FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3089

DATE FILMED 8-7-95 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 1990

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: DUKAKIS FOR PRESIDENT COMMITTEE, INC. - MATTER APPROVED FOR REFERRAL

Attached please find the matter approved by the Commission for referral to your office during its consideration of the interim audit report.

If you have any questions, please contact Lorenzo David or Ray Lisi at 376-5320.

Attachment as stated

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DFP/120489

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 1989

MEMORANDUM

TO: THE COMMISSIONERS

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: DUKAKIS FOR PRESIDENT COMMITTEE, INC. - MATTERS RECOMMENDED FOR REFERRAL TO OFFICE OF GENERAL COUNSEL: SEQUENTIAL MONEY ORDERS

Please find attached for your consideration two matters (see Exhibit A) involving sequentially numbered money orders.

The Office of General Counsel, in its comments, recommends that this matter be presented to the Commission in conjunction with the Interim Audit Report on the Dukakis for President Committee, Inc., and that this matter be referred to the Office of General Counsel at this time (see Office of General Counsel Comments at Exhibit B).

Recommendations

1. It is recommended that this matter be placed on the Executive Session Agenda for December 12, 1989.

2. Approve the referral of matters discussed at Exhibit A to the Office of General Counsel for possible compliance action.

Should you have any questions, please contact Ray Lisi or Lorenzo David at 376-5320.

Attachments:

Exhibit A - Dukakis for President Committee, Inc. - Sequential Money Orders, dated August 4, 1989
Exhibit B - OGC's comments, dated September 21, 1989

9504368065 1

Admin R

DUK/080289

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

EXHIBIT A

August 4, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: DUKAKIS FOR PRESIDENT COMMITTEE, INC. - SEQUENTIAL MONEY ORDERS

A review of contributions from individuals performed during the audit fieldwork of the Dukakis for President Committee, Inc. (the "Committee") revealed two sets of sequential money orders.

One set of sequential money orders consists of 11 money orders each for $1,000 from Banco de Santander - Puerto Rico. Each of the money orders is dated January 14, 1988, and the sequence numbers of the checks are 04-385,254,59-069 (Attachment I). The money orders appear to be typed with the same typeface/typewriter. These contributions were not submitted for matching funds.

The other set of sequential money orders were deposited into the Committee's Joint Escrow Account. There are 29 money orders from Marine Midland Payment Services, Inc. numbered R0015849-75 and R0015882 and 83 (Attachment II). Each of these money orders is dated April 18, 1988, and the items range from $5.00 to $150.00 in value, totalling $1,550.00. The money orders are attributed to individuals with Greek surnames, living in the Rochester, New York area. The money orders all appear to be in the same handwriting. In several cases, the handwriting on the money order differs from the handwriting on the contributor card or other supporting documentation. It should also be noted that of the 29 money order copies, 14 of the copies were of the customer's copy and not the actual money order. These contributions were not submitted for matching funds.

9504368065 2

If you have any questions, please contact Eleanor Richards or Ray Lisi at 376-5320.

Attachments:

Attachment I - Money Orders 04-385,254,059-69
Attachment II - Money Orders R0015849-75, 82 and 83

9504368065 3

BS PR BANCO DE SANTANDER PUERTO RICO 06-385,254,959

PAY THE SUM OF

ONE AND OVER 100

JAN. 14 88

DUKAKIS FOR PRESIDENT

JAMIN TORRES VAZQUEZ - 1TH ST. BLOQUE NO.1 ALTURAS DE TORRI

NAME AND ADDRESS P.R. 00619

Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

⑆102100400⑆04 ⑈385254059⑈

9504368065 4

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202967

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

Attachment I

9504368065 5

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202969

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202971

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

9504368065 6

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202959

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

9504368065 7

9504368065 8

DEPOSIT DATE: JAN 18 -88

BATCH NUMBER: P2886

SUPPORTER # : ~~[illegible]~~ 202959

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

AMERICAN EXPRESS MONEY ORDER

BS PR BANCO DE SANTANDER-PUERTO RICO 04-385-254,068

PAY THE SUM OF

JAN 18 '88

DUKAKIS FOR PRESIDENT

MILTON MENDEZ - NOGAL 121 SAN RAMON, GUAYNABO, PR 00657

BUYER'S NAME AND ADDRESS

Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

Payable at American Bank of Grand Junction Grand Junction, Colorado

⑆102100400⑆04 ⑈3852540684⑈

9504368065 9

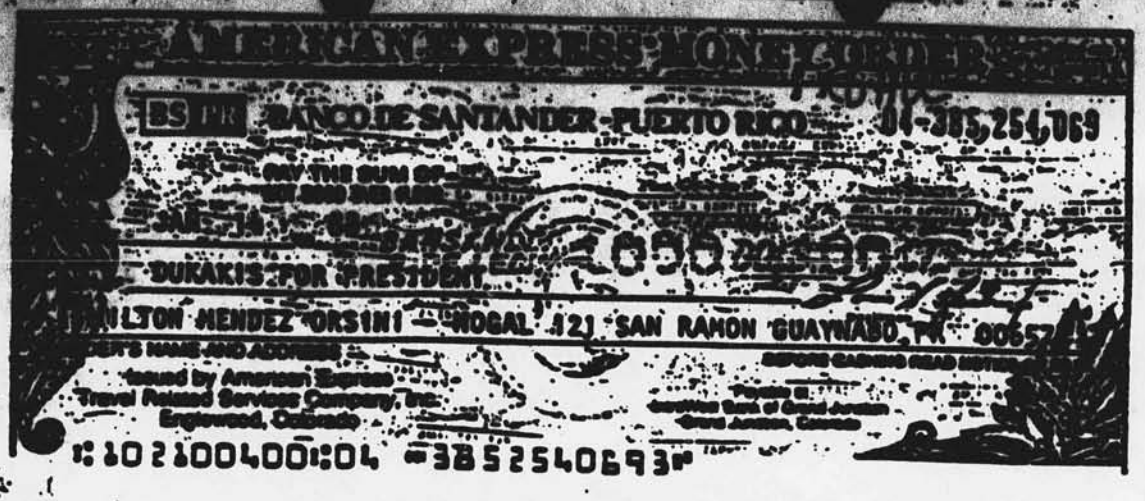
DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202965

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED



9504368060

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202963

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

Attachment II

Enclosed is my/our contribution of $ 10.00. No corporate checks.

Name Bill Elias

Street 308 Sanderis circle

City/Town Rochester N.Y. Zip 14622

Phone (Home [redacted] Work) 254-5050

Occupation Factory
(Required by federal election laws)

Business Name Rochester Products Gm.

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
- Contributions from corporations are prohibited.
- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9 5 0 4 3 6 8 0 6 6 1

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015849

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMS 10.00

The customer purchasing the PERSONAL MONEY ORDER corresponding in number and amount to that shown hereon, agrees to offer the same to the payee, his signature and address and assumes responsibility for any loss or failure to do so

B 30 R 22

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

CUSTOMER'S COPY—NOT NEGOTIABLE

Enclosed is my/our contribution of $ 10.00. No corporate checks.

Name Phil A Elia

Street 56 Pinoak Lane

City/Town Rochester ny Zip 14609

Phone (Home) [redacted] (Work) 254-5050

Occupation Factory
(Required by federal election laws)

Business Name Rochester Products G.M.

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

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- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9504368063 2

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015850

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

$ 10.00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER [illegible] and amount to that shown hereon, agrees to [illegible] his signature and address and assumes respon- [illegible] for all events [illegible] failure to do so.

CUSTOMER'S COPY—NOT NEGOTIABLE

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015851

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

10 DOLLARS 00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing this PERSONAL MONEY ORDER agrees to pay the amount to the order of the payee shown hereon, agrees to sign the receipt hereon upon the last payee, his agents or assignees and assumes responsibility for all events resulting from failure to do so.

F
R

CUSTOMER'S COPY—NOT NEGOTIABLE

9 5 0 4 3 6 8 0 6 6 3

Enclosed is my/our contribution of $ 10.00. No corporate checks.

Name FILIPPOS A ILIAS

Street 125 Bayknoll Rd

City/Town ROCHESTER N.Y. Zip 14622

Phone (Home) [redacted] 2545050

Occupation ASSEMBLER
(Required by federal election laws)

Business Name ROCHESTER PRODUCTS DIV G.M. Corporation

Authorized and paid for by the Dukakis for President Committee, Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
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NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015852

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

MMB IRO:D.
CC#512560 20 00

Vasilios Stathopoulos
SIGNATURE
770 Highbounce Way
Webster, NY 14580
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N A

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000 00

⑈0015852⑈ ⑆022300186⑆ 599⑈9002 2⑈9⑈

Occupation Meal Business

9504368064

9/5 0 4 0 6 8 0 6 4

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015853

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

MMB IRONB
CC#512560 20 DOLS 00

Athanasia Petalas
SIGNATURE

15 Kingsra Manor Rd
Rochester, NY 14606
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015853⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

Occupation

Enclosed is my/our contribution of $ 20.00. No corporate checks.

Name Athanasios Petalas

Street ~~ROCHESTER, NY~~ 15 VIRGINIA M.N.R.

City/Town ROCHESTER NY Zip 14606

Phone (Home) [redacted] (Work) 288-7050 EXT. 63

Occupation PTS ~~[illegible]~~

(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111. 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

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- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9504368066

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015854

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

20.00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER [illegible] number and amount to the storn hereon agrees to [illegible] the total [illegible] his signature and address and assumes reason[illegible] failure to do so.

CUSTOMER'S COPY—NOT NEGOTIABLE

9 5 0 4 3 6 8 0 6 6 7

Enclosed is my/our contribution of $ 20.00 No corporate checks.

Name STEVE Hatelekis

Street 5030 Wyffels Rd.

City/Town [illegible] NY Zip 14612

Phone (Home) [redacted] (Work) _____

Occupation _____
(Required by federal election laws)

Business Name _____

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

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BS PR BANCO DE SANTANDER-PUERTO RICO

PAY THE SUM OF

DUKAKIS FOR PRESIDENT

L. MARTINEZ 32 KING'S COURT APT. 1D-A SANTURCE

Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

⑆021000400⑆04 ⑈3852540622⑈

9504368068

DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202961

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

:102100400:04 -3852540630

9504368069

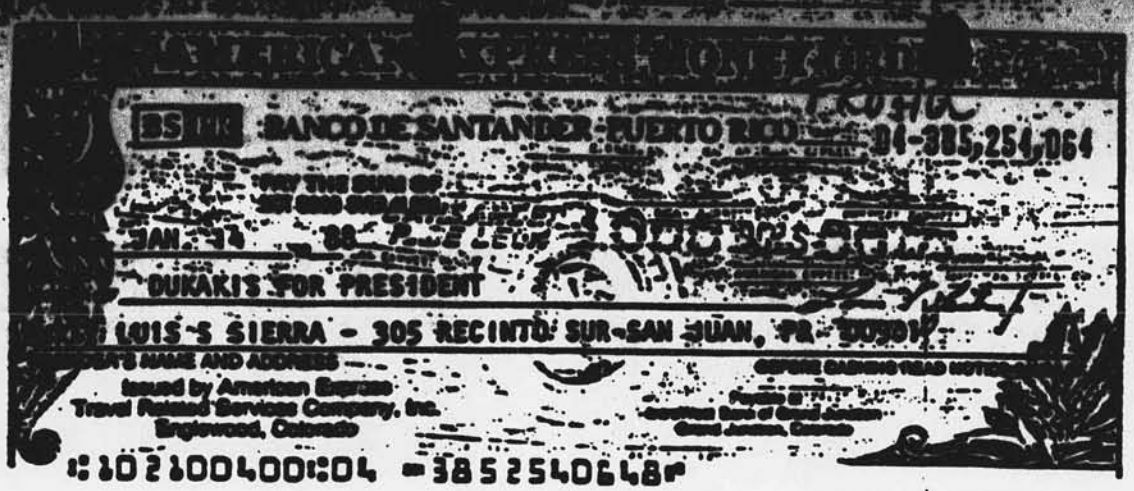
DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : D02970

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED



DEPOSIT DATE: JAN 18-88

BATCH NUMBER: P2886

SUPPORTER # : 202972

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

9504368067 0

9 5 0 4 3 6 8 0 6 7 1

DEPOSIT DATE: JAN 18 -88

BATCH NUMBER: P2086

SUPPORTER # : 202978

_____ NO ADDITIONAL DOCUMENTATION REQUIRED

_____ ADDITIONAL DOCUMENTATION REQUIRED

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015855

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18 / 223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

MMB IRORD. CC#512560 20 00

Paul Mihalitsas
SIGNATURE
11 Sturbridge La.
Pittsford N.Y. 14534
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK, N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015855⑈ ⑆022300186⑆ 599⑈9002 2⑈9⑈

95043680672

Enclosed is my/our contribution of $ 20.00. No corporate checks.

Name PAUL Mihalitsas

Street 11 Sturbridge LANE

City/Town Pittsford, N.Y. Zip 14534

Phone (Home) [redacted] (Work)

Occupation OWNER
(Required by federal election laws)

Business Name Jay's Diner

Authorized and paid for by the Dukakis for President Committee, Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

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- Contributions from corporations are prohibited.
- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015856

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18/223

PAY TO THE ORDER OF Dukakis for President Committee Inc

20 00 00

PAYABLE THROUGH MARINE MIDLAND BANK N A

NO VALID OVER $1000 00

The customer purchasing the PERSONAL MONEY ORDER and specifying number and amount to that shown hereon, agrees to insert (person) in the date issue, his signature and address and assumes responsibility for payments made possible by failure to do so.

W. 7/7/86

CUSTOMER'S COPY—NOT NEGOTIABLE

9504368067 3

Enclosed is my/our contribution of $ 20.00. No corporate checks.

Name Zoi VARAHIDIS

Street 76 Telephone RD

City/Town W Henrietta Zip 14586

Phone (Home) [redacted] (Work) -

Occupation Housewife

(Required by federal election laws)

Business Name -

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

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NEG 3 RD 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015857

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

20 DOLLARS 00

The customer purchasing the PERSONAL MONEY ORDER, [illegible] and amount to that should [illegible] agrees to [illegible] his [illegible] address and assumes responsibility in the event [illegible] possible [illegible] failure to do so.

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

CUSTOMER'S COPY—NOT NEGOTIABLE

9 5 0 4 3 6 8 0 6 7 4

Enclosed is my/our contribution of $ 20 No corporate checks.

Name Elevtherios Hatzieleftheriadis

Street 200 HARRINGTON D.R.

City/Town ROCHESTER NY Zip 14624

Phone (Home) [redacted] (Work) KODAK

Occupation A
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee, Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

• Federal law permits each individual to contribute up to $1,000 for the entire election.

Enclosed is my/our contribution of $ 25.00. No corporate checks.

Name John Delaneloey

Street 135 WEST ELM St.

City/Town E. ROCHESTER Zip 14445

Phone (Home) [redacted] (Work) 2883211

Occupation Mi Gas Station Owner
(Required by federal election laws)

Business Name Johns NATIONAL GARAGE

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer

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- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds
- Make checks payable to: Dukakis for President Committee, Inc.

19504368 0675

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015858

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

25.00

PAYABLE THROUGH MARINE MIDLAND BANK, N.A.

NOT VALID OVER $1000.00

The customer purchasing this PERSONAL MONEY ORDER ~~[illegible]~~ and amount to that shown hereon, agrees to pay thereon ~~[illegible]~~ the date agree, his signature and address and assumes responsibility for ~~[illegible]~~ made possible by his failure to do so.

John Delaney

E. Rochester, NY 14445

CUSTOMER'S COPY—NOT NEGOTIABLE

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015859

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

$ 30.00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER, or his/her agent, agrees to insert the proper payee, date and amount for his/her shown hereon, agrees to sign the same and address and assumes respon. his liability for all events made possible by failure to do so

D
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R

CUSTOMER'S COPY—NOT NEGOTIABLE

9504368067 6

Enclosed is my/our contribution of $ 30.00 No corporate checks.

Name DIMITRIOS KOSTARELLIS

Street 32 Pickdale dr.

City/Town Rochester N.Y. Zip 14626

Phone (Home) [redacted] (Work)

Occupation Mechanic - Mechanic
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
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- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
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- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.

Enclosed is my/our contribution of $ 30 . No corporate checks.

Name Vasilios Bitsas

Street 2716 S Union St.

City/Town Spencerport, N.Y. Zip 14559

Phone (Ho[redacted] (Work) _____

Occupation _____
(Required by federal election laws)

Business Name _____

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

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9 5 0 4 3 6 8 0 6 6 7 7

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015860

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18 / 223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

30.00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER hereon, by number and amount to that shown hereon, agrees to insert thereon, in ink, the date, place, his signature and address and assumes responsibility for all events made possible by this

Vasilios Bitsas
2716 S Union St
Spencerport, N.Y. 14559

CUSTOMER'S COPY—NOT NEGOTIABLE

Enclosed is my/our contribution of $ 40.00. No corporate checks.

Name DIAKOPOULOS, DIMITRIOS

Street 710 RIDGE RD.

City/Town WEBSTER NY Zip 14580

Phone (Home) [redacted] (Work)

Occupation MANAGER
(Required by federal election laws)

Business Name DONUTS SHOP

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

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- Make checks payable to: Dukakis for President Committee, Inc.

9504368067 8

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015861

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

DOLLARS 40 DOLLARS 00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER [illegible] and amount to that shown hereon, agrees to insert [illegible] payee, his signature and address and assumes responsibility for any [illegible] failure to do so.

Dimitrios Diakopoulos
710 Ridge Rd.
Webster, NY 14580

CUSTOMER'S COPY—NOT NEGOTIABLE

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015862

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

MMB IRONC.
CC#512560 40 00

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

P. Sergmatis
SIGNATURE

63 Colonial Rd.
Rochester, NY 14607
ADDRESS

⑈0015862⑈ ⑆022300186⑆ 599⑉900229⑈

Occupation _____

9504368067 9

Enclosed is my/our contribution of $ 50.00. No corporate checks.

Name VASILIOS DEDES

Street 14 PARKVIEW DR

City/Town PITTSFORD N.Y. Zip 14534

Phone (Home) [redacted] ork) 924 5716

Occupation SELF EMPLOYED
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
- Contributions from corporations are prohibited.
- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9 5 0 4 3 6 8 0 6 8 0

NEG 9 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015863

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

$ 50 00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER, covered by serial number and amount to that shown hereon, agrees to insert therein the date, payee, his signature and address and assumes responsibility for all events made possible by his failure to do so.

Vasilios Dedes
14 Parkview Dr
Pittsford, N.Y. 14534

CUSTOMER'S COPY—NOT NEGOTIABLE

Enclosed is my/our contribution of $ 50 . No corporate checks.

Name Christos Christofilopoulos

Street E Woodlawn St R

City/Town Rochester NY Zip 14607

Phone (Home) [redacted] (Work) 4731563

Occupation Cook
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111. 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

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- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9 5 0 4 3 6 8 0 6 3 1

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015864

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

50 00 00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The purchaser of this PERSONAL MONEY ORDER hereby agrees to pay the payee named hereon, payee, his successor or assigns, upon presentation and surrender of this money order, the sum and amount to that shown hereon, agrees to sign the payee's name thereon, payee, his signature and address and assumes responsibility for all events, made possible by his failure to do so.

Christos Christofilopoulos

CUSTOMER'S COPY—NOT NEGOTIABLE

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015865

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

$60.00

The customer purchasing the PERSONAL MONEY ORDER, corresponding in number and amount to that shown hereon, agrees to insert therein, in ink, the date, payee, his signature and address and assumes responsibility, in all events, insofar as possible, for failure to do so.

PAYABLE THROUGH MARINE MIDLAND BANK, N.A.

NOT VALID OVER $1000.00

CUSTOMER'S COPY—NOT NEGOTIABLE

NEG 3 RO 7/87

9504368068 2

Enclosed is my/our contribution of $ 60.00. No corporate checks.

Name GEORGIOS ZISIS

Street 28 BAYLOR CIR.

City/Town Rochester NY Zip 14624

Phone (Home) [redacted] (Work)

Occupation
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman, Robert A. Farmer, Treasurer.

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- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

95043680683

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015866

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-16
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

NMB 1ROND. CC#512560 60 DOLLARS

Elias Sarganis
SIGNATURE

4 Adeane Dr.
Rochester NY 14620
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK, N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015866⑈ ⑆022300186⑆ 599⑈900229⑈

Occupation _____
(Required by federal election laws)

9504368068 4

Enclosed is my/our contribution of $ 60. No corporate checks.

Name ELIAS SARGANIS

Street 4 ADEANE

City/Town ROCHESTER Zip 14627

Phone (Home [redacted] (Work) _____

Occupation _____
(Required by federal election laws)

Business Name _____

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

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- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

9 5 0 4 3 6 8 0 6 8 5

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015867

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc.

MMB IRONS
CC#512560 I 0 0 DOLS 0 0 CTS

George Karatsis
SIGNATURE
82 Hillside Dr.
Penfield NY 14526
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE
NOT VALID OVER $1000.00

⑈0015867⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

9504368068 6

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015868

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMB IRON CC#512560 I 00 DOLS 00 CTS

Eleftherios Deliakis
SIGNATURE

3572 Middle Charles Rd
Canandaigua NY 14424
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015868⑈ ⑆022300186⑆ 599⑈9002 2⑈9⑈

9504368068 7

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015869

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMB IRONS
CC#512560 I 0 0 DOLS 0 0 CTS

Gerry Ebersmiler
SIGNATURE
15 Revere Dr.
Rochester, N.Y. 14624
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE
NOT VALID OVER $1000.00

⑈0015869⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

9504368063 8

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015870

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

60-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

MMB IRONC
OC#512560 I 0 0 DOLS 0 0 CTS

Dmitrios Economides
SIGNATURE
17 Stal-mar Circle
Rochester, NY 14624
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE
NOT VALID OVER $1000.00

⑈0015870⑈ ⑆022300186⑆ 599⑈900222⑈9⑈

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015871

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMB IRONO.
CC#512560 100 DOLS 00 CTS

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

Steve Korattsis
SIGNATURE

16 Glen Valley Dr.
Penfield N.Y. 14526
ADDRESS

⑈0015871⑈ ⑆022300186⑆ 599⑉90022⑉9⑈

9 5 0 4 3 6 6 6 . 6 . 8 9

9504368069 0

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015872

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMB IRO#2
CC#512560 I 0 0 DOLS 0 0 CTS

Gregory Lalas
SIGNATURE

37 Lathmere Dr.
Victor, NY 14564
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE
NOT VALID OVER $1000.00

⑈0015872⑈ ⑆022300186⑆ 599⑈900229⑈

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NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015873

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc.

MMB IRON
OC#512560 100 DOLS 00 CTS

Steve Stern
SIGNATURE

408 Whittier RD
Spencerport, NY 14559
ADDRESS

PAYABLE THROUGH
MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015873⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015874

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

MMB IRON: CC#512566 150 DOLS 00 CTS

Michael Dukes
SIGNATURE

14 Park View Dr
Pittsford NY 14534
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015874⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

Regarding check #0015874, for $150.00, sent to the Dukakis for President Committee;

PLEASE CHECK ONLY ONE RESPONSE

X I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be refunded.

