercial arrangement. It seems unlikely that any financial institution would lend close to \$100,000 to Mr. Levitt without security or appropriate guarantees. As stated above, Mr. Levitt lists no substantial assets which could be pledged to a financial institution and lists no guarantors.

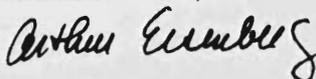
This apparent irregularity should be of concern to the Commission. The New York primary will be held on September 15. It is therefore urgent that the Commission act promptly in this matter. I trust that the Commission will take steps to investigate this matter.

Sincerely yours,


George McDonald

SWORN TO BEFORE
ME THIS 8th DAY OF AUGUST, 1988

ARTHUR N. EISENBERG
NOTARY PUBLIC, State of New York
No. 4908265
Qualified in New York County
Commission Expires Sept. 21, 1989



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RECEIVED
FEDERAL ELECTION COMMISSION
88 AUG 12 PM 12:17

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Standards of Official Conduct

RECEIVED
FEDERAL BUREAU OF INVESTIGATION

88 AUG 12 AM 9:50

ETHICS IN GOVERNMENT ACT—FINANCIAL DISCLOSURE STATEMENT

FORM B—For use by candidates for the office of Member and new employees

DUE DATE _____

Check if amended Statement.

John B. Levitt

(Full Name)

154 East 29th Street, New York, New York

(Mailing Address)

10016

(Office Use Only)

Check the appropriate box and fill in the blanks.

Candidate for the U.S. House of Representatives—District 15th State New York

Date of Election _____

New Officer or Employee—Employing Office _____

GENERAL INFORMATION

WHO MUST FILE AND WHEN:

CANDIDATES for the U.S. House of Representatives must file a Financial Disclosure Statement within 30 days of becoming a candidate or on or before May 15th of the calendar year in which he or she becomes a candidate, whichever is later, but in no event later than 7 days before the election.

YOU ARE A CANDIDATE IF:

(A) YOU ARE AN INDIVIDUAL OTHER THAN A MEMBER OF CONGRESS WHO HAS TAKEN THE ACTION NECESSARY UNDER THE LAW OF A STATE TO QUALIFY FOR NOMINATION OR ELECTION TO THE U.S. HOUSE OF REPRESENTATIVES; OR

(B) YOU OR YOUR AUTHORIZED CAMPAIGN COMMITTEE HAVE TAKEN THE ACTION NECESSARY TO REGISTER OR FILE REPORTS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 [2 U.S.C. 434(a)].

NEW EMPLOYEES of the Legislative Branch must file a Financial Disclosure Statement within 30 days of assuming the new position.

You are a new employee if:

(A) you are compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; or

(B) you are designated as a principal assistant by a Member of Congress upon employment in the House of Representatives.

Note: Individuals who are employed in the Legislative Branch immediately before assuming the new position described above or who have left such a position within 30 days prior to assuming the new position need not file this Statement.

WHERE TO SECURE ASSISTANCE: Committee on Standards of Official Conduct, U.S. House of Representatives, Room HT-2, Capitol Building, Washington, D.C. 20515. Telephone (202) 225-7108. Additional forms and instructions may be obtained from the Committee office.

REPORTING INSTRUCTIONS

Note: Please read instructions carefully. Sign this form where indicated. Attach additional sheets if needed; identify each sheet by showing your name and the section being continued. COMPLETE ALL PARTS. (IF NONE, SO INDICATE.) PLEASE TYPE OR PRINT CLEARLY.

REPORTING PERIOD: WITH RESPECT TO INCOME, THE PERIOD COVERED BY THIS DISCLOSURE STATEMENT IS THE PRECEDING CALENDAR YEAR AND THE CURRENT CALENDAR YEAR TO DATE OF FILING. Information concerning assets and liabilities must be current as of a date which is less than 31 days before the filing date. Other required information must be current as of the filing date.

I. SPOUSE AND DEPENDENT DISCLOSURE

EXEMPTION

In general, the reporting individual is required to include financial information concerning his or her spouse or dependent children. However, in certain limited circumstances, the truly independent financial interests of a spouse or dependent would be exempt from disclosure.

Information concerning a spouse or dependent child should be reported as follows: (1) the source, but not amount, of spouse earned income which exceeds \$1,000; (2) the source and category of value of income derived from any asset of the spouse or dependent reported under Part III of the Disclosure Statement; and (3) assets and liabilities of the spouse or dependent child.

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PARTS III AND IV, THE INFORMATION REQUIRED SHOULD BE CURRENT AS OF A DATE WHICH IS LESS THAN THIRTY-ONE DAYS BEFORE THE FILING DATE. THE INFORMATION BELOW IS CURRENT AS OF February 20, 1988 (Date)

NOTE: For Parts III and IV below, indicate Category of Value, as follows: Category A—not more than \$5,000; B—\$5,001-\$15,000; C—\$15,001-\$50,000; D—\$50,001-\$100,000; E—\$100,001-\$250,000; F—over \$250,000.

III. HOLDINGS

HOLDINGS: Business interests, stocks and bonds, real estate, savings accounts, and any other investment or income-producing property should be reported by category of value. In listing the category of value of any item where it is difficult to determine an approximate fair market value, any recognized indication of value may be used provided that the method of valuation is included on the Disclosure Statement. (See 2 U.S.C. 702(c) for methods of valuation.) IN LISTING SECURITIES, THE NAME OF EACH COMPANY IN WHICH STOCK WORTH OVER \$1,000 IS HELD MUST BE LISTED SEPARATELY. IN REPORTING REAL PROPERTY HOLDINGS, A BRIEF DESCRIPTION OF THE PROPERTY (SUCH AS NUMBER OF ACRES AND INDICATION OF ANY IMPROVEMENTS), AND ITS LOCATION SHOULD BE INCLUDED. Exclusions: Any deposits aggregating \$5,000 or less in personal savings accounts, and any personal liability owed to the reporting individual by a relative. A personal residence would not be reported unless any part of the residence produces rental income. The cash value of a life insurance policy need not be reported.

The holdings of and income from a trust or other financial arrangement in which a beneficial interest in principal or income is held by the reporting individual, his spouse, or any dependent children must be disclosed. However, the reporting individual need only report the category of the amount of income received by him, his spouse, or dependents from: (1) a trust which was not created directly by such individual, his spouse, or any dependent, and with respect to which such individual, his spouse, and dependents have no knowledge of the holdings or sources of income of the trust; or (2) a "qualified blind trust," as defined in section 102(e)(3) of the Act. Such a trust must be approved by the Committee on Standards of Official Conduct before it will be deemed a qualified blind trust under the Act.

DO YOU, YOUR SPOUSE OR DEPENDENT CHILD RECEIVE INCOME FROM OR HAVE A BENEFICIAL INTEREST IN A TRUST OR OTHER FINANCIAL ARRANGEMENT WHOSE HOLDINGS WERE NOT REPORTED BECAUSE THE TRUST IS A "QUALIFIED BLIND TRUST" OR OTHER EXCEPTED TRUST? (See Instruction Booklet at page 9)

YES _____ NO NA _____

The identity and category of value of any interest in property held in a trade or business, or for investment or the production of income, which has a fair market value in excess of \$1,000 as of the date specified above. IF NONE, SO STATE.

IDENTITY	CATEGORY
Manufacturers Hanover Trust Co., Now Account	B

IV. LIABILITIES

LIABILITIES: All personal obligations aggregating over \$10,000 owed to one creditor, whether secured or not, and regardless of the repayment terms or interest rates, must be listed. The identity of the liability should include the name of the individual or organization to which the liability is owed. Any contingent liability, such as that of a guarantor or endorser, or the liabilities of a business in which the reporting individual has an interest need not be listed. Exclusions: Any mortgage secured by the PERSONAL RESIDENCE of the reporting individual or spouse (including a second residence or vacation home) that is NOT held for the PRODUCTION OF INCOME; any loan secured by a PERSONAL MOTOR VEHICLE, or household furniture or appliances; provided such loan does not exceed the purchase price of the item; and any liability owed to a relative.

For more information, see detailed Instruction Booklet at page 10.

The identity and category of value of the total liabilities owed to any creditor which exceeds \$10,000 as of the date specified above. IF NONE, SO STATE.

IDENTITY	CATEGORY
Manufacturers Hanover Trust Co. / personal loan	C

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* \$5,001 TO \$15,000

* \$15,001 TO \$50,000

V. POSITIONS

POSITIONS HELD: Any nongovernmental positions held by the reporting individual, whether compensated or uncompensated, in any business entity, nonprofit organization, labor group, educational or other institution must be reported. **Exclusions:** Positions held in any religious, social, fraternal, or political entities, and positions solely of an honorary nature.

For more information, see detailed Instruction Booklet at page 12.

The identity of all positions held on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States Government. **IF NONE, SO STATE.**

POSITION	NAME OF ORGANIZATION
Board of Directors	Israel Histadrut Foundation, Inc.
Board of Directors	Union Square Park Community Coalition, Inc.
Board Member	Community Planning Board #5 (New York City)

VI. AGREEMENTS

(For New Employees Only)

AGREEMENTS: Candidates are not required to complete this section. Continued payments or benefits from a former employer would include interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments, etc.

For more information, see detailed Instruction Booklet at page 12.

A description of the date, parties to, and terms of any agreement or arrangement with respect to future employment; leave of absence during period of government service; continuation of payments by a former employer other than the U.S. Government; and continuing participation in an employee welfare or benefit plan maintained by a former employer. **IF NONE, SO STATE.**

DATE	PARTIES TO	TERMS OF AGREEMENT

This Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended (2 U.S.C. § 701, et seq.). The Statements will be made publicly available to any requesting person under written application, and will be reviewed by the Committee on Standards of Official Conduct. Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (see 2 U.S.C. § 706 and 18 U.S.C. § 1001).

Signature <i>John B. Lentz</i>	Date March 14, 1988
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WHERE TO FILE:

**RETURN COMPLETED STATEMENT
(WITH TWO COPIES) TO:**
The Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

EXTENSIONS: The Committee on Standards of Official Conduct may grant reasonable extensions of time for filing any Disclosure Statement. Extension requests should be directed to the chairman of that Committee in writing and should state the reason the extension is necessary.

21040880863

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION COMMISSION

88 AUG 12 AM 9:58

USE FEC MAILING LABEL

OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Committee to Elect Levitt ADDRESS (number and street) <input checked="" type="checkbox"/> Check if different than previously reported. 67 Irving Place CITY, STATE and ZIP CODE STATE/DISTRICT New York, N.Y. 10003 15th Congressional	2. FEC IDENTIFICATION NUMBER 124281 3. IS THIS REPORT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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4. TYPE OF REPORT

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)
<input checked="" type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> Thirtieth day report following the General Election on _____
<input type="checkbox"/> January 31 Year End Report	_____ in the State of _____
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>4/1/88</u> through <u>6/30/88</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	17,737.45	23,267.45
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	17,737.45	23,267.45
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	82,987.77	83,231.79
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	82,987.77	83,321.79
8. Cash on Hand at Close of Reporting Period (from Line 27)	31,987.22	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	91,942.56	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **ALVIN SMOLIN**
 Signature of Treasurer *Alvin Smolin*

Date
August 3, 1988

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

91040880864

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full)	Report Covering the Period:	
Committee To Elect Levitt 124281	From: 4/1/88	To: 6/30/88
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	1200.00	
(ii) Unitemized	2218.00	
(iii) Total of contributions from individuals	3418.00	8,698.00
(b) Political Party Committees	0	
(c) Other Political Committees (such as PACs)	0	
(d) The Candidate	14,319.45	14,569.45
(e) TOTAL CONTRIBUTIONS (other than loans)(add 11(a)(iii), (b), (c) and (d))	17,737.45	23,267.45
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.	0	0
13 LOANS:		
(a) Made or Guaranteed by the Candidate	91,942.56	91,942.56
(b) All Other Loans	0	0
(c) TOTAL LOANS (add 13(a) and (b))	91,942.56	91,942.56
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	17,737.45	23,267.45
15 OTHER RECEIPTS (Dividends, Interest, etc.)	0	0
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	109,680.01	115,210.01
II. DISBURSEMENTS		
17. OPERATING EXPENDITURES	82,987.77	83,231.79
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.	0	0
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	0	0
(b) Of All Other Loans	0	0
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0	0
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0	0
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0	0
21. OTHER DISBURSEMENTS	0	0
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	82,987.77	83,231.79

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 5,293.98
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 109,680.01
25. SUBTOTAL (add Line 23 and Line 24)	\$ 114,973.99
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 82,987.77
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 31,978.22

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U.S. Department of Justice

GCCA 113

Mem 2672

United States Attorney
Southern District of New York

One Saint Andrew's Plaza
New York, New York 10007

August 11, 1988

Thomas Josefiak
Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Josefiak:

I am enclosing a letter and its contents which were forwarded to our Office by George McDonald, a Democratic candidate in Manhattan's 15th District primary scheduled for September 15, 1988.

Mr. McDonald, as the letter indicates, has not requested this Office to investigate his allegation of financial mismanagement in the campaign of one of his Democratic primary opponent but rather that we refer the matter to you. We do so without conducting any investigation, and we ask you to take whatever action you deem appropriate. Further, if we can be of any assistance in this matter please feel free to call me at your convenience.

Thank you for your attention to this request.

Very truly yours,

RUDOLPH W. GIULIANI
United States Attorney

By:

FEDERICO E. VIRELLA, JR.
Executive Assistant United States Attorney
Tel.: (212) 791-1955

Encl.

cc: George McDonald
233 East 86th Street
9C
New York, New York 10028

21040880867

89 AUG 15 PM 3:08

FEDERAL ELECTION COMMISSION RECEIVED

**McDonald
For
Congress**

August 2, 1988

The Honorable Rudolph W. Giuliani
1 St. Andrews Plaza
New York, N.Y. 10007

Dear Mr. Giuliani:

I am a ballot certified Democratic candidate in Manhattan's 15th District Primary.

It is my request that you "refer" to the Federal Election Commission for investigation the attached "Report of Receipts and Disbursements" filing of one of my Democratic opponents in the Primary, John Levitt.

In requesting your office to refer this matter, I cite 11CFR 111.8, in which the General Counsel of the F.E.C. recommends that the Commission take action when there is reason to believe that a person or entity has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.

The F.E.C. will take action on the basis of a referral from an agency of the United States or of any state.

A review of the enclosed "Report of Receipts and Disbursements" filed by Mr. Levitt shows that since his campaign's inception (June 8, 1987) a total in receipts of \$31,002.45 and disbursements of \$90,959.79 through July 15, 1988 with no outstanding obligations or loans.

On the face of his filing, he leaves \$59,956.34 in disbursements unaccounted for in any way. This is, of course, in complete violation of federal law.

Incredibly, Mr. Levitt also lists as of July 15, 1988 an additional \$31,978.22 in cash on hand and also unaccounted for.

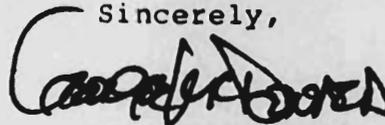
The result based on Mr. Levitt's own filing is a total of \$91,934.56 for which no source is listed.

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Further review of Mr. Levitt's enclosed filing lists show "in kind" corporate contributions of up to \$10,000.00 per item. As I am sure you are aware, corporate contributions are illegal and individual contributions can not exceed \$1,000.00

In the interest of justice and the need for integrity in government, I implore you to refer this for resolution before the September 15th Primary. Unfortunately any action taken after the primary election will be of no use and can only foster corruption not only in government but by those seeking public office.

Sincerely,



George McDonald

91040880869

HEADQUARTERS: Lenox Hill Democratic Club 988-2270
1338 First Avenue, NYC 10021
HOME: 233 East 86th Street, #9C, NYC 10028 410-1094

NO DELIVERED

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee (Summary Page)

NY 15

1988 JUL 18 PM 4:29

1. NAME OF COMMITTEE (in full)
Committee To Elect Levitt J32-6286

ADDRESS (number and street) ~~Same as last report~~
33 East 63rd Street

CITY, STATE and ZIP CODE STATE/DISTRICT
New York, N.Y. 10021 15th Congressional

2. YES NO IS THIS REPORT AN AMENDMENT?

3. YES NO OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
 124291

4. TYPE OF REPORT

April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid-Year Report (Non-election Year Only)
 Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

This report contains activity for Primary Election General Election Special Election Runoff Election

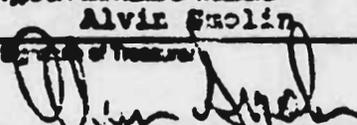
SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
4/1/88 through 6/30/88		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	17,737.45	23,267.45
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	17,737.45	23,267.45
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	82,987.77	83,231.79
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	82,987.77	83,231.79
8. Cash on Hand at Close of Reporting Period (from Line 27)	31,926.22	
9. Debts and Obligations Owed TO the Committee (Repeal of an Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Repeal of an Schedule C and/or Schedule D)	0	

For further information contact:
 Federal Election Commission
 99 E Street, NW
 Washington, DC 20543
 Toll Free 800 424-9530
 Local 202 376-3130

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Alvie Swolin

Signature of Treasurer


Date
July 15, 1988

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 1457g.

FEC FORM 2

91040880870
33013561794

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in full): **Committee To Elect Lewis 124281** Report Covering the Period
From: **4/1/88** To: **6/30/88**

I. RECEIPTS

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(1) Rerouted (see Schedule A)	1200.00	
(2) Unrouted	2218.00	
(3) Total of contributions from individuals	3418.00	3,608.00
(b) Political Party Committees	0	
(c) Other Political Committees (such as PACs)	0	
(d) The Candidate	14,319.45	14,569.45
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(1), (b), (c) and (d))	17,737.45	23,287.45
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0	0
13. LOANS		
(a) Made or Guaranteed by the Candidate	0	0
(b) All Other Loans	0	0
(c) TOTAL LOANS (add 13(a) and (b))	0	0
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	17,737.45	17,737.45
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0	0
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	0	0

II. DISBURSEMENTS

17. OPERATING EXPENDITURES	82,987.77	82,231.79
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0	0
19. LOAN REPAYMENTS		
(a) Of Loans Made or Guaranteed by the Candidate	0	0
(b) Of All Other Loans	0	0
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0	0
20. REFUNDS OF CONTRIBUTIONS TO		
(a) Individuals/Persons Other Than Political Committees	0	0
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0	0
21. OTHER DISBURSEMENTS	0	0
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	82,987.77	82,231.79

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 5,293.98
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 17,737.45
25. SUBTOTAL (add Line 23 and Line 24)	\$ 23,031.43
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 82,987.77
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 31,978.22

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SCHEDULE A

ITEMIZED RECEIPTS

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

Committee To Elect Levitt 124281

21040880872 37013561796

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Aron Aba Kurant 108-37 71st Avenue Forest Hills, New York 11375	Retired	5/10/88	500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Retired	Aggregate Year-to-Date \$ 500.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Dr. Sol Stein 6039 Collins Avenue Miami Beach, Fl. 33140	Retired	6/20/88	200.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Retired	Aggregate Year-to-Date \$ 450.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Harry Magill 60-61 Saunders Street Forest Hills, N.Y. 11375	Retired	6/27/88	500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Retired	Aggregate Year-to-Date \$ 500.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	

SUBTOTAL of Receipts This Page (optional)	1200.00
TOTAL This Period (last page this line number only)	1200.00

SCHEDULE A

ITEMIZED RECEIPTS

Where schedule is
 which category of the
 Federal Statutory Page
 245 of
 1 2
 FOR LINE NUMBER
 31 B

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

NAME OF COMMITTEE (in Full)

COMMITTEE TO ELECT LEVITT 124281

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
JOHN LEVITT 154 East 29th Street, Apt. 12E N.Y.N.Y. 10016	LEVITT & SCOTT	6/29/88	355.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > 8	605.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/15/88	649.50
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	1254.50
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/15/88	150.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	1404.50
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/16/88	125.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	1529.50
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/16/88	125.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	1654.50
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/18/88	1500.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	3154.50
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
SEE ABOVE		6/20/88	250
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 8	3404.50

SUBTOTAL of Receipts This Page (optional) 3154.50

TOTAL This Period (sum of all receipts) 3154.50

21040880873797
 3561797

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

Page 2 of 2
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23 11 D

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

NAME OF EMPLOYEE In Full

COMMITTEE TO ELECT LEVITT 134281

21040880874
33013561790

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
JOHN LEVITT 154 East 29th Street, Apt. 12E N.Y.N.Y. 10016 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	LEVITT & SCOTT	6/22/88	10,000
	Occupation Attorney Aggregate Year-to-Date > \$ 23,404.50		
B. Full Name, Mailing Address and ZIP Code SEE ABOVE Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
		6/22/88	64.95
C. Full Name, Mailing Address and ZIP Code SEE ABOVE Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
		6/22/88	1,100
D. Full Name, Mailing Address and ZIP Code SEE ABOVE Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional) **11,164.95**

TOTAL Tax Paid (if any) on this page:

SCHEDULE 6

ITEMIZED DISBURSEMENTS

Any information copied from each Return and Schedule 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
COMMITTEE TO ELECT LEVITT 124281

21040880875
 99013561799

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
LEVANA KINGSBAUM 210 W 101 St., N.Y.N.Y. 10025	CONTRIBUTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/6/88	\$1200.00
JILL JONAS 215 East 80th St., N.Y.N.Y. 10021	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/6/88	200.00
PROGRESS PRINTING 31 Lafayette Street, N.Y.N.Y. 10013	PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/11/88	1024.
UNITED STATES POST OFFICE	POSTAGE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/11/88	250.00
LARRY DOUGLAS 340 EAST 93rd Street, New York, N.Y. 10021	CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/22/88	2000.00
AMERICAN TELEPHONE & TELEGRAPH	Installation of Phones Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/88	1061.25
ALLIED TELEPHONE BEEPER SERVICE 2021 W. 20th Street, N.Y.N.Y. 10011	BEEPERS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/88	462.00
BETH BAILEY 67 Irving Place N.Y.N.Y. 10003	CONSULTING Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/88	500.00
Gastner Printing 300 E. 42nd Street New York, N.Y. 10010	Contribution In Kind Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	64.95

SUBTOTAL of Disbursements This Page (optional)	6,762.20
TOTAL This Period (last page this line number only)	

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules to each category of the Detailed Summary Page

PAGE 2 OF 2
FOR LINE NUMBER 17

Any information copied from such figures and documents 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)

COMMITTEE TO ELECT BICENT 194281

210408808760033013561800

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution In Kind	Date (month, day, year)	Amount of Each Disbursement This Period
JON MORON 20 West 64th Street, N.Y.N.Y. 10023	CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/19/88	355.00
SALE-KOFF GRAPHICS 435 HUDSON STREET, N.Y.N.Y. 10013	PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/15/88	649.50
TOM BECKETT 299 W. 43rd N.Y.N.Y. 10019	PHOTOGRAPHY Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/15/88	150.00
H.G. SLATER CORP. 220 West 19th, N.Y.N.Y. 10011	BUTTONS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/16/88	125.00
H.G. SLATER CORP 220 West 19th N.Y.N.Y. 10011	BUTTONS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	125.00
I.D.A PRODUCTS 299 Broadway, N.Y.N.Y. 10007	PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/18/88	1500
FRANK WILKINSO 530 East 89th St., N.Y.N.Y. 1012E	CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/20/88	250
HELEN SHEDROFF, INC. 295 Broadway, Suite 503, N.Y.N.Y. 10007	RAIPTIME Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	10,000
I.D.A. PRODUCTS 299 Broadway, N.Y.N.Y. 10007	PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	1,100

SUBTOTAL of Disbursements This Page (optional)	14,254.50
TOTAL This Period (last page this line number only)	21,016.70

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Page
 PAGE 1 11
 FOR LINE NUMBER 17

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NAME OF COMMITTEE IN FULL
COMMITTEE TO ELECT LEVITT 124281

21040880877
 01801
 35613561801
 3013561801

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
LEONAR KIMMERMAN 210 W 101 St., N.Y.N.Y. 10025	CONTRIBUTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/6/88	\$1200.00
JILL JOHNS 215 East 80th St., N.Y.N.Y. 10021	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/6/88	200.00
PROGRESS PRINTING 11 Lafayette Street, N.Y.N.Y. 10013	PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/11/88	1024.
UNITED STATES POST OFFICE	POSTAGE Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/11/88	250.00
LARRY DOUGLAS 340 EAST 93rd Street, New York, N.Y. 10021	CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/22/88	2000.00
AMERICAN TELEPHONE & TELEGRAPH	Installation of Phones Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/88	1061.25
ALLIED TELEPHONE BEEPER SERVICE 2021 N. 20th Street, N.Y.N.Y. 10011	BEEPER Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/88	462.00
KEIS BAILEY 67 Irving Place N.Y.N.Y. 10011	CONTRIBUTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/2/88	500.00
Gastetner Printing 300 E. 42nd Street New York, N.Y. 10010	CONTRIBUTION IN KIND PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	64.95

SUBTOTAL of Disbursements This Page (optional)	6,762.20
TOTAL This Period (last page this line number only)	

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each page of the Disbursement Page

PAGE 3 OF 17
FOR LINE NUMBER 17

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

NAME OF COMMITTEE TO FILE

COMMITTEE TO ELECT LEVITT 124201

21040880878
38013561802

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
JIM MORROW 20 West 64th Street, N.Y.N.Y. 10023	Contribution In Kind CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/19/88	355.00
SALE-HOFF GRAPHICS 435 HUDSON STREET, N.Y.N.Y. 10013	Contribution In Kind PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/15/88	649.50
TOM BICKETT 299 W. 43rd N.Y.N.Y. 10019	Contribution In Kind PHOTOGRAPHY Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/15/88	150.00
N.G. SLATER CORP. 220 West 19th, N.Y.N.Y. 10011	Contribution In Kind BUTTONS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/16/88	125.00
N.G. SLATER CORP 220 West 19th N.Y.N.Y. 10011	Contribution In Kind BUTTONS Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	125.00
I.D.A PRODUCTS 299 Broadway, N.Y.N.Y. 10027	Contribution In Kind PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/18/88	1500
FRANK MILATON 530 East 89th St., N.Y.N.Y. 10029	Contribution In Kind CONSULTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/20/88	250
FRANK SPENCER, INC. 299 Broadway, Suite 503, N.Y.N.Y. 10027	Contribution In Kind PRINTING Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	10,000
I.D.A. PRODUCTS 299 Broadway, N.Y.N.Y. 10027	Contribution In Kind PRINTING Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/22/88	1,100
SUBTOTAL of Disbursements This Page Reported			14,254.50
TOTAL This Period (Use plus sign and line number only)			21,016.76

SCHEDULE E

ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Schedule Summary Page

PAGE 3 OF 11
FOR LINE NUMBER

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NAME OF COMMITTEE (in Full)

COMMITTEE TO ELECT LEVITT 124281

31040880879
30013561803

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
P'TACH	COMMUNITY EVENT	5/28/88	100.00
LOISADA	POLITICAL EVENT	100.00	6/6/88
STONEWALL DEMOCRATIC CLUB	POLITICAL EVENT	6/9/88	40.00
DIRECT VOTER CONTACT	TYPESETTING	7/1/88	420.00

SUBTOTAL of Disbursements This Page (optional)	560.00
TOTAL This Period (see page this line number only)	

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NAME OF COMMITTEE in Full

COMMITTEE TO ELECT LEVITT 124281

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
FRIENDS OF MIRIAM FRIEDLANDER	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/22/88	75.00
NATIONAL ORGANIZATION OF WOMEN, N.Y.C.	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/16/88	50.00
LEXINGTON DEMOCRATIC CLUB	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/20/88	125.00
FRIENDS OF CAROLYN MALONEY	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/22/88 6/2/88	100.00 20.00
CANCER CARE STUYVESANT CLINIC	COMMUNITY EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/14/88	30.00
DCWNTOWN INDEPENDENT DEMOCRATS	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/25/88	125.00
UNITED DEMOCRATIC ORGANIZATION of CHINATOWN	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/26/88	50.00
CHEYSEA REFORM DEMOCRATIC CLUB	MAILING LIST, POL. EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/26/88 6/5/88	25.00 150.00
VILLAGE REFORM DEMOCRATIC CLUB	POLITICAL EVENT Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/27/88	250.00

SUBTOTAL of Disbursements This Page (optional) **1,000.00**

TOTAL This Period (Don't page this and number only)

210408808304

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use this column (plus, to it) for each category of the Detailed Budgetary Post

PAGE 02
5 1 11
FOR LINE NUMBER 17

All information reported from such financing and disbursements may not be sold or used by this agency for the purpose of identifying contributors or for commercial purposes. Other than using the name and address of any political committee to which contributions from such committee.