Michael Dedes
Donor's Name

Michael Dedes
Donor's Signature

_____
2nd Donor (if applicable)

95043680603

Dukakis/Bentsen
105 Chauncy St., Boston, MA 02111
(617) 451-2480

January 2, 1980

Michael Dedes
14 Park View Drive
Pittsford, NY 14534

Dear Mr. Dedes:

Last fall we sent a letter to you regarding a contribution you made to the Dukakis for President Committee. Having not received your response and needing a resolution to this situation, I have been asked to send you the enclosed form and request an immediate response. We are unable to use your contribution until we receive your signed response.

The Governor has also asked me to express his appreciation for all of your support, time and effort on his behalf. This request is for redesignation of your contribution of $150.00 on check #0015874 to the Dukakis Compliance Fund. The Compliance Fund pays the accounting and legal costs of the General Election.

As you might expect, the legal and accounting costs of dealing with a federally required government audit and closing down a $50 million corporation are considerable. Please check your desired response, sign and return the enclosed form, as soon as possible, in the post-paid envelope, provided for your convenience.

If you have any questions, please contact Gemma Ward, the Compliance Fund Director, at (617) 451-2480. Also, please direct any written correspondence regarding this matter to Ms. Ward. Thank you for your immediate attention to this matter.

Sincerely,

Carol C. Darr
Legal Counsel
Dukakis/Bentsen
Committee, Inc.

enclosure
CCD/gmw

9 5 0 4 3 6 8 0 6 9 4

Dukakis
Bentsen
National Office: 105 Chauncy Street
Boston, MA 02111 (617) 451-2480

October 17, 1988

Michael Dedes
14 Park View Drive
Pittsford, NY 14534

Dear Mr. Dedes:

The general election is well underway and Governor Dukakis is determined and running hard.

Thank you for all of your generous support. Your participation was critical to our success in obtaining the nomination. Although we have much to be proud of, we still have much work to be done. The costs associated with a general election campaign are enormous.

Your recent contribution was delivered to our office after "the cap" was reached. Thus, I am asking you to redesignate your contribution to the "Dukakis Compliance Fund," which will pay our legal and accounting costs during the general election campaign.

We are requesting your permission to apply your contribution of $150.00, Check #0015874 to the Dukakis Compliance Fund. Please sign the enclosed form and return it in the envelope provided.

Thank you for your continued support.

Very truly yours,

Gemma M. Ward

Gemma M. Ward
Director of Compliance Fund

kmr

9504368069 5

Paid for and authorized by the Dukakis/Bentsen Committee, Inc.

9504368069 6

NEG 3 RO 7/87

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015875

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee Inc

MMB IRO
CC#512560 150 DOLS 00 CTS

Jim Detelich Sec
3545 Mattle Chase Rd
Cazenovia, NY 13035
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

⑈0015875⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015882

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18 / 223

PAY TO THE ORDER OF Dukakis for President Committee Inc

MMB 3ROKD. CC#512560 10 DOLLARS

VOID

Odysseus Mitrousis
SIGNATURE

36 Echo Hill Dr
Rochester NY 14609
ADDRESS

PAYABLE THROUGH MARINE MIDLAND BANK, N.A.

MONEY ORDER VOID AFTER ONE YEAR FROM DATE OF ISSUE

NOT VALID OVER $1000.00

NEG 3 RO 7/87

⑈0015882⑈ ⑆022300186⑆ 599⑈90022⑈9⑈

9504368069.7

Enclosed is my/our contribution of $ 10.00. No corporate checks.

Name ODYSSEUS MITROUSIS

Street 36 ECHO HILL DRIVE

City/Town Rochester NY Zip 14609

Phone (Home) [redacted]

Occupation XEROX CORPORATION.
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
- Contributions from corporations are prohibited.
- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is eligible for up to $250 in federal matching funds.
- Make checks payable to: Dukakis for President Committee, Inc.

MARINE MIDLAND PAYMENT SERVICES, INC.

No. R 0015883

PERSONAL MONEY ORDER

DATE OF ISSUE 4-18-88

50-18
223

PAY TO THE ORDER OF Dukakis for President Committee, Inc

$ 5.00

PAYABLE THROUGH MARINE MIDLAND BANK N.A.

NOT VALID OVER $1000.00

The customer purchasing the PERSONAL MONEY ORDER [illegible] and amount to that shown herein, agrees to [illegible] the payee, his [illegible] and assignees, and assumes no [illegible] failure to [illegible]

CUSTOMER'S COPY—NOT NEGOTIABLE

9504368069 8

Enclosed is my/our contribution of $ 5.00. No corporate checks.

Name George Kanuelopoulos

Street 2329 Ridge Road EAST

City/Town Rochester Zip 14622

Phone (Home) [redacted] (Work)

Occupation Worker
(Required by federal election laws)

Business Name

Authorized and paid for by the Dukakis for President Committee Inc., 105 Chauncy Street, Boston, MA 02111, 617-451-2480. Paul P. Brountas, Chairman. Robert A. Farmer, Treasurer.

- Federal law permits each individual to contribute up to $1,000 for the entire election.
- Contributions from corporations are prohibited.
- The Dukakis for President Committee does not accept contributions from Political Action Committees (PAC's).
- Joint contributions must be signed by both contributors.
- Please provide the above information so that your contribution is

Attachment

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 JAN 25 PM 5:21

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3089
STAFF MEMBER: J. Albert Brown

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

RESPONDENTS:

Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer
Dimitrios Amaxzpoulos
Vasilios Bitsas
Christos Christofilopoulos
Michael Dedes
Vasilios Dedes
John Delmadows
Dimitrius Economides
George Ekonomodes
Bill Ellias
Phil A. Elias
Hector Martinez Franco
Esteban L. Fuertes
Mrs. Esteban L. Fuertes
Steve Gitsis
Elenferiam Hatgieiermiolis
Eleftherios Helelekides
Jim Hetelekides
Steve Hetelekidis
Filippos A. Ilias
Gerge Kannelopaulos
George Koratsis
Steve Koratsis
Dimitrios Kostarellis
Avangelos Lolis
Hector Martinez, Jr.
R. Martinez
Mrs. Milton Mendez
Paul Mihalitsas
Odysseus Mitrousis
Milton Mendez Orsini
Athansias Petalas
Ilias Sarganis
P. Sergmetis
Luis S. Sierra
Mrs. Luis S. Sierra
Vasilios Stathopoulas
Julieta Torres
Benjamin Torres Vazquez
Zoi Varahiois
Georgios Zisis

9504368069 9

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441b
2 U.S.C. § 441f
11 C.F.R. § 110.1(i)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

As a result of the Interim Audit Report of the Dukakis for President Committee, Inc. (the "Committee") the Commission determined to open a Matter Under Review with respect to two sets of apparent contribution irregularities in the form of sequential money orders.[1] The circumstances discussed below present a question as to the source of the funds used to purchase these money orders and whether the contributions may have been made in the names of others by a single individual.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the

1. Neither set of contributions was submitted for matching funds by the Dukakis for President Committee, Inc.

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fundraising activity was held.) See also MUR 2717 (The Commission found reason to believe violations of the Act arose from similar contribution irregularities in the form of sequential money orders to the Haig for President Committee.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

Under 2 U.S.C. § 441a(f), it is unlawful for an officer or employee of a political committee to knowingly accept a contribution made for the use or benefit of a candidate in violation of the limitations imposed on contributions under 2 U.S.C. § 441a.

9504368070 1

A. Contributions in the Form of Consecutively Numbered Money Orders Drawn on Banco de Santander - Puerto Rico

In the present matter the Committee's contributions included a series of eleven (11) money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Audit staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer.[2]

Given the facts above, this Office recommends that the Commission find reason to believe that Benjamin Torres Vazquez;

9504368070 2

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2. It seems unlikely that a totally disconnected group of eleven people would make identical contributions on the same date via a series of sequential money orders from one bank. Such a coincidence raises questions concerning a possible connection via an employer or other outside source. The prohibition against making contributions in the name of another includes a corporation's payment, reimbursement, or other compensation to any person for his or her contribution to any federal candidate or political committee. See Advisory Opinions 1984-52; 1986-41; and 1989-5. If evidence of corporate involvement in the present matter arises, this Office will make recommendations regarding such at that time.

Julieta Torres; Hector Martinez, Jr.; R. Martinez; Hector Martinez Franco; Luis S. Sierra; Mrs. Luis S. Sierra; Esteban L. Fuertes; Mrs. Esteban L. Fuertes; Milton Mendez; and Milton Mendez Orsini violated 2 U.S.C. § 441f. Furthermore, this Office recommends that the Commission also find that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441f.

B. Money Orders Deposited in the Committee's Joint Escrow Account and from the Marine Midland Payment Services, Inc.

The interim audit also discovered twenty-nine (29) money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. The Joint Escrow Account was separately established by the Committee to enable the transfer of such deposits into the compliance fund for the general election. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. The value of these money orders totals $1,550. While the Audit staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, fourteen (14) of the records reflect the customer's copy and not the actual money order.

Like the situation in the Banco De Santander - Puerto Rico money orders, the numerous similarities and timing of these

9504368070 3

contributions suggests that further investigation is warranted to determine whether they were made with the named contributor's funds or the funds of an individual other than the one named on the money orders. For these reasons, this Office recommends that the Commission find reason to believe that Dimitrios Amaxzpoulos; Vasilios Bitsas; Christos Christofilopoulos; Michael Dedes; Vasilios Dedes; John Delmadows; Dimitrius Economides; George Ekonomodes; Bill Ellias; Phil A. Elias; Steve Gitsis; Elenferiam Hatgieiermiolis; Eleftherios Helelekides; Jim Hetelekides; Steve Hetelekidis; Filippos A. Ilias; Gerge Kannelopaulos; George Koratsis; Steve Koratsis; Dimitrios Kostarellis; Avangelos Lolis; Paul Mihalitsas; Odysseus Mitrousis; Athansias Petalas; Ilias Sarganis; P. Sergmetis; Vasilios Stathopoulas; Zoi Varahiois; and Georgios Zisis violated 2 U.S.C. § 441f.[3] The Office of the General Counsel also recommends that the Commission find that the Dukakis for President Committee and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441f.

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III. RECOMMENDATIONS

1. Find reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441f.

2. Find reason to believe that the following persons violated 2 U.S.C. § 441f:

   a. Dimitrios Amaxzpoulos
   b. Vasilios Bitsas
   c. Christos Christofilopoulos

---

3. Depending upon the result of discovery requests, the Office of the General Counsel may recommend that the Commission take no further action regarding some of the extremely small contributors in this series.

d. Michael Dedes
e. Vasilios Dedes
f. John Delmadows
g. Dimitrius Economides
h. George Ekonomodes
i. Bill Ellias
j. Phil A. Elias
k. Hector Martinez Franco
l. Esteban L. Fuertes
m. Mrs. Esteban L. Fuertes
n. Steve Gitsis
o. Elenferiam Hatgieiermiolis
p. Eleftherios Helelekides
q. Jim Hetelekides
r. Steve Hetelekidis
s. Filippos A. Ilias
t. Gerge Kannelopaulos
u. George Koratsis
v. Steve Koratsis
w. Dimitrios Kostarellis
x. Avangelos Lolis
y. Hector Martinez, Jr.
z. R. Martinez
aa. Mrs. Milton Mendez
bb. Paul Mihalitsas
cc. Odysseus Mitrousis
dd. Milton Mendez Orsini
ee. Athansias Petalas
ff. Ilias Sarganis
gg. P. Sergmetis
hh. Luis S. Sierra
ii. Mrs. Luis S. Sierra
jj. Vasilios Stathopoulas
kk. Julieta Torres
ll. Benjamin Torres Vazquez
mm. Zoi Varahiois
nn. Georgios Zisis

3. Approve the appropriate letters and the attached sample Factual and Legal Analyses.

1/25/91
Date

Lawrence M. Noble
General Counsel

Attachments:
I. Referral Materials
II. Proposed Factual and Legal Analyses (3).

9504368070 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS /DELORES HARRIS
COMMISSION SECRETARY

DATE: JANUARY 30, 1991

SUBJECT: MUR 3089 - FIRST GENERAL COUNSEL'S REPORT DATED JANUARY 25, 1991

The above-captioned document was circulated to the Commission on Monday, January 28, 1991 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Josefiak	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for TUESDAY, FEBRUARY 5, 1991.

Please notify us who will represent your Division before the Commission on this matter.

95043680706

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer; Dimitrios Amaxzpoulos; Vasilios Bitsas; Christos Christofilopoulos; Michael Dedes; Vasilios Dedes; John Delmadows; Demitrius Economides; George Ekonomodes; Bill Ellias; Phil A. Elias; Hector Martinez Franco;Esteban L. Fuertes; Mrs. Esteban L. Fuertes; Steve Gitsis; Elenferiam Hatgieiermiolis; Eleftherios Helelekides; Jim Hetelekides; Steve Hetelekidis; Filippos A. Ilias; Gerge Kannelopaulos; George Koratsis; Steve Koratsis; Dimitrios Kostarellis; Avangelos Lolis; Hector Martinez, Jr.; R. Martinez; Mrs. Milton Mendez; Paul Mihalitsas; Odysseus Mitrousis; Milton Mendez Orsini; Anthansias Petalas; Ilias Sarganis; P. Sergmetis; Luis S. Sierra; Mrs. Luis S. Sierra; Vasilios Stathopoulas; Julieta Torres; Benjamin Torres Vazquez; Zoi Varahiois; Georgios Zisis;	)	MUR 3089

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CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission executive session on February 5, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions with respect to MUR 3089:

1. Find reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 USC § 441f.

2. Find reason to believe that the following persons violated 2 USC § 441f:

a. Dimitrios Amaxzpoulos;
b. Vasilios Bitsas;
c. Christos Christofilopoulos;
d. Michael Dedes;
e. Vasilios Dedes;
f. John Delmadows;
g. Demitrius Economides;
h. George Ekonomodes;
i. Bill Ellias;
j. Phil A. Elias;
k. Hector Martinez Franco;
l. Esteban L. Fuertes;
m. Mrs. Esteban L. Fuertes;
n. Steve Gitsis;
o. Elenferiam Hatgieiermiolis;
p. Eleftherios Helelekides;
q. Jim Hetelekides;
r. Steve Hetelekidis;
s. Filippos A. Ilias;
t. Gerge Kannelopaulos;
u. George Koratsis;
v. Steve Koratsis;
w. Dimitrios Kostarellis;
x. Avangelos Lolis;
y. Hector Martinez, Jr.;
z. R. Martinez;
aa. Mrs. Milton Mendez;
bb. Paul Mihalitsas;
cc. Odysseus Mitrousis;
dd. Milton Mendez Orsini;
ee. Anthansias Petalas;
ff. Ilias Sarganis;
gg. P. Sergmetis;
hh. Luis S. Sierra;
ii. Mrs. Luis S. Sierra;
jj. Vasilios Stathopoulas;
kk. Julieta Torres;
ll. Benjamin Torres Vazquez;
mm. Zoi Varahiois;
nn. Georgios Zisis.

9504368070 8

3. Approve the letters and sample Factual and Legal Analyses as recommended in the January 25, 1991 General Counsel's Report.

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

Attest:

Feb. 7, 1991
Date

Hilda Arnold
Hilda Arnold
Administrative Assistant

9504368079

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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

95043680710

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Vasilios Stathopoulas

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Vasilios Stathopoulas

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Vasilios Stathopoulas violated 2 U.S.C. § 441f.

9504368071 6

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vasilios Bitsas
2716 S. Union St.
Spencerport, N.Y. 14559

RE: MUR 3089
Vasilios Bitsas

Dear Mr. Bitsas:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Vasilios Bitsas

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.

9504368071 9

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.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Vasilios Bitsas violated 2 U.S.C. § 441f.

9504368072 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Phil Elias
56 Pinoak Lane
Rochester, N.Y. 14622

RE: MUR 3089
Phil Elias

Dear Mr. Elias:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Phil A. Elias

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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INSTRUCTIONS

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DEFINITIONS

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"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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"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 the 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.

9 5 0 4 3 6 8 0 7 2 7

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

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   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Phil A. Elias

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Phil A. Elias violated 2 U.S.C. § 441f

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Filippos A. Ilias
125 Bayknoll Rd.
Rochester, N.Y. 14622

RE: MUR 3089
Filippos A. Ilias

Dear Mr. Ilias:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Filippos A. Ilias

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Filippos A. Ilias

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Filippos A. Ilias violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Mihalitsas
11 Sturbridge Lane
Pittsford, New York 14534

RE: MUR 3089
Paul Mihalitsas

Dear Mr. Mihalitsas:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
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Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Paul Mihalitsas

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Paul Mihalitsas violated 2 U.S.C. § 441f.

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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.

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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.

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DEFINITIONS

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"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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

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3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Hetelekidis
5030 Wyffels Rd.
Cardalgen, N.Y. 14426

RE: MUR 3089
Steve Hetelekidis

Dear Mr. Hetelekidis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Steve Hetelekidis

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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Steve Hetelekidis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Steve Hetelekidis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Delmadows
135 West Elm St.
East Rochester, N.Y.
14445

RE: MUR 3089
John Delmadows

Dear Mr. Delmadows:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: John Delmadows

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: John Delmadows

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that John Delmadows violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elenferiam Hatgieiermiolis
200 Harpington Dr.
Rochester, N.Y. 14692

RE: MUR 3089
Elenferiam Hatgieiermiolis

Dear Mr. Hatgieiermiolis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Elenferiam Hatgieiermiolis

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Elenferiam Hatgieiermiolis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Elenferiam Hatgieiermiolis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dimitrios Kostarellis
32 Pickdale Dr.
Rochester, N.Y. 14626

RE: MUR 3089
Dimitrios Kostarellis

Dear Mr. Kostarellis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Dimitrios Kostarellis

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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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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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Dimitrios Kostarellis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89)..

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Dimitrios Kostarellis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christos Christofilopoulos
8 Woodlawn Street
Rochester, N.Y. 14607

RE: MUR 3089
Christos Christofilopoulos

Dear Mr. Christofilopoulos:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Christos Christofilopoulos

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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"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.

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"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the 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.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Christos Christofilopoulos

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Christos Christofilopoulos violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Koratsis
16 Glen Valley Drive
Penfield, N.Y. 14526

RE: MUR 3089
Steve Koratsis

Dear Mr. Koratsis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Steve Koratsis

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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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Steve Koratsis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Steve Koratsis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

George Koratsis
82 Hillrise Drive
Penfield, N.Y. 14526

RE: MUR 3089
George Koratsis

Dear Mr. Koratsis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
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Designation of Counsel Form

9504368079 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: George Koratsis

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: George Koratsis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that George Koratsis violated 2 U.S.C. § 441f.

9504368080 1

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ilias Sarganis
4 Adeane
Rochester, N.Y. 14627

RE: MUR 3089
Ilias Sarganis

Dear Mr. Sarganis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
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Designation of Counsel Form

9504368083

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Ilias Sarganis

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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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Ilias Sarganis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Ilias Sarganis violated 2 U.S.C. § 441f.

9504368089

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Georgios Zisis
28 Baylor Circle
Rochester, N.Y. 14624

RE: MUR 3089
Georgios Zisis

Dear Mr. Zisis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Georgios Zisis

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9504368081 3

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

9504368081 5

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Georgios Zisis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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9504368081 6

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Georgios Zisis violated 2 U.S.C. § 441f.

9504368017

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eleftherios Helelekides
3572 Middle Chesire Rd.
Canadaiqua, N.Y. 14424

RE: MUR 3089
Eleftherios Helelekides

Dear Mr. Helelekides:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Eleftherios Helelekides

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Eleftherios Helelekides

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Eleftherios Helelekides violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vasilios Dedes
14 Parkview Dr.
Pittsford, N.Y. 14534

RE: MUR 3089
Vasilios Dedes

Dear Mr. Dedes:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
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	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Vasilios Dedes

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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INSTRUCTIONS

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Vasilios Dedes

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Vasilios Dedes violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

P. Sergmetis
63 Colonial Rd.
Rochester, N.Y. 14607

RE: MUR 3089
P. Sergmetis

Dear Mr. Sergmetis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
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	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: P. Sergmetis

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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INSTRUCTIONS

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DEFINITIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: P. Sergmetis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that P. Sergmetis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gerge Kannelopoulos
2329 Ridge Road East
Rochester, N.Y. 14622

RE: MUR 3089
Gerge Kannelopoulos

Dear Mr. Kannelopoulos:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Gerge Kannelopoulos

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Gerge Kannelopoulos

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Gerge Kannelopaulos violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dimitrios Amaxzpoulos
710 Ridge Road
Webster, N.Y.
14580

RE: MUR 3089
Dimitrios Amaxzpoulos

Dear Mr. Amaxzpoulos:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
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Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Dimitrios Amaxzpoulos

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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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Dimitrios Amaxzpoulos

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Dimitrios Amaxzpoulos violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Hetelekides
3545 Middle Chesire Road
Canadaiqua, N.Y. 14424

RE: MUR 3089
Jim Hetelekides

Dear Mr. Hetelekides:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Jim Hetelekides

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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INSTRUCTIONS

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DEFINITIONS

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"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the 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.

9504368081

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Jim Hetelekides

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Jim Hetelekides violated 2 U.S.C. § 441f.

9504368084

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

George Ekonomodes
15 Revere Dr.
Rochester, N.Y. 14624

RE: MUR 3089
George Ekonomodes

Dear Mr. Ekonomodes:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: George Ekonomodes

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: George Ekonomodes

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that George Ekonomodes violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Demitrius Economides
17 Stal-Mar Circle
Rochester, N.Y. 14624

RE: MUR 3089
Demitrius Economides

Dear Mr. Economides:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Demitrius Economides

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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

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"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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Demitrius Economides

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Demitrius Economides violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Avangelos Lolis
37 Latchmere Dr.
Victor, N.Y. 14564

RE: MUR 3089
Avangelos Lolis

Dear Ms. Lolis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Avangelos Lolis

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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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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

9504368086

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Avangelos Lolis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Avangelos Lolis violated 2 U.S.C. § 441f.

9504368088

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Athansias Petalas
15 Virginia Manor Rd.
Rochester, N.Y. 14606

RE: MUR 3089
Athansias Petalas

Dear Ms. Petalas:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Athansias Petalas

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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

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"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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Athansias Petalas

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Athansias Petalas violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Gitsis
408 Whittier Rd.
Spencerport, N.Y. 14559

RE: MUR 3089
Steve Gitsis

Dear Mr. Gitsis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Steve Gitsis

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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"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.

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"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Steve Gitsis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Steve Gitsis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Dedes
14 Park View Drive
Pittsford, N.Y. 14534

RE: MUR 3089
Michael Dedes

Dear Mr. Dedes:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Michael Dedes

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Michael Dedes

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Michael Dedes violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Zoi Varahiois
76 Telephone Road
West Henrietta, N.Y. 14586

RE: MUR 3089
Zoi Varahiois

Dear Ms. Varahiois:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Zoi Varahiois

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

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Zoi Varahiois

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election.

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2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Zoi Varahiois violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Odysseus Mitrousis
36 Echo Hill Drive
Rochester, N.Y. 14609

RE: MUR 3089
Odysseus Mitrousis

Dear Mr. Mitrousis:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Odysseus Mitrousis

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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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

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   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Odysseus Mitrousis

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Odysseus Mitrousis violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bill Elias
308 Sandoris Circle
Rochester, N.Y. 14622

RE: MUR 3089
Bill Elias

Dear Mr. Elias:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Bill Ellias

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Bill Ellias

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

The Commission has discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. While the Commission staff notes that the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor cards or other supporting documentation. Furthermore, some of the records reflect the customer's copy and not the actual money order.

The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that Bill Ellias violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hector Martinez, Jr.
P.O. Box 1201
San Juan, Puerto Rico 00901

RE: MUR 3089
Hector Martinez, Jr.

Dear Mr. Martinez:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
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Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
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	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Hector Martinez, Jr.

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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INSTRUCTIONS

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Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Hector Martinez, Jr.

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Hector Martinez, Jr. violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hector Martinez Franco
52 King's Court Apt. 10-A
Santurce, Puerto Rico 00911

RE: MUR 3089
Hector Martinez Franco

Dear Mr. Franco:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Hector Martinez Franco

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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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

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   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Hector Martinez Franco

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Hector Martinez Franco violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin Torres Vazquez
11th St. Bloque No 1
Alturas De Torrimo
Puerto Rico 00619

RE: MUR 3089
Benjamin Torres Vazquez

Dear Mr. Vazquez:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Benjamin Torres Vazquez

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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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.

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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 January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Benjamin Torres Vazquez

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Benjamin Torres Vazquez violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Luis S. Sierra
305 Recinto Sur
San Juan, Puerto Rico 00901

RE: MUR 3089
Mrs. Luis S. Sierra

Dear Mrs. Sierra:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
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	)	MUR 3089
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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mrs. Luis S. Sierra

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INSTRUCTIONS

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mrs. Luis S. Sierra

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

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believe that Mrs. Luis S. Sierra violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. and Mrs. Esteban L. Fuertes
S-7 30 Parana
Rio Piedras, Puerto Rico 00926

RE: MUR 3089
Mr. and Mrs. Esteban L. Fuertes

Dear Mr. and Mrs. Fuertes:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mr. & Mrs. Esteban L. Fuertes

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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mr. & Mrs. Esteban L. Fuertes

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Mr. and Mrs. Esteban L. Fuertes violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Luis S. Sierra
305 Recinto Sur
San Juan, Puerto Rico 00901

RE: MUR 3089
Luis S. Sierra

Dear Mr. Sierra:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Luis S. Sierra

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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.

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"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.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Luis S. Sierra

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Luis S. Sierra violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Milton Mendez
Nogal 121 San Ramon
Guaynabo, Puerto Rico 00657

RE: MUR 3089
Mrs. Milton Mendez

Dear Mrs. Mendez:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Mrs. Milton Mendez

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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INSTRUCTIONS

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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.

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Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 1988.

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"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.

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"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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mrs. Milton Mendez

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Mrs. Milton Mendez violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Milton Mendez Orsini
Nogal 121 Sam Ramon
Guaynabo, Puerto Rico 00657

RE: MUR 3089
Milton Mendez Orsini

Dear Mr. Orsini:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Interrogatories and Requests for Production of Documents
Factual and Legal Analysis
Procedures
Designation of Counsel Form

95043681001

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Milton Mendez Orsini

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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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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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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 the 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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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Milton Mendez Orsini

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Milton Mendez Orsini violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julieta Torres
Calle Bloque No 1
Alturas De Torrimar
Puerto Rico 00619

RE: MUR 3089
Julieta Torres

Dear Ms. Torres:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained 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.

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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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Designation of Counsel Form

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Julieta Torres

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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INSTRUCTIONS

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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.

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Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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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 the 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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Julieta Torres

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

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believe that Julieta Torres violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R. Martinez
52 King's Court
Apt. 10-A
Santurce, Puerto Rico 00911

RE: MUR 3089
R. Martinez

Dear Mr. Martinez:

On February 5, 1991, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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. 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 interrogatories and requests for documents, within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached discovery requests. If you intend to be represented by counsel, 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 or other communications from the Commission.

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

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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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3089
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: R. Martinez

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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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.

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Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to May 1, 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.

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DEFINITIONS

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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.

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"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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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in January, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in the making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: R. Martinez

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to

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each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

In the present matter, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, the Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT" is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to

9504368102 5

believe that R. Martinez violated 2 U.S.C. § 441f.

9504368102 6

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 27, 1991

Dukakis for President Committee, Inc.
Robert A. Farmer, treasurer
483 Washington St.
Brookline, MA 02146

RE: MUR 3089
Dukakis for President Committee,
Inc. and Robert A. Farmer, as treasurer

Dear Mr. Farmer:

On February 5, 1991, the Federal Election Commission found that there is reason to believe the Dukakis for President Committee, Inc. ("Committee") and you, as treasurer, violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("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 the Committee 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 and you, 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 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.

9504368102 7

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 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 Jim Brown, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

9504368102 8

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

A. THE LAW

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act") at 2 U.S.C. § 441f, it is unlawful for a person to make a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution or for a person to knowingly accept a contribution made in the name of another. See, e.g., MUR 1353 (Commission found reason to believe that 2 U.S.C. § 441f was violated when a representative of the Carter/Mondale Presidential Committee used cash contributions to purchase money orders and listed the contributors as employees of the restaurant where the fundraising activity was held.) The Commission has interpreted Section 441f to apply not only to persons who make contributions in the name of another, but also to those who assist in the making of such contributions. See FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (Order denying summary judgment motion); See also 11 C.F.R. § 110.4(b)(1)(iii) (effective - 11/24/89).

An individual may contribute an aggregate of $1,000 to a

9504368102 9

federal candidate with respect to any federal election. 2 U.S.C. § 441a(a)(1)(A). This limitation applies separately to each election except that all elections held in any calendar year for the office of President (other than a general election for such office) are considered to be one election. 2 U.S.C. § 441a(a)(6). Under 11 C.F.R. § 110.1(i), a spouse may make a contribution in his or her own name even if only one spouse has income, but minor children may make contributions only from their own funds.

Under 2 U.S.C. § 441a(f), it is unlawful for an officer or employee of a political committee to knowingly accept a contribution made for the use or benefit of a candidate in violation of the limitations imposed on contributions under 2 U.S.C. § 441a.

B. FACTUAL ANALYSIS

1. Contributions in the Form of Consecutively Numbered Money Orders Drawn on Banco de Santander - Puerto Rico

In the present matter the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions via a series of eleven (11) money orders from the Banco de Santander - Puerto Rico. These money orders were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. Furthermore, Commission staff notes that the money orders appear to be typed with the same typeface or typewriter. The names and addresses of the reported contributors are uniformly typed in that typeface on the face of the money orders. On each instrument, "DUKAKIS FOR PRESIDENT"

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is uniformly typed on the payee line. These similarities indicate that a single individual filled out all of these money orders and thus a question arises as to the true source of these contributions. The contributor cards broadly identify the occupations of the contributors, using such terms as "businessman," "architect," "accountant," but not one of the contributors lists a specific employer. It is unlikely that a totally disconnected group of eleven people would make identical contributions on the same date via a series of sequential money orders from one bank. Such a coincidence raises questions concerning the actual source of funds used to effect these contributions.

Therefore, there is reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441f.

2. **Money Orders Deposited by the Committee from Marine Midland Payment Services, Inc.**

The Commission also discovered money orders from Marine Midland Payment Services, Inc. that are sequentially numbered and which were deposited into the Committee's Joint Escrow Account. All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary, each is dated April 18, 1988. The value of these money orders totals $1,550. While the handwriting on the money orders themselves appears to be the same, the writing on the money orders differs from that on several of the contributor

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cards or other supporting documentation. Furthermore, fourteen (14) of the records reflect the customer's copy and not the actual money order.

Like the situation in the Banco De Santander - Puerto Rico money orders, the numerous similarities and timing of these contributions suggests that they may have been made with the funds of an individual other than the one named on the money orders. Therefore, there is reason to believe that the Dukakis for President Committee and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441f.

9504368103 2

FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAR 13 AM 10: 36

OBC 0346

March 11/1991

Jim Brown
federal Election Commission
Washington D.C. 20463

Dear Mr Brown:
The following are responses to interrogatorie and request for production of documents.

1. A.C. Rochester: position was assemblyline person.
2. Yes.
A. Ten dollars (10.00) 1988 I cannot recall exact month or day.
B. No-one.
C. No-one
D. Greek orthodox church fundraiser

3. No-one
4. A) Have NONE
B) NONE
C) NONE
D) NONE

Filippos A. Nias
thank you.

91 MAR 13 AM 11: 39

9504368103

OGC 0291

Dukakis for President Committee, Inc.
2123 R Street, N. W.
Washington, D.C. 20008

March 6, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR -8 PM 10: 32

James Brown, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3089

Dear Mr. Brown:

The purpose of this letter is to confirm our conversation this morning in which you agreed to give the Dukakis for President Committee, Inc., an extension of 20 days in which to respond to the Commission's internally generated MUR 3089.

As we discussed, the reason for my request for an extension of time is that I have not yet received a copy of the complaint. It was originally sent to Boston and received on March 1st by Mary Wong. She has mailed it to me, but I have not received it.

The additional 20 day extension means that our response will be due on April 4, 1991. Thank you for granting it.

Sincerely,

Carol Darr

Carol C. Darr, Esq.
Counsel for the Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR -8 PM 12: 15

9504368103 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 1991

Carol C. Darr, Esq.
Dukakis for President Committee, Inc.
2123 R Street, N.W.
Washington, D.C. 20008

RE: MUR 3089
Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer

Dear Ms. Darr:

This is in response to your letter dated March 6, 1991, which we received on March 8, 1991, requesting an extension of 20 days until April 4, 1991, to respond to the Commission findings in the above cited matter. 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 4, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9504368103 5

OGC 0379

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAR 18 AM 9:49

MUR 3089

NAME OF COUNSEL: GEORGE HETELEKIDES

ADDRESS: 3545 Middle Cheshire Rd.
Canandaigua, N.Y. 14424

TELEPHONE: (716)-394-1212

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 18 PM 3:49

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.

3/11/91
Date

Signature

RESPONDENT'S NAME: Jim HETELEKIDES

ADDRESS: 3545 Middle Cheshire Rd
Canandaigua, N.Y. 14424

HOME PHONE: 716- 394-1212

BUSINESS PHONE: 716- 394-8721

9504368103 6

OGC 0432

DeMaria & Gallina

ATTORNEYS AT LAW

SUITE 204
CORN HILL CENTER
301 EXCHANGE BOULEVARD
ROCHESTER, NEW YORK 14608

716-232-4910
FAX 716-232-8840

JOSEPH G. DeMARIA
FRED S. GALLINA

JANET M. TRIPPE
LEGAL ASSISTANT

March 15, 1991

ATTN: JOHN WARREN McGARRY, CHAIRMAN
FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 19 PM 4:14

RE: Your # MUR 3089
Odysseus Mitrousis

Dear Mr. McGarry:

Please be advised that I am the attorney for Mr. Mitrousis. He has received your communication dated February 27, 1991. It was received by him on March 6, 1991.

He knows nothing of the allegations set forth therein. He informs me that he has had nothing to do with politics at all. He has never been involved with the Dukakis political campaign. He has never contributed money to the Dukakis Committee, nor to any political campaign. He has no knowledge whatsoever of the allegations. Concerning your Interrogatories, enclosed you will find his Answers, duly signed and notarized.

This is obviously a case of mistaken identity. I sincerely request that you make an immediate investigation into this matter, because Mr. Mitrousis is an upstanding, hard working citizen who is concerned and overwrought with this inquiry.

Please direct all further communication to the undersigned at the above address.

Very truly yours,

DeMARIA & GALLINA

JOSEPH G. DeMARIA
JGD:jma/enc.
copy:Jim Brown, Esq.
Odysseus Mitrousis

9504381037

ANSWERS TO INTERROGATORIES AND FOR PRODUCTION OF DOCUMENTS

1. Odysseus Mitrousis has been and is employed by Xerox Corporation for the past twenty-two (22) years to the present. Xerox Corporation, P.O. Box 20386, Rochester, New York 14602-0386.

2. Mr. Mitrousis has never made a contribution to the Dukakis for President Committee.

3. No one has assisted in the preparation of these answers, except Mr. Mitrousis' counsel, Mr. DeMaria.

4. Mr. Mitrousis has no documents to produce.

Odysseus Mitrousis
ODYSSEUS MITROUSIS

STATE OF NEW YORK)
COUNTY OF MONROE)

On this 14th day of March, 1991, before me the subscriber, personally appeared ODYSSEUS MITROUSIS, to me known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same.

Janet Mary Tripp-Arcuri
NOTARY PUBLIC

JANET MARY TRIPPE (ARCURI)
Notary Public in the State of New York
MONROE COUNTY
Commission Expires June 30, 19 91

DeMARIA & GALLINA
ATTORNEYS AT LAW
SUITE 204
CORN HILL CENTER
301 EXCHANGE BOULEVARD
ROCHESTER, NEW YORK 14608

95043681038

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JOSEPH G. DeMARIA, ESQ.

ADDRESS: 301 EXCHANGE BLVD., ST. 204
ROCHESTER, NEW YORK 14608

TELEPHONE: (716) 232-4910

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.

March 14, 1991
Date

Odysseus Mitrousis
Signature

RESPONDENT'S NAME: ODYSSEUS MITROUSIS

ADDRESS: 36 Echo Hill Drive
Rochester, New York 14609

HOME PHONE: 266-3657

BUSINESS PHONE:

9504368103 9

OGC 0415

Arent Fox Kintner Plotkin & Kahn

Joseph E. Sandler
202/857-6221

March 19, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 19 PM 2:41

BY HAND

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Jim Brown, Esq.

Re: MUR 3089

Dear Mr. Brown:

Please take notice that the undersigned has been designated as counsel for Respondents Milton Mendez Orsini, Mrs. Milton Mendez, Hector Martinez, Jr. and Mrs. Sol R. Martinez in the above-referenced MUR. Statements of Designation of Counsel are enclosed herewith for each of these respondents except for Mrs. Mendez, whose Statement is being sent from Puerto Rico and will be filed within the next few days.

Reason to believe notifications and Interrogatories and Requests for Production of Documents have been received by all four respondents. The first sets of papers were received by Mr. and Mrs. Mendez on or about March 5, 1991. The papers were received by Hector Martinez, Jr. on or about March 7, 1991 and by Mrs. Sol R. Martinez on or about March 11, 1991. Respondents retained counsel only a few days ago.

Preparation of answers to the interrogatories and responses to the document requests will require additional time because all Respondents reside in Puerto Rico; answers will necessitate determination of facts concerning transactions that took place there more than two years ago; at least one Respondent is not fully fluent in English; and it appears that any responsive documents would be located in Puerto Rico.

For these reasons, we respectfully request that the Commission grant an extension of twenty (20) days, until April 9, 1991, for all four Respondents to respond to the notification letter, Interrogatories and Request for Production of Documents. (Please note that this would amount

9 5 0 4 3 8 1 0 1 0

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

to an extension of less than 20 days for Respondents Hector Martinez, Jr. and Sol R. Martinez).

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler
Counsel for Respondents
Milton Mendez Orsini, Mrs. Milton Mendez,
Hector Martinez, Jr. and Mrs. Sol R. Martinez

95043681041

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: Joseph E. Sandler, Esq.

ADDRESS: Arent, Fox, Kintner, Plotkin, Kahn
1050 Connecticut Ave., N.W.
Washington, D.C. 20036-5339

TELEPHONE: (202) 857-6221

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.

18 March 1991
Date

Signature

RESPONDENT'S NAME: Héctor Martínez, Jr.

ADDRESS: P.O. Box S-1201
San Juan, Puerto Rico
00902-1201

HOME PHONE: (809)

BUSINESS PHONE: (809) 721-8315 EXT. 275

9504368 1042

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: Joseph E. Sandler, Esq.

ADDRESS: Arent, Fox, Kintner, Plotkin, Kahn
1050 Connecticut Ave., N.W.
Washington, D. C. 20036-5339

TELEPHONE: (202) 857-6221

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.

18 March 1991
Date

Signature

RESPONDENT'S NAME: Sol R. Martìnez

ADDRESS: 52 King's Court - Apt. 10-A
San Juan, puerto Rico 00911

HOME PHONE: (809) 728-4363

BUSINESS PHONE:

9504368104 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JOSEPH E. SANDLER, ESQ

ADDRESS: ARENT, FOX, KINTNER, PLOTKIN, KAHN
1050 CONNECTICUT AVE. N.W
WASHINGTON, D.C. 20036-5339

TELEPHONE: (202) 857-6221

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.

18 MARCH 1991
Date

Signature

RESPONDENT'S NAME: MILTON MENDEZ ORSINI

ADDRESS: NOGAL 121 SAN RAMON
GUAYNABO, P.R 00657

HOME PHONE: (809) 790-6301

BUSINESS PHONE: (809) 725-2802

9504368104

OGC 0389

MUR 3089

STATEMENT OF DESIGNATION OF COUNSEL

Did not Contribute

MUR _____

NAME OF ~~COUNSEL~~: FEDERAL TAX PREPARER ~~Pauline~~ PREPARED Athanasios Petalas

ADDRESS: AUGUST H. GERHARDT
164-B Kingsberry Dr
Rochester, NY 14626

TELEPHONE: 716-225-4636

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL 91 MAR 18 PM 3:45

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.

3/12/91
Date

Athanasios Petalas
Signature

RESPONDENT'S NAME: ATHANSIAS PETALAS

ADDRESS: 15 VIRGINIA MANOR RD
ROCHESTER NY 14606

HOME PHONE: 716-247-1719

BUSINESS PHONE: _____

RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM 91 MAR 18 AM 11:47

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OOC 0449

Arent Fox Kintner Plotkin & Kahn

Joseph E. Sandler
202/857-6221

March 21, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 21 AM 10:41

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Jim Brown, Esq.

Re: MUR 3089

Dear Mr. Brown:

This will correct my letter of March 19, 1991 with respect to representation of Respondents in the above-referenced MUR. I have not been designated as counsel by Mrs. Milton Mendez, who has designated other counsel.

I have been designated as counsel by respondents Milton Mendez Orsini, Hector Martinez, Jr. and Mrs. Sol R. Martinez, whose Statements of Designation of Counsel were filed with you together with my letter of March 19.

In addition, please note that I have been designated as counsel by respondents Celeste S. Fuertes and Esteban L. Fuertes. Statements of Designation of Counsel are enclosed herewith.

Reason to believe notification letters, Interrogatories and Requests for Production of Documents were received by each of respondents Celeste S. Fuertes and Esteban L. Fuertes on or about March 16, 1991. For the same reasons as those set forth in my letter of March 19, we respectfully request an extension of nine (9) days, to April 9, 1991, of the time for these respondents to file responses to the notification letters and Interrogatories and Request for Production of Documents which were addressed to them.

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler

9 5 0 4 3 0 8 1 0 1 6

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JOSEPH E. SANDLER, ESQ

ADDRESS: ARENT,FOX,KINTNER, BLOTKIN,KAHN
1050 CONNECTICUTT AVE, NW
WASHINGTON, D.C. 20036-5339

TELEPHONE: 202-857-6221

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.

18 MARCH 1991
Date

Signature

RESPONDENT'S NAME: ESTEBAN L. FUERTES

ADDRESS: S-7 #30, 8th SREET, VILLAS DE PARANA
RIO PIEDRAS, PR 00926

HOME PHONE: 809-790-5293

BUSINESS PHONE: 809-720-5595

9504368104 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JOSEPH E. SANDLER, ESQ.

ADDRESS: ARENT,FOX,KINTNER,BLOTKIN, KAHN
1050 CONNECTICUTT AVE. NW
WASHINGTON, D.C. 20036-5339

TELEPHONE: 202-857-6221

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.

18 MARCH 1991
Date

Celeste S. Fuertes
Signature

RESPONDENT'S NAME: CELESTE S. FUERTES

ADDRESS: S-7 #30, 8th STREET, VILLAS PARANA
RIO PIEDRAS, PR 00926

HOME PHONE: 809-790-5293

BUSINESS PHONE: N/A

9504368108

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 22, 1991

Joseph E. Sandler
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

RE: MUR 3089
-Milton Mendez Orsini
-Hector Martinez, Jr.
-Mrs. Sol R. Martinez

Dear Mr. Sandler:

This is in response to your letter dated March 19, 1991, which we received on that same date, requesting an extension until April 9, 1991, to respond to reason to believe notifications and Interrogatories and Requests for Production of Documents on behalf of your clients. It is the understanding of this office that subsequent to your mailing of the March 19, 1991 letter, you discovered that Mrs. Milton Mendez had retained other counsel, and therefore your request for extensions in this matter no longer apply to Mrs. Mendez. After considering the circumstances presented in your letter, I have granted the requested extensions for the three respondents cited above. Accordingly, your response is due by the close of business on April 9, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

95043681019

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 25, 1991

Joseph E. Sandler
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

RE: MUR 3089
-Celeste S. Fuertes
-Esteban L. Fuertes

Dear Mr. Sandler:

This is in response to your letter dated March 21, 1991, which we received on that same date, requesting an extension until April 9, 1991, to respond to reason to believe notifications and Interrogatories and Requests for Production of Documents on behalf of your clients. After considering the circumstances presented in your letter, I have granted the requested extensions for the two respondents cited above. Accordingly, your response is due by the close of business on April 9, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

95043681050

OGC 0464

CHARLES S. HEY-MAESTRE
Abogado - Notario
Attorney - Notary Public
Calle Las Marías Núm. 206-A
Hyde Park, Río Piedras, P.R. 00927
Tel.: (809) 250-0589 Fax: (809) 250-0986

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR 22 AM 9:44

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 22 AM 10:48

March 19, 1991
Via Fax (202) 376-5280

Jim Brown, Esq.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3089
Mrs. Milton Méndez

Dear Mr. Brown:

Enclosed you will find Mrs. Milton Mendez' (Myrta Falcón de Méndez) answers to the interrogatories submitted to her by the Federal Election Commission. Pursuant to our conversations and to the instructions I received from Ms. Lisa Kline, Esq. of your office today, this letter and the answers are being sent by fax and by regular mail.

As I indicated to you by telephone when we spoke last week, my client has had no previous contact with your agency or with the Committee whose donations are under review. It is our hope that the information supplied will help clear up this matter, demonstrate that Mrs. Méndez had no contact whatsoever with the donations under review and, further, demonstrate that no action should be taken against her.

Although I have already faxed a copy of the Designation of Counsel form to you, I am enclosing the original signed version for your use. Please do not hesitate to call me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

CHARLES S. HEY-MAESTRE

encl.

9 5 0 4 3 6 8 1 0 5 1

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

IN RE MRS. MILTON MENDEZ *
* MUR 3089
****

ANSWER TO INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO THE COMMISSION:

COMES NOW Mrs. Milton Méndez and, in response to the interrogatories her dated February 27, 1991 and which were received on March 4, 1991, in relation to the above-captioned matter under review, answers as follows:

1. In January, 1988 I was unemployed. I continue to be unemployed. My occupation then, as now, is that of homemaker.

2. I have never made a contribution to the Dukakis for President Committee, nor have I known of any such contribution prior to the receipt of the Commission's letter and materials of February 27, 1991.