NAME OF EMPLOYEE (in Full)

COMPTON TO ERIC LEVIT 124281

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gastner Copy Center 900 East 42nd Street New York, N.Y. 10017	Copies	6/3/88	21.40
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General	6/22/88	64.95
	<input type="checkbox"/> Other (specify)	5/26/88	10.82
SAME AS ABOVE	SAME AS ABOVE	6/1/88	16.23
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General	5/26/88	27.06
	<input type="checkbox"/> Other (specify)	5/26/88	30.00
SAME AS ABOVE	SAME AS ABOVE	6/3/88	21.40
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General		
SAME AS ABOVE	SAME AS ABOVE		
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General		
PROGRESS PRINTING 132 Lafayette Street New York, N.Y. 10013	Printing	6/15/88	405.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General	6/10/88	507.13
	<input type="checkbox"/> Other (specify)		
U.S. POSTMASTER	Mailing	4/7/88	45.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General	6/1/88	25.00
	<input type="checkbox"/> Other (specify)	6/29/88	11.00
HAJI SHEINKOFF COMMUNICATIONS 299 Broadway, Suite 503 New York, N.Y. 10007	Public Affairs		2,500.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General		
K... .. 18 E. 95 Street, 18-B New York, New York 10128	Consultant	6/30/88	150.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General	7/7/88	150.00
	<input type="checkbox"/> Other (specify)	7/15/88	150.00
47TH STREET PHOTO 115 W. 45th Street. New York, N.Y. 10036	Computer	7/14/88	1,941.64
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General		
NEW YORK TELEPHONE G.P.O. Box 2222 Brooklyn, New York 11202-2222	Telephone Services	7/15/88	657.01
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General		

SUBTOTAL of Disbursements This Page (optional)

6723.84

TOTAL This Period (last page this line number only)

2104088881

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate sheets for each page of the Detailed Summary Page

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FOR LINE NUMBER 17

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NAME OF COMMITTEE TO PAID

COMMITTEE TO ELECT LEVITT 124281

21040880883
33013561807

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
RAGEDORN COMMUNICATIONS CORP. 662 Main Street New Rochelle, N.Y. 10801	Advertisement Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/15/88	245.16
BETH BAILEY 67 Irving Place New York, N.Y. 10003	Reimbursement - Flight Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/14/88	278.00
Friends of Ruth Messenger	Political Meeting Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/10/88	50.00
VILLAGE REFORM DEMOCRATIC CLUB	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/12/88	150.00
YORKVILLE DEMOCRATIC CLUB	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/13/88	225.00
LENOX HILL DEMOCRATIC CLUB	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/15/88	35.00
LOWER EAST SIDE CLUB	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/16/88	175.00
VILLAGE INDEPENDENT DEMOCRATIC CLUB	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/17/88	250.00
FRIENDS OF CAROL GREITZER	Political Meeting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	4/18	125.00

SUBTOTAL of Disbursements This Page (entered)	1,533.16
TOTAL This Period (see page this line number only)	

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule (s) for each category of the Detailed Summary Page

PAGE 11 OF 11 FOR LINE NUMBER 17

Any information copied from such Reports and Summaries 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)

COMMITTEE TO ELECT LEVITT 124281

21040880834
33013561808

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
BETH BAILEY 67 Irving Place New York, N.Y.	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/21/88 7/14/88	1500.00 1000.00
FRANK WILKINSON 530 E. 89 Street New York, N.Y. 10021	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/10/88 6/18/88 6/21/88	250.00 325.00 125.00
FRANK WILKINSON SAME AS ABOVE	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/25/88 7/11/88	125.00 525.00
LARRY DOUGLAS 340 E. 93rd. Street New York, N.Y. 10021	Consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/1/88 6/1/88 7/1/88	2,000.00 2,000.00 2,000.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional)	2,850.00
TOTAL This Period (last page this line number only)	

CHEDULE B

AMENDED STATEMENT
ITEMIZED DISBURSEMENTS

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

NAME OF COMMITTEE in Full
COMMITTEE TO ELECT LEVITT 1988

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Dick Morris Consultants 20 Beeholm Road West Redding, Ct. 06896	Printing Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/18/88 2/25/88 2/1/88	\$4,500.00 4,500.00 4,500.00
Fort Printed Products 45 East 30th Street New York, N.Y. 10016	Printing Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/30/8	\$216.50
Super Graphics 135 Madison Avenue New York, New York 10016	typesetting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/13/87	\$86.60
Studio Press 20 West 22nd Street New York, N.Y. 10010	printing Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/18/88 3/9/88	\$240.00 \$279.60
U.S. Postmaster	postage Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/14/88	\$34.96 \$75.00
Jill Jonar 215 East 64th Street New York, N.Y. 10021	consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/15/88 1/20/88 2/25/88	200.00 200.00 285.00
Larry Douglas 340 East 93rd Street New York, N.Y. 10021	consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/1/87 6/1/87 7/1/87	2,000.00 2,000.00 2,000.00
Larry Douglas (same as above)	consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/1/87 9/1/87 10/1/87	2,000.00 2,000.00 2,000.00
Larry Douglas (same as above)	consulting Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/1/87 12/1/88	2,000.00 2,000.00

TOTAL of Disbursements This Page (captioned)	\$31,118.66
TOTAL This Period (see page 010 line number only)	

0
5
3
8
0
6
8
5
8
2
4
0
4
0
2
1
0
6

The information copied from each Report and Statement may not be used by any person for the purpose of collecting 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 TO FUND

COMMITTEE TO ELECT LEVITT 124201

21040880886
330

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
LEWIS HILL DEMOCRATIC CLUB	Political Meeting	1/11/88	\$100.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/7/88	\$200.00
ASIAN AMERICAN LEGAL DEFENSE FUND	Political Meeting	1/18/88	\$225.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
STONEWALL DEMOCRATIC CLUB	Political Meeting	1/25/88	\$24.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
NEW DEMOCRATIC DIMENSIONS	Political Meeting	1/28/88	\$30.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PERSONS	Political Meeting	2/18/88	\$100.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
FAIRPAC	Political Meeting	2/19/88	\$50.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
NAIPAC	Political Meeting	3/5/88	\$75.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
INDEPENDENT DEMOCRATIC CLUB	Political Meeting	3/23/88	\$100.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
LEVISA CATERING 250 West 101st Street New York, New York	catering	3/15/88	\$600.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

GRAND TOTAL of Disbursements This Page (check all)	\$1504.00
TOTAL This Period (see page 11a line number only)	

SCHEDULE B

**ANNUAL STATEMENT
ITEMIZED DISBURSEMENTS**

Any information reported both on this Report and on Schedule A may be used by the Service for the purpose of identifying contributions or for determining amounts, after such time as the Service obtains information to which contributions from such amounts.

NAME OF CONTRIBUTOR IN FULL

CONTRIBUTOR TO SELECT UNIT 134281

21040880887
 3301356181

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Larry Douglas 340 East 93rd Street New York, N.Y. 10021	consulting Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/28/88 2/19/88 2/1/88	\$3,000.00 \$2,000.00 \$2,000.00
B. Full Name, Mailing Address and ZIP Code Caterista Service 57 West 41st Street New York, N.Y. 10017	catering Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3/24/88	\$581.41
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursements for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUB-TOTAL of Disbursements This Page (optional) **8,981.41**

TOTAL This Period (last page this file number only)

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2 FIC FORM 3)

Name of Committee (in full) Committee To Elect Levitt 19481		Report Covering the Period From 1/1/86 To 3/31/86	
I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11 CONTRIBUTIONS (other than loans): FROM			
(a) Individuals/Persons Other Than Political Committees:			
(i) Itemized (use Schedule A)		1250.00	
(ii) Unitemized		4030.00	
(iii) Total of contributions from individuals		5280.00	5280.00
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) The Candidate		250.00	250.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(i), (ii), (b), (c) and (d))		5530.00	5530.00
12 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		0	
13 LOANS			
(a) Made or Guaranteed by the Candidate		0	0
(b) All Other Loans		0	0
(c) TOTAL LOANS (add 13(a) and (b))		0	0
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		5530.00	5530.00
15 OTHER RECEIPTS (Dividends, Interest, etc.)			
16 TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)			
II. DISBURSEMENTS			
17 OPERATING EXPENDITURES		244.02	244.02
18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES		0	0
19 LOAN REPAYMENTS			
(a) Of Loans Made or Guaranteed by the Candidate		0	0
(b) Of All Other Loans		0	0
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		0	0
20 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees		0	0
(b) Political Party Committees		0	0
(c) Other Political Committees (such as PACs)		0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		0	0
21 OTHER DISBURSEMENTS		0	0
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)		244.02	244.02
III. CASH SUMMARY			
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD		\$ 8.00	
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)		\$ 5530.00	
25 SUBTOTAL (add Line 23 and Line 24)		\$ 5538.00	
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)		\$ 244.02	
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)		\$ 5,293.98	

21040880888
 330131313131

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Schedule Summary Page

TABLE OF FOR LINE NUMBER
1 1
11 a

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

NAME OF COMMITTEE (in Full)

Committee To Elect Levitt 1988

A Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Aggregate Year-to-Date > 8		
B Full Name, Mailing Address and ZIP Code Beth R. Cosnow 152 E. 22nd Street New York, N.Y. 10010	Name of Employer City of New York	Date (month, day, year) 3/22/88	Amount of Each Receipt (this Period) \$500
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Environmental Ombudsman Aggregate Year-to-Date > 8		
C Full Name, Mailing Address and ZIP Code Alvin Smolin 980 Greenwood Rd. Teaneck, N.J. 07666	Name of Employer Israel Bistrot Foundation	Date (month, day, year) 3/22/88	Amount of Each Receipt (this Period) \$250
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Executive Aggregate Year-to-Date > 8		
D Full Name, Mailing Address and ZIP Code Dr. Sol Stein 6039 Collins Avenue Apt. 904 Miami Beach, Fl. 33140	Name of Employer	Date (month, day, year) 3/21/88	Amount of Each Receipt (this Period) \$250
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Retired Aggregate Year-to-Date > 8		
E Full Name, Mailing Address and ZIP Code J.F. Triggs 310 E. 42nd Street New York, N.Y. 10017	Name of Employer Self	Date (month, day, year) 3/17/88	Amount of Each Receipt (this Period) \$250
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Attorney Aggregate Year-to-Date > 8		
F Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Aggregate Year-to-Date > 8		
G Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Occupation Aggregate Year-to-Date > 8		

SUBTOTAL (of Receipts This Period only)

\$1250.00

TOTAL This Period (use page the line number only)

\$1250.00

91040880889
 330133133

SCHEDULE A

ITEMIZED RECEIPTS

Use separate (if available) for each category of the Detailed Summary Page

PAGE
1
OF 1

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

NAME OF COMMITTEE (in Full)

Committee To Elect Levitt 1988

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
John Levitt 154 E. 29th Street New York, N.Y. 10016	Levitt & Scott	2/29/88	\$250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Occupation: Attorney Aggregate Year-to-Date: \$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Occupation Aggregate Year-to-Date: \$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Occupation Aggregate Year-to-Date: \$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Occupation Aggregate Year-to-Date: \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Occupation Aggregate Year-to-Date: \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Occupation Aggregate Year-to-Date: \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Occupation Aggregate Year-to-Date: \$		

SUBTOTAL of Receipts This Page (optional) \$250.00
 TOTAL This Period (last page this line number only) \$250.00

33001300

FEB 01 1988

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR PRINT TYPE OR PRINT

1. NAME OF COMMITTEE (SEE INSTRUCTIONS)		2. FEC IDENTIFICATION NUMBER	
Committee To Draft Levitt		124281	
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported.		3. IS THIS REPORT AN AMENDMENT?	
33 East 67th Street		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
CITY, STATE and ZIP CODE		STATE/DISTRICT	
New York, N.Y. 10021		N.Y. 15th Congressional	

4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid-Year Report (Non-election Year Only)
- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- Termination Report

The report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Prior Year-4-1
5. Covering Period <u>6/8/87</u> through <u>12/31/87</u>		
6. Net Contributions (other than loans)		
(a) Total Contributors (other than loans) (from Line 11(e))	7735.00	7735.00
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	7735.00	7735.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	7727.00	7727.00
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	7727.00	7727.00
8. Cash on Hand at Close of Reporting Period (from Line 27)	8.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0	

For further information contact:
Federal Election Comm
999 E Street, NW
Washington, DC 20461
Tel: 202-456-9500
Local: 202-576-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Alvin Saolin	Date January 29, 1988
Signature of Treasurer <i>Alvin Saolin</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437.

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FEC FORM
(revision)

39013140769

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in full) Committee To Draft Levitt 124281	Report Covering the Period From: 6/8/87 To: 12/31/87	
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	1750.00	
(ii) Unitemized	5985.00	
(iii) Total of contributions from individuals	7735.00	7735.00
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	0	0
(d) The Candidate	0	0
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(i), (b), (c) and (d))	7735.00	7735.00
12 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0	0
13 LOANS		
(a) Made or Guaranteed by the Candidate	0	0
(b) All Other Loans	0	0
(c) TOTAL LOANS (add 13(a) and (b))	0	0
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0	0
15 OTHER RECEIPTS (Dividends, Interest, etc.)	0	0
16 TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	7735.00	7735.00
II. DISBURSEMENTS		
17 OPERATING EXPENDITURES	7727.00	7727.00
18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0	0
19 LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	0	0
(b) Of All Other Loans	0	0
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0	0
20 REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0	0
(b) Political Party Committees	0	0
(c) Other Political Committees (such as PACs)	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0	0
21 OTHER DISBURSEMENTS	0	0
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	7727.00	7727.00
III. CASH SUMMARY		
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	0
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	7735.00
25 SUBTOTAL (add Line 23 and Line 24)	\$	7735.00
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	7727.00
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$	8.00

3901314077C

SCHEDULE A

FINANCED RECEIPTS

For each receipt of the
Detailed Summary Page

FD-101 (Rev. 11-85)

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

NAME OF COMMITTEE (in Full)
Committee To Draft Levitt 124281

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Miriam Buck 560 W. 170th Street New York, N.Y. 10032	Retired	8/15/87	1000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation N/A		
	Aggregate Year-to-Date > \$ 1000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Neil Flanzraich 1230 Sharon Park Drive #64 Menlo Park, Ca. 94025	Syntax Corp.	10/11/87	500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney		
	Aggregate Year-to-Date > \$ 500.00		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Alvin Saolin 980 Greenwood Rd. Teaneck, N.J. 07666	Israel Histadrut Foundation, Inc.	7/20/87	250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Executive		
	Aggregate Year-to-Date > \$ 250.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional)	1750.00
TOTAL This Period (last page this line number only)	1750.00

33013140771

SCHEDULE B

STANDARD DISBURSEMENT REPORT

See instructions on the back of this report for the Qualified Campaign Page

Form LB-640 (1-77)

Any information copied from such Reports and Disbursements may not be sold or used by any person for the purpose of collecting contributions or for any purposes other than using the name and address of any political committee to collect contributions from such persons.

NAME OF COMMITTEE (in Full)

Committee To Draft Levitt 124281

39013140772

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
Larry Douglas 340 E. 93rd St. New York, N.Y. 10021	Consulting Services	9/31/87	1000.00
		9/14/87	2000.00
		10/19/87	1000.00
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
		11/7/87	1200.00
		11/30/87	800.00
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
		10/19/87	435.00
Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
		10/28/87	216.50
Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
		11/7/87	260.00
Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement This Period
Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify)			

SUBTOTAL of Disbursements This Page (optional)	7651.50
TOTAL This Period (last page this line number only)	7651.50

62 0715 8471

John Levitt
 (a) Address (number and street) (b) District (state and congressional district)
 134 East 29th Street
 (c) City, State, and ZIP Code
 New York, N.Y. 10016
 (d) Party Affiliation
 Democrat

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

I hereby designate the following named political committee as my Principal Campaign Committee

NOTE: This designation should be filed with the appropriate office listed below.

(a) Name of Committee (in full)
 Committee To Elect Levitt
 (b) Address (number and street)
 33 East 67th Street
 (c) City, State and ZIP Code
 New York, N.Y. 10021

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

(Including Joint Postmaster Representative)

I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend for or behalf of my candidacy

NOTE: This designation should be filed with the principal campaign committee

(a) Name of Committee (in full)
 (b) Address (number and street)
 (c) City, State and ZIP Code

I certify that I have examined the statements and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate: *John Levitt* Date: March 23, 1968

NOTE: Submission of false information, or otherwise violation may subject the person signing the Statement to the penalties of 2 U.S.C. 9101.

CANDIDATES FOR THE OFFICE OF:

President elect to	U.S. Senate elect to	U.S. House of Representatives elect to:	For further information contact:
Federal Election Commission 995 E Street, N.W. Washington, DC 20463	Secretary of the Senate Office of Public Records 232 Hart Senate Office Bldg Washington, DC 20510-1116	Clerk of the House of Representatives Office of Records and Registration 1006 Longworth Office Bldg Washington, DC 20515-6512	Federal Election Commission Tel-free 800-424-6533 Local 202-978-3120

FEC FORM 28 (Rev. 6-74)

89013160390

REGULAR MAIL

STATEMENT OF ORGANIZATION

1. NAME OF COMMITTEE IN FULL
Committee to Draft Levitt

(Check if name is changed)

2. DATE

December 10, 1987

(a) Number and Street Address
33 East 67th Street

(Check if address is changed)

3. FIPS IDENTIFICATION NUMBER
146281

(b) City, State and ZIP Code
New York, N.Y. 10021

4. IS THIS STATEMENT AN AMENDMENT?
 YES NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate John Levitt	Candidate Party Affiliation Democrat	Other Branch U.S. House of Representatives	Congressional District New York 15th Cong.
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- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee. (name of candidate)
- (d) This committee is a _____ committee of the _____ Party. (National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization
 Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books or records

Full Name	Mailing Address	Title or Position
Alvin Smolin	33 East 67th Street New York, N.Y. 10021 212-628-0322	Treas.

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer)

Full Name	Mailing Address	Title or Position
Alvin Smolin	33 E. 67th Street New York, N.Y. 10021 212 628-0322	Treas.

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Bank Leumi Trust Company of New York	1148 Third Avenue New York, N.Y. 10021

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER Alvin Smolin	SIGNATURE OF TREASURER 	DATE December 10, 1987
---	----------------------------	---------------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 4211. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

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For further information contact
Federal Election Commission
Toll-free 800-424-9630
Local 202-376-3120

FEC FORM
Revised 4/87

91040880896
877-3312136

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL ELECTION COMMISSION
REPORT OF RECEIPTS AND DISBURSEMENTS
 For An Authorized Committee
 (Summary Page)

USE FEC MAILING LABEL OR PRINT TYPE OR PRINT

Name of Committee (in full)
Committee To Elect Levitt

ADDRESS (number and street) Check if different than previously reported
33 East 67th Street

CITY, STATE and ZIP CODE STATE/DISTRICT
New York, N.Y. 10021 15th Congressional

4. TYPE OF REPORT

April 15 Quarterly Report Twelfth day report preceding election on _____ in the State of _____

July 15 Quarterly Report

October 15 Quarterly Report Thirtieth day report following the General Election in the State of _____

January 31 Year End Report

July 31 Mid Year Report (Non-election Year Only) Termination Report

This report contains activity of Primary Election General Election Special Election Runoff Elec

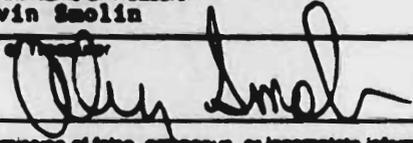
SUMMARY

	COLUMN A This Period	COLUMN B Cumulative Through 12/31
5 Covering Period <u>1/1/88</u> through <u>3/31/88</u>		
6 Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	5530.00	5530.00
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	5530.00	5530.00
7 Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	244.02	244.00
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	244.02	244.00
8 Cash on Hand at Close of Reporting Period (from Line 27)	5293.98	
9 Debts and Obligations Owed TO the Committee (Items all on Schedule C and/or Schedule D)	0	
10 Debts and Obligations Owed BY the Committee (Items all on Schedule C and/or Schedule D)	0	

For further information contact:
 Federal Election Commission
 800 E Street, NW
 Washington, DC 20461
 Toll Free 800-424-9541
 Local 202-576-3127

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Alvin Smolin

Signature of Treasurer


Date
April 14, 1988

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 19001.

FEC FORM 278e
 (rev. 11-87)

390131583



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 17, 1988

Mr. George McDonald
233 E. 86th Street
#9C
New York, NY 10029

RE: MUR 2672

Dear Mr. McDonald:

This letter acknowledges receipt of your complaint, received on August 12, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Committee To Elect Levitt and Alvin Smolin, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2672. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

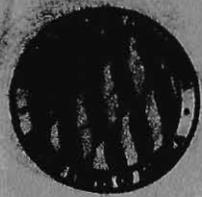
Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040880898



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 17, 1988

Alvin Smolin, Treasurer
Committee To Elect Levitt
67 Irving Place
New York, NY 10003

RE: MUR 2672
Committee To Elect
Levitt and Alvin Smolin,
as treasurer

Dear Mr. Smolin:

The Federal Election Commission received a complaint which alleges that the Committee To Elect Levitt and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2672. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the Committee To Elect Levitt in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Mr. John B. Levitt
154 E. 29th Street
New York, NY 10016

91040880900



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1988

George McDonald
233 East 86th Street, #9C
New York, New York 10028

Dear Mr. McDonald:

By letter dated August 17, 1988, you were notified that the Federal Election Commission had received your complaint against the Committee to Elect Levitt, designated as MUR 2672. Subsequently, the Commission received a letter from Rudolph W. Giuliani, United States Attorney for the Southern District of New York, forwarding your letter to him dated August 2, 1988, including accompanying enclosures.

A review of your letter to the United States Attorney indicates that you are making additional allegations against the Committee to Elect Levitt with respect to violations of the Federal Election Campaign Act of 1971, as amended. In order for the Commission to consider these additional allegations, your letter must meet certain specific requirements. Specifically, you must swear before a notary that the contents of your complaint are true to the best of your knowledge, and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are returning your letter and enclosures to you so that you may meet these requirements.

If you have any questions, please contact Maura White Callaway, Special Assistant, at (202)376-5690.

Sincerely,


Lois G. Lerner
Associate General Counsel

Enclosures

9104080901

LEVITT FOR CONGRESS

67 Irving Place
New York, N.Y. 10008
(818) 888-5980

NOT DELIVERED
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 SEP -8 AM 9:49
OCC#319

September 8, 1988

Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Ladies and Gentlemen,

Re: MUR 2672
Committee to Elect
Levitt and Alvin Smolin,
as treasurer

This letter is written in response to the complaint of George McDonald, who himself is a candidate for Congress in the 15th Congressional district.

Mr. McDonald alleges in his complaint that the August 3, 1988 amended report of the Levitt Committee discloses "apparent irregularities."

Mr. McDonald alleges that the August 3, report lists loans to the candidate to the committee totaling 91,941.50. He further states that there are no endorsers or guarantors on such a loan. Mr. McDonald concludes that no financial institution would loan close to a \$100,000 without security or appropriate guarantees. Mr. McDonald also alleges that I have limited current income, limited investment income and liabilities in excess of assets.

Mr. McDonald is incorrect in assuming that the loan was made by a financial institution. Under Federal Election Law, a candidate may make a loan to his campaign committee. If the loan is from his own assets or income, there is no limit on the amounts that may be loaned. The amounts loaned to my campaign are from my own resources, those disclosed in the House of Representatives Financial Disclosure Statement and income earned after March 1, 1988, which is not covered during the disclosure period.

RECEIVED
FEDERAL ELECTION COMMISSION
89 SEP -8 PH 3:38

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Page Two

Mr. McDonald is incorrect in his assessment of my finances. The income reported in the filing for 1988 only represents the amounts earned in the first two months of 1988 (\$31,578.50) and does not represent the entire amount that I will earn in 1988.

If the Commission has any futher questions, please do not hesitate to contact me.

Very truly yours,

John B. Levitt
John B. Levitt

JBL/sd

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2672

NAME OF COUNSEL: John Levitt

ADDRESS: 67 Irving Pl. 3rd Floor
N.Y. N.Y. 10003

TELEPHONE: (212) - 995-9363

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

9/8/88
Date

John Levitt
Signature

RESPONDENT'S NAME: Committee to Elect Levitt

ADDRESS: 67 Irving Place
New York, N.Y.

HOME PHONE: (212) 995-9363

BUSINESS PHONE: _____

21040880904

FEDERAL ELECTION COMMISSION
999 E street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

88 NOV 21 AM 9:23

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR # 2672
DATE COMPLAINT RECEIVED
BY OGC: 8/12/88
DATE OF NOTIFICATION
TO RESPONDENT: 8/17/88
STAFF MEMBER: Janice Lacy

COMPLAINANT: George McDonald
RESPONDENTS: John B. Levitt
Committee to Elect Levitt
and Alvin Smolin, as treasurer
RELEVANT STATUTES: 2 U.S.C. § 431(8)
2 U.S.C. § 434
2 U.S.C. § 441a
11 C.F.R. § 100.7(a)(1)(i)
11 C.F.R. § 100.7(b)(11)
11 C.F.R. § 110.10

INTERNAL REPORTS CHECKED: Public Disclosure Reports
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of General Counsel received a complaint on August 12, 1988 from George McDonald of New York City alleging violations of the Act by the Committee to Elect Levitt (the "Committee"), the principal campaign committee of John Levitt. Both Mr. McDonald and Mr. Levitt were candidates for Congress in the 15th Congressional District of New York in the current election cycle.^{1/} The Complainant alleges that the Committee received a loan from Mr. Levitt in the amount of \$91,941.50, for which there are no endorsers or guarantors. The Complainant

^{1/} Mr. Levitt finished second out of four candidates, and Mr. McDonald finished last, in the primary election held in September, 1988.

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further alleges that Mr. Levitt's personal financial disclosure reports filed with the Clerk of the House show limited income, and thus it was unlikely that any financial institution would have lent close to \$100,000 to Mr. Levitt without security or the appropriate guarantees. In sum, the Complainant implies that Mr. Levitt must have obtained a bank loan with endorsers or guarantors, the funds of which Mr. Levitt in turn loaned to his campaign committee, and that the Committee failed to report these guarantors or endorsers of the loan.

A review of the Committee's reports shows that Mr. Levitt made two contributions and one loan to the Committee, together totaling \$106,512.01. Mr. Levitt made contributions totaling \$14,569.45 to the Committee, which the Committee reported as follows:

1. April 15, 1988 Quarterly Report - \$ 250.00
2. July 15, 1988 Quarterly Report - \$ 14,319.45

Additionally, the reports show that Mr. Levitt made one loan in the amount of \$91,942.56 to the Committee. The Committee reported this loan in an amendment to its July report, which was received by the Clerk of the House on August 5, 1988. The report indicates that there were no endorsers or guarantors of the loan. Regarding the reporting of the terms of the loan, the reports states "N/A" for "Date Incurred," and "N/A" for "Date Due." The Committee lists no other loans in its disclosure reports from any other individuals or from any banking institutions.

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In support of his allegations, the Complainant enclosed a copy of the Financial Disclosure Statement that Mr. Levitt filed with the House on March 14, 1988. In this statement, Mr. Levitt reported gross income in fees of \$50,554.51 for 1987 and \$31,578.50 for 1988, as of the filing date of March 14, 1988. Mr. Levitt also reported less than \$1,000 in interest income. Additionally, the report shows that Mr. Levitt holds a Manufacturers Hanover Trust Company Now Account, which he classified as in the category of \$5,001 to \$15,000. Finally, Mr. Levitt disclosed a personal loan from Manufacturers Hanover Trust Company of an amount in the category of \$15,001 to \$50,000.

This Office received a response from Mr. Levitt on behalf of the Committee on September 8, 1988. Mr. Levitt claims that the sources of the funds for the loan were his own resources, which were disclosed on the House report, as well as the income he earned (but did not report) after March 1, 1988, which is not covered by the House report. Mr. Levitt asserts that the income disclosed in the House report represents only the amount he earned in the first two months of 1988 and does not represent the entire amount he will earn in 1988. He does not, however, report how much additional income he has received in 1988 beyond that disclosed in the House report.

II. FACTUAL AND LEGAL ANALYSIS

Loans from Candidates. Commission Regulations permit candidates for Federal office to make unlimited expenditures from personal funds, except as provided in 11 C.F.R. §§ 9001 and 9031.

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See 11 C.F.R. § 110.10(a). The Regulations define "personal funds" to mean any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which had either legal and rightful title, or an equitable interest.

11 C.F.R. § 110.10(b)(1). Additionally, salary and other earned income from bona fide employment, stock dividends, trust income, bequests, gifts which had been customarily received prior to candidacy, and a portion of assets jointly owned with a candidate's spouse also constitute "personal funds." 11 C.F.R. §§ 110.10(b)(2) and (3).

Regarding the role of the candidate in obtaining loans for use in connection with his or her campaign, the Act provides that any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. 2 U.S.C. § 432(e)(2); 11 C.F.R. § 101.2(a). The result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign. 11 C.F.R. § 101.2(b). Such a loan must be reported by the candidate's principal campaign committee. 11 C.F.R. § 104.3(d).

Loans from other persons. The Act further provides that any loan made by any person for the purpose of influencing a Federal election is a "contribution." 2 U.S.C. § 431(8)(A). As contributions, such loans are subject to 2 U.S.C. § 441a, which

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effectively limits to \$1,000 the amount which an individual may loan to the authorized committee of a candidate for any election. The Act further provides that no candidate or political committee shall knowingly accept any contribution in violation of these contribution limits. 2 U.S.C. § 441a(f). The Regulations provide that the term "loan" includes a guarantee, endorsement, and any other form of security. 11 C.F.R. § 100.7(a)(1)(i). A loan is a contribution at the time it is made and is a contribution to the extent it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B). Additionally, a loan is a contribution by each endorser or guarantor; special rules apply for spousal assets. 2 U.S.C. § 431(8)(B)(vii)(I); 11 C.F.R. § 100.7(a)(1)(i)(D). Furthermore, a loan which exceeds the contribution limitations of 2 U.S.C. § 441a is unlawful whether or not it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A).

Bank loans. A loan made by a bank in the ordinary course of business and in accordance with applicable banking laws is not a contribution by the lending institution making the loan. 2 U.S.C. § 431(8)(B)(vii); 11 C.F.R. § 100.7(b)(11). Each endorser or guarantor, however, shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. 11 C.F.R. § 100.7(b)(11). Furthermore, special rules apply for spousal endorsements. See 11 C.F.R. § 100.7(a)(1)(i)(D).

Reporting loans. Finally, the Act requires an authorized committee to disclose, in its reports to the Commission, loans

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made by or guaranteed by the candidate, as well as all other loans. 2 U.S.C. §§ 434(b)(2)(G) and (H). Such reports must disclose the identification of each who made a loan to the committee, together with any endorser or guarantor of such loan, and the date and amount or value of such loan. 2 U.S.C. § 434(b)(3)(E).

In determining whether there has been any violation of the Act regarding loans from candidates, the approach taken by this Office in previous MURs has been to obtain financial information from the candidate showing the amount of the candidate's personal assets at the time he or she became a candidate, plus any earned income or other funds acquired subsequent to candidacy (as specified at 11 C.F.R. § 110.10(b)(2)), in order to determine whether these assets qualify as "personal funds" within the meaning of the Regulations, which the candidate can contribute without limit to his or her campaign. This Office then determines whether the candidate had enough personal funds to cover any loans the candidate may have made to the candidate's campaign committee. See, e.g., MUR 2292.

Here, the key issue is whether the funds Mr. Levitt loaned to his campaign were derived from his personal funds. Following the approach noted above, the following must be determined: the extent of Mr. Levitt's personal assets at the time he became a candidate, the amount of earned income and other funds acquired subsequent to his candidacy, whether such assets and funds can be considered "personal funds" within the meaning of the

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Regulations, and whether Mr. Levitt thereby had enough personal funds to have covered his loan of \$91,942.56 to the Committee at the time he made the loan.

Mr. Levitt filed his statement of candidacy with the Commission on April 6, 1988. The House disclosure report, which is dated March 14, 1988, should therefore reasonably reflect Mr. Levitt's financial position as of the time he became a candidate as to the assets disclosed on the House report. This report shows gross income of approximately \$82,000 (for 1987 and the first two months of 1988), interest income of up to \$1,000, and a holding in a NOW account of up to \$15,000. It is important to note that Mr. Levitt reported these figures as gross income only; the figures apparently do not reflect Mr. Levitt's net income after taxes. Using these figures, a most favorable estimate of Mr. Levitt's reported income for 1987-88 is approximately \$98,000; as noted above, Mr. Levitt contributed and loaned the Committee \$106,512.

Regarding these figures, it appears that this Office lacks sufficient information to conclude that Mr. Levitt's loan of \$91,942.56 to the Committee was derived from his personal funds. First, the Committee failed to report the date it incurred the loan, so this Office does not know which date to use for purposes of determining whether Mr. Levitt had enough personal funds to cover the loan as of the date of the loan. Additionally, this Office does not know how much in salary and other income Mr. Levitt earned from March 1, 1988, the cut-off date for the

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House report, to the date he made the loan. This figure is difficult to estimate because the gross income Mr. Levitt does report is variable: the House report shows that the gross income Mr. Levitt reported for 1988 is proportionately higher than his gross income for 1987.^{2/} The source of funds, however, for Mr. Levitt's reported income is fees from "Levitt and Scott," a law firm. Given the variable nature of income derived from a law practice, it is possible that Mr. Levitt could have received substantial income in 1988 that is, as yet, unreported. Finally, it is unclear whether Mr. Levitt disclosed on the House report all possible funds which could be considered "personal funds" within the meaning of the Regulations.

A separate but related issue is whether Mr. Levitt used the loan of "up to \$50,000" that he obtained from Manufacturers Hanover Trust Company to finance his campaign. Although Mr. Levitt indicated on his House report that the loan was for personal use, if Mr. Levitt did, in fact, loan these funds to the Committee, then it would thus appear that the purpose of the Manufacturers Hanover loan was to finance Mr. Levitt's campaign. Accordingly, under 2 U.S.C. § 432(e)(2), Mr. Levitt would have received the loan as an agent of the Committee. While a bona fide bank loan would be exempt from the definition of

^{2/} Mr. Levitt reported gross income of approximately \$51,000 for the entire year of 1987, or an average of \$4,200 per month, as compared to approximately \$32,000 for the first two months of 1988, an average of \$16,000 per month.

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contribution (see 2 U.S.C. § 431(8)(B)(vii)), the Regulations provide that any endorsers or guarantors of the loan would have made a contribution to Mr. Levitt's campaign in the amount for which they were liable on the loan. See 11 C.F.R. § 100.7(a)(1)(i)(C). Accordingly, such endorsers or guarantors would be subject to 2 U.S.C. § 441a, the contribution limits of the Act.

In consideration of this loan, plus the variable gross income figures Mr. Levitt reports and the lack of information concerning the date the loan was incurred, this Office cannot conclude that Mr. Levitt had enough personal funds to cover his loan to the Committee. Given the figures discussed above, it appears that part of the \$91,942.56 loan Mr. Levitt made to the Committee may have consisted of funds which were derived from the loan of \$15,001 to \$50,000 which Mr. Levitt obtained from the Manufacturers Hanover Trust Company. Additionally, it is possible that Mr. Levitt obtained loans, guarantees or endorsements from other persons or entities for use in connection with his campaign which were obtained after the filing date of the House disclosure report, and which are unreported. If so, then such funds are considered contributions from such other sources. In any event, given the large amount of the \$91,942.56 loan, it appears that endorsements or guarantees were made beyond the \$1,000 limit imposed by 2 U.S.C. § 441a. Therefore, this Office recommends that the Commission find reason to believe that Mr. Levitt and the Committee violated 2 U.S.C. § 441a(f) by

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accepting such contributions. Additionally, it appears that the Committee failed to report such endorsers or guarantors, as well as the identity of the source of the loan, in violation of 2 U.S.C. § 434(b)(3)(E). The Committee also failed to report the date of the loan it received from Mr. Levitt, in violation of the reporting requirements of 2 U.S.C. § 434(b)(3)(E). Given these considerations, this Office recommends that the Commission find reason to believe that the Committee violated Section 434(b).

III. RECOMMENDATIONS

1. Find reason to believe that John Levitt violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).
3. Approve the attached letter and Factual and Legal Analysis.
4. Approve the attached interrogatories.

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date

11/17/88

Attachments

1. Response to Complaint
2. Disclosure Report
3. Proposed Letter and Factual and Legal Analysis
4. Proposed Interrogatories

Staff Person: Janice Lacy

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

John B. Levitt
Committee to Elect Levitt
and Alvin Smolin, as treasurer

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MUR 2672

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 23, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2672:

1. Find reason to believe that John Levitt violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).
3. Approve the letter and Factual and Legal Analysis, as recommended in the First General Counsel's report signed November 17, 1988.

(Continued)

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4. Approve the interrogatories, as recommended in the First General Counsel's report signed November 17, 1988.

Commissioners Aikens, Elliott, Josefiak, McGarry,
and Thomas voted affirmatively for decision;
Commissioner McDonald did not cast a vote.

Attest:

11/23/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Mon.,	11-21-88,	9:23
Circulated on 48 hour tally basis:	Mon.,	11-21-88,	4:00
Deadline for vote:	Wed.,	11-23-88,	4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

December 1, 1988

John Levitt
67 Irving Pl., 3rd Floor
New York, New York 10003

RE: MUR 2672
John Levitt, and Committee
to Elect Levitt and Alvin
Smolin, as treasurer

Dear Mr. Levitt:

On August 17, 1988, the Federal Election Commission notified you, and Committee to Elect Levitt ("Committee") and Alvin Smolin, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on November 23, 1988, found that there is reason to believe you violated 2 U.S.C. § 441a(f), and the Committee and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Act. The 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 and Alvin Smolin, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against you, and the Committee and Alvin Smolin, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission

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John Levitt
Page 2

either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

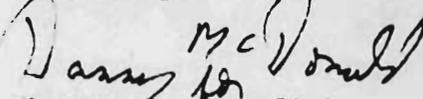
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

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

If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Thomas J. Josefiak
Chairman

Enclosures
Questions
Designation of Counsel Form
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: John Levitt; MUR 2672
Committee to Elect Levitt,
and Alvin Smolin, as
treasurer

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The Office of General Counsel received a complaint on August 12, 1988 from George McDonald of New York City alleging violations of the Act by the Committee to Elect Levitt (the "Committee"), the principal campaign committee of John Levitt. The Complainant alleges that the Committee received a loan from Mr. Levitt in the amount of \$91,941.50, for which there are no endorsers or guarantors. The Complainant further alleges that Mr. Levitt's personal financial disclosure reports filed with the Clerk of the House show limited income, and thus it was unlikely that any financial institution would have lent close to \$100,000 to Mr. Levitt without security or the appropriate guarantees. In sum, the Complainant implies that Mr. Levitt must have obtained a bank loan with endorsers or guarantors, the funds of which Mr. Levitt in turn loaned to his campaign committee, and that the Committee failed to report these guarantors or endorsers of the loan.

A review of the Committee's reports shows that Mr. Levitt made two contributions and one loan to the Committee, together totaling \$106,512.01. Mr. Levitt made contributions totaling \$14,569.45 to the Committee, which the Committee reported as follows:

1. April 15, 1988 Quarterly Report - \$ 250.00
2. July 15, 1988 Quarterly Report - \$ 14,319.45

Additionally, the reports show that Mr. Levitt made one loan in the amount of \$91,942.56 to the Committee. The Committee reported this loan in an amendment to its July report, which was received by the Clerk of the House on August 5, 1988. The report indicates that there were no endorsers or guarantors of the loan. Regarding the reporting of the terms of the loan, the reports states "N/A" for "Date Incurred," and "N/A" for "Date Due." The Committee lists no other loans in its disclosure reports from any other individuals or from any banking institutions.

In support of his allegations, the Complainant enclosed a copy of the Financial Disclosure Statement that Mr. Levitt filed with the House on March 14, 1988. In this statement, Mr. Levitt reported gross income in fees of \$50,554.51 for 1987 and \$31,578.50 for 1988, as of the filing date of March 14, 1988. Mr. Levitt also reported less than \$1,000 in interest income. Additionally, the report shows that Mr. Levitt holds a Manufacturers Hanover Trust Company Now Account, which he classified as in the category of \$5,001 to \$15,000. Finally, Mr. Levitt disclosed a personal loan from Manufacturers Hanover Trust Company of an amount in the category of \$15,001 to \$50,000.

This Office received a response from Mr. Levitt on behalf of the Committee on September 8, 1988. Mr. Levitt claims that the sources of the funds for the loan were his own resources, which were disclosed on the House report, as well as the income he earned (but did not report) after March 1, 1988, which is not covered by the House report. Mr. Levitt asserts that the income

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disclosed in the House report represents only the amount he earned in the first two months of 1988 and does not represent the entire amount he will earn in 1988.

Loans from Candidates. Commission Regulations permit candidates for Federal office to make unlimited expenditures from personal funds, except as provided in 11 C.F.R. §§ 9001 and 9031. See 11 C.F.R. § 110.10(a). The Regulations define "personal funds" to mean any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which had either legal and rightful title, or an equitable interest. 11 C.F.R. § 110.10(b)(1). Additionally, salary and other earned income from bona fide employment, stock dividends, trust income, bequests, gifts which had been customarily received prior to candidacy, and a portion of assets jointly owned with a candidate's spouse also constitute "personal funds." 11 C.F.R. §§ 110.10(b)(2) and (3).

Regarding the role of the candidate in obtaining loans for use in connection with his or her campaign, the Act provides that any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. 2 U.S.C. § 432(e)(2); 11 C.F.R. § 101.2(a). The result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign. 11 C.F.R. § 101.2(b). Such

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a loan must be reported by the candidate's principal campaign committee. 11 C.F.R. § 104.3(d).

Loans from other persons. The Act further provides that any loan made by any person for the purpose of influencing a Federal election is a "contribution." 2 U.S.C. § 431(8)(A). As contributions, such loans are subject to 2 U.S.C. § 441a, which effectively limits to \$1,000 the amount which an individual may loan to the authorized committee of a candidate for any election. The Act further provides that no candidate or political committee shall knowingly accept any contribution in violation of these contribution limits. 2 U.S.C. § 441a(f). The Regulations provide that the term "loan" includes a guarantee, endorsement, and any other form of security. 11 C.F.R. § 100.7(a)(1)(i). A loan is a contribution at the time it is made and is a contribution to the extent it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B). Additionally, a loan is a contribution by each endorser or guarantor; special rules apply for spousal assets. 2 U.S.C. § 431(8)(B)(vii)(I); 11 C.F.R. § 100.7(a)(1)(i)(D). Furthermore, a loan which exceeds the contribution limitations of 2 U.S.C. § 441a is unlawful whether or not it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A).

Bank loans. A loan made by a bank in the ordinary course of business and in accordance with applicable banking laws is not a contribution by the lending institution making the loan. 2 U.S.C. § 431(8)(B)(vii); 11 C.F.R. § 100.7(b)(11). Each endorser or guarantor, however, shall be deemed to have

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contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. 11 C.F.R. § 100.7(b)(11). Furthermore, special rules apply for spousal endorsements. See 11 C.F.R. § 100.7(a)(1)(i)(D).

Reporting loans. Finally, the Act requires an authorized committee to disclose, in its reports to the Commission, loans made by or guaranteed by the candidate, as well as all other loans. 2 U.S.C. §§ 434(b)(2)(G) and (H). Such reports must disclose the identification of each who made a loan to the committee, together with any endorser or guarantor of such loan, and the date and amount or value of such loan. 2 U.S.C. § 434(b)(3)(E).

Here, the key issue is whether the funds Mr. Levitt loaned to his campaign were derived from his personal funds. To make this determination, the following must be ascertained: the extent of Mr. Levitt's personal assets at the time he became a candidate, the amount of earned income and other funds acquired subsequent to his candidacy, whether such assets and funds can be considered "personal funds" within the meaning of the Regulations, and whether Mr. Levitt thereby had enough personal funds to have covered his loan of \$91,942.56 to the Committee at the time he made the loan.

Mr. Levitt filed his statement of candidacy with the Commission on April 6, 1988. The House disclosure report, which is dated March 14, 1988, should therefore reasonably reflect Mr. Levitt's financial position as of the time he became a

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candidate as to the assets disclosed on the House report. This report shows gross income of approximately \$82,000 (for 1987 and the first two months of 1988), interest income of up to \$1,000, and a holding in a NOW account of up to \$15,000. It is important to note that Mr. Levitt reported these figures as gross income only; the figures apparently do not reflect Mr. Levitt's net income after taxes. Using these figures, a most favorable estimate of Mr. Levitt's reported income for 1987-88 is approximately \$98,000; as noted above, Mr. Levitt contributed and loaned the Committee \$106,512.

Regarding these figures, it appears that this Office lacks sufficient information to conclude that Mr. Levitt's loan of \$91,942.56 to the Committee was derived from his personal funds. First, the Committee failed to report the date it incurred the loan, so this Office does not know which date to use for purposes of determining whether Mr. Levitt had enough personal funds to cover the loan as of the date of the loan. Additionally, this Office does not know how much in salary and other income Mr. Levitt earned from March 1, 1988, the cut-off date for the House report, to the date he made the loan. This figure is difficult to estimate because the gross income Mr. Levitt does report is variable: the House report shows that the gross income Mr. Levitt reported for 1988 is proportionately higher than his gross income for 1987. The source of funds, however, for Mr. Levitt's reported income is fees from "Levitt and Scott," a law firm. Given the variable nature of income derived from a law

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practice, it is possible that Mr. Levitt could have received substantial income in 1988 that is, as yet, unreported. Finally, it is unclear whether Mr. Levitt disclosed on the House report all possible funds which could be considered "personal funds" within the meaning of the Regulations.

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A separate but related issue is whether Mr. Levitt used the loan of "up to \$50,000" that he obtained from Manufacturers Hanover Trust Company to finance his campaign. Although Mr. Levitt indicated on his House report that the loan was for personal use, if Mr. Levitt did, in fact, loan these funds to the Committee, then it would thus appear that the purpose of the Manufacturers Hanover loan was to finance Mr. Levitt's campaign. Accordingly, under 2 U.S.C. § 432(e)(2), Mr. Levitt would have received the loan as an agent of the Committee. While a bona fide bank loan would be exempt from the definition of contribution (see 2 U.S.C. § 431(8)(B)(vii)), the Regulations provide that any endorsers or guarantors of the loan would have made a contribution to Mr. Levitt's campaign in the amount for which they were liable on the loan. See 11 C.F.R. § 100.7(a)(1)(i)(C). Accordingly, such endorsers or guarantors would be subject to the contribution limits of the Act at 2 U.S.C. § 441a.

In consideration of this loan, plus the variable gross income figures Mr. Levitt reports and the lack of information concerning the date the loan was incurred, this Office cannot conclude that Mr. Levitt had enough personal funds to cover his

loan to the Committee. Given the figures discussed above, it is appears that at least part of the \$91,942.56 loan Mr. Levitt made to the Committee may have consisted of funds which were derived from the loan of \$15,001 to \$50,000 which Mr. Levitt obtained from the Manufacturers Hanover Trust Company. Additionally, it is possible that Mr. Levitt obtained loans, guarantees or endorsements from other persons or entities for use in connection with his campaign which were obtained after the filing date of the House disclosure report, and which are unreported. If so, then such funds are considered contributions from such other sources. In any event, given the large amount of the \$91,942.56 loan, it appears that endorsements or guarantees were made beyond the \$1,000 limit imposed by 2 U.S.C. § 441a. Therefore, this Office recommends that the Commission find reason to believe that Mr. Levitt and the Committee violated 2 U.S.C. § 441a(f) by accepting such contributions. Additionally, it appears that the Committee failed to report such endorsers or guarantors, as well as the identity of the source of the loan, in violation of 2 U.S.C. § 434(b)(3)(E). The Committee also failed to report the date of the loan it received from Mr. Levitt, in violation of the reporting requirements of 2 U.S.C. § 434(b)(3)(E). Given these considerations, this Office recommends that the Commission find reason to believe that the Committee violated Section 434(b).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

) MUR 2672
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**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: John Levitt
67 Irving Pl., 3rd Floor
New York, New York 10003

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

The Committee to Elect Levitt (the "Committee") reported on its Amended July 1988 Quarterly Report that it received a loan from you in the amount of \$91,942.56. In your response to the complaint, you stated that the amount loaned was "from my own resources, those disclosed in the House of Representatives Financial Disclosure Statement and income earned after March 1, 1988, which is not covered during the disclosure period." The following information is requested concerning this loan:

1. Provide the date you made the loan to the Committee.
2. What asset(s) were used to derive funds for making the loan?
3. Identify the source(s) of the asset(s) listed in Question 2.
4. At the time you became a candidate for federal office, did you have a legal right of access to or control over the asset(s) listed in Question 2? If yes, did you have a legal and rightful title to or an equitable interest in said asset(s)? If not, identify the person(s) or entity which had such legal right to or control over the asset(s) listed in Question 2.
5. For each asset listed in Question 2, identify the asset(s) held jointly with your spouse, if any, and the portion of said asset(s) which was your share under the instrument(s) of conveyance or ownership.
6. For each asset listed in Question 2, identify the asset(s) held jointly by you and a person(s) or entity other than your spouse, and the portion of said asset(s) which was your share under the instrument(s) of conveyance or ownership. Identify each such person or entity.
7. For each asset listed in Question 2, did you transfer or convey legal title or equitable interest in said asset, in whole or in part, to another person(s) or entity subsequent to becoming a candidate for federal office? If yes, describe the nature of such transaction and to whom it was conveyed.
8. "Personal funds" also are defined at 11 C.F.R. § 110.10(b)(2) to mean "salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is the beneficiary; gifts of a personal nature which had been customarily received

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**Interrogatories and Request
for Production of Documents
Page 2**

prior to candidacy; proceeds from lotteries and similar legal games of chance." Did you derive funds for your loan to the Committee from any of these types of funds? If yes, provide:

- a) the amount of the funds;
 - b) the source of the funds; and
 - c) the date(s) you received such funds.
9. State whether you obtained any loan from any source after March 1, 1988 which is undisclosed on the House report. If yes, provide:
- a) the amount of the loan;
 - b) the source of the loan;
 - c) the date you received the loan; and
 - d) if the loan was guaranteed or endorsed by other parties, the names of such parties and the amount of funds each party endorsed or guaranteed.
10. You are further requested to submit supporting documents for:
- a) the loan of \$91,942.56 incurred by the Committee;
 - b) the loan you incurred from Manufacturers Hanover Trust Company which was described on the disclosure report you filed with the House on March 14, 1988, and which you classified as in the category of \$15,001 to \$50,000; and
 - c) any loan you incurred after March 1, 1988.
11. State whether you loaned funds to the Committee which were derived from any loan you obtained prior to becoming a candidate.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 19, 1989

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Levitt
c/o Alan Scott
300 E. 42nd Street
New York, New York 10017

Re: MUR 2672
John Levitt, and Committee
to Elect Levitt and Alvin
Smolin, as treasurer

Dear Mr. Levitt:

On December 1, 1988, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(f), and the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). We understand from your conversation with Janice Lacy, the attorney assigned to this matter, that you never received the notification letter and questions posed to you by the Commission in connection with this matter. Accordingly, we have enclosed a copy of the December 1 notification letter and its attachments, including the questions.

The attached letter provides time limits by which you may submit materials to this Office or pursue preprobable cause conciliation. Given the circumstances in this matter, these time periods will run from the date that you receive this letter. Should you have any questions, please contact Janice Lacy at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Letter from Thomas J. Josefiak dated
December 1, 1988, and attachments

91040880931

Interrogatories and Request
for Production of Documents
Page 2

prior to candidacy; proceeds from lotteries and similar legal games of chance." Did you derive funds for your loan to the Committee from any of these types of funds? If yes, provide:

- a) the amount of the funds;
 - b) the source of the funds; and
 - c) the date(s) you received such funds.
9. State whether you obtained any loan from any source after March 1, 1988 which is undisclosed on the House report. If yes, provide:
- a) the amount of the loan;
 - b) the source of the loan;
 - c) the date you received the loan; and
 - d) if the loan was guaranteed or endorsed by other parties, the names of such parties and the amount of funds each party endorsed or guaranteed.
10. You are further requested to submit supporting documents for:
- a) the loan of \$91,942.56 incurred by the Committee;
 - b) the loan you incurred from Manufacturers Hanover Trust Company which was described on the disclosure report you filed with the House on March 14, 1988, and which you classified as in the category of \$15,001 to \$50,000; and
 - c) any loan you incurred after March 1, 1988.
11. State whether you loaned funds to the Committee which were derived from any loan you obtained prior to becoming a candidate.