3. Other than counsel, the only persons I have consulted in relation to this matter have been my spouse, Milton Méndez, and my children.

4. a. Not applicable.

b. Not applicable.

c. Not applicable.

d. During 1988, on one or more occassions I received literature from the Dukakis for President Committee which I did not pay any attention to and discarded as I would any

95043681052

"junk mail". I did not solicit that literature nor was I aware of the reasons why I had been placed on their mailing list. I did not retain any of that literature nor did I ever communicate with that Committee.

I declare under penalty of perjury that the foregoing is true and correct, in accordance with 28 U.S.C. sec. 1746. Executed in San Juan, Puerto Rico this 19th day of March, 1991.

Myrta Falcón de Méndez
MYRTA FALCON DE MENDEZ
(Mrs. Milton Méndez)

95043681053

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: CHARLES S. HEY MAESTRE

ADDRESS: CALLE LAS MARIAS 206-A
URB. HAYDE PARK
RIO PIEDRAS P.R. 00927

TELEPHONE: (809) 250-0589

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.

MARCH 13, 1991
Date

Mrs. Milton Méndez
Signature

RESPONDENT'S NAME: MRS. MILTON MENDEZ

ADDRESS: CALLE NOGAL 121
SAN RAMON
GUAYNABO P.R. 00657

HOME PHONE: (809) 790-6301

BUSINESS PHONE: N/A

9504368105 4

OGC 0477

RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM

91 MAR 22 AM 10:43

GARY R. CARON
ATTORNEY AND COUNSELOR AT LAW
ONE EAST MAIN STREET
VICTOR, NEW YORK 14564
(716) 924-9537

FAX #924-9966

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

91 MAR 22 PM 2:48

March 19, 1991

Federal Election Commission
Room 659
999 E Street, NW
Washington, DC 20463

Re: MUR 3089 - Evangelos Lolis

Dear Election Commission:

Please be advised that my client has delivered to me your request for information as contained in your letter dated February 27, 1991. Some of the contained enclosures consisted of a "Page 4" headed "Interrogatories and Request for Production of Documents" along with a Statement of Designation of Counsel.

Enclosed please find the original Interrogatories and Request for Production of Documents as well as Statement of Designation of Counsel signed by my client, Evangelos Lolis. I am, however, concerned that my client either lost or was never mailed additional interrogatories than that which I am returning to you. If that is the case, please advise me and forward the additional interrogatories for completion.

If additional information is required or requested, please do not hesitate to contact me directly.

Very truly yours,

Gary R. Caron

Gary R. Caron

Encls.
/ljsw

9504368105 5

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

9 5 0 4 3 6 8 1 0 5 6

ANSWERS TO INTERROGATORIES

Re: MUR 3089
Evangelos Lolis

1) Self-employed in April, 1988. Operates a family restaurant

2) Orthodox Church of Rochester, of which Evangelos Lolis and family are members, held a coffee and donuts day in April of 1988 to meet Michael Dukakis. Mr. Dukakis never made an appearance and a "hat" was passed, into which Mr. Lolis contributed $100 cash.

3) Noone.

4) No documents available, all cash. No correspondence received or written.

9504368107

STATEMENT OF DESIGNATION OF COUNSEL

MUR #3089

NAME OF COUNSEL: Gary R. Caron, Esq.

ADDRESS: One East Main Street
Victor, New York 14564

TELEPHONE: (716) 924-9537

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.

3-19-91
Date

Signature

RESPONDENT'S NAME: Evangelos Lolis

ADDRESS: 37 Latchmere Drive
Victor, New York 14564

HOME PHONE: (716) 924-3989

BUSINESS PHONE: (716) 924-5025

95043681058

ODL 04 B

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

March 19, 1991

91 MAR 22 AM 11:14

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Brown, attorney
Federal Election Commission
Washington, D. C. 20463
(202) 376 - 8200

91 MAR 22 PM 2:47
RECEIVED
FEDERAL ELECTION COMMISSION

RE: MUR 3089
George Ekonomidis

Dear Mr. Brown:

In response to your correspondence dated February 27, 1991, received March 6, 1991, I am taking this opportunity to advise you that I did make a cash contribution, three years ago, to the Dukakis for President Committee. The exact date I honestly can not recall and the amount, to the best of my recollection, was somewhere between $20.00-100.00. Unfortunately I don't have a receipt or other documents to copy and forward to you.

I was at the church grounds, with others, waiting for Dukakis' visit. There were rumors that he might stop by for a few minutes before heading to the Democratic headquarters dinner. As I recall, Mr. Dukakis never appeared and I believe someone suggested we make a contribution to his committee. I made mine, not knowing it was illegal.

Just as I have contributed to the Cancer Society, Police and Fire Departments, Vietnam Veterans, etc. - small amounts - over the past years, to show that we care and want to help, so it was with this contribution. All I did, was to show my support. It was not my intention upon leaving my house to go and contribute.

I apoligize for not being able to respond to you in greater detail. This is all that I can remember.

I'm an ordinary citizen who works hard to make a living and support my family.

I swear that I had no knowledge that this was a violation of the Federal Election Committee.

My wife assisted me in the preparation of this letter since my English writing is limited.

I will be willing to help should you have any further questions.

3/19/91
Date

Signature

My address: George Ekonomidis
15 Revere Drive
Rochester, NY 14624
[redacted]

9 5 0 4 3 6 8 1 0 5 9

OGC 0486

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 25 PM 2:53

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

Yes 50 00

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such contribution:

   a. state the amount and date of the contribution.

   b. identify who solicited that contribution.

   c. identify any individual that influenced your decision to make that contribution.

   d. identify any event or fundraiser that resulted in your making of that contribution.

3. Identify any person (other than counsel) who was consulted or otherwise assisted in the preparation of answers to these questions.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

Check

   a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

   b. Copies of bank statements or account reconciliations on which such checks were reported or otherwise disclosed.

   c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

   d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

9504368100

1 Marks Texas Hots
447 Monroe ave
Roch. NY 14607
Owner

2. Yes

B $50

B Committee for Dukakis

C No One

D None

3 Please Legislow

4. Can't find the checks or bank statement

9504368101 61

MUR
3089

FEDERAL ELECTION COMMISSION

91 MAR 25 PM 3:50

Dear Mr McGarry,
This letter is in Response to your Inquiry concerning Election contributions to the Dukakis ~~company~~ campaign.
I did not make out any money order checks from Morrie Midland Payment Services. I dont even have an account at this Bank. The only contribution I made was $10.00 in cash used to buy some Bumper stickers for my car

Vasilios (Bill) Elias

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 26 AM 10:32

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAR 25 PM 12:08

Demetrios Seremetis
63 Colonial Rd.
Rochester, N.Y. 14609
March 21, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 MAR 26 AM 10:31

Re: MUR-3089
Federal Election Commission
Washington, D.C. 20463

Dear Sirs:

I have helped Mr. Demetrios Seremetis read your letter from the Election Commission and I have explained it to him. First Mr. Seremetis is not a United States Citizen, or has ever been. Mr. Seremetis did not give or knows anyone that may have given money on his behalf in the 1988 Presidential Elections. Also, another point I would like to bring up is that the name on the letter is spelled (P. Sergmetis) that is wrong. His name is (Demetrios Seremetis). That I believe shows that if anyone may have given money on behalf of Mr. Seremetis doesn't even know how to spell his name correctly.

Sincerely,
Demetrios Seremetis
Demetrios Seremetis

9504368103 63

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 25, 1991

Carol C. Darr, Esq.
Dukakis for President Committee, Inc.
2123 R Street, N.W.
Apt. G
Washington, D.C.
20008

RE: MUR 3089
Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer

Dear Ms. Darr:

Per your telephone request, enclosed please find copies of the American Express Money Orders involved in this matter which were issued in Puerto Rico.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

9504368104

06C0504

WILLIAM C. DEDES
ATTORNEY AND COUNSELOR AT LAW
SUITE 800
17 EAST MAIN STREET
ROCHESTER, NEW YORK 14614
TEL: (716) 325-2350
FAX: (716) 262-2610

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR 25 PM 12:08

March 27, 1991

Jim Brown, Esq.
Federal Election Commission
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 26 AM 10:31
OFFICE OF GENERAL COUNSEL

Re: MUR 3089
Vasilios Bitsas

Dear Mr. Brown:

In furtherance of our recent phone conversation, I am enclosing herewith the following:

1. Answer to Written Interrogatories.

2. Statement of Designation of Counsel.

As I indicated to you on the phone, I suspect that I will be sending you other Interrogatories from other clients of mine, all of whom are Greek Americans. I am fluent in the Greek language and have received a number of phone calls from individuals you have contacted for information.

If there is anything further you require, please do not hesitate to contact me.

Very truly yours,

William C. Dedes

WCD:dmw
Enclosures

9504368105

In the Matter of

RESPONSE TO INTERROGATORIES

VASILIOS BITSAS

MUR 3089

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

VASILIOS BITSAS, being duly sworn, deposes and says:

That I am an individual residing at 2716 South Union Street in Spencerport, New York 14559.

I make this Affidavit pursuant to a request of the Federal Election Commission in the matter referred to as MUR 3089.

In regard to the Interrogatories and request for production of documents, I state as follows:

1. In April, 1988, I was a partner in the business known as Country Club Restaurant located in Medina, New York. The business was sold in July of 1990 and I have been unemployed since that date.

2. I did make a cash contribution to the Dukakis for President campaign, as follows:

a. A cash contribution in the amount of $100.00 some time in the month of April, 1988.

b. Said funds were solicited at a Greek dance fund raiser held at the Greek Orthodox Church, 962 East Avenue, Rochester, New York.

c. As a Greek American I wish to support Michael Dukakis and he influenced my decision to make a cash contribution.

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d. A fund raiser was held at the Greek Orthodox Church in April of 1989, which I attended. That fund raiser consisted of an ethnic dance and social event. During said fund raiser solicitations were requested of people who attended on a voluntary basis.

3. The only person who assisted in the preparation of this Affidavit was my Attorney, William C. Dedes, 17 East Main Street, Suite 500, Rochester, New York 14614.

4. Since my contribution was made in cash, I have no copy of any money order or other written correspondence.

Vasilios Bitsas
VASILIOS BITSAS

Sworn to before me this
19 day of March, 1991.

Notary Public

WILLIAM C. DEDES
Notary Public, State of New York
County of Monroe
My Commission Expires 93

9504368810067

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: WILLIAM C. DEDES, ESQ.

ADDRESS: 17 East Main Street, Suite 500
Suite 500
Rochester, New York 14614

TELEPHONE: (716) 325-2350

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.

March 19, 1991
Date

Vasilios Bitsas
Signature VASILIOS BITSAS

RESPONDENT'S NAME: VASILIOS BITSAS

ADDRESS: 2716 South Union Street
Spencerport, New York 14559

HOME PHONE: (716) 352-0536

BUSINESS PHONE: None

95043681068

OGC 0488

MONROE COUNTY BOARD OF ELECTIONS

39 WEST MAIN STREET, ROCHESTER, NEW YORK 14614 • 716/428-4550

M. BETSY RELIN
COMMISSIONER

SUSAN M. IRELAND
DEPUTY

RONALD J. STARKWEATHER
COMMISSIONER

WILLIAM J. ROBERTS
DEPUTY

March 22, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 26 AM 10: 25

Mr. John Warren McGarry, Chairperson
Federal Elections Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 3089
JOHN DELMADOROS
135 WEST ELM STREET
EAST ROCHESTER, NEW YORK 14445

Dear Mr. McGarry:

I presently serve as a Commissioner of the Monroe County Board of Elections in the State of New York. County Boards of Election are bi-partisan, have two Election Commissioners and I am the Democratic Commissioner.

I have met with Mr. John Delmadoros and reviewed various documents sent to him by the Commission. He was referred to me by a mutual acquaintance of both Mr Delmadoros and myself. Mr. Delmadoros came to me because of his great concern and lack of understanding of the materials sent to him.

Mr Delmadoros is a working man with a family who believes that he has done no wrong. He is a Greek citizen who did very little politically except post local candidates' (in addition to Mr Dukakis) placards and other campaign material in his business windows. At this point in time I did not recommend that he get a lawyer because I do not believe from my interview with him that he has violated any law.

I have presented the interrogatories to him and determined the following:

--Mr John Delmadoros, at the above address, in April, 1988 was and is the owner of John's National Garage, an auto repair shop located at 1091 Culver Road in the City of Rochester New York. He is the owner and works as a repair man there.

--He did make a cash contribution of twenty ($20.00) dollars to the Dukakis for Presidential Committee or gave $20.00 in cash to an unknown person for the election of Dukakis for President. Relating to this contribution: He does not

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remember the date or know the name of the person who solicited the contribution. He accompanied a group of friends of Greek extraction to a campaign meeting held during April of 1988 at the Greek Orthodox Church of the Annunciation located at 962 East Avenue, Rochester New York. He was asked for a donation, gave a $20.00 contribution and completed a form with his name and address.

He has no receipts, copies of checks, money orders, other written instruments or other proof that he made this contribution. He has consulted with a personal friend who than recommended that he speak with me. I have carefully reviewed the documents with him and offered my assistance in getting this matter cleared. I have spoken with him and he has given me the above information. I am familiar with Mr Delmadoro's place of business. I do not believe that this man has violated 2 U.S.C 441f or any other Federal Law since federal law allows cash contribution of less than $100.00. In his dialogue with me he has said that he has never gone to a Marine Midland Bank or any other bank to procure a money order for any political candidate including Michael Dukakis.

I have called the local Democratic Headquarters and spoken with persons who were active in the Dukakis Campaign for President. I was told that there were two events held for persons of Greek extraction. There was a luncheon held at the Olive Tree, Monroe Avenue, Rochester New York. The second event was a campaign information meeting for persons of Greek extraction held at the Greek Orthodox Church of the Annunciation. In addition I have been told that the two events were organized by persons from the New York Dukakis Campaign Committee and that none of the money received from these events was collected by the local Dukakis Committee but believed to have been deposited in the New York Dukakis Committee.

I submit this letter to the Commission on behalf of Mr. Delmadoros. Should you have further questions of me please contact me at (716) 428-5884.

Sincerely,

M Betsy Relin

M. Betsy Relin
Commissioner of Elections

MBR/lf

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OGC0513

Arent Fox Kintner Plotkin & Kahn

Joseph E. Sandler
202/857-6221

March 26, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 26 PM 3:10

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Jim Brown, Esq.

Re: MUR 3089

Dear Mr. Brown:

Please note that I have been designated as counsel for respondent Hector Martinez Franco in the above-referenced MUR. A Statement of Designation of Counsel is enclosed herewith.

A reason to believe notification letter, Interrogatories and Requests for Production of Documents were received by this respondent on or about March 12, 1991. I was retained as counsel by this respondent last Friday, March 22. For the reasons set forth in my letter of March 19, 1991, we respectfully request an extension to April 9, 1991 of the time for this respondent to file responses to the foregoing.

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler

Enclosure

dew

9504308107 1

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JOSEPH E. SANDLER, ESQ

ADDRESS: ARENT, FOX, KINTNER, BLOTKIN, KAHN
1050 CONNECTICUT AVE., NW
WASHINGTON, D.C. 20036-5339

TELEPHONE: 202 857-6221

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.

22 MARCH 1991
Date

Signature

RESPONDENT'S NAME: HECTOR MARTINEZ FRANCO

ADDRESS: KING'S COURT APT. 10-A
SANTURCE, PUERTO RICO 00911

HOME PHONE: (809) 728-4363

BUSINESS PHONE: (809) 721-8315

95043681072

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 27, 1991

Joseph E. Sandler
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

RE: MUR 3089
-Hector Martinez Franco

Dear Mr. Sandler:

This is in response to your letter dated March 26, 1991, which we received on that same date, requesting an extension until April 9, 1991, to respond to reason to believe notifications and Interrogatories and Requests for Production of Documents on behalf of your client. After considering the circumstances presented in your letter, I have granted the requested extension for the respondent cited above. Accordingly, your response is due by the close of business on April 9, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

95043681073

06C 0534

JORDAN E. PAPPAS & ASSOCIATES
ATTORNEYS AND COUNSELORS AT LAW
17 MAIN STREET EAST
ROCHESTER, NEW YORK 14614
(716) 232-1292

JORDAN E. PAPPAS
LEGAL ASSISTANT
SANDRA K. WARNER

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR 28 AM 11:16

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAR 28 PM 2:53

March 26, 1991

Federal Election Commission
Washington, D.C. 20463

Re: MUR 3089 - Michael Dedes

Dear Sir:

The writer of this letter represents Mr. Michael Dedes as attorney. In that connection, I am enclosing my clients Statement of Designation of Counsel.

I am also enclosing his Response to Interrogatories which was mailed to my client and which I assisted in the preparation of.

If I can be of further assistance in this matter, please feel free to contact me personally.

Very truly yours,

Jordan E. Pappas, Esq.

JEP/skw
Encls.

95043681074

In the Matter of

MICHAEL DEDES

RESPONSE TO INTERROGATORIES

MUR 3089

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

MICHAEL DEDES, being duly sworn, deposes and says:

That I am an individual residing at 14 Parkview Drive in Pittsford, New York 14534.

I make this Affidavit pursuant to a request of the Federal Election Commission in the matter referred to as MUR 3089.

In regard to the Interrogatories and request for production of documents, I state as follows:

1. That in April, 1988 the deponent was self-employed and was the owner of Dedes Restaurant & Lounge Exit 45 located at 7457 Victor-Pittsford Road, Victor, New York 14564.

2. That the deponent did make a contribution to the Dukakis for President Committee in the amount of $50.00 on November 1, 1988, a copy of said check is attached and marked "Exhibit A", and said contribution was solicited by Mr. George Theodarakis.

3. In addition, the deponent did contribute the sum of $100.00 cash to the Dukakis for President Committee on or about the first day of October 1988, and said contribution was solicited by Mr. George Theodarakis.

9504368107 5

4. The deponent did attend at least one (1) meeting described as a fund raiser which to the best of my recollection occurred at the Greek Orthodox Church located at 962 East Avenue, Rochester, New York.

5. The only person who assisted in the preparation of this Affidavit was my Attorney, Jordan E. Pappas, 17 Main Street East, Suite 400, Rochester, New York 14614.

Michael Dedes

MICHAEL DEDES

Sworn to before me this

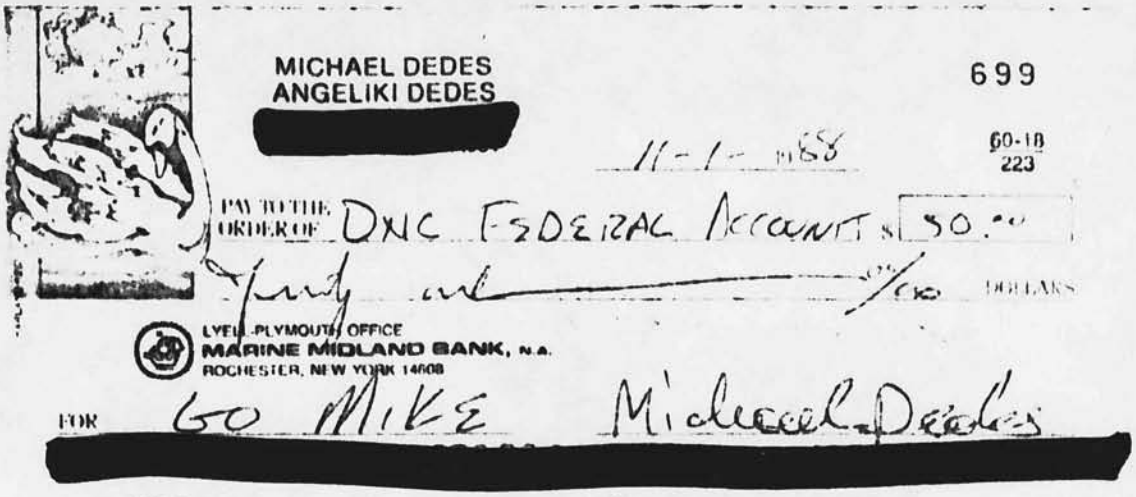
20th day of March, 1991.

Jordan E. Pappas

JORDAN E. PAPPAS
Notary Public, Monroe Co.
My Commission Expires March 30, 1993

9504368 1076

EXHIBIT A



MICHAEL DEDES
ANGELIKI DEDES
[redacted]

699

11-1-1988

60-18
223

PAY TO THE ORDER OF DNC FEDERAL ACCOUNT $ 50.00

Fifty and 00/100 DOLLARS

LYELL-PLYMOUTH OFFICE
MARINE MIDLAND BANK, N.A.
ROCHESTER, NEW YORK 14608

FOR GO MIKE Michael Dedes

[redacted]

DEPOSIT TO THE ACCOUNT OF THE WITHIN NAMED PAYEE

NOV 04 '88

DEPOSITED AT
PROCESSED BY EBS, INC.

9504368107 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: Jordan E. Pappas

ADDRESS: 17 Main Street East
Suite 400
Rochester, New York 14614

TELEPHONE: (716) 232-1292

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.

3/20/91
Date

Michael Dedes
Signature

RESPONDENT'S NAME: Michael Dedes

ADDRESS: 14 Parkview Drive
Pittsford, New York 14534

HOME PHONE: (716) 381-6048

BUSINESS PHONE: (716) 924-5716

95043681078

OGC 0533

JORDAN E. PAPPAS & ASSOCIATES
ATTORNEYS AND COUNSELORS AT LAW
17 MAIN STREET EAST
ROCHESTER, NEW YORK 14614
(716) 232-1[illegible]

JORDAN E. PAPPAS
LEGAL ASSISTANT:
SANDRA K. WARNER

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAR 28 AM 11:16

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR 28 PM 2:53

March 26, 1991

Federal Election Commission
Washington, D.C. 20463

Re: MUR 3089 - Vasilios Dedes

Dear Sir:

The writer of this letter represents Mr. Vasilios Dedes as attorney. In that connection, I am enclosing my clients Statement of Designation of Counsel.

I am also enclosing his Response to Interrogatories which was mailed to my client and which I assisted in the preparation of.

If I can be of further assistance in this matter, please feel free to contact me personally.

Very truly yours,

Jordan E. Pappas, Esq.

JEP/skw
Encls.

95043681079

In the Matter of

VASILIOS DEDES

RESPONSE TO INTERROGATORIES

MUR 3089

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

VASILIOS DEDES, being duly sworn, deposes and says:

That I am an individual residing at 14 Parkview Drive in Pittsford, New York 14534.

I make this Affidavit pursuant to a request of the Federal Election Commission in the matter referred to as MUR 3089.

In regard to the Interrogatories and request for production of documents, I state as follows:

1. That at no time during April of 1988 or at any time thereafter did I make any financial contribution whatsoever to the Dukakis for President Committee.

2. The only person who assisted in the preparation of this Affidavit was my Attorney, Jordan E. Pappas, 17 Main Street East, Suite 400, Rochester, New York 14614.

VASILIOS DEDES

Sworn to before me this
20th day of March, 1991.

Notary Public

JORDAN E. PAPPAS
Notary Public, State of N.Y., Monroe Co.
My Commission Expires March 30, 1993

9504368108 0

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: Jordan E. Pappas

ADDRESS: 17 Main Street East
Suite 400
Rochester, New York 14614

TELEPHONE: (716) 232-1292

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.

3/20/91
Date

Signature

RESPONDENT'S NAME: Vasilios Dedes

ADDRESS: 14 Parkview Drive
Pittsford, New York 14534

HOME PHONE: (716) 381-6048

BUSINESS PHONE: (716) 924-5716

95043681081

RECEIVED OGC 0558
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR -1 AM 9:41

WILLIAM C. DEDES
ATTORNEY AND COUNSELOR AT LAW
SUITE 500
17 EAST MAIN STREET
ROCHESTER, NEW YORK 14614
TEL: (716) 325-2350
FAX: (716) 262-2610

March 27, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -1 AM 10:44

Jim Brown, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3089
Dimitrios Kostarellis

Dear Mr. Brown:

In furtherance of our recent phone conversation, I am enclosing herewith the following:

1. Answer to Written Interrogatories.

2. Statement of Designation of Counsel.

As I indicated to you on the phone, I suspect that I will be sending you other Interrogatories from other clients of mine, all of whom are Greek Americans. I am fluent in the Greek language and have received a number of phone calls from individuals you have contacted for information.

If there is anything further you require, please do not hesitate to contact me.

Very truly yours,

William C. Dedes

WCD:dmw
Enclosures

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In the Matter of

DIMITRIOS KOSTARELLIS

RESPONSE TO INTERROGATORIES

MUR 3089

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

DIMITRIOS KOSTARELLIS, being duly sworn, deposes and says:

That I am an individual residing at 32 Pickdale Drive in Rochester, New York 14626.

I make this Affidavit pursuant to a request of the Federal Election Commission in the matter referred to as MUR 3089.

In regard to the Interrogatories and request for production of documents, I state as follows:

1. Since on or before April, 1988, I have been employed by Mixing Equipment Co., now known as Lightnin, located in Rochester, New York.

2. I did make a cash contribution to the Dukakis for President campaign, as follows:

a. A cash contribution in the amount of $30.00 some time in the month of April, 1988.

b. Said funds were solicited at a Greek dance fund raiser held at the Greek Orthodox Church, 962 East Avenue, Rochester, New York.

c. As a Greek American I wish to support Michael Dukakis and he influenced my decision to make a cash contribution.

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d. A fund raiser was held at the Greek Orthodox Church in April of 1989, which I attended. That fund raiser consisted of an ethnic dance and social event. During said fund raiser solicitations were requested of people who attended on a voluntary basis.

3. The only person who assisted in the preparation of this Affidavit was my Attorney, William C. Dedes, 17 East Main Street, Suite 500, Rochester, New York 14614.

4. Since my contribution was made in cash, I have no copy of any money order or other written correspondence.

DIMITRIOS KOSTARELLIS
DIMITRIOS KOSTARELLIS
DIMITRIOS KOSTARELLIS

Sworn to before me this

22 day of March, 1991.

Nancy Walsh (CARVOTTA)
Notary Public

NANCY WALSH CARVOTTA
Notary Public in the State of New York
MONROE COUNTY
Commission Expires 8/31/91

9504368103 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: WILLIAM C. DEDES, ESQ.

ADDRESS: 17 East Main Street
Suite 500
Rochester, New York 14614

TELEPHONE: (716) 325-2350

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.

March 20, 1991
Date

Signature DIMITRIOS KOSTARELLIS

RESPONDENT'S NAME: DIMITRIOS KOSTARELLIS

ADDRESS: 32 Pickdale Drive
Rochester, New York 14626

HOME PHONE: (716) 227-0528

BUSINESS PHONE: (716) 436-5550

9504368103 5

Phil Elias
56 Pin Oak Lane
Rochester NY 14622

March 25, 1991

91 APR -2 PM 3:01

Chairman John Warren McGarry
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3089
Phil Elias

Dear Mr. McGarry:

I am the daughter of Phil Elias and am responding in his behalf since a language barrier would not allow my father to effectively correspond with you.

My father is a blue collar worker who did not and has never made a sizeable contribution to any politician. When I asked him if he remembered an incident that took place three years ago, he could not. He only remembers that he gave $10.00 (ten dollars) in cash and obtained a bumper sticker. He does not have a receipt, nor is there reason for him to possess documentation such as you request.

I do not wish for my father to suffer any stress over a bumper sticker innocently obtained. I believe it is unfair to assume that all people have the funds to spend on attorney fees, particularly those planning retirement. I hope that the Federal Election Commission is being frugal with the taxpayers' money.

Very truly yours,

Terri Clausen

Mrs. Terri Clausen

c: Congresswoman Louise Slaughter
Congressman Frank Horton

Phil Elias

95043681036

OGC 0645

PHETERSON & PHETERSON
ATTORNEYS AND COUNSELORS AT LAW

One East Main Street, Suite 900
Rochester, New York 14614

IRVING PHETERSON
STEVEN J. PHETERSON

OFFICE (716) 546-5600
FAX (716) 454-5100

April 1, 1991

Federal Election Commission
Washington, D. C. 20463

Re: MUR 3089
Steve Koratsis

Gentlemen:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Enclosed please find:

1. Statement of designation of counsel

2. Interrogatories from Steve Koratsis.

Very truly yours,

PHETERSON & PHETERSON

Irving Phetrson

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -5 PM 12: 20

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR -4 AM 10: 58

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TO THE FEDERAL ELECTION COMMISION
WASHINGTON, D. C. 20463

RE: MUR 3089
Steve Koratsis

RESPONSE TO INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS

Steve Koratsis, in response to the Interrogatories and Request for Production of Documents, states:

1. State the name of your employer in April, 1988, and the position or title you held at that time. If you have a new employer since that date, please identify your new position(s).

   RESPONSE: 888 Ridge Road, Inc.
   Manager

2. State whether you made a contribution to the Dukakis for President Committee (the "Committee"). If so, for each such constibution:

   RESPONSE: I made a contribution for Duakais, but I cannot say if it was for the "Committee".

   a. State the amount and date of the contribution.

   RESPONSE: $50.00 or $100.00, I am not sure which. Date: Sometime in early April 1988, I think.

   b. Identify who solicited that contribution.

   RESPONSE: A member of the Greek community at Annunciation Greek Community Orthodox Church. I do not recall who asked that we make a contribution.

   c. Identify any individual that influenced your decision to make that contribution.

   RESPONSE: No one.

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d. Identify any event or fundraiser that resulted in your making of that contribution.

RESPONSE: Mr. Dukakis had come to Rochester, New York asking for contributions, and he was to come to the Church and speak to the Greek community that gathered to hear him. Mr. Duakakis never showed up at the Church, although he did come to Rochester. Apparently he was running late, and cancelled this event. While we were waiting for him, someone asked that we make a contribution to his campaign. A line formed in the church hall, someone took the contributions and wrote down the name of the contributor, and the amount contributed on a piece of paper. They may also have taken our address. I made my contribution in cash. I do not believe that I was not given a receipt, but I don't remember, and in any event do not have one.

4. Produce all documents concerning or relating to the above interrogatories including, but not limited to:

a. Copies (both sides) of all checks, money orders or other written instruments used to make a contribution to the Dukakis for President Committee.

RESPONSE: I have none. I gave cash.

b. Copies of bank statements or account reconcilliations on which such checks were reported or otherwise disclosed.

RESPONSE: None. See 4 a. above.

c. Copies (both sides) of all checks, money orders or other written instruments with which you received a bonus, advance, premium, gratuity or reimbursement, as a result of a contribution to the Dukakis for President Committee.

RESPONSE: None was given; none exists.

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d. Copies of all written correspondence concerning, relating or pertaining to your contribution to the Dukakis for President Committee.

RESPONSE: None other than what I received from you, which I am sure you also have.

Dated: March 31, 1991

Steve Koratsis

Steve Koratsis

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089-

NAME OF COUNSEL: Irving Pheterson

ADDRESS: One East Main Street
Rochester, New York 14614

TELEPHONE: (716) 546-5600

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.

March 22, 1991
Date

Steve Koratsis
Signature

RESPONDENT'S NAME: Steve Koratsis

ADDRESS: 16 Glen Valley Drive
Penfield, New York 14526

HOME PHONE: (716) 671-0086

BUSINESS PHONE: (716) 671-2149

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OGC 0632

Dukakis for President Committee, Inc.
2123 R Street, N.W.
Washington, D.C. 20008-1909

April 4, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -4 PM 3:35

Jim Brown, Esq.
Staff Attorney
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Brown:

Enclosed is the response of the Dukakis for President Committee to MUR 3089, along with the affidavits of Kassie Canter, Garry Barron, Charlotte McCormick, and Mary Beth Long. I have not yet received the signed copy of Pamela Lowry's affidavit, which is also referred to in the response. I expect to receive it tomorrow or the next day, and I will forward it to you as soon as I receive it.

Sincerely,

Carol Darr

Carol C. Darr, Esq.
Counsel for the Committee

Enclosures

9504368109 2

BEFORE THE

FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION

Complainant

v.

MUR 3089

DUKAKIS FOR PRESIDENT COMMITTEE, INC.

Respondent

RESPONSE OF THE DUKAKIS FOR PRESIDENT COMMITTEE, INC.

On March 1, 1991, the Federal Election Commission (the "Commission") notified the Dukakis for President Committee (the "Committee"), that it had found "reason to believe" that the Committee may have violated 2 U.S.C. §441f by accepting two sets of money orders that may represent contributions made by one person but contributed in the name of another. One set of these money orders relates to individuals living in Rochester, New York; the other, to individuals living in Puerto Rico.

Since receiving the complaint, numbered MUR 3089, the Committee has requested and received an extension of time with which to respond. The date upon which the Committee's response is due is April 4, 1991.

Response is hereby made in a timely fashion by the Committee to the allegations contained in MUR 3089.

I. MONEY ORDERS FROM ROCHESTER, NEW YORK

In the course of the Commission's federally-mandated audit of the Committee, the Commission's auditors found 28 money orders from "individuals living in the Rochester, New York area with Greek surnames." The money orders were purchased from Marine Midland Payment Services, Inc., and have a total value of $1,550. The fact that the money orders were sequentially numbered, and that the handwriting on all of them appears to be the same has given rise to an inference that the contributions may have been made by one person, but contributed in the names of other people.

9504368109 3

The contributions were raised at a small fundraising event held at the church hall of the Annunciation Greek Orthodox Church, located at 962 East Avenue, Rochester, New York. According to William Dedes, Esq., a member of the church who has assisted some of the conributors in responding to the FEC's interrogatories, the event, a dance, was held to coincide with Governor Dukakis's appearance in the city to participate in a debate. Governor Dukakis was unable to attend the fundraiser.

The individuals attending the event were all communicants of the Annunciation Church. Most of the contributions ranged from $20 - $100; there were three contributions for $10 and one for $150. Most of the individuals made their contributions in cash, and personally filled out a contributor card, listing their name, address, phone number and occupation. The Committee has been unable to determine which individual or individuals organized the event, and their reasons for converting the cash contributions into money orders. Charlotte McCormick, the Director of Administration for the Finance Department, and who, as described below, was the second person to review the contributions when they arrived at the Boston headquarters, recalls that "the local fundraiser's reason for changing the contributions into money orders was that they did not want to send cash through the mail." (Affidavit of Charlotte M. McCormick).

Committee Procedures for Processing Contributions

When these -- and any other -- contributions arrived at the Committee's headquarters in Boston, they were subjected to a three-step review process. When they were received by the Finance (i.e., Fundraising) Department, they were first directed to the Regional Director in charge of the particular region, who reviewed the contributions to ensure that the checks or money orders were accompanied by a "contributor card" containing the name, address, telephone number, and occupation of the donor; that the the contributor card was properly filled out; that the contribution otherwise appeared to meet the FEC's requirements and Governor Dukakis's directives (e.g., no contributions in excess of $100 from Massachusetts state employees); and that nothing on the face of the contribution or the contributor card suggested any improprieties.

After the Regional Director had reviewed the contribution and contributor card, he or she sent these materials to Charlotte McCormick, the Director of Administration for the Finance Department. Ms. McCormick performed a second review of the checks or money orders and the contributor cards. If she had any questions regarding legibility or sufficiency of documentation or information, she returned the materials to the Regional Director or his or her assistant for further information or documentation. When the materials were fully in order, and only then, Ms. McCormick forwarded the contributions and contributor cards to Ms. Pamela Lowry, Director of Computer Operations.

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When the checks were received by the Computer Department, Ms. Lowry and her staff performed a third review. This review included a check of existing records to ensure that the donor had not "maxed out"; that the superficial data on the contributions and accompanying forms complied with FEC requirements and Governor Dukakis's directives; and where appropriate, that there was sufficient legibility on dual-account checks to assign the contribution to the correct individual. (Affidavit of Pamela Lee Lowry).

The Processing of the Rochester Money Orders

These particular money orders would have been directed to Kassie Canter, the Regional Director for the Mid-Atlantic Region, which included the State of New York. Ms Canter states in her affidavit that although she has no specific recollection of recieving or processing the contributions from the Rochester fundraiser, it was her custom that either she or her assistant would review every contribution raised in her region. (Affidavit of Kassie B. Canter).

Charlotte McCormick does recall processing the Rochester money orders. She states in her affidavit,

> Given the small amounts of money contributed, these money orders did not particularly raise a red flag in my mind, and I do not recall whether all the documentation was in order when the money orders were initially presented to me, or whether I had to return them to the Regional Director for additional documentation. In any event, when the necessary information was completed, I encoded the money orders with an "event code" and sent them to Pam Lowry for deposit. (Affidavit of Charlotte McCormick).

Like Kassie Canter, Pam Lowry also does not have a specific recollection of receiving or processing the money orders from Rochester, New York. (Affidavit of Pamela Lowry).

Money Orders Were Placed in the Escrow Account and Underwent a Fourth Review

In addition to the three reviews to which all contributions (except those from direct mail) were subject, the Rochester money orders underwent a fourth review. This review occurred because the contributions were deposited into the escrow account while the contributors' permission was sought to allow these contributions to be deposited in the General Election Legal and Accounting Compliance Fund (the GELAC Fund).

To obtain the contributors' permission to donate these contributions to the GELAC Fund, the Committee mailed authorization forms to the contributors at the addresses they listed on their contributor cards. Nine of these authorization

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forms have been found in Committee records, copies of which are attached hereto. According to Mary Wong, Comptroller of the Committee, and as evidenced by the forms themselves, none of the forms returned in any way indicated that the individual to whom the form had been sent did not make the contribution in question. Again, nothing occurred that would indicate or even suggest that these contributions were in any way improper.

II. THE PUERTO RICAN MONEY ORDERS

During the Commission's audit of the Committee, the auditors also found eleven sequentially-numbered money orders from the Banco de Santander - Puerto Rico. The money orders were all dated January 14, 1988, and each was for $1,000. The money orders appear to have been typed on the same typewriter, and were typed in a uniform fashion. These similarities have caused the Commission to raise a question "as to the true source of these contributions."

Each of the money orders in question contains an "event code," "FROHU." According to the affidavit of Charlotte McCormick, her records indicate that contributions marked with this code were raised at a fundraising event held on January 9, 1988 in San Juan, Puerto Rico, and sponsored by Juan Hernandez.

This event was overseen by Garry A. Barron, the Southern Finance Director, whose region encompassed Puerto Rico. According to Mr. Barron, Juan Hernandez is the son of the Governor of Puerto Rico, Rafael Hernandez-Colon. According to Mr. Barron's affidavit, all the contributions "were raised exclusively" by the Governor, his staff and son. Mr. Barron's involvement in the event was minimal. He states in his affidavit, "I did not attend the event, and my involvement was limited to getting the event on the calendar, coordinating with the Governor's son regarding the scheduling details, and ensuring that the funds raised were promptly transmitted to Boston."

The Processing of the Puerto Rican Money Orders

The money orders from Puerto Rico were subject to the same three-step review process described on page 3 of this response with respect to the Rochester money orders. As indicated, the money orders would have been directed to the appropriate Regional Director; and they were in fact directed to Garry Barron. Mr. Barron does recall that two envelopes containing the contributions were received in the Boston office. However, Mr Barron states in his affidavit, "I do not recall there being any problems with the money orders in question, nor do I recall ever seeing these money orders again after they were transmitted to Charlotte McCormick by either me or my assistant, Mary Beth Long." Ms. Long similarly states in her affidavit that she has no specific recollection of dealing with these money orders, or

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of there being any problems associated with them. (Affidavit of Mary Beth Long).

Charlotte McCormick, however, does recall "that there was a problem of insufficient documentation on some money orders from a fundraising event in Puerto Rico," and further recalls "returning some money orders to Garry Barron for further documentation." However, she is not certain whether the insufficiently documented money orders that she recalls related to this particular event or another one.

In any event, she states in her affidavit, "I was particularly careful with money orders, and it was my regular procedure not to process any money orders unless they were accompanied by a fully completed contributor card."

Pam Lowry also has no specific recollection of processing the Puerto Rican money orders. She has reviewed the Committee's computer data relating to the money orders coded "FROHU," however, and in her affidavit offers the following information and observations:

> In reviewing the computer entries for the money orders in question, the level of giving seems consistent with the occupations listed (physician, business executive, lawyer, merchant, and economist), and thus the amount of the contribution would not have raised a question. Further, the level of documentation appears consistent with our normal policies regarding non-personal checks or money orders.

III. STATEMENTS CONCERNING BOTH ROCHESTER AND PUERTO RICO

All Committee Staff Swear That They Have Never Knowing Accepted or Assisting in Making a Contribution in the Name of Another

All committee staff involved in the raising or processing of the Rochester money orders and the Puerto Rican money orders state under oath in their affidavits as follows: "With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowingly accepted a contribution made by one person in the name of another."

These statements apply not just to the contributions in question (with respect to which memories have faded), but to any and all contributions raised, accepted or processed at any time by any of them. The statements are unequivocal.

IV. SUMMARY

The Committee raised over $19 million in individual contributions during the 1988 primary election campaign. The

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Committee instituted stringent procedures to ensure that all contributions met not only the FEC's legal requirements, but also Governor Dukakis personal directives. These procedures required that each contribution undergo three, and sometimes, four reviews to assure sufficiency of information and documentation.

Each staff person involved in the raising, accepting and processing of these contribution states under oath that he or she followed the Committee's procedures in reviewing all contributions that came within the scope of his or her responsibilities. In the case of Charlotte McCormick, this means every contribution raised at a fundraising event or through a personal solicitation. Each of the staff also unequivocally states under oath that he or she never knowingly assisted any person in making a contribution in the name of another, nor did he or she ever knowingly accept such a contribution.

Almost three years have passed since these contributions were raised, and only one staff member, Charlotte McCormick, has any recollection of them. This is not surprising if one assumes -- and there is no evidence to suggest otherwise -- that the staff were satisfied at the time the contributions were received that they were legal and proper.

For the foregoing reasons, the Committee requests that the Commission find that there is no reasonable cause to believe that it violated 2 U.S.C. §441f in connection with the money orders at issue in MUR 3089.

Respectfully submitted,

Carol C. Darr, Esq.
Counsel for the Committee

Enclosures

cc. Daniel A. Taylor, Esq.
Mary Wong

9504368 1028

AFFIDAVIT

I, KASSIE B. CANTER, being duly sworn, depose and say:

1. I was employed by the Dukakis for President Committee, Inc., from June, 1987 through June, 1988, as Associate Finance Director for the Mid-Atlantic Region.

2. In this capacity, it was my responsibility to organize and oversee the raising of contributions in New York, New Jersey, Delaware, Maryland, Washington, D.C., West Virginia, and Ohio.

3. I recall that a fundraiser attended by Greek individuals living in Rochester, New York, was organized at the local level without prior notification of the Finance Department. When I was apprised of the event I recall attempting, without success, to schedule a drop-by appearance by Governor Dukakis at the event. I did not attend the event.

4. I do not have any recollection of receiving the contributions resulting from this event, reviewing them, or sending them to Charlotte McCormick.

5. However, the procedure in the Finance Department was that all contributions (checks, money orders, etc.) were initially reviewed by the appropriate Regional Director to ensure that they met the FEC's requirements, Governor Dukakis's personal directives (e.g. no contributions in excess of $100 from Mass. state employees), and they otherwise appeared to be proper. It was my custom for either me or my assistant to review all contributions from my region.

6. With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowingly accepted a contribution made by one person in the name of another.

Kassie B. Canter

Kassie B. Canter

Sworn to and subscribed before me this 3 day of April, 1991.

My Commission expires on: 3/1/92

LEO DRUEZ
Commissioner of Deeds
City of New York No. 2-1888
Certificate Filed in Kings County
Commission Expires March 1, 1992

9504368 1029

AFFIDAVIT

I, GARY A. BARRON, being duly sworn, depose and say:

1. I was employed by the Dukakis for President Committee, Inc., from March, 1987 to June, 1988, as the Southern Finance Director for the Finance Department.

2. In this capacity, it was my responsibility to organize and oversee the raising of contributions in the Southern region of the United States, including the territory of Puerto Rico.

3. I recall overseeing a fundraising event in San Juan, Puerto Rico that occurred on January 9, 1988. The event was organized by the Governor of Puerto Rico, Rafael Hernandez-Colon, and his staff and son, and all funds were raised exclusively by them.

4. I did not attend the event, and my involvement was limited to getting the event on the calendar, coordinating with the Governor's son regarding the scheduling details, and ensuring that the funds raised were promptly transmitted to Boston.

5. I recall that around the time of the event, two envelopes addressed to Robert Farmer, and containing contributions, were sent to the Boston fundraising office by either the Governor or his son. The transmittal letter indicated that the contributions were being sent as they were collected in order to comply with FEC regulations requiring checks in excess of $100 to be transmitted to the treasurer within 10 days.

6. The procedure in the Finance Department was that all contributions (checks, money orders, etc.) were initially reviewed by the appropriate Regional Director to ensure that they met the FEC's requirements, Governor Dukakis's personal directives (e.g., no contributions in excess of $100 from Mass. state employees), and they otherwise appeared to be proper. It was my custom to review all contributions from my region.

7. I do not recall there being any problems with the money orders in question, nor do I recall ever seeing these money orders again after they were transmitted to Charlotte McCormick by either me or my assistant, Mary Beth Long.

8. With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowing accepted a contribution made by one person in the name of another.

Gary A. Barron

Gary A. Barron

Sworn to and subscribed before me this 4th day of April, 1991.

Joan T. Cobb

Notary Public

My Commission expires on: April 30, 1994.

95043681100

AFFIDAVIT

I, MARY BETH LONG, being duly sworn, depose and say:

1. I was employed by the Dukakis for President, Inc., as the assistant to Gary A. Barron, the Southern Regional Director for the Finance Department.

2. In that capacity, it was my responsibility to work with Gary Barron and Charlotte McCormick to ensure that all contributions (checks and money orders, etc.) collected from the Southern region were accompanied by appropriate donor information, and conformed to FEC guidelines and Governor Dukakis's personal directives.

3. I do not have any recollection of receiving any money orders from Puerto Rico that raised any questions of propriety.

4. With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowing accepted a contribution made by one person in the name of another.

Mary Beth Long

Mary Beth Long
57 Buell Street
Burlington, Vermont 05401

Sworn to and subscribed before me this 1st day of April, 1991.