21040880932

BEFORE THE FEDERAL ELECTION COMMISSION

89FEB-8 PM 3:54

In the Matter of
John Levitt

)
)
)
)

MUR 2672

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

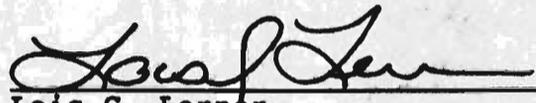
On November 23, 1988, the Commission found reason to believe John Levitt violated 2 U.S.C. § 441a(f), and the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b). On the same date, the Commission also approved a letter and interrogatories, which were subsequently mailed to Mr. Levitt on December 1, 1988.

After receiving no response from the respondents, this Office contacted Mr. Levitt on January 12, 1989. Mr. Levitt informed this Office that he had not received the letter and interrogatories, and supplied a new address.

This Office subsequently mailed a copy of the original mailing to Mr. Levitt at his new address on January 19, 1989. After receiving a response from Mr. Levitt, this Office will submit a report with the appropriate recommendations.

Lawrence M. Noble
General Counsel

2/7/89
Date

By: 
Lois G. Lerner
Associate General Counsel

Staff Member: Janice Lacy

21040880933



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEEN *JM*

DATE: FEBRUARY 10, 1989

SUBJECT: MUR 2672
COMPREHENSIVE INVESTIGATIVE REPORT #1
SIGNED FEBRUARY 7, 1989

The above-captioned report was received in the Secretariat at 3:54 p.m. on Wednesday, February 8, 1989 and circulated to the Commission on a 24-hour no-objection basis at 11:00 a.m. on Thursday, February 9, 1989.

There were no objections to the report.

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FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 FEB 21 PM 1:48

89 FEB 21 AM 10:45

February 18, 1989

Ms. Janice Lacy
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 2672
John Levitt, and Committee
to Elect Levitt and Alvin Smolin,
as Treasurer

Dear Ms. Lacy,

This letter and accompanying documents and exhibits is in accordance with our phone conversations of February 6, 1989 and February 14, 1989.

In those discussions I indicated a willingness to provide information and cooperate with your inquiry stated in your Memo of December 1, 1988, received by me on February 2, 1989. You explained to me that at this juncture, you would be willing to accept a response that responds to your inquiries and provides the relevant disclosure of the information you are seeking. As we discussed this alternative may obviate the need of formal answers to the interrogatories and terminate the inquiry.

To that end, I have provided a detailed description, with exhibits which delineates the relevant financial information regarding my campaign.

I trust this information answers your inquiries and brings this matter to a close. Of course, you may contact me regarding any or all of the material that have been presented.

91040880935

Letter to Janice Lacy, Esq.
Federal Elections Commission
Page 2, February 18, 1989

I do wish to thank you for the opportunity to answer
your inquiries in this manner. Thank you for your cooperation
and assistance in this matter.

Very Truly Yours,
John B. Levitt
John B. Levitt

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RESPONSE BY JOHN LEVITT
TO THE FACTUAL AND LEGAL ANALYSIS OF THE
FEDERAL ELECTION COMMISSION
RE: MUR 2672
Dated : February 18, 1989

Summary: This memorandum factually answers the inquiries presented by the Federal Elections Commissions Memorandum, received by the candidate on February 2, 1989.

1. The Commission's report essentially asks two questions, the first of which is whether the funds Mr. Levitt loaned to his campaign were from his personal funds. (" Here, the key issue is whether Mr. the funds Mr. Levitt loaned to his campaign were derived from his personal funds, Commission memorandum page 5"). I have provided documentation to demonstrate conclusively that the funds that I loaned to my campaign were derived from my personal funds. That documentation discloses my "net" income to me in 1987 of

and I estimate that in 1988 my "net" income less operating and business expenses was At the end of this report, I enclose some of the checks that I received in 1988 to document to the Commission my earnings for 1988. These checks represent only a portion of my income as I was unable to produce all of the checks given to me for legal fees. (The Estate checks I was able to obtain.) Disclosure and documentation of these receipts addresses the Committee statement on page six, that "it appears this Office lacks sufficient information to conclude that Mr. Levitt's

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loan of \$91,942.56 was derived from his personal funds."

Secondly, the Committee cites a "separate but related issue as to whether "Mr. Levitt used the loan of up to \$50,000" that he obtained from Manufacturer's Hanover Trust Company to finance his campaign." The loan the committee refers to was not used to finance my campaign. In this case the loan that "up to \$50,000" was reported in category C of the House Disclosure Statement and represented two loans, the total outstanding principal is approximately

The first loan was an educational loan of approximately for my education at Cornell University and Cornell Law School. For your information, I have enclosed one of the loan "stubs" which reflect the monthly payment for my student loan. (see attached "stub") The second loan was a personal loan of \$10,000 which was loaned in May of 1987.(see attached Promissory Note). Neither loan had additional signatories or guarantors or was used in connection with my Congressional Campaign. What follows is a more in-depth discussion of the issues and inquiries raised in the Commission's Memo.

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I. THE FUNDS MR. LEVITT LOANED TO HIS CAMPAIGN WERE DERIVED FROM HIS PERSONAL FUNDS.

In the Commission Memorandum, they state that the key issue is whether the fund Mr. Levitt loaned to his campaign were derived from his personal funds.

The inquiry as to whether the funds Mr. Levitt loaned to his campaign were derived from his personal funds is predicated on the following assumptions. (From the Commission's Factual and Legal Analysis, pages 5-6)

Mr. Levitt filed his statement of candidacy with the Commission on April 6, 1988. The House Disclosure report, which is dated March 14, 1988, should therefore reasonably reflect Mr. Levitt's financial position as of the time he became a candidate as to the assets disclosed on the House report. this report shows gross income of approximately \$82,000 (for 1987 and the first two months of 1988), interest income of up to \$1,000, and a holding in a NOW account of up to \$15,000. It is important to note that Mr. Levitt reported these figures as gross income only; the figures apparently do not reflect Mr. Levitt's net income after taxes. Using these figures, a most favorable estimate of Mr. Levitt's reported income for 1987-88 is approximately \$98,000; as noted above, Mr. Levitt contributed and loaned the Committee \$106,512.

When I prepared the estimation for the House Disclosure Statement, my estimation for the year 1987 was gross income of approximately \$50,554.51. However, my net income for that period was My net income for 1988 based upon my estimation of fees minus business expenses is approximately

For your information, I have enclosed copies of some of the larger checks that were disbursed to me as legal fees and commissions for those Estates. (See appendix 1,

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which is enclosed, has photostatic copies of the checks that I was able to obtain that substantiates most of the income earned for 1988.) As was stated previously, for purposes of this memo, I was unable to obtain all of the checks that were received by me as payment for legal services. The checks reflect the following total for 1988,

Therefore, my actual net income after business expenses for 1987-88 was considerably higher than the Commission's estimation of \$98,000. I estimate it to be

I also state that my living expenses are quite low.

As background, my fees earned in 1988 were from work performed in 1986 and 1987. Obviously, during the heat of my campaign I was unable to work at my law practice full time.

II. THE LOAN OF \$91,942.56 COMMITMENT WAS MADE BY THE CANDIDATE AND REPORTED TO THE FEDERAL ELECTIONS COMMISSION. THE PROCEEDS WERE RECEIVED AND EXPENDED ON BEHALF OF THE CAMPAIGN.

The Commission raises the issue of the \$91,942.56 loan, reported by the Candidate on August 5, 1988. It was reported at that time because the candidate was aware that other

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candidates and media would view his effort as a serious one. Mr. Levitt made the commitment to loan his campaign the amount at that date and reported it as such.

It must also be pointed out that the campaign was financed through the earnings of the candidate. For example on January 25, 1988 the Candidate received fees and commission on a large estate that he previously earned in the sum of Then on 1/25/88, 2/1/88 and 2/11/88 the campaign made payments of \$4,500 to pollster Richard Morris for the purpose of taking a poll for the 15th Congressional district. Another example was on June 9, 1988, when the candidate received approximately in fees for an Estate. \$10,000 of those fees were expended when the candidate had a radio commercial and \$10,000 was paid to HSC Ltd. for the on-air spots. Rather than being loaned at one time the amounts that were loaned were from the candidate's own funds, representing monies that had been earned.

CONCLUSION: The Federal Election Commission memo addresses two questions; 1) whether the funds Mr. Levitt loaned to his campaign were derived from his personal funds and 2) whether the loans disclosed in the House of Representatives form had additional indorsers or guarantors and were used in conjunction with Mr. Levitt's campaign. In providing documentation the candidate has shown that he had sufficient resources to demonstrate that the funds he had loaned to his campaign were from his personal funds and that the loans

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reported on the disclosure form were not used in the campaign nor were there any additional indorsers or guarantors.

In cooperating fully with this inquiry and satisfactorily addressing the Commissions inquiries, the candidate hopes that this inquiry has been responded to and that the matter shall be terminated.

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03 JUN 89 PM 4:26

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)	
)	
John Levitt; Committee to Elect Levitt)	MUR 2672
and Alvin Smolin, as treasurer)	

COMPREHENSIVE INVESTIGATIVE REPORT #2

On November 23, 1988, the Federal Election Commission ("Commission") found reason to believe John Levitt, and Committee to Elect Levitt and Alvin Smolin, as treasurer ("the Committee") violated 2 U.S.C. § 441a(f). On that same date the Commission found reason to believe the Committee violated 2 U.S.C. § 434(b), and approved interrogatories and a request for production of documents propounded to Mr. Levitt. The subject of the Commission's findings was the circumstances of a loan made to the Committee by Mr. Levitt. It was alleged in a complaint filed by George McDonald that Mr. Levitt did not have sufficient personal funds to make a loan of \$91,942.56 to his campaign.

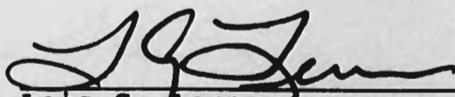
By letter dated February 18, 1989, and received in this Office on February 21, 1989, Mr. Levitt submitted information in response to the Commission's discovery request. After discussions with staff from this Office, Mr. Levitt submitted his information without specifically responding to the interrogatories propounded, as he thought he would be able to provide all of the relevant data requested in narrative form. A review of Mr. Levitt's response, however, indicates that he has not provided sufficient information for this Office to analyze the circumstances of his loan to the Committee to determine whether personal funds were used. For example, Mr. Levitt has

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not provided specific dates for when he loaned the Committee money, nor is it clear whether he made one loan or several loans to the Committee over the course of the campaign. As a result, it is not evident what the make-up of his personal funds were at the time of making the loan(s). On June 13, 1989, staff of this Office notified Mr. Levitt via telephone that he should respond specifically to the interrogatories and request for documents approved by the Commission on November 23, 1988. Mr. Levitt relayed his intention to comply with that requirement.

This Office will prepare a report with the appropriate recommendations, upon receipt of a substantive response from Mr. Levitt.

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Date

6-20-89

Staff assigned: Sandra H. Robinson

91040880944



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: *MA* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: JUNE 22, 1989

SUBJECT: MUR 2672
COMPREHENSIVE INVESTIGATIVE REPORT #2
SIGNED JUNE 20, 1989

The above-captioned report was received in the Secretariat at 4:26 p.m. on Tuesday, June 20, 1989 and circulated to the Commission on a 24-hour no-objection basis 4:00 p.m. on Thursday, June 21, 1989.

There were no objections to the report.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

LEVITT & SCOTT
ATTORNEYS AT LAW

89 AUG 14 PM 12:29

JOHN B. LEVITT
ALAN SCOTT*

300 EAST 42ND STREET
NEW YORK, NEW YORK 10017

*MEMBER OF NEW YORK
AND FLORIDA BARS

August 11, 1989

(212) 599-6260

TELECOPIER (212) 599-2484

By Federal Express

Sandra Robinson, Esq.
Federal Elections Commission
999 Eye Street N.W.
6th Floor
Washington, D.C. 20463

RE: Mur 2672
John Levitt, and Committee
to Elect Alvin Smolin, as Treasurer

Dear Ms. Robinson,

Pursuant to our telephone conversation, I am sending by Federal Express a copy of the written answers to the interrogatories and request for production of documents that was sent out by regular mail by my office on July 31, 1989. Included with the package is a statement of designation of counsel, designating Donald J. Tobias as my attorney in this matter.

I trust this information answers your inquiry and brings this matter to a close.

Very truly yours,

John B. Levitt
John B. Levitt

JBL/ro

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

1. Provide the date you made the loan to the Committee.

As per the memo of February 18, 1989, a loan in the sum of \$91,942.56 was reported by the candidate on August 5, 1988, which the candidate agreed to commit to the campaign at that time. In this connection the sum of \$71,475 was deposited between January 25, 1988 and October 18, 1988 with the remaining commitment cancelled when the candidate failed to win the Democratic Primary. The source of said funds was the candidate's earnings.

2. What asset(s) were used to derive funds for making the loan?

The funds were derived from personal earnings. No real or personal property was liquidated.

3. Identify the source(s) of the asset(s) listed in question 2.

See 1 & 2 above.

4. At the time you became a candidate for federal office, did you have a legal right of access to or control over the asset(s) listed in question 2? If yes, did you have a legal and rightful title to or an equitable interest in said asset(s)? If not, identify the person(s) or entity which had such legal right to or control over the asset(s) listed in question 2.

See 1 & 2 above.

5. For each asset listed in Question 2, identify the asset(s) held jointly by you and a person(s) or entity other than your spouse, and the portion of said asset(s) which was your share under the instrument(s) of conveyance or ownership. Identify such person or entity.

See 1 & 2 above.

6. For each asset listed in question 2, identify the assets(s) held jointly by you and a person(s) or entity other than your spouse, and the portion of said asset(s) which was your share under the instrument(s) of conveyance and ownership. Identify such person or entity.

None.

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7. For each asset listed in question 2, did you transfer or convey legal title or equitable interest in said asset, in whole or in part, to another person(s) or entity subsequent to becoming a candidate for federal office? If yes, describe the nature of such transaction and to whom it was conveyed.

None.

8. "Personal funds" are defined at 11 C.F.R. 110.10 (b) (2) to mean "salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is the beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance." Did you derive funds for your loan to the Committee from any of these types of funds? If yes, provide:

- a) the amount of the funds;
- b) the sources of the funds; and
- c) the date(s) you received such funds.

Yes.

a) The candidate committed \$91,942.56, as reported. Only \$71,475 was utilized for the Committee, as the Candidate lost the Democratic Nomination in the Democratic Primary.

b) The source of such funds were salary and other earned income from the Candidate's legal practice.

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Page 3
Interrogatories and Request
For Production of Documents
NUR 2672

c) The dates that funds were received as follows:

January 25, 1988
January 25, 1988
March 3, 1988
March 18, 1988
April 14, 1988
June 9, 1988
June 14, 1988
June 30, 1988
July 27, 1988
August 10, 1988
September 28, 1988
October 18, 1988

\$71,475

9. State where you obtained any loan from any source after March 1, 1988 which is undisclosed on the House report. If yes, provide:

- a) the amount of the loan;
- b) the source of the loan;
- c) the date you received the loan; and
- d) if the loan was guaranteed or endorsed by other parties, the names of such parties and the amount of funds each party endorsed or guaranteed.

The candidate obtained no other loans after March 1, 1988, other than the loans disclosed before the Federal Election Commission on the reporting statements.

10. You are further requested to submit supporting documents for:

- a) the loan of \$91,942.56 incurred by the Committee.
- b) the loan you incurred from Manufacturers Hanover Trust Company which was described on the disclosure report you filed with the House on March 14, 1988, and which you classified as in the category of \$15,001 to \$50,000; and
- c) any loan you incurred after March 1, 1988.

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a) See question 9. In candidate's memo of February 18, 1989, he submitted cancelled checks as substantive proof of the legal fees to loan the campaign such monies.

b) and c) In Candidate's memo of February 18, 1989, he submitted information which answers questions b and c.

The loans from Manufacturers Hanover Trust Company were reported in category C of the House Disclosure Statement and represented two loans.

11. state whether you loaned funds to the Committee which were derived from any loan you obtained prior to becoming a candidate.

The candidate did not loan funds to the Committee which were derived from any loan obtained prior to becoming a candidate.

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LEVITT & SCOTT
ATTORNEYS AT LAW

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

09 AUG 28 AM 8:54

300 EAST 42ND STREET
NEW YORK, NEW YORK 10017

(212) 599-6260

TELECOPIER (212) 599-2484

JOHN B. LEVITT
ALAN SCOTT*

*MEMBER OF NEW YORK
AND FLORIDA BARS

July 31, 1989

Sandra Robinson, Esq.
Federal Elections Commission
Washington, D.C. 20463

RE: Mur 2672
John Levitt, and Committee
to Elect Levitt and Alvin Smolin,
as Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
09 AUG 28 AM 8:50

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Dear Ms. Robinson,

Pursuant to your request, I enclose the written answers to the interrogatories and request for production of documents. I have also enclosed the Statement of Designation of Counsel form, designating Donald J. Tobias as my attorney in this matter.

I trust this information answers your inquiry and brings this matter to a close.

Very truly yours,

John B. Levitt
John B. Levitt

JBL/ro
Enc.

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2672

NAME OF COUNSEL: Donald Tobias, Esq.

ADDRESS: 500 5th Avenue, Suite 2800
New York, NY

TELEPHONE: (212) 921-4300

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

7/31/89
Date

John Levitt
Signature

RESPONDENT'S NAME: John Levitt

ADDRESS: 300 East 42nd Street, 9th Floor
New York NY 10017

HOME PHONE: (212) 254-4648

BUSINESS PHONE: (212) 599-6260

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90 FEB 15 PM 1:04

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2672
John Levitt, The Committee to)
Elect Levitt and Alvin Smolin,)
as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was initiated by a complaint filed on August 12, 1988, by George McDonald ("the Complainant") against John Levitt and the Committee to Elect Levitt ("the Committee"), the principal campaign committee for Levitt. Levitt was a candidate in the 1988 Democratic primary for the 15th congressional district of New York. After failing to win the Democratic nomination, Levitt was the Liberal Party candidate in the general election. The Complaint focused on a reported loan of \$91,942.56 from Levitt to his principal campaign committee which was disclosed in the Committee's amended quarterly report, filed with the Commission on August 5, 1988. The Complaint alleges that Levitt could not possibly have used personal funds to loan his campaign \$91,942.56. The complaint further surmised that since it is unlikely that any financial institution would lend such a large amount of money to Levitt without security or appropriate guarantees, there must be an endorser or guarantor for the loan.

The allegations in the Complaint are based on Levitt's financial disclosure statement dated March 14, 1988, filed with the U.S. House of Representatives. Levitt's financial disclosure

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statement indicated that Levitt had limited income¹ and had taken out a loan from Manufacturers Hanover Trust Company in the \$15,000.00 to \$50,000.00 category.

On November 23, 1988, the Commission found reason to believe that John Levitt violated 2 U.S.C. § 441a(f), and the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f) and § 434(b), and approved interrogatories which were sent out on December 1, 1988. This office received an incomplete response on February 21, 1989, which did not sufficiently answer the questions set forth in the interrogatories. Additional answers to the interrogatories were received by this office on August 14, 1989; however, those answers did not fully answer the Commission's questions either.

II. ANALYSIS

A. This Office does not have enough information to determine whether all of the money Levitt used for his campaign came from his own personal funds.

The Federal Election Campaign Act of 1971, as amended ("the Act") includes a loan in the definition of a contribution. 2 U.S.C. § 431. See also, 11 C.F.R. § 100.7(a)(1). Commission regulations define a "loan" to include a guarantee, endorsement, or any other form of security. 11 C.F.R. § 100.7(a)(1)(i). A loan, or endorsement or guarantee of a loan, is subject to the contribution limitations of the Act, which limits an individual to contributing an aggregate amount of \$1,000.00 per election to

1. In his financial disclosure statement, Levitt reported his gross income as \$50,554.51 in 1987 and \$31,578.50 in 1988, to the date of filing.

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a candidate and his authorized campaign committee. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee shall knowingly accept any contribution in violation of this limit. 2 U.S.C. § 441a(f). A loan is a contribution at the time it is made and remains a contribution to the extent it remains unpaid. 11 C.F.R. § 100.7(1)(1)(i)(B).

Commission regulations permit candidates for federal office, except presidential candidates who elect to receive public financing, to make unlimited expenditures from personal funds. 11 C.F.R. § 110.10. "Personal funds" include any assets which, under applicable state law, the candidate had legal right of access to or control over, and with respect to which the candidate had either legal and rightful title or an equitable interest. 11 C.F.R. § 110.10(b)(1). Also included in "personal funds" is salary and other earned income from bona fide employment, dividends and proceeds from the sale of the candidate's stocks or other investments, and bequests to the candidate. 11 C.F.R. § 110.10(b)(2).

Regarding the role of the candidate in obtaining loans for use in connection with his or her campaign, the Act provides that any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. 2 U.S.C. § 432(e)(2); 11 C.F.R. § 101.2(a). The result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign. 11 C.F.R. § 101.2(b).

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A bank loan is not a contribution by the lending institution if such loan is made in accordance with the applicable banking laws and regulations, and is made in the ordinary course of business. 11 C.F.R. § 100.7(b)(11). A loan will be considered to be made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. Ibid.

This matter was initiated because the Committee reported in the 1988 July quarterly report that Levitt had made a loan of \$91,942.56 to his campaign, and the Complainant asserted that Levitt did not appear to have sufficient personal funds to make such a large loan to his campaign. However, Levitt now maintains that he never actually made a loan of \$91,942.56, or any other amount, to his campaign. Instead, he only made a commitment or pledge to loan \$91,942.56 to his campaign. The reason the Committee reported the loan was stated in Levitt's response to the Commission's interrogatories:

"it was reported at that time because the candidate was aware that other candidates and media would view his effort as a serious one. Mr. Levitt made the commitment to loan his campaign the amount at that date and reported it as such."²

Although Levitt never made a loan to his campaign, in his answers to the Commission's interrogatories, Levitt said that his campaign was financed through his earnings and claims that he

2. The erroneous reporting of a \$91,942.56 loan is only one of numerous reporting violations by the Committee. See infra.

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spent \$71,775.00 on his campaign. However, he provided very little information as to how the \$71,775.00 was expended. Based on the information that we have, we can account for only \$38,069.45,³ and cannot determine with certainty whether Levitt made the expenditures with personal funds.

In order to determine whether Levitt used personal funds to finance his campaign, we need to determine whether he had sufficient personal funds in his account at the time the expenditures were made. In his financial disclosure statement, Levitt reported his gross income to be \$50,554.51 in 1987 and \$31,578.50 in 1988, to the date of filing.⁴ However, the financial disclosure statement only revealed his income as of March 1988. Levitt's actual gross income for 1988 were substantially higher than what was reflected, approximately

Levitt submitted copies of checks received for legal services to account for _____ of his approximately 1988 gross income.⁵

3. \$14,319.45 was reported on the Committee's disclosure reports as direct contributions from Levitt. In his answer to the Commission's interrogatories, Levitt identified \$23,750.00 in expenditures which he made on behalf of his campaign. These expenditures were reported as disbursements by the Committee. Apparently, Levitt made a number of similar expenditures on behalf of the Committee but they were not reported as being paid by Levitt. Levitt did not specifically mention any other expenditures made by him.

4. He also disclosed earned interest of less than \$1,000.00 for 1988 and holdings in the \$5,000.00 to \$15,000.00 category.

5. Levitt's 1988 income was substantially higher than his 1987 income because of the nature of his business, a law practice. He pointed out that most of the legal fees he received in 1988 were for work done in 1986 and 1987.

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Levitt also provided a list of the checks which he claims to have used to finance his campaign, and those checks total \$71,775.00. But we need to find out when all of the expenditures were made in order to ascertain that he had sufficient personal funds at the time the expenditures were made. By obtaining Levitt's bank statements for the accounts he used to make expenditures for his campaign and answers to additional questions, we can verify that Levitt had sufficient funds to spend \$71,775.00 on his campaign.

Levitt's financial disclosure statement indicated that he had taken out a loan from Manufacturers Hanover Trust. He actually had two outstanding loans with Manufacturers Hanover Trust which totaled One was a education loan which was not used to finance Levitt's campaign.⁶ The other loan was a \$10,000.00 personal loan taken out by Levitt in May 1987. While it appears that the \$10,000.00 loan was used to finance Levitt's campaign, the loan was made in the ordinary course of business. See 11 C.F.R. § 100.7(b)(11). A copy of the note provided by Levitt evidences a loan of \$10,000.00 at 13.5% interest, with a repayment schedule of sixty payments of \$230.09 beginning July 1, 1987. There were no endorsers or guarantors for either loan.

In order to reach a disposition in this matter, we need a better account of Levitt's financial participation in his

6. Levitt submitted a copy of a payment stub which showed that payment 59 of 59 was due on March 1, 1989. Levitt graduated from law school in 1984, indicating that the loan probably had a five year repayment schedule.

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campaign in order to determine whether he used personal funds to finance his campaign. Since the Commission notified the respondents of its reason to believe findings of November 28, 1988, the Office of the General Counsel has made several non-subpoena requests for this information, through letters and by telephone, but the respondents have failed to provide a complete accounting of all of the money spent by Levitt on behalf of his campaign. Accordingly, this Office recommends that the Commission approve the attached subpoena and order to John Levitt. The reporting deficiencies described in the following section further demonstrate why additional information from Levitt is necessary.

B. The Committee failed to accurately report all receipts and disbursements by the Levitt campaign on its disclosure reports.

Under the Act, the treasurer of a political committee is required to file reports disclosing the total amount of all receipts and disbursements for the reporting period and calendar year. 2 U.S.C. § 434. The treasurer shall be personally responsible for the timely and complete filing of the report, and for the accuracy of any information contained in it. 11 C.F.R. § 104.14(d). An authorized committee of a candidate must include all contributions from the candidate in its receipts. 2 U.S.C. § 434(b)(2)(B). All in-kind contributions must be reported as both a contribution and as an expenditure. 11 C.F.R. § 104.13(a).

An authorized committee must report the total amount of

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receipts received during the reporting period, including all loans to the committee. 2 U.S.C. § 434(b); 11 C.F.R. § 104.3(a)(3)(vii). This includes all loans made or guaranteed by the candidate, as well as all other loans made or guaranteed by anyone other than the candidate. 2 U.S.C. §§ 434(b)(2)(G), 434(b)(2)(H); 434(b)(3)(E). Any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. 2 U.S.C. § 432(e)(2). The result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign. 11 C.F.R. § 101.2(b). Any loans obtained by an individual prior to becoming a candidate for use in connection with that individual's campaign shall be reported as an outstanding loan owed to the lender by the candidate's principal campaign committee, if such loans are outstanding at the time the individual becomes a candidate. 11 C.F.R. § 104.3(d).

The Act further requires a political committee to identify each contributor and the year-to-date total for each person who makes a loan to the committee or to the candidate acting as an agent of the committee, during the reporting period, together with the identification of any endorser or guarantor of such loan, the date loan was made, and the amount of the loan. 2 U.S.C. § 434(b)(3)(E); 11 C.F.R. § 104.3(a)(4)(iv). An authorized campaign committee must file a Schedule C to disclose the amount and nature of any loans owed by the committee.

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11 C.F.R. § 104.3(d).

On December 14, 1987 a statement of organization was filed by the Committee to Draft Levitt, designating Alvin Smolin as treasurer and custodian of records.⁷ Then on February 5, 1988, the Committee to Draft Levitt filed its 1987 Year-end Report, the first report filed by Levitt's principal campaign committee, disclosing \$7,735.00 in receipts (\$5,985.00 in itemized contributions and \$1,750.00 in unitemized contributions). The Committee reported \$7,727.00 in disbursements. The investigation demonstrates, however, that a number of additional 1987 disbursements totaling \$14,086.60, were reported late. These additional disbursements were not reported until the Committee to Elect Levitt filed its July quarterly report on July 18, 1988.

The Committee to Elect Levitt filed its April quarterly report on April 18, 1988.⁸ Reported receipts totaled \$5,530.00 which included a \$250.00 contribution from Levitt, and reported expenditures totaled \$244.02. No Schedule B was provided with this report. Disclosure reports filed by the Committee show that a number of other expenditures, totaling \$22,900.97, were made in this reporting period but were not disclosed until the Committee filed its July quarterly report on July 18, 1988. Three of the expenditures reported late were payments of \$4,500.00 to pollster Richard Morris on January 18, 1988, January 25, 1988, and

7. The Committee to Draft Levitt was designated as the principal campaign committee for John Levitt.

8. This report was the first the committee filed using the name Committee to "Elect" Levitt rather than the Committee to "Draft" Levitt.

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February 1, 1988. Levitt stated in his response to the Commission's interrogatories that he personally, rather than the Committee, made the three payments to Morris. In his answers to the Commission's interrogatories, Levitt said that his campaign was financed through his earnings and that he used legal fees of \$17,000.00 he received on January 25, 1988 to make the three payments to Morris. He also said that the payments to Morris were part of the so-called "loan" of \$91,942.56 which was later reported on the Committee's July quarterly report. Although Levitt directly made these payments, instead of depositing funds in the Committee's account to make such payments, they should nevertheless have been reported as receipts of in-kind contributions from the candidate as well as expenditures for the reporting period in which they were made.

The Committee filed its July quarterly report on July 18, 1988 and an amended July report on August 5, 1988. The breakdown of the \$109,680.01 in receipts for this reporting period is as follows: \$1,200.00 in contributions from individuals other than the candidate, \$14,319.45 in contributions from the candidate, and \$91,942.56 in a so-called "loan" from the candidate. A Schedule C was filed for the \$91,942.56 "loan" from Levitt but it did not include any terms such as date incurred, due date, and interest rate. Disbursements for the July reporting period were

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reported to be \$82,987.77.⁹ Included in these disbursements is a payment of \$10,000.00 on June 9, 1988 to Henry Sheinkopf, Inc. for a radio commercial. Levitt said that he personally made this payment, but it was not reported as an in-kind contribution. Again, Levitt said this payment was part of the so-called "loan" to his campaign.¹⁰

As noted above, Levitt now admits that he did not make a loan to his campaign; instead, he only made a pledge to make that money available for his campaign. As a result of this erroneously reported "loan," the Committee's cash on hand for this report (and all subsequent reports) was incorrectly reported.

On October 12, 1988, a letter from the Commission's Reports

9. The Committee's Schedule B includes \$7,121.85 in disbursements made in July 1988. These disbursements should correctly have been reported when the Committee filed its pre-primary report. Also, the July quarterly report includes disbursements of \$14,086.00 which were made in 1987 and should have been reported in the Committee's 1987 Year-end report. And finally, \$22,906.97 in disbursements reported in this report were made during the April reporting period and should have been reported in the April quarterly report. The Committee would have reported a negative cash on hand if it had not included the \$91,942.56 so-called "loan" or "pledge" from Levitt in its receipts.

10. Not all of the \$71,775.00 Levitt claims to have spent on behalf of his campaign was paid out during the July reporting period. As noted above, at least \$13,500.00 (the three \$4,500.00 payments to pollster Richard Morris) were made during the April reporting period. And although the Committee did not receive any receipts after the primary, the Committee continued to make payments. The Committee's cash on hand was still inflated because of the candidate loan of \$91,942.56 reported in the July report. Accordingly, it appears that many of the payments were probably made by Levitt personally since he told the Commission that the campaign was financed through his earnings. However, the Committee did not report these payments as in-kind contributions.

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Analysis Division was sent to the Committee asking for clarification as to whether the loan from Levitt was from personal funds or borrowed from a lending institution or other source. Following the second notice, the Commission received a letter on November 8, 1988, in response to the October 12, 1988 letter regarding the source of Levitt's loans to his campaign. The letter was signed by Alan Scott, Levitt's law partner, and states as follows: "All loans were from personal funds except \$10,000.00, which derived from a consumer loan made to the candidate by Manufacturers Hanover Bank payable over a term of five years, bearing interest at 13.5% per annum." Thus, it appears that the \$10,000.00 loan was used to finance Levitt's campaign. However, Levitt now maintains that this loan was not used to finance his campaign. He has not explained the letter of November 8, 1988. Obtaining Levitt's bank statements will enable us to determine whether the bank loan was used for the campaign.

The Committee's pre-primary report was filed on September 12, 1988 and disclosed \$16,860.00 in contributions (none from Levitt) and \$21,104.61 in disbursements. The pre-primary report also reported Levitt's loan as a debt of \$91,942.56, but did not include a Schedule C. In response to a RAD RFAI, the Committee submitted a copy of the Schedule C for the "loan" on November 4, 1988.

The disclosure reports filed by the Committee to Elect Levitt do not accurately reflect the financial activity occurring during each reporting period. First of all, Levitt's financial

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participation in his campaign was not properly reported. It is apparent that most of the money Levitt spent on his campaign from his personal funds were in-kind contributions and should have been reported both as receipts and disbursements. The Committee reported a loan from Levitt for \$91,942.56 when he never actually made a loan of that amount to the Committee. As noted above, the Committee reported the so-called "loan" at that time because the candidate wanted other candidates and the media to view his campaign effort as a serious one. Levitt claims that he spent \$71,775.00 on his campaign but there is no evidence of when all of the money was spent and what it was used for. The Committee has properly reported only \$14,319.45 of the \$71,775.00 Levitt spent on his campaign. There were a number of disbursements in 1988 that appear to have been made from Levitt's own personal funds, but they were not reported as in-kind contributions from the candidate. The Committee should have reported Levitt's financial participation in his campaign on Schedules A and B.

Although Levitt now says he did not use the \$10,000.00 bank loan he obtained in May of 1987 from Manufacturer's Hanover Trust to finance his campaign, it appears that it was used for his campaign. The letter of November 8, 1988 states that the bank loan was used to finance his campaign. And, Levitt made expenditures in excess of \$5,000.00 by July 1987, which further supports the conclusion that Levitt was already involved in campaigning for federal office, or at least testing the waters, when he took out the \$10,000.00 loan in May 1987, and that he did

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in fact use the \$10,000.00 loan to finance his campaign.¹¹ Since it appears that the bank loan was used to finance the campaign, it should have been reported and payments on the loan, which became due in July 1987, should have been reported as they were made.

On several occasions, the Committee did not report receipts and disbursements in the correct reporting period. All of the money spent by Levitt from his personal funds should have been disclosed in the reporting period when payments were made. Reporting the \$91,942.56 "pledge" was not the correct way to report expenditures by the candidate. Also, \$14,086.00 in 1987 disbursements and \$22,900.97 in disbursements made during the April 1988 reporting period were not reported until July 1988 in the July quarterly report. The Committee's July report also included \$7,121.85 in expenditures made in July which should have been reported in the pre-primary report.

The Committee's cash on hand is inaccurately reported beginning with the July quarterly report and for all subsequent reports because of the reported loan by the candidate that the Committee never actually received. Also, the other \$4,500.00 in loans the Committee received from other individuals should have been reported on a Schedule A.

The Commission has already found reason to believe that the

11. Even if Levitt only used the bank loan for "testing the waters" expenditures, all funds received or payments made for testing the waters activities are considered contributions and expenditures under the Act and must be reported in the first report filed by the candidate's principal campaign committee. See 11 C.F.R. § 101.3.

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Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(b).

C. The Committee failed to file disclosure reports in a timely manner.

Under the Act, the treasurer of a political committee is required to file reports of receipts and disbursements in a timely manner. 2 U.S.C. § 434(a). If the political committee is the principal campaign committee of a candidate for the House of Representatives, it must file pre-election, post-election, and additional quarterly reports in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. Id. The pre-election report shall be filed no later than twelve days before the election in which the candidate is seeking election, and shall be complete as of the twentieth day before the election. 2 U.S.C. § 434(a)(2)(A)(i). Quarterly reports shall be filed no later than the fifteenth day after the last day of each calendar quarter, and shall be complete as of the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii).

During a calendar year for which there is no regularly scheduled election for federal office, a political committee which is the principal campaign committee of a candidate for the House of Representatives is required to file mid-year and year-end reports. 2 U.S.C. § 434(a)(2)(B). The mid-year report shall be filed no later than July 31, and covers the period beginning January 1 and ending June 30. 2 U.S.C.

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§ 434(a)(2)(B)(i). The year-end report shall be filed no later than January 31 of the following year, and covers the period beginning July 1 and ending December 31. 2 U.S.C.

§ 434(a)(2)(B)(ii).

A political committee may terminate only when such a committee files a written statement that it will no longer receive any contributions or make any disbursement and that such committee has no outstanding debts or obligations. 2 U.S.C.

§ 433(d)(1). In addition, a political committee which is a principal campaign committee may terminate and discontinue reporting only when it has no outstanding debts or obligations, and when any other authorized committees of the campaign have extinguished their debts. 11 C.F.R. § 102.3.

The Committee failed to file the 1988 pre-general and October quarterly reports in a timely manner, and failed to file 1989 mid-year and year-end reports. The Committee's October quarterly report was filed late, on November 8, 1988. The Committee reported \$9,525.00 in contributions and \$4,500.00 in loans from individuals other than the candidate for a total of \$14,025.00 in receipts, and \$20,326.28 in disbursements. The Committee failed to include the \$4,500.00 in loans on a Schedule A, however.

The pre-general report was also filed late, along with the October quarterly on November 8, 1988. The only receipt received by the Committee was a refund from the post office of prepaid postage of \$844.20. Disbursements included \$1,000.00 in loan repayments (not to Levitt) and \$400.00 in expenditures for a

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total of \$1,400.00 in disbursements. The post-general report, filed on December 12, 1988, disclosed only \$1,000.00 in loan repayments (again, not to Levitt) and no receipts. The Committee's 1988 year-end report, filed on February 1, 1989, disclosed operating expenditures of \$2,016.60, no receipts, and debts of \$95,442.56.¹²

As of February 2, 1990, the Committee had not filed 1989 mid-year and year-end reports. The last report filed by the Committee, the 1988 year-end report, showed debts of \$94,442.56 owed by the Committee. Under the Act, a principal campaign committee cannot terminate and stop reporting until all of its debts are paid or settled. See 2 U.S.C. § 433(d)(1); 11 C.F.R. § 102.3. The Committee has not demonstrated that all debts have been paid. Nor has Levitt submitted any debt settlements for the Commission's review or shown that he has forgiven his so-called "loan" to the Committee.

Accordingly, the General Counsel recommends that the Commission find reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).

12. The amount of debts reported is probably inflated due to the inclusion of the so-called "loan" from Levitt which the Committee never actually received.

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II. RECOMMENDATIONS

1. Authorize the attached subpoena and order to John Levitt.
2. Find reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).
3. Approve the attached letters.

Lawrence M. Noble
General Counsel

2/14/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Responses received August 14, 1989
2. Responses received February 21, 1989
3. Subpoena/Order (1)
4. Factual and Legal Analysis (1)
5. Letters (2)

Staff Assigned: Elizabeth Campbell

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John Levitt, The Committee to) MUR 2672
Elect Levitt and Alvin Smolin,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 20, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 2672:

1. Authorize the subpoena and order to John Levitt, as recommended in the General Counsel's report dated February 14, 1990.
2. Find reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).
3. Approve the letters, as recommended in the General Counsel's report dated February 14, 1990.

Commissioners Aikens, Elliott, Josefiak, McGarry and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

2-20-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thursday, Feb. 15, 1990 1:04 p.m.
Circulated to the Commission: Thursday, Feb. 15, 1990 4:00 p.m.
Deadline for vote: Tuesday, Feb. 20, 1990 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 1990

Mr. Alvin Smolin, Treasurer
300 East 42nd St., 9th floor
New York, New York 10017

RE: MUR 2672
The Committee to Elect Levitt
and Alvin Smolin, as treasurer

Dear Mr. Smolin:

On December 1, 1988, you were notified that the Federal Election Commission had found reason to believe that the Committee to Elect Levitt ("the Committee") and you, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Pursuant to its investigation of this matter, on February 20, 1990, the Federal Election Commission found that there is reason to believe the Committee and you, as treasurer, also violated 2 U.S.C. § 434(a), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding that the Committee and you, as treasurer, violated 2 U.S.C. § 434(a), is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee to Elect Levitt and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee to Elect Levitt and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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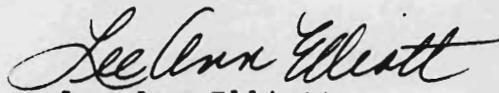
MUR 2672
Alvin Smolin, Treasurer
Page 2

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the 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 Elizabeth Campbell, the attorney assigned to this matter, at 202-376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: The Committee to Elect
Levitt and Alvin Smolin,
as treasurer

MUR: 2672

GENERATION OF MATTER

A. The Law

Under Federal Election Campaign Act of 1971, as amended ("the Act"), the treasurer of a political committee is required to file reports of receipts and disbursements in a timely manner. 2 U.S.C. § 434(a). If the political committee is the principal campaign committee of a candidate for the House of Representatives, it must file pre-election, post-election, and additional quarterly reports in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. Id. The pre-election report shall be filed no later than twelve days before the election in which the candidate is seeking election, and shall be complete as of the twentieth day before the election. 2 U.S.C. § 434(a)(2)(A)(i). Quarterly reports shall be filed no later than the fifteenth day after the last day of each calendar quarter, and shall be complete as of the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii).

During a calendar year for which there is no regularly scheduled election for federal office, a political committee which is the principal campaign committee of a candidate for the House of Representatives is required to file mid-year and

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year-end reports. 2 U.S.C. § 434(a)(2)(B). The mid-year report shall be filed no later than July 31, and covers the period beginning January 1 and ending June 30. 2 U.S.C.

§ 434(a)(2)(B)(i). The year-end report shall be filed no later than January 31 of the following year, and covers the period beginning July 1 and ending December 31. 2 U.S.C.

§ 434(a)(2)(B)(ii).

A political committee may terminate only when such a committee files a written statement that it will no longer receive any contributions or make any disbursement and that such committee has no outstanding debts or obligations. 2 U.S.C.

§ 433(d)(1). In addition, a political committee which is a principal campaign committee may terminate and discontinue reporting only when it has no outstanding debts or obligations, and when any other authorized committees of the campaign have extinguished their debts. 11 C.F.R. § 102.3.

A. Analysis

The Committee to Elect Levitt ("the Committee") failed to file the 1988 pre-general and October quarterly reports in a timely manner, and failed to file 1989 mid-year and year-end reports. The Committee's October quarterly report was filed late, on November 8, 1988. See 2 U.S.C. § 434(a)(2)(A)(iii). The pre-general report was also filed late, along with the October quarterly on November 8, 1988. See 2 U.S.C. § 434(a)(2)(A)(i).

The Committee's 1988 year-end report, filed on February 1, 1989, disclosed operating expenditures of \$2,016.60, no receipts,

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and debts of \$94,442.56. As of February 2, 1990, the Committee had not filed 1989 mid-year and year-end reports. See 2 U.S.C. § 434(A)(2)(B). The last report filed by the Committee, the 1988 year-end report, showed debts of \$94,442.56 owed by the Committee. Under the Act, a principal campaign committee cannot terminate and stop reporting until all of its debts are paid or settled. See 2 U.S.C. § 433(d)(1); 11 C.F.R. § 102.3.

Therefore, there is reason to believe the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald Tobias, Esq.
500 5th Avenue
Suite 2800
New York, New York 10110

RE: MUR 2672
John Levitt

Dear Mr. Tobias:

On December 1, 1988, your client, John Levitt, was notified that the Federal Election Commission had found reason to believe that he had violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended.

Pursuant to its investigation of this matter, the Commission has issued the attached subpoena and order requiring your client to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code.

It is required that your client submit all answers to questions under oath within fifteen days of your receipt of this subpoena and order.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure:
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2672

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: John Levitt, Esq.
c/o Donald Tobias, Esq.
500 5th Avenue
Suite 2800
New York, New York 10110

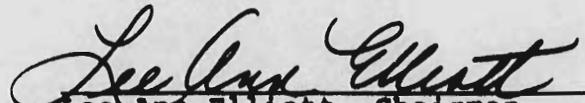
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within fifteen (15) days of receipt of this Order and Subpoena.

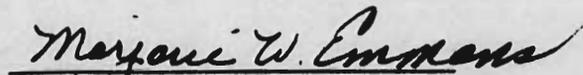
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NUR 2672
John Levitt
Page 2

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set her hand in Washington, D.C. on this *29th*,
day of February, 1990.


Lee Ann Elliott, Chairman
Federal Election Commission

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachments

1. Instructions and Definitions
2. Questions and Document Request

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from May 1987 to December 1988.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

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"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"Expenditure" includes a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

1. State the total amount of money you spent on behalf of your 1988 campaign for the U.S. House of Representatives. Include all direct contributions of cash to the Committee to Elect Levitt ("the Committee") and all expenditures made by you on behalf of the Committee. State the amount of each contribution or expenditure and the date the contribution or payment was made. Additionally, for all expenditures, specifically identify what the expenditure was for and who received the payment.
2.
 - a) Identify all accounts from which you made contributions to the Committee to Elect Levitt or payments on behalf of the Committee. Include the account number and name of the institution for all accounts used.
 - b) Identify the sources of funds in each such account at the time of each contribution or payment.
 - c) Provide copies of all bank statements pertaining to the accounts used by you to make direct contributions to the Committee to Elect Levitt or payments on behalf of the Committee.

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DONALD J. TOBIAS
ATTORNEY AT LAW

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300

TELECOPIER (212) 921-4249

MAR 29

March 29, 1990

90MAR 29 PM 4:42

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street N.W.
Washington, D.C.

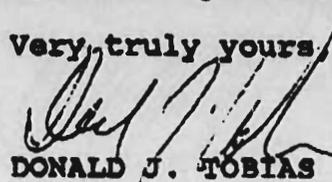
Re: John Levitt

Dear Ms. Campbell:

Thank you for contacting my office and reminding me about the letter. This will confirm the fact that, as per our telephone conversation, our time to respond to the subpoena and interrogatories is extended through April 13, 1990.

Thank you for your courtesy and cooperation.

Very truly yours,



DONALD J. TOBIAS

BY TELECOPIER

DJT/cc

91040880982



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 30, 1990

Donald Tobias, Esquire
500 Fifth Avenue
Suite 2800
New York, New York 10110

RE: MUR 2672
John Levitt

Dear Mr. Tobias:

This is in response to your letter dated March 29, 1990, requesting an extension until April 13, to respond to the Commission's order and subpoena. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on April 13, 1990.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: George F. Rishel
Assistant General Counsel

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00 C 6003

DONALD J. TOBIAS
ATTORNEY AT LAW

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300
TELECOPIER (212) 921-4340

April 23, 1990

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street N.W.
Washington, D.C.

Re: John Levitt

MUR 2672

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

90 APR 24 AM 5: 23

90 APR 23 PM 5: 10

Sel Brenda

Dear Ms. Campbell:

Thank you for contacting me with reference to the aforesaid matter. This will confirm the fact that, as per our telephone conversation, we have asked to have our time to respond to the subpoena and interrogatories extended through April 30, 1990.

Thank you for your courtesy and cooperation.

Very truly yours,

Donald J. Tobias
DONALD J. TOBIAS

BY TELECOPIER

DJT/cc

91040880984



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 25, 1990

Donald Tobias, Esq.
500 Fifth Avenue
Suite 2800
New York, NY 10110

RE: MUR 2672
John Levitt

Dear Mr. Tobias:

This is in response to your letter dated April 23, 1990, requesting an extension of time to respond to the Commission's order and subpoena. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on April 30, 1990.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Doc 6044

DONALD J. TOBIAS
ATTORNEY AT LAW

90 APR 27 AM 10:30

HAND DELIVERED

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300
TELECOPIER (212) 921-4249

April 25, 1990

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Re: John Levitt (MUR 2672)

Dear Ms. Campbell:

I am writing this letter and sending you the enclosed items in response to the Commission's interrogatories and document production requests. In this connection, please find the following:

(A) A complete list of all direct contributions of cash, made by the candidate, to the Committee to Elect Levitt (the "Committee") and all expenditures made by the candidate on behalf of the Committee. This list includes, as per your request, the date, payee, purpose and amount of each disbursement. Please note that this list is all-inclusive and sets forth disbursements that were made by check, cash, or, in one instance, via the candidate's American Express Card. Indeed, if a disbursement set forth on any of the filed reports is not contained on this list, this means that it was a disbursement that was made directly by the Committee (from funds raised by the Committee) and not by the candidate;

(B) A copy of all checks reflecting the disbursements on the aforesaid list. Obviously, in those instances in which a disbursement was made in cash or by credit card, no check is or can be enclosed. Please note also that in a very few instances, certain checks are presently unavailable but copies can, if necessary, be obtained from the bank.

(C) A copy of all checks reflecting disbursements that were made by the Committee out of monies raised by the Committee. While this was not requested in the subpoena that I received, such documents have nevertheless been included in order to enable

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 APR 28 AM 12:10

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DONALD J. TOBIAS
ATTORNEY AT LAW

Ms. Elizabeth Campbell
April 25, 1990
Page 2

you to confirm, very quickly and easily, that the items that are set forth on the aforesaid campaign disbursement list that I have now prepared (See Item A above) were paid for by the Committee directly out of its own funds, which were obtained from sources other than the candidate (in this regard, please note that the only direct payments that Mr. Levitt made to the Committee was a \$200.00 payment in February, 1988, as well as the payment of \$6,000.00 in December, 1988 and a payment of \$1,500.00 in February, 1989), and were paid by Committee check.*

(D) A copy of the candidate's bank statements relative to his account at the Manufacturers Hanover Trust Company, Account No. _____ on which all of the campaign disbursements set forth on the aforesaid list (Item A above) were drawn; and

(E) A copy of the front and back of the larger fee payment checks received by the candidate from his law practice (which is, by and large, a trust and estates practice) reflecting the source of the funds that were used to make the disbursements that are set forth on the list to which Item A above refers.

We have put this submission together not only to respond to your inquiry, but to put to rest, once and for all, the gratuitous but wholly erroneous and unsubstantiated suggestion, made by the candidate's primary opponent, that the funds that Mr. Levitt spent came from sources outside his own personal earnings or the monies that were raised by the Committee. Indeed, the items that we are now furnishing to you establish, conclusively, that all of the sums that were used by Mr. Levitt came from his own earnings and not from any hitherto undisclosed source or sources.

As the aforesaid list (Item No. A above) denotes, Mr. Levitt disbursed, either directly to the Committee, or in campaign expenses that were made from his personal funds on the

*Any disbursement appearing on the campaign reports previously filed with the Commission that do not appear on the candidate "Disbursement List" (Item No. A above) or which are not evidenced by Committee checks were not expended, but rather were either duplications of other reported items or were entries that were improperly transposed, from the campaign records, into the reports that were filed with the Commission.

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DONALD J. TOBIAS
ATTORNEY AT LAW

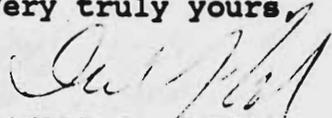
Ms. Elizabeth Campbell
April 25, 1990
Page 2

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Committee's behalf, the total sum of \$63,820.21. Of this sum, \$55,320.21 was expended through the end of September, 1988, the month of the primary election. The source of these disbursements, the record clearly establishes, was the income that Mr. Levitt derived from his law practice during this period. Indeed, between August, 1987 and September 30, 1988, he earned, aside from the other fees that he generated, no less than from four separate large estates on which he was working at the time. Moreover, an additional _____ was earned from these four estates between October 1, 1988 and December 31, 1988. There cannot, of course, be any question about whether Mr. Levitt actually received these monies since the reverse side of the fee checks are now included in our submission and these amounts are, furthermore, reflected as deposits to Mr. Levitt's personal bank account.

Since we have now established that the scurrilous allegations that were received by your office, in the form of an unsubstantiated complaint from Mr. Levitt's opponent, were completely without foundation, we ask that the Commission bring this inquiry to an expeditious conclusion.

Finally, I wish to thank you for the professional courtesies that you have extended to me and your willingness to accord my office the time that was needed to prepare this extensive submission for the Commission's review.

Very truly yours,

DONALD J. TOBIAS

Enclosure

FEDERAL EXPRESS

CAMPAIGN DISBURSEMENTS

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
5/15/87	Larry Douglas	Consultant	\$2,000.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
6/8/87	Larry Douglas	Consultant	\$2,000.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
8/12/87	Larry Douglas	Consultant	\$2,000.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
10/14/87	Super Graphics	Printing	\$ 99.10

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
12/28/87	Larry Douglas	Consultant	\$ 200.00
12/28/87	Larry Douglas	Consultant	\$1,000.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
1/6/88	Jill Jonas	Consultant	\$ 200.00
1/11/88	Lenox Hill Democratic Club	C.A.	\$ 100.00
1/18/88	Dick Morris	Polling	\$4,500.00
1/18/88	Asian Amer. Fund	C.A.	\$ 225.00
1/18/88	Jill Jonas	Consultant	\$ 200.00
1/25/88	Dick Morris	Polling	\$4,500.00
1/25/88	Stonewell Democratic Club	C.A.	\$ 24.00
1/28/88	New Democratic Dimensions	C.A.	\$ 30.00

Please note that the term "C.A." denotes "Campaign Appearance."