Barbara H. Gardner
Notary Public

My Commission expires on: 2-10-95

95043681101

AFFIDAVIT

I, Charlotte M. McCormick. being duly sworn, depose and say:

1. I was employed by the Dukakis for President Committee, Inc. (the "Committee"), from April, 1987 to June, 1988, as the Director of Administration for the Finance Department.

2. In that capacity, it became my main responsibility to implement the directives and regulations given to me that all contributions received by the Committee met the legal requirements imposed by the federal election campaign laws, as well as the requirements imposed by Governor Dukakis personally (e.g. no contributiuons exceeding $100 from Massachusetts state employees).

3. While implementing policies to assure that all contributions met these requirements, I was informed that the Finance Department instituted a procedure whereby all contributions raised at events, or through personal solicitations (i.e. all contributions except for those raised through direct mail) were funneled through my office.

4. Contributions were collected by a variety of people in the different states. They were then sent to the Regional Director in Boston who reviewed them before sending them to me with completed "contributor cards." Federal Election Commission regulations provided that these contributor cards were to be completed by the campaign contributors. I personally reviewed the contributor cards with the contibution checks as submitted to me, to make sure that a contributor card had been completed for each contribution, that it contained sufficient information, and that nothing on the face of the card or contribution raised a question about its propriety. Any contributions not meeting these requirements were sent back for further information or documentation to the Regional Directors of the Finance Department or their assistants.

5. Contributions fully meeting the requirements were then encoded with an "event code" or a Finance Committee member's code (a fundraiser code) and sent to Pam Lowry in the accounting department for deposit.

6. I was particularly careful with money orders, and it was my regular procedure not to process money orders unless they were accompanied by a fully completed contributor card. Provided that the money orders met all requirements, they, too, were encoded with an event code or fundraiser code and sent to the accounting department for deposit.

7. I recall that there was a problem of insufficient documentation on some money orders from a fundraising event held in Puerto Rico. I also recall returning some money orders to either Gary Barron or Mary Beth Long, the southern Regional Director and assistant, to gather additional information. Further, I recall that Gary gave

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some of these money orders back to me with proper documentation. After reviewing the information contained on the contributor cards, and finding that the requirements were met, I sent them on to accounting for deposit.

8. I do not have specific recollection of precisely which fundraising event in Puerto Rico was problematic, but upon being told by Carol Darr, Esq., that the event code on the money orders in question is "FROHU" I have consulted my records, and found that this code signifies an event held on January 9. 1988 in San Juan, Puerto Rico. My records further indicate that the event was sponsored by Juan Hernandez.

9. I also recall receiving a batch of money orders from some individuals with Greek surnames in Rochester, New York. Given the small amounts of money contributed, these money orders did not particularly raise a red flag in my mind, and I do not recall whether all the documentaion was in order when the money orders were initially presented to me, or whether I had to return them to the Regional Director for additional documentation. In any event, when the necessary information was completed, I encoded the money orders with an event code and sent them to Pam Lowry for deposit. My recollection is that the local fundraiser's reason for changing the contributions into money orders was that they did not want to send cash through the mail.

10. To the best of my knowledge, no contributions were sent to Pam Lowry for deposit without meeting the requirements of federal law and of Governor Dukakis personally. Pam Lowry and I were in daily personal contact regarding all contributions.

11. With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowingly accepted a contribution made by one person in the name of another.

Charlotte M. McCormick

Sworn to and subscribed before me this 30th day of March 1991

Notary Public

My commission expires on: August 9, 1996

9504368113

4-29

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

Regarding check #0015874, for $150.00, sent to the Dukakis for President Committee;

PLEASE CHECK ONLY ONE RESPONSE

X I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be refunded.

Michael Dedes
Donor's Name

Michael Dedes
Donor's Signature

_____
2nd Donor (if applicable)

95043811104

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principal money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #0015869, for $100.00, sent to the Dukakis for President Committee;

PLEASE CHECK ONLY ONE RESPONSE

_X_ I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

George Ekonomides
Donor's Name

Donor's Signature

2nd Donor (if applicable)

95043#81105

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015865, for $60.00, sent to the Dukakis for President Committee;

X I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Georgios Zisis
Donor's Name

Georgios Zisis
Donor's Signature

_____
2nd Donor (if applicable)

9504381106

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015856, for $20.00, sent to the Dukakis for President Committee:

X I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Zoi Varahidis
Donor's Name

Zoi Varahidis
Donor's Signature

_____
2nd Donor (if applicable)

95043281107

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015866, for $60.00, sent to the Dukakis for President Committee;

✓ I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Ilias Sargonis
Donor's Name

Ilias Sargonis
Donor's Signature

_____
2nd Donor (if applicable)

9504381108

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015853, for $20.00, sent to the Dukakis for President Committee;

/ I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Athanasios Petalas
Donor's Name

Athanasios Petalas
Donor's Signature

_____
2nd Donor (if applicable)

9504381109

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015859, for $30.00, sent to the Dukakis for President Committee:

X I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Dimitrios Kostarellis
Donor's Name

D. Kostarellis
Donor's Signature

_____
2nd Donor (if applicable)

9504381110

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015860, for $30.00, sent to the Dukakis for President Committee;

✓ I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Vasilios Bitsas
Donor's Name

Vasilios Bitsas
Donor's Signature

_____
2nd Donor (if applicable)

95043681111

DUKAKIS COMPLIANCE FUND AUTHORIZATION FORM

The Dukakis Compliance Fund is the principle money we can currently use to pay our legal and accounting costs in the General Election.

Regarding check #(money order) 0015851, for $10.00, sent to the Dukakis for President Committee;

_____ I/We authorize the Dukakis for President Committee to apply this contribution to the "Dukakis Compliance Fund."

_____ I/We wish this contribution to be returned.

Filippos A. Ilias
Donor's Name

Filippos A. Ilias
Donor's Signature

2nd Donor (if applicable)

95043811112

06C 0694

Arent Fox Kintner Plotkin & Kahn

Joseph E. Sandler
202/857-6221

April 9, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR -9 PM 4:42

BY HAND

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: Jim Brown, Esquire

Re: MUR 3089

Dear Mr. Brown:

Please find enclosed responses to the Commission's Interrogatories and Request for Production of Documents directed to respondents Hector Martinez, Jr., Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Celeste S. Fuertes, and Milton Mendez Orsini, together with a Memorandum on behalf of all of the foregoing respondents.

A faxed copy of Mr. Mendez's Response has been enclosed; a hard copy will be provided within the next few days.

If you have any questions or need any additional information, please contact me.

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler

Enclosures

9504381113

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

MEMORANDUM ON BEHALF OF RESPONDENTS HECTOR MARTINEZ, JR., HECTOR MARTINEZ FRANCO, MRS. SOL R. MARTINEZ, ESTEBAN L. FUERTES, MRS. CELESTE L. FUERTES AND MILTON MENDEZ ORSINI

This memorandum is submitted by the above-named respondents in this MUR, in which the Commission has found reason to believe that contributions were made in the name of another because of the use of consecutively-numbered money orders. In fact, each contribution made by money order was made with the funds of the person named in that money order, or her spouse. For this reason, the General Counsel should recommend that the Commission find no probable cause to believe that any violation of the Federal Election Campaign Act ("the Act") has occurred.

The responses filed today by these respondents to the Commission's Interrogatories and Request for Production of Documents show the relevant facts to be as follows. One Rafael Padro held a fundraiser at his home for the Dukakis for President Committee ("Dukakis Committee"). He asked for fundraising assistance from a personal acquaintance, Mr. Hector Martinez Jr. Hector Martinez then solicited various of his friends to make contributions to the Dukakis Committee, on the occasion of this fundraiser. Among those friends were all of the other respondents named above.

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It is both lawful and common to make contributions in cash to candidates for political office in the Commonwealth of Puerto Rico. Each of the other respondents (or in the case of a husband, the husband for himself and his wife) provided, from their own funds, cash of $1,000 each to Hector Martinez for the purpose of making a contribution to the Dukakis Committee, and asked Mr. Martinez to effectuate that contribution to the Dukakis Committee in any lawful manner. Generally aware of the prohibition against making cash contributions under U.S. federal law, Mr. Martinez purchased money orders in the names of each of the persons who had provided the funds. Those money orders were then forwarded to the Dukakis Committee.

It is clear that under these facts, no violation of § 441f has taken place. That section provides that:

> No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution....

"This prohibition requires that one person make a contribution which is then contributed or reported in the name of another person." MUR 2276, First General Counsel's Report at 4 (Dec. 22, 1981). As explained in the Commission's regulations, the conduct prohibited by § 441f is giving money, some part of which was provided to the named contributor by another person, "without disclosing the source of...money to the recipient candidate or committee," 11 C.F.R. § 110.4(b)(2)(i); or "[m]aking a contribution of money

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and attributing as the source of the money or thing of value another person when in fact the contributor was the source." Id. § 110.4(b)(2)(ii).

In this case, each contribution of $1,000 was made in the name of the person who actually provided the funds (or her spouse). The contribution attributed by Mr. Hector Martinez to each of those persons was in the fact the contribution of that person. And each of those persons was the true source of the contribution attributed to him--not Mr. Martinez or anyone else. For these reasons, there is no violation of § 441f.

After reviewing the use of consecutively-numbered money orders to make the contributions, the General Counsel's Factual and Legal Analysis concludes that:

> The numerous similarities and timing of these contributions suggests that they were made with the funds of an individual other than the one named on the money orders.

However, since in fact each contribution made by money order was actually made with the funds of the individual named on that money order (or the funds of her spouse),[1/] the essential factual assumption made by the General Counsel's Office is false.

The instant case is in this respect clearly distinguishable from others in which a violation has been

---

1/ A spouse may make a contribution in her own name even if only the other spouse has income, i.e., a contribution from her husband's funds. 11 C.F.R. § 110.1(i).

9504368116

found. In FEC v. Rodriguez, No. 86-687 Civ-T-10(B) (M.D. Fla. May 5, 1987) (order denying summary judgment), relied upon by the General Counsel, defendant Cesar Rodriguez solicited contributions from various individuals which were then reimbursed by one Alan Wolfson, so that Wolfson could contribute in excess of the statutory limits. Thus Wolfson was the true source of contributions made in the name of others. Similarly, in MUR 1353, also cited by the General Counsel, a representative of a presidential campaign committee used contributions to buy money orders and listed the contributors as employees of the restaurant where the fundraiser was held--when in fact some of those employees had not contributed the funds used to buy those money orders.

Here, each money order was purchased with funds of the person named on that money order. The true source of each contribution was fully disclosed.2/ In short, there was no contribution made in the name of another and no violation of § 441f.

2/ It is significant that in MUR 1353, the Commission found no probable cause to believe that respondent Esther Kee had violated § 441f by accepting cash contributions and making a good faith effort to attribute them to the actual cash contributors. In the instant case, Mr. Hector Martinez made more than a good faith effort; his attribution of all contributions was absolutely accurate and truthful.

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For these reasons, the General Counsel should recommend that the Commission find no probable cause to believe any violation of the Act has occurred.3/

Respectfully submitted,

Joseph E. Sandler
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
(202) 857-6221

Counsel for Respondents Hector Martinez, Jr., Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini

Dated: April 9, 1991

3/ We reserve the right to file an additional brief with respect to the General Counsel's recommendation at the time that recommendation is made, pursuant to 11 C.F.R. § 111.16(c).

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PAY THE SUM OF
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JAN. 14 88

DUKAKIS FOR PRESIDENT

RS. MILTON MENDEZ - NOGAL 121 SAN RAMON, GUAYNABO, PR 00657

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JAN. 14 88

DUKAKIS FOR PRESIDENT

ECTOR MARTINEZ, JR. - P.O. BOX S-1201 SAN JUAN, PR 00901

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04-385,264,068

BS PR BANCO DE SANTANDER-PUERTO RICO

PAY THE SUM OF
NOT GOOD OVER $1,000

JAN. 14 88 [illegible]

DUKAKIS FOR PRESIDENT

HECTOR MARTINEZ FRANCO - 52 KING'S COURT APT.10-A SANTURCE, PR 00911

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04-385,264,062

BS PR BANCO DE SANTANDER-PUERTO RICO

PAY THE SUM OF
NOT GOOD OVER $1,000

JAN. 14 88 [illegible]

DUKAKIS FOR PRESIDENT

JOEL R. MARTINEZ - 52 KING'S COURT APT.10-A SANTURCE, PR 00911

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NOT NEGOTIABLE

04-385,264,069

BS PR BANCO DE SANTANDER-PUERTO RICO

PAY THE SUM OF
NOT GOOD OVER $1,000

JAN. 14 88 [illegible]

DUKAKIS FOR PRESIDENT

MILTON MENDEZ ORSINI - NOGAL 121 SAN RAMON GUAYNABO, PR 00657

Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

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BS PR BANCO DE SANTANDER-PUERTO RICO 04-385,254,067

PAY THE SUM OF
NOT GOOD OVER [illegible]

JAN. 14 88

DUKAKIS FOR PRESIDENT

ESTEBAN L. FUERTES - S-7 #30 PARANA, RIO PIEDRAS, PR 00926

Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

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RETAIN FOR YOUR RECORDS - SEE AGREEMENT BELOW

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PAY THE SUM OF
NOT GOOD OVER [illegible]

JAN. 14 88

DUKAKIS FOR PRESIDENT

15. ESTEBAN L. FUERTES - S-7 #30 PARANA, RIO PIEDRAS, PR 00926

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95043681121

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3089
)
)

ANSWERS OF RESPONDENT MILTON MENDEZ ORSINI TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Milton Méndez Orsini hereby submits the following answers to the Interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988 I was a employed as sales manager for Copycorp, and I have held that position continuously up to and including the present date.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 for myself and an additional $1,000 for my wife, and the date of the contribution was on or about January 14, 1988.

b. The contribution was solicited by Héctor Martinez, Jr.

c. No other individual influenced my decision to make that contribution.

d. The contribution was made for a fundraiser held at the home of Dr. Rafael Padro.

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

4. a. I have no such copies in my possession.

b. I have no such bank statements or account reconciliations in my possession.

c. I did not receive any bonus, advance, premium gratuity or reimbursement of any kind, at any time, as a result of my contribution to the Dukakis for President Committee.

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d. I do not have any such correspondence in my possession, although I may have received materials or correspondence from the Dukakis for President Committee during 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 9, 1991.

Milton Méndez Orsini

9504368112 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3089
)

STATEMENT AND ANSWER OF RESPONDENT HECTOR, MARTINEZ, JR.
TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

A. Preliminary Statement

As general background for my answers to the Interrogatories and Request for Production of Documents, and in support of the Memorandum on Behalf of Respondents Hector Martinez, Jr., Héctor Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Méndez Orsini, respondent Héctor Martinez, Jr. states as follows:

1. Some time during early January, 1988, I was asked by a personal acquaintance of mine, Dr. Rafael Padro, to support a fundraiser to be held at his home, for the Dukakis for President Committee.

2. I then personally solicited several of my friends to attend the fundraiser and to make a contribution to the Dukakis for President Committee. Those friends included all of the respondents mentioned above.

3. It is common practice in Puerto Rico for political contributions to be made in cash. Each of these persons therefore wanted to make a contribution in cash. However, although I was not and I am not familiar with the specific regulations governing contributions, I was generally aware that cash contributions are illegal under federal law, and that contributions should be made through a written instrument such as a check or money order.

4. Each of these individuals--or, in some cases, the husband on behalf of himself and his wife--gave me $1,000 in cash (or in the case of a husband for himself and his wife, $2,000) and asked me to do whatever was necessary to ensure that the contribution was made lawfully.

9504368112 4

5. To the best of my knowledge, each of these persons listed above (or in the case of a husband, the husband for himself and his wife) provided me with this cash out of their own funds. I did not make any refund, advance, reimbursement or other payment of any kind to any of these individuals, or any other individual, in connection with or as a result of their contributions to the Dukakis for President Committee. To the best of my knowledge none of these individuals received any such refund, advance, reimbursement or any other payment of any kind as a result of or in connection with those contributions.

6. On January 14, 1988, I used the cash provided to me to purchase money orders, each of which I made out in the name of the individual who actually provided me with the funds used to purchase that money order. In the case of a husband who provided the funds for himself and his wife, a money order was made out in the name of the husband and another money order was made out in the name of the wife.

7. Those money orders were forwarded to the Dukakis for President Committee.

B. Answers to Interrogatories and Request for Productions of Documents

Respondent Héctor Martinez, Jr. hereby submits the following answers to the interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988, I was the President of Mar-Mol Co., Inc., and have served continuously in that position up to and including the present date.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 and the date of the contribution was January 14, 1988.

b. I was asked to support a fundraising event for the Dukakis for President Committee at the home of Dr. Rafael Padro, who is a personal acquaintance of mine.

c. No other individual influenced my decision to make a contribution.

d. See answer to 2(b).

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

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4. a. Enclosed herewith are copies of all the money orders that I purchased with the funds provided by the respondents mentioned above, including the money order that I purchased to make my own contribution to the Dukakis for President Committee.

b. There are no such bank statement or account reconciliations.

c. I did not receive any bonus, advance, premium gratuity or reimbursement as a result of a contributions to the Dukakis for President Committee.

d. I do not now have in my possession any written correspondence concerning, relating or pertaining to my contribution to the Dukakis for President Committee, although I may have received some materials or correspondence in 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 1991.

Héctor Martinez, Jr.

95043681126

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3089
	)	
	)	

ANSWERS OF RESPONDENT HECTOR MARTINEZ FRANCO TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Héctor Martinez Franco hereby submits the following answers to the Interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988 I was a employed as Chairman of Mar-Mol Co., Inc., and I have held that position continuously up to and including the present date.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 and the date of the contribution was on or about January 14, 1988.

b. The contribution was solicited by Héctor Martinez, Jr., who is my son.

c. No other individual influenced my decision to make that contribution.

d. The contribution was made for a fundraiser held at the home of Dr. Rafael Padro.

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

4. a. I have no such copies in my possession.

b. I have no such bank statements or account reconciliations in my possession.

c. I did not receive any bonus, advance, premium gratuity or reimbursement of any kind, at any time, as a result of my contribution to the Dukakis for President Committee.

9504368112 7

d. I do not have any such correspondence in my possession, although I may have received materials or correspondence from the Dukakis for President Committee during 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5, 1991.

Héctor Martínez Franco

9504368112 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3089
	)	
	)	

ANSWERS OF RESPONDENT SOL R. MARTINEZ TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Sol R. Martinez hereby submits the following answers to the Interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988 I was a homemaker, and not otherwise employed, and that has been continually true up to and including the present date.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 and the date of the contribution was on or about January 14, 1988.

b. The contribution was solicited by Héctor Martinez, Jr., my son, from my husband, Héctor Martinez Franco.

c. The funds were provided by my husband to my son, Héctor Martinez, Jr. as a contribution from my husband and myself. No other individual influenced my decision to make that contribution.

d. The contribution was made for a fundraiser held at the home of Dr. Rafael Padro.

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

4. a. I have no such copies in my possession.

b. I have no such bank statements or account reconciliations in my possession.

c. I did not receive any bonus, advance, premium gratuity or reimbursement of any kind, at any time, as a result of my contribution to the Dukakis for President Committee.

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d. I do not have any such correspondence in my possession, although I may have received materials or correspondence from the Dukakis for President Committee during 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 5 , 1991.

Sol R. Martinez

9 5 0 4 3 6 8 1 1 3 0

Mr. Esteban L. Fuertes
S-7#30, 8TH ST. PARANA, RIO PIEDRAS, P.R. 00926

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3089
	)	
	)	

ANSWERS OF RESPONDENT CELESTE S. FUERTES TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Celeste S. Fuertes hereby submits the following answers to the Interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988 I was a homemaker, and not otherwise employed, and that has been continually true up to and including the present date.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 and the date of the contribution was on or about January 14, 1988.

b. The contribution was solicited by Héctor Martinez, Jr. from my husband, Esteban L. Fuertes.

c. The funds were provided by my husband to Mr. Héctor Martinez, Jr. as a contribution from my husband and myself. No other individual influenced my decision to make that contribution.

d. I was not aware of any fundraiser that resulted in the making of this contribution, but have since become aware that the contribution was made for a fundraiser held at the home of Dr. Rafael Padro.

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

4. a. I have no such copies in my possession.

b. I have no such bank statements or account reconciliations in my possession.

c. I did not receive any bonus, advance, premium gratuity or reimbursement of any kind, at any time, as a result of my contribution to the Dukakis for President Committee.

9504368131

d. I do not have any such correspondence in my possession, although I may have received materials or correspondence from the Dukakis for President Committee during 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 1991.

Celeste S. Fuertes

Celeste S. Fuertes

95043681132

Mr. Esteban L. Fuertes
S-7#30, 6TH ST. PARANA, RIO PIEDRAS, P.R. 00926

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3089
	)	
	)	

ANSWERS OF RESPONDENT ESTEBAN L. FUERTES TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Esteban L. Fuertes hereby submits the following answers to the Interrogatories and Request for Production of Documents dated February 27, 1991, as follows:

1. In January, 1988 I was a employed as vice-president for facilities for Citibank, Puerto Rico. I am currently self-employed.

2. I made a contribution to the Dukakis for President Committee.

a. The amount of the contribution was $1,000 and the date of the contribution was on or about January 14, 1988.

b. The contribution was solicited by Héctor Martinez, Jr.

c. No other individual influenced my decision to make that contribution.

d. The contribution was made for a fundraiser held at the home of Dr. Rafael Padro.

3. No person other than counsel was consulted or assisted in the preparation of answers to these questions.

4. a. I have no such copies in my possession.

b. I have no such bank statements or account reconciliations in my possession.

c. I did not receive any bonus, advance, premium gratuity or reimbursement of any kind, at any time, as a result of my contribution to the Dukakis for President Committee.

9 5 0 4 3 6 8 1 1 3 3

d. I do not have any such correspondence in my possession, although I may have received materials or correspondence from the Dukakis for President Committee during 1988.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 1991.

Esteban L. Fuertes

9504368114

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

POSTMASTER
Webster, N.Y.
14580

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Dimitrios Amaxzpoulos. According to our records, the address of this person was 710 Ridge Road, Webster, N.Y., 14580, as of April 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

9504368135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

POSTMASTER
San Juan, Puerto Rico
00901

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Mr. & Mrs. Luis S. Sierra. According to our records, their address was 305 Recinto Sur, San Juan, Puerto Rico, 00901 as of January 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

9504368136

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

POSTMASTER
Penfield, N.Y.
14526

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of George Koratsis. According to our records, the address of this person was 82 Hillrise Drive, Penfield, N.Y., 14526, as of April 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

9504368113 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

POSTMASTER
Rochester, N.Y.
14624

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Georgios Zisis. According to our records, the address of this person was 28 Baylor Circle, Rochester, N.Y., 14624, as of April 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

9 5 0 4 3 6 8 1 1 3 8

April 9, 1991

MUR 3089

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR 12 AM 11:45

To: Jim Brown

From: Elefteria Hatzigiannidis

Subject: Response to questions from - Interrogatories and request for production of documents

1- My employer in April, 1988 was and still is Eastman Kodak Company. I am working in the Housekeeping department.