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<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
2/1/88	Dick Morris	Polling	\$4,500.00
2/7/88	Lenox Hill	C.A.	\$ 200.00
2/8/88	Candidate Disbursed to Committee	Committee	\$ 250.00
2/25/88	NAACP	C.A.	\$ 100.00
2/26/88	Fairpac	C.A.	\$ 50.00
2/27/88	Larry Douglas	Consultant	\$2,000.00
2/27/88	Jill Jonas	Consultant	\$ 286.00
2/29/88	Studio Press	Printing	\$ 240.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
3/5/88	National Pac	C.A.	\$ 75.00
3/9/88	Studio Press	Printing	\$ 279.00
3/5/88	Levanna Kirschenbaum	Catering	\$ 600.00
3/23/88	Levanna Kirschenbaum	Catering	\$ 600.00
3/27/88	Independent Democratic Club	C.A.	\$ 100.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
4/7/88	U.S. Postmaster	Postage	\$ 45.00*
4/10/88	Ruth Messenger	C.A.	\$ 50.00
4/12/88	Village Reform Democratic Club	C.A.	\$ 150.00
4/14/88	Yorkville Democratic Club	C.A.	\$ 225.00
4/15/88	Lenox Hill Democratic Club	C.A.	\$ 35.00

*Denotes Cash payments

Please note that certain checks written during this period, as listed above, are not available.

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4/15/88	VID	C.A.	\$ 150.00
4/15/88	VID	C.A.	\$ 100.00
<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
4/18/88	Friends of Carol Greitzer	C.A.	\$ 125.00
4/27/88	Mid Manhattan New Democratic Club	C.A.	\$ 50.00
4/28/88	Gramercy Stuyvesant Indep. Democratic Club	C.A.	\$ 100.00
4/27/88	Society for Advancement of Gay Elderly	C.A.	\$ 50.00

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
5/12/88	McManus Democratic	C.A.	\$100.00
5/7/88	Union Square Park	C.A.	\$ 65.00
5/14/88	Jefferson Democratic Club	C.A.	\$220.00
5/19/88	Gay & Lesbian Independent Democratic Club	C.A.	\$100.00
5/13/88	Miriam Friedlander	C.A.	\$ 75.00
5/16/88	Now NY	C.A.	\$ 50.00
5/14/88	Cancer Care	C.A.	\$ 30.00
5/20/88	Lexington Democratic Club	C.A.	\$150.00
5/22/88	Friends of Maloney	C.A.	\$100.00
5/24/88	Gestetner Printing	Printing	\$ 27.06*
5/24/88	Gestetner Printing	Printing	\$ 20.00*
5/25/88	Downtown Indep Democratic Club	C.A.	\$125.00
5/26/88	United Democratic Organization	C.A.	\$ 50.00
5/25/88	Chelsea Reform Democratic Club	C.A.	\$ 25.00

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5/25/88	Village Reform Democratic Club	C.A.	\$ 25.00*
5/26/88	Gestetner Printing *Cash Payments	Printing	\$ 10.82*
<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
6/1/88	U.S. Postmaster	Postage	\$ 25.00*
6/1/88	Gestetner Printing	Printing	\$ 16.23*
6/2/88	Friends of Carolyn Maloney	C.A.	\$ 20.00
6/3/88	Gestetner Printing	Printing	\$ 21.40*
6/5/88	P'Tach	C.A.	\$ 100.00
6/5/88	Loisada	C.A.	\$ 100.00
6/10/88	Progress Printing	Printing	\$ 507.13
6/9/88	Stonewall Democratic Club	C.A.	\$ 40.00
6/10/88	Gestetner Printing	Printing	\$ 21.60
6/10/88	Tom Bekett	Photography	\$ 150.00
6/10/88	Jan Morrow	Consulting	\$ 355.00
6/13/88	N.G. Slater Co.	Campaign Buttons	\$ 125.00
6/13/88	IDA Productions	Printing	\$ 1,500.00
6/13/88	Town & Village	Advertising	\$ 245.16
6/13/88	Frank Wilkinson	Field Worker	\$ 250.00
6/20/88	H.S.C., Ltd.	Advertising	\$10,000.00
6/22/88	Gestetner Printing	Printing	\$ 64.95
6/22/88	IDA Production	Printing	\$ 1,100.00
6/25/88	Frank Wilkenson	Field Work	\$ 450.00
6/27/88	H.S.C., Ltd.	Advertising	\$ 2,500.00
6/29/88	N.G. Slater	Campaign	\$ 131.55
6/29/88	U.S. Postmaster	Postage	\$ 11.00*

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*Cash Payments

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
7/4/88	Direct Voter Contact	Mailing	\$ 420.00
7/8/88	Randy Alschuler	Consulting	\$ 150.00
7/14/88	Beth Bailey	Travel	\$ 278.00
7/14/88	47th Street Photo	Computer	\$1,941.84**
7/22/88	Randy Alschuler	Consulting	\$ 150.00
7/28/88	Beth Bailey	Consulting	\$1,000.00
7/28/88	Beth Bailey	Consulting	\$1,400.00
7/29/88	Randy Altschuler	Consulting	\$ 150.00

**Candidate's American Express Card

<u>DATE</u>	<u>PAYEE</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
8/1/88	Jeffrey Wein & Assoc.	Legal	\$1,120.00
8/2/88	Handy Helpers, Inc.	Office Cleaning	\$ 60.00
8/2/88	Tom Beckett	Photography	\$ 72.50
8/3/88	Pro Printing	Printing	\$ 16.25*
8/3/88	A & P Supermarket	Food	\$ 9.25*
8/3/88	Sloans Supermarket	Food	\$ 1.61*
8/4/88	Pro Printing	Printing	\$ 16.29*
8/4/88	Pro Printing	Printing	\$ 32.47*
8/7/88	H.S.C., Ltd.	Advertising	\$2,500.00
8/8/88	Branford Communi- cations	Printing	\$1,259.95
8/10/88	Mary Kreidman	Party- Reimbursement	\$ 58.00
8/11/88	Pro Printing	Printing	\$ 5.20*
8/15/88	Pro Printing	Printing	\$ 17.75*

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SUMMARY

June, 1987	\$ 2,000.00
August, 1987	2,000.00
October, 1987	99.10
December, 1987	1,200.00
January, 1988	9,779.00
February, 1988	7,626.00
March, 1988	1,654.00
April, 1988	1,125.00
May, 1988	1,172.88
June, 1988	17,734.02
July, 1988	5,489.84
August, 1988	5,440.37
December, 1988	6,000.00
February, 1989	1,500.00
October, 1989	<u>\$ 1,000.00</u>
	\$63,820.21

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BEFORE THE FEDERAL ELECTION COMMISSION

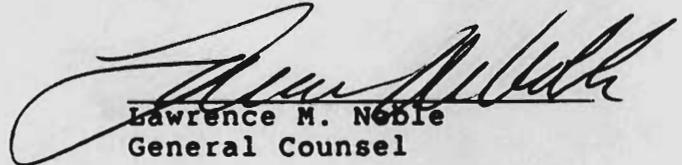
SENSITIVE

In the Matter of)	
)	
John B. Levitt; Committee to Elect)	MUR 2672
Levitt and Alvin Smolin, as treasurer)	

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to John B. Levitt, the Committee to Elect Levitt and Alvin Smolin, as treasurer, based on the assessment of the information presently available.

8/8/90
Date


Lawrence M. Noble
General Counsel

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90 AUG 21 AM 11:25



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1990

MEMORANDUM

SENSITIVE

TO: The Commission
FROM: Lawrence M. Noble *[Signature]*
General Counsel
SUBJECT: MUR 2672

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe and no probable cause to believe were mailed on August 21, 1990. Following receipt of the respondents reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to respondents

Staff person: Elizabeth Campbell

91040880997



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 21, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Alvin Smolin, Treasurer
Committee to Elect Levitt
300 East 42nd St., 9th Floor
New York, NY 10017

RE: MUR 2672
John B. Levitt; Committee
to Elect Levitt and Alvin
Smolin, as treasurer

Dear Mr. Smolin:

Based on a complaint filed with the Federal Election Commission on August 12, 1988, and information supplied by the Committee to Elect Levitt ("the Committee") and by John Levitt, the Commission, on November 23, 1988, found that there was reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b), and that John Levitt violated 2 U.S.C. § 441a(f), and instituted an investigation of this matter. Additionally, on February 20, 1990, the Commission found that there was reason to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 434(a).

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) and (b), and no probable cause to believe that John Levitt, the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).

The Commission may or may not approve the General Counsel's recommendations. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

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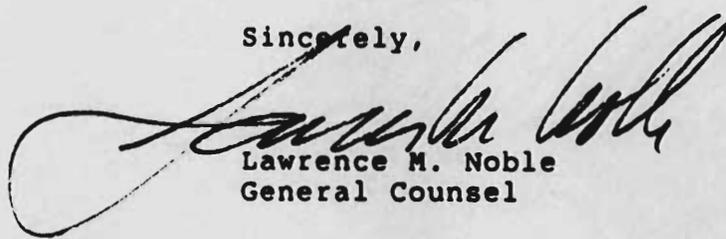
Mr. Alvin Smolin, Treasurer
Committee to Elect Levitt
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

cc: John Levitt
c/o Donald Tobias, Esq.
500 5th Ave., Suite 2800
New York, NY 10110

91040880999

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter)
)
John Levitt, The Committee to) MUR 2672
Elect Levitt and Alvin Smolin,)
as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was initiated by a complaint filed on August 12, 1988, by George McDonald ("the Complainant") against John Levitt and the Committee to Elect Levitt ("the Committee"), the principal campaign committee for Levitt. Both Levitt and Complainant were candidates in the 1988 Democratic primary for the 15th congressional district of New York. After failing to win the Democratic nomination, Levitt was the Liberal Party candidate in the general election. The complaint focused on a reported loan of \$91,942.56 from Levitt to his principal campaign committee which was disclosed in the Committee's amended quarterly report, filed with the Commission on August 5, 1988. The Complaint alleges that Levitt could not possibly have used personal funds to loan his campaign \$91,942.56. The complaint further surmised that since it is unlikely that any financial institution would lend such a large amount of money to Levitt without security or appropriate guarantees, there must be an endorser or guarantor for the loan.

The allegations in the Complaint are based on Levitt's financial disclosure statement dated March 14, 1988, filed with the U.S. House of Representatives. Levitt's financial disclosure

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statement indicated that Levitt had limited income and had taken out a loan from Manufacturers Hanover Trust Company in the \$15,000.00 to \$50,000.00 category.

On November 23, 1988, the Commission found reason to believe that John Levitt violated 2 U.S.C. § 441a(f), and the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f) and § 434(b) and initiated an investigation into this matter. Subsequently, on February 20, 1990, the Commission found reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) for failure to file disclosure reports.

II. ANALYSIS

A. All of the money Levitt used for his campaign was from personal funds, thus no excessive contributions were accepted by the Committee to Elect Levitt or John Levitt.

The Federal Election Campaign Act of 1971, as amended ("the Act") includes a loan in the definition of a contribution. 2 U.S.C. § 431. See also, 11 C.F.R. § 100.7(a)(1). Commission regulations define a "loan" to include a guarantee, endorsement, or any other form of security. 11 C.F.R. § 100.7(a)(1)(i). A loan, or endorsement or guarantee of a loan, is subject to the contribution limitations of the Act, which limits an individual to contributing an aggregate amount of \$1,000.00 per election to a candidate and his authorized campaign committee. 2 U.S.C. § 441a(a). The Act further provides that no candidate or political committee shall knowingly accept any contribution in violation of this limit. 2 U.S.C. § 441a(f). A loan is a

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contribution at the time it is made and remains a contribution to the extent it remains unpaid. 11 C.F.R. § 100.7(1)(1)(i)(B).

Commission regulations permit candidates for federal office, except presidential candidates who elect to receive public financing, to make unlimited expenditures from personal funds. 11 C.F.R. § 110.10. "Personal funds" include any assets which, under applicable state law, the candidate had legal right of access to or control over, and with respect to which the candidate had either legal and rightful title or an equitable interest. 11 C.F.R. § 110.10(b)(1). Also included in "personal funds" is salary and other earned income from bona fide employment, dividends and proceeds from the sale of the candidate's stocks or other investments, and bequests to the candidate. 11 C.F.R. § 110.10(b)(2).

Regarding the role of the candidate in obtaining loans for use in connection with his or her campaign, the Act provides that any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. 2 U.S.C. § 432(e)(2); 11 C.F.R. § 101.2(a). The result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign. 11 C.F.R. § 101.2(b).

A bank loan is not a contribution by the lending institution if such loan is made in accordance with the applicable banking laws and regulations, and is made in the ordinary course of business. 11 C.F.R. § 100.7(b)(11). A loan will be considered

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to be made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. Ibid.

The complaint in this matter was filed because the Committee reported in the 1988 July quarterly report that Levitt had made a loan of \$91,942.56 to his campaign, and the Complainant asserted that based on the information in Levitt's financial disclosure statement, Levitt did not appear to have sufficient personal funds to make such a loan to his campaign. However, Levitt never actually made a loan to his campaign.¹ But Levitt did make a number of expenditures or in-kind contributions on behalf of his campaign -- a total of \$65,966 -- which were reported as expenditures by the Committee (but not as in-kind contributions by Levitt).

In his financial disclosure statement, Levitt reported his gross income to be \$50,554.51 in 1987 and \$31,578.50 in 1988, to the date of filing. He also disclosed earned interest of less than \$1,000.00 for 1988 and holdings in the \$5,000.00 to \$15,000.00 category. Although the 1988 statement disclosed Levitt's gross income as \$31,578.50, this was only his income as of March 1988, the time the statement was filed. Levitt's actual net income for 1988 was approximately As evidenced by copies of checks submitted to this office by Levitt, at least

1. The erroneous reporting of a \$91,942.56 loan is only one of numerous reporting violations by the Committee. See infra.

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of Levitt's 1988 income was from fees for legal services.

Levitt noted his relatively low living expenses at the time he was a candidate.

His only outstanding debts were two outstanding loans with Manufacturer's Hanover Trust. One was a education loan which was not used to finance Levitt's campaign.² The other loan was a \$10,000.00 personal loan taken out by Levitt in May 1987. There were no endorsers or guarantors for either loan. As discussed below, the loan for \$10,000.00 was used to finance Levitt's campaign, but it was made in the ordinary course of business (see pp. 10-11). A copy of the note provided by Levitt evidences a loan of \$10,000.00 at 13.5% interest, with a repayment schedule of sixty payments of \$230.09 beginning July 1, 1987.³

The information obtained by this office concerning Levitt's financial situation in 1987 and 1988 supports Levitt's position that all of the money he used to finance his campaign was from personal funds, and with the exception of the \$10,000 loan from Manufacturers Hanover Trust, all of the money came from his personal earnings. His income was substantially higher than what

2. Levitt submitted a copy of a payment stub which showed that payment 59 of 59 was due on March 1, 1989. Levitt graduated from law school in 1984, indicating that the loan probably had a five year repayment schedule.

3. Levitt's personal bank records reflect monthly disbursements of \$230.09.

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was reflected on his financial disclosure statement. After deducting the \$65,966 he spent on his campaign, he still had approximately to live on in 1987 and 1988. And while the \$10,000 loan from Manufacturers Hanover Trust was used to finance his campaign, the loan was made in the ordinary course of business, and there were no endorsers or guarantors. Accordingly, there were no contributions in the form of a guarantee or endorsement, and the General Counsel recommends that the Commission find no probable cause to believe that John Levitt, the Committee to Elect Levitt, and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).

B. The Committee failed to accurately report all receipts and disbursements by the Levitt campaign on its disclosure reports.

Under the Act, the treasurer of a political committee is required to file reports disclosing the total amount of all receipts and disbursements for the reporting period and calendar year. 2 U.S.C. § 434. The treasurer shall be personally responsible for the timely and complete filing of the report, and for the accuracy of any information contained in it. 11 C.F.R. § 104.14(d). An authorized committee of a candidate must include all contributions from the candidate in its receipts. 2 U.S.C. § 434(b)(2)(B). All in-kind contributions must be reported as both a contribution and as an expenditure. 11 C.F.R. § 104.13(a).

An authorized committee must report the total amount of receipts received during the reporting period, including all

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loans to the committee. 2 U.S.C. § 434(b); 11 C.F.R. § 104.3(a)(3)(vii). This includes all loans made or guaranteed by the candidate, as well as all other loans made or guaranteed by anyone other than the candidate. 2 U.S.C. §§ 434(b)(2)(G), 434(b)(2)(H), and 434(b)(3)(E). See also 2 U.S.C. § 432(e)(2) and 11 C.F.R. § 101.2(b). Any loans obtained by an individual prior to becoming a candidate for use in connection with that individual's campaign shall be reported as an outstanding loan owed to the lender by the candidate's principal campaign committee, if such loans are outstanding at the time the individual becomes a candidate. 11 C.F.R. § 104.3(d).

The Act further requires a political committee to identify each contributor and the year-to-date total for each person who makes a loan to the committee or to the candidate acting as an agent of the committee, during the reporting period, together with the identification of any endorser or guarantor of such loan, the date loan was made, and the amount of the loan. 2 U.S.C. § 434(b)(3)(E); 11 C.F.R. § 104.3(a)(4)(iv). An authorized campaign committee must file a Schedule C to disclose the amount and nature of any loans owed by the committee. 11 C.F.R. § 104.3(d).

On December 14, 1987 a statement of organization was filed by the Committee to Draft Levitt, designating Alvin Smolin as treasurer and custodian of records.⁴ Then on February 5, 1988, the Committee to Draft Levitt filed its 1987 Year-end Report, the

4. The Committee to Draft Levitt was designated as the principal campaign committee for John Levitt.

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first report filed by Levitt's principal campaign committee, disclosing \$7,735.00 in receipts (\$5,985.00 in itemized contributions and \$1,750.00 in unitemized contributions). The Committee reported \$7,727.00 in disbursements. The investigation demonstrates, however, that a number of additional 1987 disbursements totaling \$14,086.60, were reported late. These additional disbursements were not reported until the Committee to Elect Levitt filed its July quarterly report on July 18, 1988.

The Committee to Elect Levitt filed its April quarterly report on April 18, 1988.⁵ Reported receipts totaled \$5,530.00 which included a \$250.00 contribution from Levitt, and reported expenditures totaled \$244.02. No Schedule B was provided with this report. Disclosure reports filed by the Committee show that a number of other expenditures, totaling \$22,900.97, were made in this reporting period but were not disclosed until the Committee filed its July quarterly report on July 18, 1988.

The Committee filed its July quarterly report on July 18, 1988 and an amended July report on August 5, 1988. The breakdown of the \$109,680.01 in receipts for this reporting period is as follows: \$1,200.00 in contributions from individuals other than the candidate, \$14,319.45 in contributions from the candidate⁶, and \$91,942.56 in a so-called "loan" from the candidate. A

5. This report was the first the committee filed using the name Committee to "Elect" Levitt rather than the Committee to "Draft" Levitt.

6. It appears that the reported \$14,319.45 from Levitt were actually in-kind contributions from the candidate, but they were not reported as such.

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Schedule C was filed for the \$91,942.56 "loan" from Levitt but it did not include any terms such as date incurred, due date, and interest rate. Disbursements for the July reporting period were reported to be \$82,987.77.⁷

As noted above, Levitt now admits that he did not make a loan to his campaign; instead, he only made a pledge to make that money available for his campaign. Levitt actually spent \$65,966 on his campaign. The reason the Committee reported the loan was stated in Levitt's response to the Commission's interrogatories:

"it was reported at that time because the candidate was aware that other candidates and media would view his effort as a serious one. Mr. Levitt made the commitment to loan his campaign the amount at that date and reported it as such."

As a result of this erroneously reported "loan," the Committee's cash on hand for this report (and all subsequent reports) was inflated.

The Committee's pre-primary report was filed on September 12, 1988 and disclosed \$16,860.00 in contributions (none from Levitt) and \$21,104.61 in disbursements. The pre-primary report also reported Levitt's loan as a debt of \$91,942.56, but did not

7. The Committee's Schedule B includes \$7,121.85 in disbursements made in July 1988. These disbursements should correctly have been reported when the Committee filed its pre-primary report. Also, the July quarterly report includes disbursements of \$14,086.00 which were made in 1987 and should have been reported in the Committee's 1987 Year-end report. And finally, \$22,906.97 in disbursements reported in this report were made during the April reporting period and should have been reported in the April quarterly report. The Committee would have reported a negative cash on hand if it had not included the \$91,942.56 so-called "loan" or "pledge" from Levitt in its receipts.

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include a Schedule C. In response to a RAD RFAI, the Committee submitted a copy of the Schedule C for the "loan" on November 4, 1988.

The disclosure reports filed by the Committee to Elect Levitt do not accurately reflect the financial activity occurring during each reporting period. First of all, Levitt's financial participation in his campaign was not properly reported. The Committee reported a loan from Levitt for \$91,942.56 when he never actually made a loan of that amount to the Committee. Reporting the \$91,942.56 "pledge" was not the correct way to report expenditures by the candidate. As noted above, the Committee reported the so-called "loan" at that time because the candidate wanted other candidates and the media to view his campaign effort as a serious one. There were a number of disbursements in 1988 that were made from Levitt's personal account, but they were not reported as in-kind contributions. Between May 1987 and October 1989, Levitt spent \$65,966 on his campaign, \$58,216 in the form of in-kind contributions. Although these expenditures were reported, they were reported as expenditures by the Committee rather than as in-kind contributions by Levitt. The Committee should have reported Levitt's financial participation as in-kind contributions on Schedules A and B.

Although Levitt now maintains that he did not use the \$10,000.00 bank loan he obtained in May of 1987 from Manufacturer's Hanover Trust to finance his campaign, it appears that it was used for his campaign. On October 12, 1988, a letter

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from the Commission's Reports Analysis Division was sent to the Committee asking for clarification as to whether the "loan" from Levitt reported on the July quarterly report was from personal funds or borrowed from a lending institution or other source. Following the second notice, the Commission received a letter on November 8, 1988, in response to the October 12, 1988 letter regarding the source of Levitt's loans to his campaign. The letter was signed by Alan Scott, Levitt's law partner, and states as follows: "All loans were from personal funds except \$10,000.00, which derived from a consumer loan made to the candidate by Manufacturers Hanover Bank payable over a term of five years, bearing interest at 13.5% per annum." In addition, Levitt's bank records show a \$10,000 deposit in May 1987, the month the loan was obtained. And, Levitt made expenditures totaling \$7,299.10 between May and December of 1987, which further supports the conclusion that Levitt was already involved in campaigning for federal office, or at least testing the waters, when he took out the \$10,000.00 loan in May 1987, and that he did in fact use the \$10,000.00 loan to finance his campaign.⁸ Since it appears that the bank loan was used to finance the campaign, it should have been reported and payments on the loan, which became due in July 1987, should have been reported as they were made.

8. Even if Levitt only used the bank loan for "testing the waters" expenditures, all funds received or payments made for testing the waters activities are considered contributions and expenditures under the Act and must be reported in the first report filed by the candidate's principal campaign committee. See 11 C.F.R. § 101.3.

On several occasions, the Committee did not report receipts and disbursements in the correct reporting period. Also, \$14,086.00 in 1987 disbursements and \$22,900.97 in disbursements made during the April 1988 reporting period were not reported until July 1988 in the July quarterly report. The Committee's July report also included \$7,121.85 in expenditures made in July which should have been reported in the pre-primary report.

The Committee's cash on hand is inaccurately reported beginning with the July quarterly report and for all subsequent reports because of the reported loan by the candidate that the Committee never actually received. Also, the other \$4,500.00 in loans the Committee received from other individuals should have been reported on a Schedule A.

Accordingly, the General Counsel recommends that the Commission find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(b).

C. The Committee failed to file disclosure reports in a timely manner.

Under the Act, the treasurer of a political committee is required to file reports of receipts and disbursements in a timely manner. 2 U.S.C. § 434(a). If the political committee is the principal campaign committee of a candidate for the House of Representatives, it must file pre-election, post-election, and additional quarterly reports in any calendar year during which there is a regularly scheduled election for which the candidate

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is seeking election, or nomination for election. Id. The pre-election report shall be filed no later than twelve days before the election in which the candidate is seeking election, and shall be complete as of the twentieth day before the election. 2 U.S.C. § 434(a)(2)(A)(i). Quarterly reports shall be filed no later than the fifteenth day after the last day of each calendar quarter, and shall be complete as of the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii).

During a calendar year for which the candidate is not seeking election to federal office, a political committee which is the principal campaign committee of a candidate for the House of Representatives is required to file mid-year and year-end reports. 2 U.S.C. § 434(a)(2)(B). The mid-year report shall be filed no later than July 31, and covers the period beginning January 1 and ending June 30. 2 U.S.C. § 434(a)(2)(B)(i). The year-end report shall be filed no later than January 31 of the following year, and covers the period beginning July 1 and ending December 31. 2 U.S.C. § 434(a)(2)(B)(ii).

A political committee may terminate only when such a committee files a written statement that it will no longer receive any contributions or make any disbursement and that such committee has no outstanding debts or obligations. 2 U.S.C. § 433(d)(1). In addition, a political committee which is a principal campaign committee may terminate and discontinue reporting only when it has no outstanding debts or obligations, and when any other authorized committees of the campaign have extinguished their debts. 11 C.F.R. § 102.3.

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The Committee failed to file the 1988 pre-general and October quarterly reports in a timely manner, and failed to file the 1989 mid-year report and year-end reports. The Committee's October quarterly report was filed late, on November 8, 1988. The Committee reported \$9,525.00 in contributions and \$4,500.00 in loans from individuals other than the candidate for a total of \$14,025.00 in receipts, and \$20,326.28 in disbursements. And as previously noted, the Committee failed to include the \$4,500.00 in loans on a Schedule A, however.

The pre-general report was also filed late, along with the October quarterly on November 8, 1988. The only receipt received by the Committee was a refund from the post office of prepaid postage of \$844.20. Disbursements included \$1,000.00 in loan repayments (not to Levitt) and \$400.00 in expenditures for a total of \$1,400.00 in disbursements. The post-general report, filed on December 12, 1988, disclosed only \$1,000.00 in loan repayments (again, not to Levitt) and no receipts. The Committee's 1988 year-end report, filed on February 1, 1989, disclosed operating expenditures of \$2,016.60, no receipts, and debts of \$94,442.56.

As of July 26, 1990, the Committee had not filed any reports since the 1989 year-end report, which showed debts of \$94,442.56

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owed by the Committee.⁹ Under the Act, a principal campaign committee cannot terminate and stop reporting until all of its debts are paid or settled. See 2 U.S.C. § 433(d)(1); 11 C.F.R. § 102.3. The Committee has not demonstrated that all debts have been paid. Nor has Levitt or the Committee submitted any debt settlements for the Commission's review.

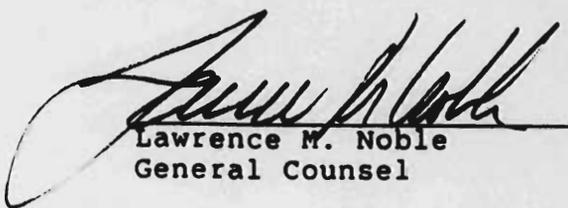
Accordingly, the General Counsel recommends that the Commission find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).

III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find no probable cause to believe that John Levitt violated 2 U.S.C. § 441a(f).
2. Find no probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) and (b).

Date

8/20/90


Lawrence M. Noble
General Counsel

9. Part of the Committee's reported debts is the reported "loan" from the candidate which was never actually made. However, even after deducting the \$91,942.56 never actually loaned to the campaign, the Committee still had debts of \$2,500. Also, the \$10,000 loan from Manufacturer's Hanover Trust, which was used to finance Levitt's campaign, has a 5 year repayment schedule which doesn't end until 1992.

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FEDERAL ELECTIONS COMMISSION

DONALD J. TOBIAS
ATTORNEY AT LAW

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500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300
TELECOPIER: (212) 921-4249

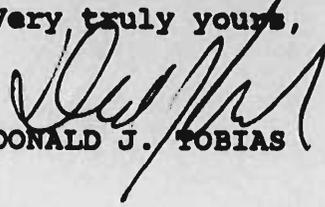
September 6, 1990

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Re: John Levitt
MUR 2672

Dear Ms. Campbell:

As per my telephone conversation with your office, this will confirm the fact that we have requested an extension of time, to September 28, 1990, in which to file a response to the Commission's findings.

Very truly yours,

DONALD J. TOBIAS

DJT/cc

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 19, 1990

Donald Tobias, Esq.
500 Fifth Avenue
Suite 2800
New York, NY 10110

RE: MUR 2672
Committee to Elect Levitt
and Alvin Smolin, as
treasurer

Dear Mr. Tobias:

This is in response to your letter dated September 6, 1990, which we received on September 13, 1990, requesting an extension until September 28, to respond to the Federal Election Commission's brief. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on September 28, 1990.

In addition, the Commission needs a designation of counsel form signed by Alvin Smolin designating you as counsel for the Committee to Elect Levitt and Mr. Smolin, as treasurer. Please have Mr. Smolin sign the enclosed designation of counsel form.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Designation of Counsel form

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

DONALD J. TOBIAS
ATTORNEY AT LAW

90 OCT -1 AM 9:55

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300

TELECOPIER: (212) 921-4249

September 25, 1990

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OFFICE OF GENERAL COUNSEL
90 OCT -1 AM 11:38

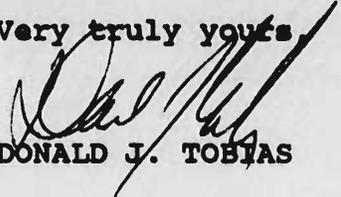
Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Re: John Levitt
MUR 2672

Dear Ms. Campbell:

This will confirm our telephone conversation of last Friday wherein I asked that you accord Mr. Levitt and I additional time in which to respond to your offices' findings. Although I initially requested an extention through October 19, 1990, I have since learned that Mr. Levitt will not be returning from his honeymoon until October 16, 1990. Accordingly, I ask that this be extended until October 26, 1990.

I thank you for your courtesy and cooperation.

Very truly yours,

DONALD J. TOBIAS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 1990

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 2672
Request for Extension of Time

On November 23, 1988, the Commission found reason to believe that John Levitt violated 2 U.S.C. § 441a(f), and that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b). The Commission also approved interrogatories which were sent out on December 1, 1988. Subsequently, on February 20, 1990, the Commission found reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a). Also on February 20, 1990, the Commission approved a subpoena and order to John Levitt. Mr. Levitt's response to the Commission's interrogatories had thus far not completely answered questions regarding Mr. Levitt's own financial participation in his campaign for the U.S. House of Representatives in 1988.

On April 27, 1990, this Office received a response to the Commission's subpoena and order, which appears to sufficiently detail Mr. Levitt's financial involvement in his campaign. Included in the response was a list of all campaign disbursements by Levitt. Levitt also provided copies of canceled checks used to make expenditures on behalf of his campaign and bank records of the account such expenditures were made from.

On August 8, 1990, this Office sent a report to the Commission indicating that we were prepared to close the investigation in this matter. Then, on August 21, 1990, this Office sent briefs to the respondents in this matter, and circulated a copy of the brief to the Commission.

This Office granted Mr. Levitt's request for an extension of twenty days, until September 28, 1990, to submit a reply brief. On October 1, 1990, this Office received a letter requesting an extension of an additional 28 days to submit a reply brief. See Attachment 1. As indicated in the letter, Mr. Levitt was married on September 30, 1990. Because of his wedding and honeymoon, counsel has requested an extension of time until October 26,

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1990. This Office will prepare a probable cause report to the Commission after receiving the reply brief.

The Office of the General Counsel recommends that the Commission grant the requested extension.

RECOMMENDATIONS

1. Grant an additional extension of 28 days to John Levitt.
2. Approve the appropriate letter.

Attachment

1. Request for Extension

Staff assigned: Elizabeth Campbell

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John Levitt;) MUR 2672
Committee to Elect Levitt)
and Alvin Smolin, as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 11, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 2672:

1. Grant an additional extension of 28 days to John Levitt.
2. Approve the appropriate letter, as recommended in the General Counsel's Memorandum dated October 5, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald, and Thomas voted affirmatively for the decision; Commissioner McGarry did not cast a vote.

Attest:

10-11-90
Date

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

Received in the Commission: Fri., October 5, 1990 3:43 p.m.
Circulated to the Commission: Tues., October 9, 1990 11:00 a.m.
Deadline for vote: Thurs., October 11, 1990 11:00 a.m.

dh

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

October 18, 1990

Donald Tobias, Esq.
500 Fifth Avenue
Suite 2800
New York, NY 10110

RE: MUR 2672

John Levitt; the Committee
to Elect Levitt and Alvin
Smolin, as treasurer

Dear Mr. Tobias:

This is in response to your letter dated September 25, 1990, which we received on October 1, 1990, requesting an additional seven days to respond to the Federal Election Commission's brief. Previously you had requested, and been granted, an extension until October 19, 1990. After considering the circumstances presented in your letter, the Commission has granted the requested extension. Accordingly, your response is due by the close of business on October 26, 1990.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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DONALD J. TOBIAS
ATTORNEY AT LAW

90 NOV -6 AM 9:38

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300

TELECOMER: (212) 921-4249

*This was telecopied on
11/1/90*

DONALD J. TOBIAS
ATTORNEY AT LAW

500 FIFTH AVENUE
NEW YORK, NEW YORK 10110
SUITE 2800

(212) 921-4300

November 1, 1990

90 NOV -6 AM 11:36

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Elizabeth Campbell, Esq.
Federal Election Commission
999 E. Street, N.W.
Washington, D.C.

Re: MUR 2672

Dear Ms. Campbell:

I write this letter to let you know that we strongly disagree with the terms and content of the General Counsel's brief. As you may recall, this inquiry was initiated, at the behest of of Mr. Levitt's political opponents, to determine whether or not Mr. Levitt had the requisite personal resources necessary to make the expenditures that were reported in connection with his 1988 congressional campaign. Since the Commission was concerned that, absent a demonstrable showing of such resources, the campaign might have been financed from undisclosed and unauthorized sources, an extensive investigation was initiated by your office.

After giving the Commission our full and complete cooperation, and after the Commission had more than two years to scrutinize all available evidence, your office came to the conclusion, correctly, that the Levitt Congressional Campaign was not funded by any hitherto undisclosed or unauthorized sources. Unfortunately, although the purpose of the Commission's inquiry had thereby been achieved, the matter did not end there. To the contrary, with the accusations that had brought about the Commission's inquiry completely and thoroughly refuted, you now turned your attention, on your own initiative, to the specific reports that were filed during the course of the campaign, and now sought to address not the questions that had been raised by

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DONALD J. TOBIAS
ATTORNEY AT LAW

Elizabeth Campbell, Esq.
November 1, 1990
Page 2

Mr. Levitt's political opponents* (and which started the inquiry in the first place), but the unrelated question of whether or not the Campaign Committee had made any record keeping errors.

While I shall turn my attention to the specific aspects of the General Counsel's brief, I must first request that, in the interest of fairness, you also review the reports of Mr. Levitt's opponents in the 1988 Democratic congressional primary. For if the General Counsel, on his own initiative, wishes to undertake a detailed and critical examination of the various filings that were tendered more than two years ago, is only fair and proper that all other similarly situated candidates be treated in the same manner.

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Regarding the new matter that has been raised in your brief, we believe that most, if not all, of your findings, relative to purported reporting errors, are incorrect. In concluding that Mr. Levitt erroneously reported a loan of \$91,942.56, you contend, without setting forth any case law or statutory support, that his announced commitment to provide his campaign with this funding was a mere "pledge" that need not, and in fact should not, have been listed in the schedule that was filed with your office. We believe, however, that your office's position on this matter is erroneous for at least two reasons. First, we believe that it is ironic that the Campaign Committee, which sought, in a good faith exercise of extra caution, to include, on its publicly filed report, all possible sources of campaign revenue, should be penalized for this disclosure. Second, an examination of the relevant statutory provisions (i.e., 11 CFR 104.3(a)(3)(vii) and 104.3(a)(4)(iii)), reveals that the practice that you have, wholly on your own, classified as a "pledge," is not necessarily excluded from the definition of the term "loan."

*You should note, for the record, that Mr. Levitt had been assured, verbally, by a representative of your office, that the Commission was only seeking to ascertain the legitimacy of the sources of the campaign funding and that the matter would be closed once it was determined that the campaign receipts were derived from legitimate sources, such as Mr. Levitt's own funds. The Commission has apparently elected not to abide by this representation.

DONALD J. TOBIAS
ATTORNEY AT LAW

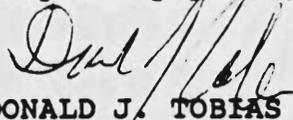
Elizabeth Campbell, Esq.
November 1, 1990
Page 3

Regarding your conclusion that Mr. Levitt had received a \$10,000.00 bank loan, assertedly for campaign purposes, during the period between May-December, 1987, we find that your position is not only self-serving, but also predicated upon a gross misinterpretation of the factual record. Although Mr. Levitt received a personal loan in the aforesaid amount, this was wholly unrelated to his congressional campaign. Indeed, while Mr. Levitt expended the relatively nominal sum of \$7,299.10 for campaign purposes during a nine month period, his net income between May, 1987 and January, 1988, totalled Accordingly, he clearly did not need the bank loan to finance a \$7,299.10 expenditure and the assertion that this constituted a campaign loan must be dismissed as undocumented speculation on your office's part.

Regarding the continued reference to the assertedly late filings to which your brief refers, I believe that said charges are also unsubstantiated. Although you continuously charge that the Committee failed to submit documents within the time frames established by law, you have failed in several instances to set forth the dates upon which the subject items were received as opposed to the dates on which they were due. Moreover, you have also failed to take into account the fact that the Federal Election Commission, whenever it sent the various filing notices that it regularly issued, continuously mis-addressed such correspondence.

In short, while we believe that the Federal Election Commission serves a valuable public function, we do not understand why this inquiry, which was insituted to determine the sources of the Levitt Campaign funding, has now turned into an investigation as to the technical adequacy of the various filings that were submitted. While we have been willing to cooperate with your office throughout the course of this process, we suggest, most respectfully, that it is now time to close this matter.

Very truly yours,


DONALD J. TOBIAS

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SENSITIVE
EXECUTIVE SESSION
JAN 8 1991

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
John Levitt) MUR 2672
The Committee to Elect Levitt and)
Alvin Smolin, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was initiated by a complaint filed on August 12, 1988, by George McDonald ("the Complainant") against John Levitt and the Committee to Elect Levitt ("the Committee"), the principal campaign committee for Levitt. Both Levitt and Complainant were candidates in the 1988 Democratic primary for the 15th congressional district of New York. After failing to win the Democratic nomination, Levitt was the Liberal Party candidate in the general election. The complaint focused on a reported loan of \$91,942.56 from Levitt to his principal campaign committee which was disclosed in the Committee's amended 1988 July quarterly report. The Complaint alleges that Levitt did not have sufficient personal funds to loan his campaign \$91,942.56. The complainant further surmised that Levitt therefore must have obtained the funds from another source, and since it is unlikely that any financial institution would lend such a large amount of money to Levitt without security or appropriate guarantees, there must be an undisclosed endorser or guarantor for the loan.

On November 23, 1988, the Commission found reason to believe that John Levitt violated 2 U.S.C. § 441a(f), and the Committee

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to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b), and initiated an investigation into this matter. Subsequently, on February 20, 1990, the Commission found reason to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) for failure to file disclosure reports. Also on February 20, 1990, the Commission issued a subpoena and order to John Levitt because his prior response had not fully explained his financial participation in his campaign.

On April 27, 1990, this Office received a response to the Commission's subpoena and order, which details Mr. Levitt's financial participation in his campaign. Attached is a copy of a letter and a list of all campaign disbursements by Levitt, which were included in the response.¹ See Attachment 1. On August 21, 1990, a General Counsel's brief was mailed to the respondents. A copy of the General Counsel's Brief was circulated to the Commission on that same day. On October 11, 1990 the Commission granted respondents an Extension of time until October 26th to respond to the General Counsel's Brief. A response was submitted on November 1, 1990.

II. ANALYSIS

The factual and legal analysis set forth in the General Counsel's Brief dated August 20, 1990, are incorporated as if

1. Levitt also provided copies of canceled checks used to make expenditures on behalf of his campaign and bank records of the account such expenditures were made from. These documents are on file in the docket room of the Office of the General Counsel. Because of the volume of these materials, they are not attached to this report.

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fully set forth herein.

A. Levitt used only personal funds to finance his campaign

Although the Committee reported a loan from Levitt of \$91,942.56 on its 1988 July quarterly report, Levitt never made an actual loan, as defined by the Act and Commission regulations, to his campaign.² 2 U.S.C. § 431; 11 C.F.R. § 100.7(a)(1)(i). But Levitt did make a number of expenditures or in-kind contributions on behalf of his campaign -- a total of \$65,966 -- which were reported as expenditures by the Committee, but not as in-kind contributions by Levitt. Therefore, it is still an issue whether Levitt had sufficient personal funds to spend this amount on his campaign.

Although Levitt's financial disclosure statement showed his gross income to be only \$50,554.51 in 1987 and \$31,578.50 in 1988 to the date of filing, his actual net income for 1988 was approximately See General Counsel's Brief at pp. 4-5. Levitt did use a \$10,000 personal bank loan taken out by him in May of 1987 to finance his campaign. However, this loan was made in the ordinary course of business. A copy of the note provided by Levitt evidences a loan of \$10,000.00 at 13.5% interest, with a repayment schedule of sixty payments of \$230.09 beginning July 1, 1987.

The information obtained by this office concerning Levitt's financial situation in 1987 and 1988 indicates that all of the

2. The erroneous reporting of a \$91,942.56 loan is only one of numerous reporting violations by the Committee. See Section B of this report.

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money Levitt used to finance his campaign was from personal funds. Accordingly, there were no contributions in the form of a guarantee or endorsement, and this Office recommends that the Commission find no probable cause to believe that John Levitt, the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).

B. Misreporting - 2 U.S.C. § 434(b)

The disclosure reports filed by the Committee to Elect Levitt do not accurately reflect the financial activity occurring during each reporting period. See General Counsel's Brief at pp. 7-10. First of all, Levitt's financial participation in his campaign was not properly reported. Levitt never actually made a "loan" of \$91,942.56 to his campaign as reported by the Committee. Instead, he only made a "commitment" or "pledge" to loan his campaign \$91,942.56.

In the response to the General Counsel's brief, counsel contends that the reporting of a \$91,942.56 "loan" from Levitt was not incorrect. See Attachment 2, p. 2. Counsel argues that 11 C.F.R. §§ 104.3(a)(3)(vii) and 104.3(a)(4)(iii) show that Levitt's commitment to loan his campaign that amount of money is not necessarily excluded from the definition of the term "loan." Those provisions provide that all loans to the committee, including those made, guaranteed, or endorsed by a candidate to his authorized committee, must be reported.

Prior to January 8, 1980, the Act defined contribution to include "a written contract, promise, or agreement whether or not legally enforceable, to make a contribution." However, the 1979

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amendments to the Federal Election Campaign Act repealed that portion of the contribution definition so that a "commitment" or a "pledge" is not considered a contribution under the Act. In Advisory Opinion 1985-29, the John Breaux Committee proposed soliciting loans where the contributor would also promise to make interest payments. The Commission decided that "since the Act's definition of the term 'contribution' does not include a written contract, promise or pledge, the mere promise of the contributor to pay interest on the note is not a contribution." 1 Fed. Election Camp. Fin. Guide [CCH] ¶ 5829.

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Counsel also argues that the Committee should not be penalized for reporting the pledge from Levitt as a "loan" because it was done "in a good faith exercise of extra caution." However, the provisions of 2 U.S.C. § 434(b) are specific, and require disclosure of a committee's actual financial activity. In addition, Levitt stated in an earlier response to this Office that the reason the Committee reported a \$91,942.56 loan from him was "because the candidate was aware that other candidates and media would view his effort as a serious one. Mr. Levitt made the commitment to loan his campaign the amount at that date and reported it as such."

The erroneous reporting of a "loan" from Levitt means that the Committee's cash on hand was inflated for the 1988 July quarterly report, and all subsequent reports.

As noted in section A above, Levitt did spend \$65,966 on his campaign. Most of Levitt's participation was in the form of in-kind contributions whereby he would pay bills of his campaign

from his personal account. However, these in-kind contributions were reported as expenditures by the Committee, rather than as in-kind contributions by Levitt on Schedules A and B. See General Counsel's Brief at p. 10.

On several occasions, the Committee did not report disbursements in the correct reporting period. Disbursements totaling \$14,086.60 which should have correctly been reported in the 1987 year-end report were not reported until the Committee filed its 1988 July quarterly report. See General Counsel's Brief at p. 8-9. The Committee also failed to report \$22,900.97 in disbursements in the 1988 April quarterly report; these disbursements were reported late, on the 1988 July quarterly report. See General Counsel's Brief at p. 8-9. The Committee's July report also included \$7,121.85 in expenditures made in July which should have been reported in the 1988 pre-primary report. See General Counsel's Brief at pp. 8-9.

In addition, the Committee reported \$4,500 in loans on a Schedule C of the 1988 October quarterly report, but failed to report them on a Schedule A.

Levitt obtained a \$10,000 bank loan in May of 1987 from Manufacturer's Hanover Trust, which was used to finance his campaign. See General Counsel's Brief at pp. 10-11. However, this loan was not reported on the Committee's disclosure reports and payments on the loan, which became due in July 1987, were not reported as they were made. See 2 U.S.C. §§ 434(b)(2)(G), 434(b)(2)(H), and 434(b)(3)(E); 11 C.F.R. § 104.3(d).

In his response to the General Counsel's Brief, counsel

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disputes the finding of this Office that the \$10,000 bank loan was used to finance Levitt's campaign. Between May and December of 1987, Levitt made expenditures on behalf of his campaign totaling \$7,299.10. Counsel argues that since Levitt's net income between May 1987 and January 1988 totaled \$49,157.53, "he clearly did not need the bank loan to finance a \$7,299.10 expenditure and the assertion that this constituted a campaign loan must be dismissed as undocumented speculation on [this] Office's part." See Attachment 2, p. 3.

This Office still believes the evidence supports the conclusion that the \$10,000 bank loan was used to finance Levitt's campaign. First, Levitt's gross income for all of 1987, as reported on his financial disclosure statement filed with the U.S. House of Representatives in March of 1988, was \$50,554.51. Since counsel has included Mr. Levitt's January 1988 income in his response to this issue, we will have to include Mr. Levitt's January 1988 expenditures on his campaign, which total \$9,779.00. Therefore, between May 1987 and January 1988, Levitt's gross income was _____ and he spent a total of \$17,078.10 on his campaign, more than a third of his income. Although, as noted in the General Counsel's brief at p. 5, Mr. Levitt's living expenses were relatively low during that period, one-third of his income is still a substantial amount to have spent on his campaign. He also paid at least _____ in rent during that period, and had to make monthly payments of \$230.09 on the bank loan beginning in July. Thus, after taking these fixed expenses into consideration, along with the \$17,078.10 spent on his campaign,

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Levitt had about _____ per month for all of his remaining expenses from May 1987 through January 1988. It is relevant to consider that Mr. Levitt lives in New York city.

In addition, Mr. Levitt's bank records for the account he used to make expenditures to finance his campaign shows a \$10,000 deposit in May 1987. Furthermore, we have the letter from Levitt's law partner, in response to a Request for Additional Information ("RFAI") stating that the \$10,000 bank loan was used to finance Levitt's campaign. See General Counsel's Brief at pp. 10-11.

Counsel argues the investigation of this matter should have focused only on whether Levitt had the personal funds necessary to make such a large loan to his campaign and whether any undisclosed sources had been used to finance his campaign, not on the reporting errors made by the Committee. However, in order to determine whether Levitt had used only personal funds to finance his campaign, it had to be determined what in fact Levitt did spend on his campaign. Levitt admitted that he did not make the "loan" of \$91,942.56 as reported. He also admitted that he did spend \$65,966 on his campaign, but it was not reported as in-kind contributions by him. Thus, in order to get a clear picture of Levitt's financial participation in his campaign, this Office had to examine the committee's disclosure reports, and while doing so, discovered the numerous reporting errors discussed above.

Therefore, this Office recommends that the Commission find probable cause to believe that the Committee to Elect Levitt and

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Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(b).

C. Failure to file reports - 2 U.S.C. § 434(a)

The Committee did not file the 1988 pre-general and the 1988 October quarterly reports in a timely manner. The Committee's October quarterly report was filed twenty-four days late, on November 8, 1990, and the Committee's pre-general report was filed 12 days late, also on November 8, 1990.

The Committee also failed to file 1989 mid-year and year-end reports. The last report filed in 1988, the 1988 year-end report, showed that the Committee owed debts of \$94,442.56.³

Under the Act, a principal campaign committee cannot terminate and stop reporting until all of its debts are paid or settled. See 2 U.S.C. § 433(d)(1); 11 C.F.R. § 102.3. The Committee has not demonstrated that all debts have been paid. Nor has Levitt or the Committee submitted any debt settlements for the Commission's review.

Counsel contends that various filing notices sent to the Committee were misaddressed. This Office is not aware of what correspondence counsel is referring to. Moreover, it is not the duty of the Commission to remind committees to submit their

3. Part of the Committee's reported debts is the reported "loan" from the candidate which was never actually made. However, even after deducting the \$91,942.56 never actually loaned to the campaign, the committee still had debts of \$2,500. Also, the \$10,000 loan from Manufacturer's Hanover Trust, which was used to finance Levitt's campaign, has a 5 year repayment schedule which doesn't end until 1992.

The Committee did file a 1990 mid-year report showing no receipts, disbursements, or cash on hand. The only item on the report is a debt of \$74,082.03 owed to Levitt. However, there is no indication of whether the debts shown on the 1988 year-end report have been paid.

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disclosure reports on time.

Accordingly, this Office recommends that the Commission find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

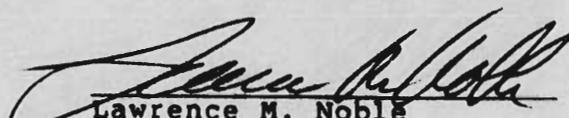
IV. RECOMMENDATIONS

1. Find no probable cause to believe that John Levitt violated 2 U.S.C. § 441a(f).
2. Close the file as it pertains to John Levitt.
3. Approve the appropriate letter.
4. Find no probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).
5. Find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) and (b).

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6. Approve the attached conciliation agreement and appropriate letter.

12/14/90
Date


Lawrence M. Noble
General Counsel

Attachments:

1. Response to Order and Subpoena
2. Response to General Counsel's Brief
3. Conciliation Agreement

Staff assigned: Elizabeth Campbell

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2672
John Levitt;)
The Committee to Elect Levitt and)
Alvin Smolin, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 8, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2672:

1. Find no probable cause to believe that John Levitt violated 2 U.S.C. § 441a(f).
2. Close the file as it pertains to John Levitt.
3. Approve the appropriate letter as recommended in the General Counsel's report dated December 14, 1990.
4. Find no probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. § 441a(f).

(continued)

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5. Find probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 434(a) and (b).

6. Approve the conciliation agreement and appropriate letter as recommended in the General Counsel's report dated December 13, 1990.

Commissioners Aikens, Josefiak, McDonald, McGarry,
and Thomas voted affirmatively for the decision.
Commissioner Elliott dissented.

Attest:

Jan. 9, 1991
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 15, 1991

Mr. Alvin Smolin, Treasurer
Committee to Elect Levitt
300 East 42nd St., 9th Floor
New York, NY 10017

RE: MUR 2672
Committee to Elect Levitt
and Alvin Smolin, as
treasurer

Dear Mr. Smolin:

On January 8, 1991, the Federal Election Commission found that there is probable cause to believe the Committee to Elect Levitt ("the Committee") and you, as treasurer, violated 2 U.S.C. § 434(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended. The Commission also found that there is no probable cause to believe that the Committee and you, as treasurer, violated 2 U.S.C. § 441a(f).

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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Mr. Alvin Smolin, Treasurer
NUR 2672
Page 2

If you intend to be represented by counsel during conciliation in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

L M Noble (792)
Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 15, 1991

Donald J. Tobias, Esq.
500 Fifth Avenue
Suite 2800
New York, NY 10110

RE: MUR 2672
John Levitt

Dear Mr. Tobias:

This is to advise you that on January 8, 1991, the Federal Election Commission found that there is no probable cause to believe your client, John Levitt, violated 2 U.S.C. § 441a(f). Accordingly, the file in this matter has been closed as it pertains to Mr. Levitt.

In addition, the Commission also found probable cause to believe that the Committee to Elect Levitt ("the Committee") and Alvin Smolin, as treasurer, violated 2 U.S.C. § 434(a) and (b). A conciliation agreement approved by the Commission has been sent to the Committee at their address on file with the Commission. As mentioned to you in previous letters sent by this Office, we do not have a signed designation of counsel form from Mr. Smolin. If you intend to represent the Committee and its treasurer through conciliation negotiations, we must have a signed designation of counsel form from Mr. Smolin.

The file in this matter will be made part of the public record within 30 days after it has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble

Lawrence M. Noble
General Counsel

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DONALD J. TOBIAS
ATTORNEY AT LAW

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500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300
TELECOPIER: (212) 921-4249

January 25, 1991

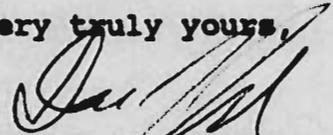
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Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Re: MUR 2672
Committee to Elect Levitt and
Alvin Smolin, as Treasurer

Dear Ms. Campbell:

Enclosed please find the Statement of Designation of
Counsel, executed by Mr. Smolin.

Very truly yours,

DONALD J. TOBIAS

Enclosure

DJT/cc

BY TELECOPIER

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2762

NAME OF COUNSEL: Donald J. Tobias, Esq.