91 APR 10 PM 12:57

2A- I made a contribution to the Dukakis committe of 20 dollars in the spring of 1988.

B- No one solicited for my contribution.

C- No one influenced my decision to contribute

D- Dukakis came to Rochester, he was to visit the Greek orthodox church around 6:00 to 7:00 P.M. that day. Greek supporters came to see him, he never made it due to other commitments ?? He did however make an apperance in another location which was viewed at the church on a monitor. Afterwards donations were requested for those who wanted to contribute. At that time I made a donation of 20.00 dollars. A receit was given to me but I can not recall what I did with it.

3- My son assisted in the preparation of answers to these questions and the letter.

4- I do not have any documents.

Elefteria Hatzigiannidis

9504368113 9

OGC 0958

OFFICE OF THE POSTMASTER

UNITED STATES POSTAL SERVICE

ROCHESTER, NEW YORK 14692-9998

IN REPLY REFER TO

MUR 3089

APR 24 1991

FREEDOM OF INFORMATION LAW

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 APR 29 PM 3:12

DEAR CUSTOMER:

IN RESPONSE TO YOUR RECENT INQUIRY CONCERNING THE LATEST ADDRESS FOR:

GEORGIOS ZISIS
28 BAYLOR CIR
ROCHESTER NY 14624

OUR RECORDS INDICATE:

[ ] MAIL IS DELIVERED TO ADDRESS GIVEN

[ ] NO SUCH ADDRESS

[ ] STREET ADDRESS OF BOXHOLDER _____

[ ] NEW ADDRESS _____

[ ] MOVED LEFT NO FORWARDING ADDRESS

[ ] NOT KNOWN AT ADDRESS GIVEN

[X] OTHER (SPECIFY): FORWARDING ORDER EXPIRED

SINCERELY,

CHARLES H SCHUBERT
POSTMASTER/MSC MANAGER
ROCHESTER NY 14692-9998

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 APR 29 AM 11:15

9504368111 0

06C 0957

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 APR 29 AM 11:15

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 APR 29 PM 3:12

POSTMASTER
San Juan, Puerto Rico
00901

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Mr. & Mrs. Luis S. Sierra. According to our records, their address was 305 Recinto Sur, San Juan, Puerto Rico, 00901 as of January 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

9504368111

FWD
Metro Office Park
Lot. #13 Calle 3
Carolina San Juan P.R. 00930

GC 0801

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1991

8003

POSTMASTER
Webster, N.Y.
14580

RECEIVED
FEDERAL ELECTION COMMISSION
91 APR 19 PM 12:09

RE: MUR 3089

Dear Sir or Madam:

Pursuant to 39 C.F.R. § 265(d)(1), we request that you provide us with the present address of Dimitrios Amaxzpoulos. According to our records, the address of this person was 710 Ridge Road, Webster, N.Y., 14580, as of April 18, 1988.

Under 39 C.F.R. § 265.8e(8)(iii), we request a waiver of fees. In this connection I hereby certify that the Federal Election Commission, an agency of the U.S. Government, requires the information requested above in the performance of its official duties, and that all other known sources for obtaining it have been exhausted.

A return envelope is enclosed. Should you have any questions or require any further information, please call me at (202) 376-8200.

Thank you for your assistance.

Sincerely,

James Albert Brown

James Albert Brown
Staff Attorney

Enclosure
Envelope

MOVED LEFT NO ADDRESS

9504368 1142

OGC0981

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAY -1 AM 11:05

Dukakis for President Committee, Inc.
2123 R Street, N.W.
Washington, D.C. 2008-1909

April 25, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY -1 AM 11:56

Jim Brown, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3089

Dear Mr. Brown:

Enclosed is the affidavit of Pamela Lowry, which relates, as you know, to MUR 3089.

Sincerely,

Carol Darr

Carol C. Darr, Esq.
Counsel for the Committee

Enclosure

9504368113

AFFIDAVIT

I, Pamela Lee Lowry, being duly sworn, depose and say:

1. I was employed by the Dukakis for President Committee, Inc. (the "Committee"), and subsequently by the Dukakis/Bentsen Committee, Inc., from the inception of the presidential campaign in March, 1987 through the closing of the office in June, 1990.

2. During that period of time, I served as Director of Computer Operations. In addition to a range of responsibilities concerning the computer operation, I was also responsible for overseeing the inputting of contribution data into the computer, and for generating the forms which reported the data in accordance with FEC requirements.

3. The procedure for processing contributions was as follows:

- First, the Finance Department would screen contributions for sufficiency of information and documentation. The initial screening was performed by the particular staff person who was overseeing the event, supervising individual fundraisers, or coordinating fundraising among a specific constituency.

- Second, those screened contributions were sent to Charlotte McCormick, who checked the information, coded the checks with an event or fundraiser code, then delivered them to the Computer Department.

- Third, the checks screened and delivered by Charlotte McCormick were reviewed again by the check processing personnel in the Computer Department. The review included: checking computer records to ensure that the contributor had not exceeded his/her limit; reviewing the signature on dual-account checks to ensure sufficient legibility to assign the contribution to the correct individual; and reviewing the superficial data on the checks and the accompanying forms to confirm compliance with FEC requirements.

4. If the staff of the Computer Department encountered problems or questions, we returned the check to the Finance Department with a request for clarification, or with our explanation for the return (eg, the person had maxxed out.) When the check seemed, to the best of our knowledge, to be in compliance, we entered the information into the computer and deposited the check.

9 5 0 4 3 6 8 1 1 4

5. I have no recollection of a series of consecutively-numbered money orders from individuals in Puerto Rico or in Rochester, New York.

6. In response to a query from Carol C. Darr, Esq., concerning these money orders which were coded "FR0HU", I have reviewed the computer data, and offer the following information and observations.

In looking at the computer entries for the money orders in question, the level of giving seems consistent with the occupations listed (physician, business executive, lawyer, merchant and economist,) and thus the amount of the contribution would not have raised a question. Further, the level of documentation appears consistent with our normal policies regarding non-personal checks or money orders.

With respect to these contributions and to any others, I have never knowingly helped or assisted any person in making a contribution in the name of another, nor have I ever knowingly accepted a contribution made by one person in the name of another.

Pamela Lee Lowry

Sworn to and subscri[illegible]ore me this 4th day of April, 1991.

Notary Public

My Commission expires on: 4/25/92

WILLIAM R. H[illegible] ESQ. NOTARY PUBLIC MY COMMISSION EXPIRES APRIL 25, 19[illegible] COMMONWEALTH OF MASSACHUSETTS, U.S.A.

9 5 0 4 3 6 8 1 1 1 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mrs. Luis S. Sierra
Metro Office Park
Lot #13 C192
Caparra San Juan, PR 00920

RE: MUR 3089

Dear Mrs. Sierra:

On February 27, 1991, the enclosed letter and documents were mailed to you at an address which proved to be out of date or incorrect. The address being used for this letter was obtained only recently.

Responses to a Commission finding of reason to believe a violation of the Federal Election Campaign Act has occurred are due within 15 days of the date of receipt of the notification. Your response time will thus begin on the date of your receipt of the enclosed information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures

9504368116

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Luis S. Sierra
Metro Office Park
Lot #13 C192
Caparra San Juan, PR 00920

RE: MUR 3089

Dear Mr. Sierra:

On February 27, 1991, the enclosed letter and documents were mailed to you at an address which proved to be out of date or incorrect. The address being used for this letter was obtained only recently.

Responses to a Commission finding of reason to believe a violation of the Federal Election Campaign Act has occurred are due within 15 days of the date of receipt of the notification. Your response time will thus begin on the date of your receipt of the enclosed information.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures

9504368147

OG-C 1372

Arent Fox Kintner Plotkin & Kahn

Joseph E. Sandler
202/857-6221

May 31, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 MAY 31 AM 10:56

BY HAND DELIVERY

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
ATTENTION: Jim Brown, Esquire

RE: MUR 3089

Dear Mr. Brown:

Please find enclosed a Supplemental Statement and Answer of Respondent Hector Martinez, Jr., for filing in the above-referenced MUR, together with additional documents referred to therein.

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler

Enclosures

9504381148

1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3089
)
)

SUPPLEMENTAL STATEMENT AND ANSWER
OF RESPONDENT HECTOR MARTINEZ, JR.
TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Respondent Héctor Martinez, Jr. hereby submits the following supplemental statement and answer to the Interrogatories and Request for Production of Documents dated February 27, 1991. This supplements my Statement and Answer dated April 9, 1991 with respect to the paragraphs therein numbered as follows:

A. Preliminary Statement

2. I have determined that, in addition to the persons named as respondents in this matter and referred to in my original Statement and Answer, the friends that I solicited to attend the fundraiser and make a contribution to the Dukakis for President Committee included four other individuals who did make a contribution but who have not been named as respondents. These persons are Benjamin Torres Vázquez; Mrs. Julieta Torres; Luis S. Sierra; and Mrs. Luis S. Sierra. All of the facts asserted in my Preliminary Statement with respect to the contributions made by persons named as respondents are true with respect to the contributions solicited from and made by these four other individuals.

B. Answers to Interrogatories and Request for Production of Documents

4.

a. Enclosed herewith are copies of the money orders that I purchased with the funds provided by the four persons who are not respondents in this proceeding.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on May 30, 1991

Héctor Martinez, Jr.

9 5 0 4 3 6 8 1 1 4 9

RETAIN FOR YOUR RECORDS - SEE AGREEMENT BELOW NEGOTIABLE

BS PR BANCO DE SANTANDER PUERTO RICO 04-385,254,059

PAY THE SUM OF
NOT GOOD OVER $1,000.

JAN. 14 88

DUKAKIS FOR PRESIDENT

ENJAMIN TORRES VAZQUEZ - 1TH ST. BLOQUE NO.1 ALTURAS DE TORRIMAR
Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

PURCHASE AGREEMENT: By using American Express Money Orders you agree to everything written here American Express will replace or refund your lost or stolen money order only if: (1) You fill in the face of the Mone Order completely. (2) You do not give the Money Order away voluntarily. (3) You notify American Expres immediately of the loss or theft. Copies of Money Orders will only be provided for 2 years from date of purchas American Express does not have to stop payment on Money Orders.

PURCHASER'S COPY NOT NEGOTIABLE
RETAIN FOR YOUR RECORDS - SEE AGREEMENT BELOW

BS PR BANCO DE SANTANDER-PUERTO RICO 04-385,254,060

PAY THE SUM OF
NOT GOOD OVER $1,000.

JAN. 14 88

DUKAKIS FOR PRESIDENT

RS. JULIETA TORRES- CALLE 1 BLOQUE NO. 1 ALTURAS DE TORRIMAR
Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

PURCHASE AGREEMENT: By using American Express Money Orders you agree to everything written here American Express will replace or refund your lost or stolen money order only if: (1) You fill in the face of the Mone Order completely. (2) You do not give the Money Order away voluntarily. (3) You notify American Expres immediately of the loss or theft. Copies of Money Orders will only be provided for 2 years from date of purchas American Express does not have to stop payment on Money Orders.

PURCHASER'S COPY NOT NEGOTIABLE
RETAIN FOR YOUR RECORDS - SEE AGREEMENT BELOW

BS PR BANCO DE SANTANDER-PUERTO RICO 04-385,254,065

PAY THE SUM OF
NOT GOOD OVER $1,000.

JAN. 14 88

DUKAKIS FOR PRESIDENT

RQ. LUIS S. SIERRA - 305 RECINTO SUR-SAN JUAN, PR 00901
Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

PURCHASE AGREEMENT: By using American Express Money Orders you agree to everything written here American Express will replace or refund your lost or stolen money order only if: (1) You fill in the face of the Mone Order completely. (2) You do not give the Money Order away voluntarily. (3) You notify American Expres immediately of the loss or theft. Copies of Money Orders will only be provided for 2 years from date of purchas American Express does not have to stop payment on Money Orders.

PURCHASER'S COPY NOT NEGOTIABLE
RETAIN FOR YOUR RECORDS - SEE AGREEMENT BELOW

BS PR BANCO DE SANTANDER-PUERTO RICO 04-385,254,064

PAY THE SUM OF
NOT GOOD OVER $1,000.

JAN. 14 88

DUKAKIS FOR PRESIDENT

S. LUIS S SIERRA - 305 RECINTO SUR-SAN JUAN, PR 00901
Issued by American Express Travel Related Services Company, Inc. Englewood, Colorado

PURCHASE AGREEMENT: By using American Express Money Orders you agree to everything written here American Express will replace or refund your lost or stolen money order only if: (1) You fill in the face of the Mone Order completely. (2) You do not give the Money Order away voluntarily. (3) You notify American Expres immediately of the loss or theft. Copies of Money Orders will only be provided for 2 years from date of purchase American Express does not have to stop payment on Money Orders.

9504368150

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of :
MR. LUIS S. SIERRA MUR 3089
MRS. LUIS S. SIERRA :

---:

REQUEST FOR EXTENSION OF TIME

TO THE HONORABLE COMMISSION:

NOW COME Mr. and Mrs. Luis S. Sierra, through their undersigned attornies, and respectfully set forth and pray as follows:

1. On June 6, 1991, the appearing parties received this Honorable Commission's letters of May 28, 1991, requiring responses within 15 days of the date of receipt thereof. Thus, said responses are due on the 21st. current.

2. The matter at hand involves facts which transpired over three years ago and, therefore, respondents investigation of these facts and the gathering of the corresponding documentary evidence has been delayed and has not as yet been fully compiled.

3. In addition to the above, respondents were, until today, planning on using the services of a certain Washington, D.C.-based attorney to represent them. It has just been learned by respondents on this date that said attorney will not be able

95043681151

to represent respondents; thus, the reason as to why this request was not filed five days prior to the due date.

4. Respondents require a twenty (20) day extension, to expire on July 11, 1991, to conclude the endeavors referred to in paragraph 2, above.

WHEREFORE, it is respectfully requested that respondents be granted until July 11, 1991 to file their responses and to file answers to Interrogatories and to Requests for Documents.

I Certify that on this same date I have served copy of this request by regular mail on Lois G. Gerner, Associate General Counsel, Federal Elections Commission, Washington, D.C.

In San Juan, Puerto Rico, this 19th day of June, 1991.

CUEVAS KUINLAM & BERMUDEZ
Suite 903 Banco Popular Bldg.
Muñoz Rivera # 268
Hato Rey, Puerto Rico 00918
Tel. (809) 753-6464

by: Jorge Bermudez Torregrosa

JORGE BERMUDEZ TORREGROSA

95043681152

OB-C1636

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 JUN 21 PM 2:42

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JORGE BERMUDEZ TORREGROSA

ADDRESS: CUEVAS KUINLAM & BERMUDEZ
Suite 903 Banco Popular Bldg.
Muñoz Rivera # 268
Hato Rey, Puerto Rico 00918

TELEPHONE: (809) 753-6464

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUN 21 PM 3:50

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.

June 19, 1991
Date

Signature

RESPONDENT'S NAME: Mr. Luis S. Sierra

ADDRESS: Metro Office Park
Lot # 13, Street No. 2
Caparra, P.R. 00920

HOME PHONE: (809) 728-5923

BUSINESS PHONE: (809) 781-9090

9504368115 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3089

NAME OF COUNSEL: JORGE BERMUDEZ TORREGROSA

ADDRESS: CUEVAS KUINLAM & BERMUDEZ

Suite 903 Banco Popular Bldg.
Muñoz Rivera # 268
Hato Rey, Puerto Rico 00918

TELEPHONE: (809) 753-6464

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.

June 19, 1991
Date

Pilmaine M. de Sierra
Signature

RESPONDENT'S NAME: Mrs. Luis S. Sierra

ADDRESS: Krug 75

2nd. Floor

Santurce, Puerto Rico 00911

HOME PHONE:

BUSINESS PHONE: None

95043681154

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1991

Jorge Bermudez Torregrosa
Cuevas Kuinlam & Bermudez
Suite 903 Banco Popular Bldg.
Munoz Rivera #268
Hato Rey, Puerto Rico 00918

RE: MUR 3089
Mr. and Mrs. Luis S. Sierra

Dear Mr. Torregrosa:

This is in response to your correspondence received by the Office of the General Counsel on June 21, 1991, requesting an extension of 20 days until July 11, 1991, to respond to Commission findings related to Mr. and Mrs. Luis S. Sierra. 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 July 11, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lisa E. Klein
Assistant General Counsel

95043681155

OGC 1748

CUEVAS KUINLAM & BERMUDEZ
LAW OFFICES

RAFAEL CUEVAS KUINLAM
JORGE BERMUDEZ TORREGROSA
FERNANDO DELGADO KUINLAM

Banco Popular de P.R. Bldg. - Suite 903
268 Muñoz Rivera Avenue
Hato Rey, Puerto Rico 00918-2592
Tel. (809) 753-6464
Fax (809) 759-9556

July 10, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUL 11 PM 4:46

VIA UPS

Office of the General Counsel
Federal Elections Commission
Room 659
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3089

Dear friends:

Please find herein Responses and Answers to Interrogatories and Requests for Production of Documents of Mr. Luis S. Sierra and of Mrs. Luis S. Sierra in the matter of caption.

We also include a self-addressed, stamped envelope, for your returning to us the enclosed copies of the above documents after they have been marked as filed and dated.

Appreciating your kind cooperation, we remain

Very truly yours,

CUEVAS KUINLAM & BERMUDEZ

Jorge Bermúdez Torregrosa

Enclosures

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	*	
	*	
MR. LUIS S. SIERRA	*	MUR 3089
	*	
	*	

RESPONSE

In early January of 1988, Mr. Héctor Martinez informed me that he was in charge of seeking contributions for Gov. Michael Dukakis' primary campaign from eleven individuals and asked me for a One Thousand Dollar ($1,000.00) contribution. Mr. Martinez requested that this contribution be made in cash and, further, that a cocktail-reception would be held for Gov. Dukakis at the residence of Dr. Rafael Padró, at Urb. San Patricio, San Juan, Puerto Rico, shortly thereafter.

Mr. Martinez did not elaborate as to why the contribution had to be made in cash and I was not advised as to how he would transmit the funds to Gov. Dukakis' campaign committee.

Thereafter, I requested a $1,000.00 check from the architectural firm of which I am a partner - Sierra, Cardona, Ferrer - drawn against my own withdrawal account, after full consultation with my partners. This check was cashed and the funds turned over by me to Mr. Martinez.

I later attended the aforesaid cocktail-reception, accompanied by my wife.

Thereafter, I heard nothing further of the matter, having left the transmittal of funds to the committee in Mr. Martinez' hands.

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Even though I had no knowledge of political contribution laws, I did not seek, then, the advice of counsel, thinking all along that it was a minor matter involving an unsubstantial sum.

At no time did I authorize Mr. Martinez or anyone to make the contribution in any name other than mine. I simply did not give the matter any second thought, my participation having been limited to handing over the funds to Mr. Martinez.

I did tell my wife, Silmarie Montilla Sierra, about it, but, at no time, did she make any contribution, nor authorize anyone to make a contribution in her name or in the name of any other person.

Never have I or my firm or my wife received any bonus, advance, premium, gratuity, reimbursement or favor for the contribution in question; nor have I, my firm or my wife ever corresponded with anyone regarding the same. As a matter of fact, the only communication of any nature which I have ever had as regards this contribution was with Mr. Martinez, as stated above; except that, upon Mr. Martinez' receipt of a letter from the Commission earlier this year, he called me and told me that, if I ever received any communications from the Commission, I need not to worry since it was a matter of no real significance and that I should, then, call him. I recall that, either then or upon my receipt of the Commission's May 28, 1991 letter, Mr. Martinez told me for the first time that he had sent all funds under separate money orders, each bearing the name of the contributor, in an attempt to comply fully with the applicable law and that, he not only sent a money order for $1,000.00 under my name, but also another one for the same sum under my wife's name. I protested that my wife had never made any contribution, but he merely replied that his recollection was that she had.

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I understand that I am not guilty of any wrongdoing and feel that, if there has been any, it was not on my part (and probably not so intended by anyone else), since, at all times, I acted in an up-front, non-secretive manner.

Finally, I must once again state that the sum total of contributions made by me, my firm and my family was $1,000.00, as above expressed.

In view of the above, I respectfully request that this matter be dismissed and that no action be taken against me.

O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based and as per documents at hand.

In San Juan, Puerto Rico, this [illegible] day of July, 1991.

LUIS S. SIERRA

AFFIDAVIT NO.: _____

Sworn and subscribed to before me by Mr. Luis S. Sierra, of legal age, married, architect, and resident of San Juan, Puerto Rico, personally known to me, this [illegible] day of July, 1991.

JORGE BERMUDEZ TORREGROSA
ABOGADO NOTARIO
PUERTO RICO

NOTARY PUBLIC

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	*	
	*	
MRS. LUIS S. SIERRA	*	MUR 3089
	*	
	*	

R E S P O N S E

Until receipt of your letter of May 28, 1991, I had no knowledge of any alleged political contribution made by me or in my name to the Dukakis for President Committee or to any related person or entity, or of any such contribution made in my name by my husband, Luis S. Sierra, or by the architectural firm where he is a partner.

I have never made any such contribution and, if my name was ever used in relation to the same, it was without my authorization or knowledge.

This matter has been amply consulted with my husband and he assures me that no such contribution was ever made by him or by his firm in my name, and none of my personal records show that I ever made the same. Nevertheless, my husband did advise me of the contribution made by him and I did attend, together with him, the cocktail-reception referred to in his answers to Interrogatories.

In summary, I consider that the allegations made as to any political contributions made by me are not true, since no such contribution, was ever made or authorized by me, nor did I have knowledge of the same.

Wherefore, I respectfully request that this matter be dismissed and that no action be taken against me.

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O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based.

In San Juan, Puerto Rico, this day of July, 1991.

SILMARIE MONTILLA SIERRA
(MRS. LUIS S. SIERRA)

AFFIDAVIT NO.: _____

Sworn and subscribed to before me by Silmarie Montilla Sierra (Mrs. Luis S. Sierra), of legal age, married, housewife, and resident of San Juan, Puerto Rico, personally known to me, this day of July, 1991.

JORGE BERMUDEZ TORREGROSA
ABOGADO NOTARIO
PUERTO RICO

NOTARY PUBLIC

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	*	MUR 3089
MRS. LUIS S. SIERRA	*	

ANSWERS TO INTERROGATORIES AND
TO REQUEST FOR PRODUCTION OF DOCUMENTS

NOW COMES respondent and hereby submits his answers to Interrogatories and Request for Production of Documents submitted by the Federal Election Commission through letter of May 28, 1991:

1) None. I was, and am, a housewife.

2) No.
   a) N/A
   b) N/A
   c) N/A
   d) N/A

3) My husband, Luis S. Sierra.

4) There are none.

O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based.

In San Juan, Puerto Rico, this day of July, 1991.

SILMARIE MONTILLA SIERRA
(MRS. LUIS S. SIERRA)

AFFIDAVIT NO.: _____

Sworn and subscribed to before me by Silmarie Montilla Sierra (Mrs. Luis S. Sierra), of legal age, married, housewife, and resident of San Juan, Puerto Rico, personally known to me, this day of July, 1991.