ADDRESS: 500 Fifth Avenue

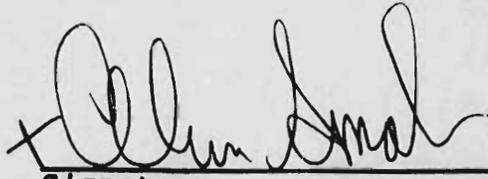
Suite 2800

New York, N.Y.

TELEPHONE: (212) 921-4300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/18/91
Date


Signature
ALVIN SMOLIN

RESPONDENT'S NAME: Committee to Elect Levitt, Alvin Smolin Treasurer

ADDRESS: 300 East 42nd Street

New York, N.Y. 10017

HOME PHONE: _____

BUSINESS PHONE: (212) 599-6260

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald Tobias, Esquire
500 Fifth Avenue, Suite 2800
New York, NY 10110

RE: MUR 2672
Committee to Elect Levitt and
Alvin Smolin, as treasurer

Dear Mr. Tobias:

On January 15, 1991, you and Alvin Smolin, as treasurer of the Committee to Elect Levitt, were notified that the Federal Election Commission found probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated § 434(a) and (b), provisions of the Federal Election Campaign Act of 1971, as amended. On that same date, Mr. Smolin was sent a conciliation agreement offered by the Commission in settlement of this matter. On January 25, 1991, this Office was notified that you would be representing the Committee to Elect Levitt and Mr. Smolin, as treasurer.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, the Office of the General Counsel will recommend that the Commission authorize the filing of a civil suit unless we receive a response from you with 15 days of your receipt of this letter.

Should you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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DONALD J. TOBIAS
ATTORNEY AT LAW

STANDARD BUSINESS REPLY

mur 2672

65-612-31

500 FIFTH AVENUE
SUITE 2800
NEW YORK, NEW YORK 10110
(212) 921-4300

TELECOPIER: (212) 921-4248

May 16, 1991

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

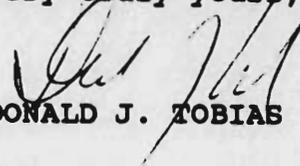
Dear Ms. Campbell:

It was a pleasure meeting you at, what I believe, was a very productive session.

As promised, I am now enclosing an affidavit from Alan Scott, Esq., which should erase the Commission's misconception about the \$10,000.00 loan. In point of fact, Mr. Scott had not ascertained, at the time that he wrote to the Commission, the disposition of the loan from Manufacturers Hanover Trust Company, which was purely a personal loan, unrelated to the primary campaign.

I trust that we will now be able to conclude this matter.

Very truly yours,


DONALD J. TOBIAS

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Committee to Elect Levitt) MUR 2672
and Alvin Smolin, as Treasurer)

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

Alan Scott, being duly sworn, deposes and says
that:

1. I am an attorney at law and am the law partner of John Levitt, a candidate in the 1988 Democratic primary for the 15th Congressional District of New York.

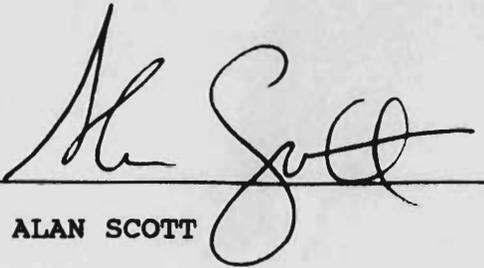
2. I have learned that the Commission has inferred from a letter that I have previously written

that Mr. Levitt used a \$10,000.00 loan, obtained from Manufacturers Hanover Trust Company, in connection with his Congressional Campaign. I wish to apprise the Commission of the fact that this was certainly not my intention

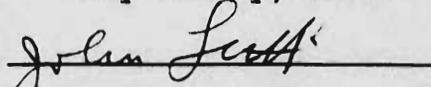
3. In making the referenced statement to the Commission, I did not state or mean to suggest that the \$10,000.00 loan was used in connection with the Congressional campaign. Rather, I was merely attempting to state that, as of the date of the subject letter, any loans that were

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obtained by the Committee came only from Mr. Levitt's personal funds and from no other sources. Since the subject loan was not in fact used in the campaign, it should not have been mentioned in my letter.


ALAN SCOTT

Sworn to before me this
17th day of May, 1991.


NOTARY PUBLIC

JOHN B. LEVITT
Notary Public, State of New York
No. 31-4816755
Qualified in New York County
Commission Expires August 31, 1991

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F.E.C.
SECRETARIAT

OCT 31 AM 11:32

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Levitt and) MUR 2672
Alvin Smolin, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 8, 1991, the Commission found probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a) and (b), and approved a conciliation agreement in this matter.

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Accordingly, this Office recommends that the Commission accept the Respondents counteroffer and close the file in this matter.

II. RECOMMENDATIONS

1. Accept the counteroffer of the Committee to Elect Levitt and Alvin Smolin, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date 10/30/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Counteroffer

Staff Assigned: Elizabeth Campbell

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Elect Levitt and) MUR 2672
Alvin Smolin, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 4, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 2672:

1. Accept the counteroffer of the Committee to Elect Levitt and Alvin Smolin, as treasurer, as recommended in the General Counsel's Report dated October 30, 1991.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated October 30, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Attest:

Nov. 4, 1991
Date

for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Thurs., October 31, 1991 11:32 a.m.
Circulated to the Commission:	Thurs., October 31, 1991 4:00 p.m.
Deadline for vote:	Mon., November 4, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 8, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. George McDonald
233 E. 86th Street, #9C
New York, New York 10028

RE: MUR 2672

Dear Mr. McDonald:

This is in reference to the complaint you filed with the Federal Election Commission on August 12, 1988, concerning the finances of John Levitt's Congressional campaign committee, the Committee to Elect Levitt.

After conducting an investigation in this matter, the Commission found that there was probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended. On November 4, 1991, a conciliation agreement signed by counsel for the respondents was accepted by the Commission, thereby concluding this matter. Accordingly, the Commission closed the file in this matter. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Elizabeth Campbell, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

91040881050



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 8, 1991

Donald Tobias, Esq.
271 Madison Avenue
New York, New York 10016

RE: MUR 2672
Committee to Elect Levitt
and Alvin Smolin, as treasurer

Dear Mr. Tobias:

On November 4, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. I remind you that the first installment of the civil penalty, \$1,000, is due within 30 days of the conciliation agreement's effective date. The remaining \$1,500 is due in monthly installments of \$250, paid on the first day of each month. If you have any questions, please contact Elizabeth Campbell, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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063270

91 OCT 28 PM 1:53

FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 The Committee to Elect Levitt) MUR 2672
 and Alvin Smolin, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by George McDonald filed with the Commission on August 12, 1988. An investigation was conducted, and the Federal Election Commission ("Commission") found probable cause to believe that the Committee to Elect Levitt and Alvin Smolin, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a) and (b).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. The Committee to Elect Levitt is a political committee within the meaning of 2 U.S.C. § 431(4) and a principal campaign committee within the meaning of 2 U.S.C. § 431(5).

2. Alvin Smolin is the treasurer of the Committee to Elect Levitt. Respondents contend that Mr. Smolin served as treasurer in a nominal capacity only.

91 OCT 28 PM 3:10

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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3. John Levitt (the "Candidate") filed a Statement of Candidacy for the 15th Congressional District of New York designating the Committee to Elect Levitt (the "Committee") as his principal campaign committee.

4. John Levitt was a candidate in the 1988 Democratic primary for the 15th Congressional District of New York. After failing to win the Democratic nomination, Levitt was the Liberal Party candidate in the general election.

5. Under 2 U.S.C. § 434(a), the treasurer of a political committee is required to file reports of receipts and disbursements for the reporting period and calendar year. Pursuant to 2 U.S.C. § 434(b), each report shall disclose the total amount of all receipts and disbursements for the reporting period and calendar year, and the amount of cash on hand at the beginning of the reporting period. Each treasurer of a political committee shall be personally responsible for the timely and complete filing of the report and for the accuracy of any information or statement contained therein. 11 C.F.R. § 104.14(d).

6. Pursuant to 2 U.S.C. § 431(8), a "contribution" is defined as 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. Prior to January 8, 1980, the Act defined contribution to include "a written contract, promise, or agreement whether or not legally enforceable, to make a contribution." However, the 1979 amendments to the Act repealed that portion of the contribution definition so that a "pledge" or a "commitment" to make a

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contribution is not itself considered a contribution under the Act. See Advisory Opinion 1985-29, 1 Fed. Election Camp. Fin. Guide [CCH] ¶ 5829. And even prior to the 1979 amendments, the term "contribution" did not include a written contract, promise, or agreement which was subject to termination at any time and where no certain total amount was assured. See Advisory Opinion 1978-16, 1 Fed. Election Camp. Fin. Guide [CCH] ¶ 5311.

7. Pursuant to 2 U.S.C. § 431(9), the term "expenditure" includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.

8. Under 2 U.S.C. § 434(b)(2)(B), an authorized committee must disclose contributions from the candidate. Pursuant to 11 C.F.R. § 110.10, a candidate for federal office, except presidential candidates who elect to receive public financing, may make unlimited expenditures from personal funds. Under 11 C.F.R. § 110.10(b)(1), "personal funds" includes any assets which, under applicable state law, the candidate had legal right of access to or control over, and with respect to which the candidate had either legal and rightful title or an equitable interest. Also included in "personal funds" is salary and other earned income from bona fide employment, dividends and proceeds from the sale of the candidate's stocks or other investments, and bequests to the candidate. 11 C.F.R. § 110.10(b)(2).

9. Pursuant to 11 C.F.R. § 104.13(a), all in-kind contributions shall be reported as both a contribution and as an

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expenditure.

10. Under 2 U.S.C. § 434(b)(3)(E), the treasurer of a political committee is required to include in reports the identification of each person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and date and amount or value of such loan. Each report for an authorized committee shall disclose loans made by or guaranteed by the candidate. 2 U.S.C. § 434(b)(2)(G). Pursuant to 11 C.F.R. § 104.3(d), any loans obtained by an individual prior to becoming a candidate for use in connection with that individual's campaign shall be reported as an outstanding loan owed to the lender by the candidate's principal campaign committee, if such loans are outstanding at the time the individual becomes a candidate. Under 2 U.S.C. § 432(e)(2), any candidate who receives any loan for use in connection with the campaign of such candidate for election shall be considered as having received the loan as an agent of the authorized committee of the candidate. According to 11 C.F.R. § 101.2(b), the result is the same even if the candidate obtains the loan before becoming a candidate, but uses the loan in connection with his or her campaign.

11. Pursuant to 11 C.F.R. § 100.7(b)(11), a bank loan is not a contribution by the lending institution if such loan is made in accordance with the applicable banking laws and regulations, and is made in the ordinary course of business. A loan is made in the ordinary course of business if it bears the

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usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

12. The Committee filed its 1987 year-end report on February 5, 1988. Total disbursements for 1987 were \$21,813.60 but the Committee reported only \$7,727.00 in the 1987 year-end report. The remaining \$14,086.60 was not reported until the Committee's July Quarterly report was filed on July 18, 1988.

13. The Committee's April Quarterly report was filed on April 18, 1988. Disbursements for this reporting period totaled \$23,144.99, but the April Quarterly report showed only \$244.02 in disbursements. The remaining \$22,900.97 was not reported until the Committee's July Quarterly report was filed on July 18, 1988.

14. The Committee filed its July Quarterly report on July 18, 1988 and then filed an amended July Quarterly report on August 5, 1988. The amended report showed a loan of \$91,942.56 from Levitt to the Committee. This figure did not represent an actual monetary transfer from John Levitt to the Committee.

15. The Committee's amended July Quarterly report showed disbursements of \$82,987.77. As noted above, \$22,900.97 of that amount should have been reported in the Committee's April Quarterly report and \$14,086.00 should have been reported in the Committee's 1987 year-end report. In addition, \$7,121.85 of expenditures made in July were reported in the Committee's July report, but instead should have been reported in the Committee's pre-primary report.

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16. Levitt maintains that he spent \$65,966 on his campaign, \$58,216 in the form of in-kind contributions. Although these expenditures were reported, they were reported as expenditures by the Committee rather than as in-kind contributions by Levitt. The Committee should have reported Levitt's financial participation as in-kind contributions on Schedules A and B.

17. Because the Committee incorrectly reported the receipt of a \$91,942.56 loan from Levitt, the Committee's cash on hand for all reports beginning with the July Quarterly was incorrectly reported.

18. John Levitt obtained a personal loan with Manufacturers Hanover Trust for \$10,000.00 in May of 1987. Respondents contend that the bank loan had no relation to Mr. Levitt's Congressional campaign. On June 10, 1987, a check in the amount of \$2,000 cleared Mr. Levitt's account. Such check was an expenditure made by Mr. Levitt on behalf of his campaign. At that time, the funds remaining in Mr. Levitt's account were all from the bank loan. Such amount was inadvertently reported as having been derived from Mr. Levitt's personal funds as opposed to the bank loan.

19. The Committee's October Quarterly report was filed twenty-four days late, on November 8, 1988. Also, the October Quarterly disclosed \$4,500.00 in loans from individuals which were not reported on a Schedule A.

20. The Committee's pre-general report was filed twelve days late, on November 8, 1988.

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21. The Committee did not file 1989 mid-year and year-end reports.

V. 1. Respondents failed to file the 1988 pre-general election report and the 1988 October Quarterly report in a timely manner, and failed to file 1989 mid-year and year-end reports, in violation of 2 U.S.C. § 434(a).

2. Respondents failed to report \$14,086.60 in disbursements in the Committee's 1987 year-end report; failed to report \$22,900.97 in disbursements in the Committee's 1988 April Quarterly report; incorrectly reported \$7,121.85 in the July Quarterly report; and failed to itemize \$4,500.00 in loans on a Schedule A in the October Quarterly report, in violation of 2 U.S.C. § 434(b).

3. Respondents reported a prospective loan, from the candidate, in the sum of \$91,942.56. This should not have been reported prospectively, but rather should have been reported incrementally, on the various periodic reports, as each specific disbursement was made. Respondents' prospective, as opposed to incremental, reporting of the loan violated 2 U.S.C. § 434(b).

4. Respondents did not accurately report the Committee's cash on hand for the 1988 July quarterly, pre-primary, October quarterly, and pre-general reports, in violation of 2 U.S.C. § 434(b).

5. Respondents reported that certain expenditures, totaling \$2,000, were derived from Mr. Levitt's personal funds, as opposed to a portion of a bank loan (not otherwise related to the campaign) that Mr. Levitt had obtained, in violation of

2 U.S.C. § 434(b). Respondents contend that this violation was inadvertent.

6. Respondents contend that they did not knowingly and willfully violate any provision of the Act.

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand five hundred dollars (\$2,500), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

a) One initial payment of \$1,000, due thirty days after the date this agreement becomes effective;

b) Thereafter, beginning the month following the month the first payment is due, six consecutive monthly installment payments of \$250 each;

c) Each such installment shall be paid on the first day of the month in which it becomes due;

d) In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

2. Respondents will file 1989 mid-year and year-end reports.

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21. The Committee did not file 1989 mid-year and year-end reports.

V. 1. Respondents failed to file the 1988 pre-general election report and the 1988 October Quarterly report in a timely manner, and failed to file 1989 mid-year and year-end reports, in violation of 2 U.S.C. § 434(a).

2. Respondents failed to report \$14,086.60 in disbursements in the Committee's 1987 year-end report; failed to report \$22,900.97 in disbursements in the Committee's 1988 April Quarterly report; incorrectly reported \$7,121.85 in the July Quarterly report; and failed to itemize \$4,500.00 in loans on a Schedule A in the October Quarterly report, in violation of 2 U.S.C. § 434(b).

3. Respondents reported a prospective loan, from the candidate, in the sum of \$91,942.56. This should not have been reported prospectively, but rather should have been reported incrementally, on the various periodic reports, as each specific disbursement was made. Respondents' prospective, as opposed to incremental, reporting of the loan violated 2 U.S.C. § 434(b).

4. Respondents did not accurately report the Committee's cash on hand for the 1988 July quarterly, pre-primary, October quarterly, and pre-general reports, in violation of 2 U.S.C. § 434(b).

5. Respondents reported that certain expenditures, totaling \$2,000, were derived from Mr. Levitt's personal funds, as opposed to a portion of a bank loan (not otherwise related to the campaign) that Mr. Levitt had obtained, in violation of

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VII. 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.

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

IX. 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.

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X. 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 enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: [Signature]
Lois G. Lerner
Associate General Counsel

11-8-91
Date

FOR THE RESPONDENTS:

[Signature]
(Name)
(Position) Attorney

10-28-91
Date

91040881061



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2672

DATE FILMED 12/17/91 CAMERA NO. 8

CAMERAMAN AS

91040881062



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2672.

12/17/91

91040884043

OC 3721

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

LAW OFFICES OF
DONALD J. TOBIAS

91 DEC 11 AM 9:56

CLOSED
271 MADISON AVENUE
11TH FLOOR
NEW YORK, NEW YORK 10016
TELEPHONE 212 633-2476

December 4, 1991

91 DEC 11 PM 3:33

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Elizabeth Campbell, Esq.
Federal Elections Commission
999 E Street, N.W.
Washington, D.C.

Re: John Levitt

Dear Ms. Campbell:

Enclosed please find Mr. Levitt's check, in the sum of \$1,000.00, in payment of the first installment due under the settlement agreement.

Very truly yours,

Donald J. Tobias
DONALD J. TOBIAS

Enclosure

DJT/cc

91040884044



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

Dec 11, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from John Levitt, check number 279, dated Nov. 26, 1991, and in the amount of \$ 1,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Fabrae Brunson *FJB*
OGC, Docket

In reference to the above check in the amount of \$ 1,000, the MUR number is 2672 and in the name of Chris Jo Elect Levitt. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Fabrae Brunson
Signature

Dec 12, 1991
Date

91040884045

JOHN B. LEVITT
330 EAST 39TH STREET, APT. 22C
NEW YORK, NY 10016

279

November 26, 1971

1-236
210

PAY TO THE
ORDER OF

Federal Election Commission \$ 1,000.00

One Thousand and No

XX
00
DOLLARS



CHASE The Chase Manhattan Bank, N.A.
241 East 42nd Street
New York, NY 10017

MEMO

John Levitt

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2672.

4/7/92

92040901164



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FILED

March 16, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald Tobias, Esq.
271 Madison Avenue
19th Floor
New York, NY 10016

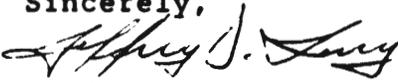
RE: MUR 2672

Dear Mr. Tobias:

On November 8, 1991, the Federal Election Commission and your clients, the Committee to Elect Levitt and Alvin Smolin, as treasurer, entered into a conciliation agreement in settlement of violations 2 U.S.C 434(a) and (b). According to the agreement, you were required to pay a civil penalty of two thousand five hundred dollars (\$2,500.00). The agreement provided for installment payments with your first payment of one thousand dollars (\$1,000.00) due thirty days after the effective date of the agreement which was December 8, 1991. Thereafter, beginning the following calendar month six consecutive monthly installment payments of two hundred fifty dollars (\$250.00) each were to be paid to the Commission on the first day of each month.

According to Commission records only the initial payment of one thousand dollars (\$1,000.00) was received on December 11, 1991. Please be advised pursuant to 2 U.S.C. 437g(a)(5)(D) that violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive payment from you in five days, this office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3690.

Sincerely,

Jeffrey D. Long
Paralegal Specialist

92040901165

LAW OFFICES OF
JOHN B. LEVITT

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

APR 3 9 57 AM '92

CLOSURE

March 30, 1992

271 MADISON AVENUE
19TH FLOOR
NEW YORK, NEW YORK 10016
(212) 682-9797

TELECOPIER: (212) 953-2476

Mr. Jeffrey D. Long
Paralegal Specialist
Federal Elections Commission
Washington, D.C. 20463

MUR 2672

Dear Mr. Long,

As per our discussion, enclosed please find my check payable to the FEC for \$100.00 I will enclose checks for \$250.00 per month for the months of April, May, June, July, and August.

Then, as you explained I will receive a letter advising me that the conciliation agreement has been substantially complied with.

Thank you for your cooperation and assistance in this matter.

Very truly yours,

John B. Levitt
John B. Levitt

92 APR -6 AM 12:57

RECEIVED
FEDERAL ELECTION COMMISSION
APR 11 1992

92040901166

OGC 4603
folder



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

92 APR -6 AM 11:06

We recently received a check from John B. Levitt, check number 315, dated March 20, 1992, and in the amount of \$100.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 100.00, the MUR number is 2672 and in the name of COMMITTEE TO ELECT LEVITT. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Virginia Whitted
Signature

April 6, 1992
Date

92040901167

JOHN B. LEVITT
330 EAST 39TH STREET APT 22C
NEW YORK, NY 10016

315

March 30 to 92

1-236
210

92 APR -6 AH12:57

PAY TO THE
ORDER OF

Federal Elections Commission

\$ 100.00

One Hundred and No

00

100
DOLLARS



CHASE

The Chase Manhattan Bank, N.A.
241 East 42nd Street
New York, NY 10017

MEMO AUR 2672

John B. Levitt

89110604026



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2672.

4/30/92

92040903037

CLOSED

LAW OFFICES OF
JOHN B. LEVITT

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Apr 21 11 18 PM '92

271 MADISON AVENUE
18TH FLOOR
NEW YORK, NEW YORK 10016

(212) 682-9797

TELECOPIER: (212) 953-2476

April 17, 1992

Mr. Jeffrey D. Long
Paralegal Specialist
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 2672

Dear Mr. Long:

As per the conciliation agreement, enclosed please
find my check for \$250.00 for the month of April. Thank
you for your cooperation and assistance in this matter.

Very truly yours,

John Levitt
John B. Levitt

92 APR 23 AM 10:59

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

22040903038

OGC 4581 *Folded copy*



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 22, 1992

92 APR 23 AM 10:59

FEDERAL ELECTION COMMISSION

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from *John Levitt*, check number *322*, dated _____, and in the amount of \$ *260.00*.

Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 250.00, the MUR number is 2672 and in the name of Committee to Elect Levitt. The account into which it should be deposited is indicated below:

Budget Clearing Account (OGC), 95F3875.16

Civil Penalties Account, 95-1099.160

Other: _____

Virginia Whitted
Signature

April 22, 1992
Date

22040903039

JOHN B. LEVITT
330 EAST 38TH STREET APT 22C
NEW YORK, NY 10016

OGC 4590 322

PAID TO THE ORDER OF

Federal Elections Commission

April 17, 92

1992

\$250.00

Two Hundred and Fifty and No

100 DOLLARS



CHASE The Chase Manhattan Bank, N.A.
241 East 42nd Street
New York, NY 10017

MEMO

MUR 2672

John Levitt

⑆02⑆00002⑆⑆036⑆⑆182488⑆⑆0322

92040903040

92 APR 24 AM 11:27



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 2672.

7/10/92

92040905570

June 30, 1992

Jul 6 11 34 AM '92

Mr. Kevin Long
Paralegal Specialist
Federal Elections Commission
Washington, D.C. 20515

Re: Settlement of
Committee to Elect Leavitt

Dear Mr. Long,

Enclosed please find a
check for \$500.00 representing June
and July payments in the
above referenced matter.

Thank you for your
cooperation and assistance in this
matter.

Very truly yours,
John B. Leavitt
John B. Leavitt

92040905571

Folder Copy



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from John Levitt, check number 0095, dated July 30, 1992, and in the amount of \$ 500.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 500.00, the MUR number is 2672 and in the name of COMMITTEE TO ELECT LEVITT. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Virginia Whitted
Signature

July 9, 1992
Date

92040905572

9 2 0 4 0 9 0 5 5 7 3

JOHN B LEVITT

0095

June 30 1992

83-298/870

PAY TO THE
ORDER OF

Federal Elections Commission | \$ 500.00

Five Hundred and No ~~700~~ ^{xx} DOLLARS



Barnett Bank of South Florida, N.A.
Office

FOR June July payroll

John Levitt



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 2672.

6/22/92

92040910156

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

CLOSED

LAW OFFICES OF
JOHN B. LEVITT

May 28 12 43 PM '92

271 MADISON AVENUE
19TH FLOOR
NEW YORK, NEW YORK 10016
(212) 682-9797

May 26 1992

TELECOPIER: (212) 993-2476

Mr. Jeffrey D. Long
Paralegal Specialist
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 2672

Dear Mr. Long:

As per the conciliation agreement, enclosed please
find my check for \$250.00 for the month of ~~April~~^{May}. Thank
you for your cooperation and assistance in this matter.

Very truly yours

John Levitt
John B. Levitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 29 AM 10:44

75101604026

7/2/92
OG-C 4771



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 MAY 29 AM 10:44

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks *PB*
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from John Levitt, check number 338, dated May 25, 1992, and in the amount of \$250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 250.00, the MUR number is 2672 and in the name of COMMITTEE TO ELECT JOHN LEVITT. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Virginia Whitted
Signature

May 29, 1992
Date

92040910158

JOHN B. LEVITT
330 EAST 36TH STREET APT 22C
NEW YORK, NY 10016

338

May 25 1992

$\frac{1-236}{210}$

MEMO
ORDER

Federal Election Commu: 1 \$ 250.00

Two Hundred Fifty and No $\frac{24}{100}$ DOLLARS



CHASE The Chase Manhattan Bank, N.A.
241 East 42nd Street
New York, NY 10017

MEMO

May Payment

John Seed



92040910159



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

Microfilm
 Public Records
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2672.

9/18/92

92040923392

LAW OFFICES OF
JOHN B. LEVITT

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

SEP 8 11 08 AM '92

September 3, 1992

271 MADISON AVENUE
19TH FLOOR
NEW YORK, NEW YORK 10016
(212) 682-9797

TELECOPIER: (212) 953-2476

Mr. Jeffrey D. Long
Paralegal Specialist
Federal Elections Commission
Washington, D.C. 20463

CLOSED

Dear Mr. Long:

Enclosed please find my final check of \$250.00 pursuant to the conciliation agreement reached on November 8, 1991. As all relevant terms of the agreement have been performed I would appreciate a letter from your office to that effect.

Thank you in advance for your cooperation and assistance in this matter.

Very truly yours,

John B. Levitt

John B. Levitt

92040923393

Folder Copy



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 9, 1992

92 SEP -9 PM 4:05
RECEIVED
FEDERAL ELECTION COMMISSION

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from John B. Levitt, check number 0118, dated September 1, 1992, and in the amount of \$ 250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 250.00, the MUR number is 2672 and in the name of The Committee to Elect Levitt. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Virginia Whitted
Signature

09/10/92
Date

92040923394

92040923395

JOHN B. LEVITT
ELLEN J. MECHLIN-LEVITT
130 S.W. 91 AVE. NO. 203
MIAMI, FLA. 33324

0118

Sept 1 1992

63-398/670
2

PAY TO THE
ORDER OF

Federal Elections Commission \$ 250.00

Two Hundred Fifty and no/100 DOLLARS



037-002
701 Brickell Avenue
Miami, Florida 33131

FOR MVR 2672 Final

John Levitt

payment as per certificate
⑆067003985⑆0118⑆463003037⑆