NOTARY PUBLIC

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	*	
	*	MUR 3089
MR. LUIS S. SIERRA	*	
	*	
----------	*	

ANSWERS TO INTERROGATORIES AND
TO REQUEST FOR PRODUCTION OF DOCUMENTS

NOW COMES respondent and hereby submits his answers to Interrogatories and Request for Production of Documents submitted by the Federal Election Commission through letter of May 28, 1991:

1) Sierra, Cardona, Ferrer; partner.

2) Yes.

   a) One Thousand Dollars ($1,000.00); 1/8/88.

   b) Mr. Héctor Martinez.

   c) None.

   d) Cocktail reception held at the residence of Dr. Rafael Padró, Urb. San Patricio, San Juan, Puerto Rico.

3) None, other than my counsel.

4) a) Enclosed is copy of check no. 5267 of 1/8/88, cashed by Sierra, Cardona, Ferrer, the product of which was handed over to Mr. Héctor Martinez, all as requested by the latter.

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b) Enclosed is the corresponding check registry.

c) None ever received.

d) There is no such correspondence.

O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based and as per documents at hand.

In San Juan, Puerto Rico, this day of July, 1991.

LUIS S. SIERRA

AFFIDAVIT NO.: _____

Sworn and subscribed to before me by Mr. Luis S. Sierra, of legal age, married, architect, and resident of San Juan, Puerto Rico, personally known to me, this day of July, 1991.

JORGE BERMUDEZ TORRES ROSA
ABOGADO NOTARIO
PUERTO RICO

NOTARY PUBLIC

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SIERRA
CARDONA'
FERRER

ARCHITECTS
SPACE PLANNERS
INTERIOR DESIGNERS

Recinto Sur 305
Old San Juan
Puerto Rico 00901

№ 5267

101-288
215

1-8- 19 88

THE FIRST NATIONAL BANK OF BOSTON
HATO REY BRANCH
JAN 08 1988
PAID
TELLER #3

PAY TO THE ORDER OF CASH $ 1,000.00

-Mil dolares--00/100---

DOLLARS

THE FIRST NATIONAL BANK OF BOSTON
HATO REY BRANCH
HATO REY, PUERTO RICO 00917

[redacted]

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NSS 0100100001266 *****0124013

0215 02000
PAY AT ANY BANK TO
THE FIRST NATIONAL BANK OF BOSTON
SAN JUAN, PUERTO RICO
0215 02000

[redacted]

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F.E.C.
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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

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In the Matter of) MUR 3089
)
Dukakis for President Committee,)
Inc. and)
Robert A. Farmer, as treasurer, et al.)

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated as a result of the Interim Audit Report for the Dukakis for President Committee, Inc. On February 5, 1991, after examining two series of sequentially numbered money orders, the Commission found reason to believe that the individuals listed as the contributors of these money orders violated 2 U.S.C. § 441f.[1] The Commission also found reason to believe that the Dukakis for President Committee, Inc.

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1. The first series of money orders from the Banco de Santander - Puerto Rico, involved the following Respondents: Benjamin Torres Vazquez; Julieta Torres; Hector Martinez, Jr.; Sol R. Martinez; Hector Martinez Franco; Luis S. Sierra; Mrs. Luis S. Sierra; Esteban L. Fuertes; Mrs. Esteban L. Fuertes (Celeste S. Fuertes); Mrs. Milton Mendez (Myrta Falcon de Mendez); and Milton Mendez Orsini (hereafter collectively referred to as "the Puerto Rican Respondents").

The second series of money orders were issued by Marine Midland Payment Services, Inc. and involved the following named individuals: Dimitrios Amaxzpoulos; Vasilios Bitsas; Christos Christofilopoulos; Michael Dedes; Vasilios Dedes; John Delmadows (John Delmadoros); Dimitrius Economides; George Ekonomodes (George Ekonomidis); Bill Ellias (Vasilios (Bill) Elias); Phil A. Elias; Steve Gitsis; Elenferiam Hatgieiermiolis (Elefteria Hatzigiannidis); Eleftherios Helelekides; Jim Hetelekides; Steve Hetelekidis; Filippos A. Ilias; Gerge Kannelopaulos; George Koratsis; Steve Koratsis; Dimitrios Kostarellis; Avangelos Lolis (Evangelos Lolis); Paul Mihalitsas; Odysseus Mitrousis; Athansias Petalas; Ilias Sarganis; P. Sergmetis (Demetrios Seremetis); Vasilios Stathopoulas; Zoi Varahiois (Zoi Varaidis); and Georgios Zisis (hereafter collectively referred to as "the Greek Respondents"). Spelling corrections discovered subsequent to the reason to believe findings are included in the parentheticals.

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and Robert A. Farmer, as treasurer (the "Dukakis Committee"), violated 2 U.S.C. § 441f.

II. STATUS OF INVESTIGATION

A. Contributions in the Form of Consecutively Numbered Money Orders Drawn on Banco de Santander - Puerto Rico

These eleven money order contributions were all dated January 14, 1988; were in sequential numerical order; and each was for $1,000. According to the Dukakis Committee's response, committee records indicate that these eleven contributions are attributable to a fundraising event held on January 9, 1988, in San Juan, Puerto Rico, which was sponsored by Juan Hernandez, the son of the Governor of Puerto Rico. Attachment I, pg. 5 (the "Dukakis Response") & Affidavit of Charlotte M. McCormick, pg. 2. The Affidavit of Garry A. Barron, the Southern Finance Director for the Dukakis Committee, states "[t]he event was organized by the Governor of Puerto Rico, Rafael Hernandez-Colon, and his staff and son, and all funds were raised exclusively by them." Attachment I, pg. 9. Mr. Barron states that he coordinated this event with the Governor's son as far as scheduling details and transmittal of the funds. Mr. Barron further recalls that around the time of the event, either the Puerto Rican Governor or his son, forwarded two envelopes containing contributions to Robert Farmer of the Dukakis Committee. Id.

A joint response was submitted from counsel representing Hector Martinez, Jr., Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini ("the Martinez Response"). Attachment II. In

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contrast to the Dukakis Committee Response, the Martinez Response does not mention any involvement by Juan Hernandez or his father, Governor Rafael Hernandez-Colon, but instead indicates that the contributions are related to a fundraiser held at the home of Rafael Padro. The Martinez Response asserts that Mr. Padro asked Mr. Hector Martinez, Jr. for assistance in soliciting contributions in connection with this fundraiser. Mr. Martinez complied with this request and solicited some of his friends, namely the other respondents in this matter. The other respondents joining in that response acknowledge having contributed $1,000 in cash on behalf of themselves or their spouse.

Although the Martinez Response acknowledges that Hector Martinez was "[g]enerally aware of the prohibition against making cash contributions under U.S. federal law," the response points out that "it is both lawful and common to make contributions in cash to candidates for political office in the Commonwealth of Puerto Rico." Attachment II, pg. 3. Upon receipt of the cash contributions, Mr. Martinez contends that he purchased money orders in the names of each contributor, which were then forwarded to the Dukakis Committee. Each of the respondents joining in the Martinez Response denies ever receiving any bonus, advance, premium, gratuity or reimbursement of any kind, at any time, as a result of their contribution to the Dukakis Committee. See Attachment II, pp. 9-21. Likewise, Hector Martinez, Jr., denies ever having made any reimbursement to any individual in connection with these contributions. Attachment II at 12.

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Responses received from Mr. and Mrs. Luis S. Sierra ("the Sierra Responses"/Attachment III) confirm that Hector Martinez, Jr. solicited Mr. Sierra's contribution and that shortly thereafter a cocktail reception was held at the residence of Dr. Rafael Padro in San Juan, Puerto Rico. However, Mr. Sierra's response states that Hector Martinez specifically requested that all contributions be made in cash, which calls into question Mr. Martinez' assertion that each of the contributors he solicited wanted to make a contribution in cash. Compare Attachment II at 11 with Attachment III at 6. As a result of this request for cash, and "after full consultation with [his] partners," had a $1,000 check drawn against his partnership withdrawal account with the architectural firm of Sierra Cardona, Ferrer. Attachment III at 5 and 6. Mr. Sierra avers that the $1,000 check was cashed and the funds were turned over to Mr. Martinez. Id. at 6. Mr. Sierra also states that it was not until 1991 that he learned that Mr. Martinez had sent all of the funds under separate money orders, in an attempt to comply with the Federal Election Campaign Act of 1971, as amended ("the Act"). Attachment III at 7.

In response to discovery requests, Mrs. Silmarie Montilla Sierra denies ever having made a contribution to the Dukakis for President Committee, although a $1,000 money order was reported in her name. Attachment III at pg. 9. According to Mr. Sierra, Mr. Martinez called him early in 1991 to tell him that the Commission might contact the Sierras, but that they should not worry because "it was a matter of no real significance and that [Mr. Sierra] should, then, call [Mr. Martinez]." Attachment III

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at 7. Mr. Sierra further states that when Mr. Martinez informed him that a $1,000 money order had been forwarded to the Dukakis Committee under Mr. Sierra's wife's name, Mr. Sierra protested that his wife had never made any such contribution. Id. According to Mr. Sierra, Mr. Martinez responded to this protest by stating that it was his recollection that Mrs. Sierra had contributed. Id.

The final response received by the Commission was from Mrs. Milton Mendez (the "Mendez Response"/Attachment IV).[2] The information in this response is difficult to reconcile with the response of Mr. Milton Mendez Orsini. Mr. Mendez Orsini asserts that he made "an additional $1,000 contribution for [his] wife." Attachment II at 9. Although their separate money orders reflect the same address, Mrs. Milton Mendez, who apparently is Mr. Mendez Orsini's wife, responded through separate counsel. Mrs. Milton Mendez states that she has consulted with her spouse and children and determined that she had "never made a contribution to the Dukakis for President Committee ... ." Attachment IV at 2.

Thus, the information obtained to date raises several concerns regarding the contributions at issue. The Act and Commission regulations provide that it is unlawful for any person to make contributions of currency which, in the aggregate, exceed $100, with respect to any campaign for Federal office. See 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c). Those Puerto Rican individuals who admit making contributions claim to

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2. No response was received from either Benjamin Torres Vazquez or Julieta Torres.

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have each contributed cash contributions in excess of $100. Since under 2 U.S.C. § 441g, individual cash contributions are limited to an aggregate of $100, the Office of the General Counsel recommends that the Commission find reason to believe that each of the following individuals violated 2 U.S.C. § 441g: Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes, Milton Mendez Orsini, and Luis S. Sierra. Commission regulations also provide that a candidate or committee receiving a cash contribution in excess of $100 shall promptly return the amount over $100 to the contributor. See 11 C.F.R. § 110.4(c)(2). In this instance, it appears that the Committee's fundraising agents accepted cash contributions which were then converted into money orders. Thus, the Office of the General Counsel also recommends that the Commission find reason to believe that the Dukakis for President Committee, and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.4(c).

As noted above, the Commission previously found reason to believe that each of the Puerto Rican Respondents violated 2 U.S.C. § 441(f) by permitting their name to be used to effect a contribution in the name of another. The respondents joining in the Martinez Response argue that no violation occurred because "each contribution of $1,000 was made in the name of the person who actually provided the funds (or her spouse)."

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Attachment II at 3.[3] Although the information received to date indicates that certain of the Commission's prior Section 441(f) findings may no longer be warranted, two respondents, Silmarie Montilla Sierra and Myrta Falcon de Mendez, deny ever having contributed to the Dukakis campaign. Thus, the Office of the General Counsel recommends that the Commission await further investigation before making final disposition on the Section 441(f) findings.[4]

B. **Contributions in the Form of Consecutively Numbered Money Orders Drawn on the Marine Midland Payment Services, Inc.**

All of the money orders involved in this situation appear to be contributions from individuals living in the Rochester, New York area with Greek surnames, and while the amounts vary from $5 to $150, each is dated April 18, 1988. The total

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3. The Martinez Response attempts to draw support from the Commission's disposition in MUR 1353. In MUR 1353, the Commission found no probable cause to believe a violation of Section 441f had occurred where the person collecting cash contributions made a good faith effort to attribute them to the actual cash contributors. In that situation, there was also no evidence that persons other than those credited with contributing cash were the actual source of the contribution funds. Two respondents in this matter deny ever having contributed to the Dukakis for President Committee, despite the fact that money orders were attributed to them. Furthermore, the documentation in MUR 1353 demonstrated that the actual cash contributors were aware their contributions would be converted into money orders on the Committee's behalf. Here, Mr. Martinez apparently asked that contributions be made in cash, but never informed the contributors that he intended to convert those contributions into money orders. In light of these factual distinctions, Respondents' reliance on MUR 1353 appears to be misplaced.

4. It is also possible that some of these contributions are Section 441a(a) violations because some of the spouses allegedly made "joint" contributions without satisfying the requirements of 11 C.F.R. § 110.1(k). Upon completion of discovery in this matter, this Office will make the appropriate recommendations.

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$1,550. The Commission received responses from the Dukakis Committee, as well as eighteen (18) individual respondents.

The Dukakis Committee response indicates that these contributions resulted from a small fundraising event held at the Annunciation Greek Orthodox Church in Rochester, New York. This event was planned to coincide with a Rochester debate in which Michael Dukakis was a participant. Mr. Dukakis did not attend the fundraiser. The various responses indicate that somebody "passed around a hat" for contributions and the individual contributors received a receipt after contributor cards were filled out listing their name, address, phone number and occupation. Charlotte M. McCormick, Director of Administration for the Finance Department of the Dukakis Committee, states in an affidavit that she remembers the reason for changing the contributions into money orders was to avoid sending cash through the mail. Attachment I at 12.

While the majority of Greek Respondents admit to making relatively small contributions of less than $100, four individual respondents (Vasilios Dedes; Demetrios Seremetis; Athansias Petalas and Odysseus Mitrousis) deny ever having given contributions to the Dukakis Committee. The total combined reported contributions from these four individuals amounts to $120. In addition, Michael Dedes acknowledges contributing $150 to the Dukakis Committee, but denies he attended the Greek Orthodox Church fundraiser, even though he apparently signed a Compliance Fund authorization form by which he authorized the Dukakis Committee to apply an April contribution of $150 to the Dukakis Compliance Fund. In three instances the admitted

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contributions differ from the reported amounts: John Delmadoros claims to have only contributed $20, while the money order submitted denotes a $25 contribution; Vasilios Bitsas claims to have contributed $100, while the money order submitted denotes a $30 contribution; Jim Hetelekides claims to have contributed $300, while his money order denotes a $150 contribution.

Jim Hetelekides' cash contribution appears to be in violation of 2 U.S.C. § 441g. A search of contributor records, however, indicates that Mr. Hetelekides made no other itemized contributions to federal candidates during the 1988 election cycle. Given the amount at issue with respect to Mr. Hetelekides' apparent violation, the Office of the General Counsel recommends that the Commission find reason to believe that Jim Hetelekides violated 2 U.S.C. § 441g, but take no further action and include an admonishment in his notification letter. The acceptance of Mr. Hetelekides' cash contribution will therefore be included in the Dukakis Committee's Section 110.4(c) violation.

With respect to to the Greek Respondents, it appears that a continued investigation aimed at clarifying the remaining ambiguities would involve significant staff time for possible violations which appear to be relatively minor in nature. In light of the foregoing, this Office recommends that in the proper ordering of its priorities and allocation of resources, the Commission exercise its prosecutorial discretion and take no further action regarding the Greek Respondents and close the file as it pertains to them. See Heckler v. Chaney, 470 U.S. 821 (1985).

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III. RECOMMENDATIONS

1. Find reason to believe that the Dukakis for President Committee and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.4(c).

2. Find reason to believe that Hector Martinez Franco; Mrs. Sol R. Martinez; Esteban L. Fuertes; Mrs. Celeste S. Fuertes; Milton Mendez Orsini; and Luis S. Sierra each violated 2 U.S.C. § 441g.

3. Find reason to believe that Jim Hetelekides violated 2 U.S.C. § 441g.

4. Take no further action and close the file as it pertains to:

a. Dimitrios Amaxzpoulos;
b. Vasilios Bitsas;
c. Christos Christofilopoulos;
d. Michael Dedes;
e. Vasilios Dedes;
f. John Delmadoros;
g. Dimitrius Economides;
h. George Ekonomidis;
i. Vasilios (Bill) Elias;
j. Phil A. Elias;
k. Steve Gitsis;
l. Elefteria Hatzigiannidis;
m. Eleftherios Helelekides;
n. Jim Hetelekides
o. Steve Hetelekidis;
p. Filippos A. Ilias;
q. Gerge Kannelopaulos;
r. George Koratsis;
s. Steve Koratsis;
t. Dimitrios Kostarellis;
u. Evangelos Lolis;
v. Paul Mihalitsas;
w. Odysseus Mitrousis
x. Athansias Petalas;
y. Ilias Sarganis;
z. Demetrios Seremetis;

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aa. Vasilios Stathopoulas;
bb. Zoi Varaidis;
cc. Georgios Zisis

5. Approve the attached Factual and Legal Analyses (4) and appropriate letters.

1/14/92
Date

Lawrence M. Noble
General Counsel

Attachments
I. Dukakis Committee Response
II. Martinez Response
III. Sierra Response
IV. Mendez Response
V. Greek Responses
VI. Factual and Legal Analyses (4)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, et al.	)	MUR 3089

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 17, 1992, the Commission decided by a vote of 4-0 to take the following actions in MUR 3089:

1. Find reason to believe that the Dukakis for President Committee and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.4(c).

2. Find reason to believe that Hector Martinez Franco; Mrs. Sol R. Martinez; Esteban L. Fuertes; Mrs. Celeste S. Fuertes; Milton Mendez Orsini; and Luis S. Sierra each violated 2 U.S.C. § 441g.

3. Find reason to believe that Jim Hetelekides violated 2 U.S.C. 441g.

4. Take no further action and close the file as it pertains to:

   a. Dimitrios Amaxzpoulos;
   b. Vasilios Bitsas;
   c. Christos Christofilopoulos;
   d. Michael Dedes;
   e. Vasilios Dedes;
   f. John Delmadoros;

(Continued)

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g. Dimitrius Economides;
h. George Ekonomidis;
i. Vasilios (Bill) Elias;
J. Phil A. Elias;
k. Steve Gitsis;
l. Elefteria Hatzigiannidis;
m. Eleftherios Helelekides;
n. Jim Hetelekides;
o. Steve Hetelekides;
p. Filippos A. Ilias;
q. Gerge Kannelopaulos;
r. George Koratsis;
s. Steve Koratsis;
t. Dimitrios Kostarellis;
u. Evangelos Lolis;
v. Paul Mihalitsas;
w. Odysseus Mitrousis
x. Athansias Petalas;
y. Ilias Sarganis;
z. Demetrios Seremetis;
aa. Vasilios Stathopoulas;
bb. Zoi Varaidis;
cc. Georgios Zisis.

5. Approve the Factual and Legal Analyses (4) and appropriate letters, as recommended in the General Counsel's Report dated January 14, 1992.

Commissioners Aikens, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioners Elliott and Potter did not cast votes.

Attest:

1-21-92
Date

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

Received in the Secretariat: Wed., Jan. 15, 1992 9:59 a.m.
Circulated to the Commission: Wed., Jan. 15, 1992 4:00 p.m.
Deadline for vote: Fri., Jan. 17, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Carol C. Darr, Esquire
Dukakis for President Committee, Inc.
2123 R Street N.W.
Washington, D.C. 20008-1909

RE: MUR 3089
Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer

Dear Ms. Darr:

On January 17, 1992, the Federal Election Commission found that there is reason to believe the Dukakis for President Committee, Inc. ("Committee") and Robert A Farmer, as treasurer, (collectively "Respondents") violated 11 C.F.R. § 110.4(c), a provision of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, Respondents have an opportunity to demonstrate that no action should be taken against them. Respondents may submit any factual or legal materials that they 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 Respondents, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If Respondents are interested in pursuing pre-probable cause conciliation, a request should be made 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 either proposing an agreement in settlement of the

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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.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless Respondents notify the Commission in writing that they wish the investigation to be made public. If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
Factual and Legal Analysis

95043681180

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

A. THE LAW

Under the Federal Election Campaign Act of 1971, as amended (the "Act") it is unlawful for any person to make contributions of currency which, in the aggregate, exceed $100, with respect to any campaign for Federal office. See 2 U.S.C. § 441g. In addition, under Commission regulations a candidate or committee receiving cash contributions in excess of $100 shall promptly return the amount over $100 to the contributor. 11 C.F.R. § 110.4(c)(2).

B. FACTUAL ANALYSIS

The Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, (the "Committee") received contributions attributable to a fundraising event held on January 9, 1988, in San Juan, Puerto Rico, which was sponsored by Juan Hernandez, the son of the Governor of Puerto Rico. The Affidavit of Garry A. Barron, the Southern Finance Director for the Dukakis Committee, states "[t]he event was organized by the Governor of Puerto Rico, Rafael Hernandez-Colon, and his staff and son, and all funds were raised exclusively by them." Mr. Barron states that he coordinated this event with the Governor's son as far as scheduling details and transmittal of the funds. Mr. Barron

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further recalls that around the time of the event, either the Puerto Rican Governor or his son, forwarded two envelopes containing contributions to Robert Farmer of the Dukakis Committee. Id. These contributions, each in the sum of $1,000, were in the form of a series of money orders from the Banco de Santander- Puerto Rico.

The investigation has thus far revealed that eight of the aforementioned contributions were made in cash. Specifically, Hector Martinez Franco, Hector Martinez, Jr., Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes, Milton Mendez Orsini and Luis S. Sierra each made $1,000 contributions to the Dukakis Committee in cash. In addition, Milton Mendez Orsini claims he made a cash contribution in the sum of $1,000 on behalf of his wife, Mrs. Milton Mendez (Myrta Falcon de Mendez). Each of the cash contributions were subsequently converted into money orders in the names of each of these individuals. In addition, it appears that Jim Hetelekides made a $300 cash contribution to the Dukakis Committee in connection with a fundraising event held at the Greek Annunciation Church in Rochester, New York.

It does not appear that any of these cash contributions accepted by the Committee's fundraising agents were promptly returned to contributors as required by 11 C.F.R. § 110.4(c)(2). It therefore appears that the Dukakis for President Committee, and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.4(c).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Jorge Bermudez-Torregrosa, Esquire
Cuevas Kuinlam & Bermudez
Banco Popular de P.R. Building
Suite 903
Hata Ray, Puerto Rico 00918-2592

RE: MUR 3089
Luis S. Sierra

95043681183

Dear Mr. Torregrosa:

On February 27, 1991, Luis S. Sierra ("your client") was notified that the Federal Election Commission found that there is reason to believe he violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On July 10, 1991, you submitted responses to the Commission's finding.

After reviewing the responses, the Commission, on January 17, 1992, found that there is reason to believe your client violated 2 U.S.C. § 441g, a provision 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 your client. 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 your client 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 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. This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless your client notifies the Commission in writing that he wishes the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Factual and Legal Analysis
Procedures

9504368134

BEFORE THE FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3089

RESPONDENT: Luis S. Sierra

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations, it is unlawful for any person to make contributions of currency which, in the aggregate, exceed $100, with respect to any campaign for Federal office. See 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c).

It appears that Hector Martinez, Jr. solicited contributions in connection with a fundraiser held in the home of Rafael Padro on behalf of the 1988 campaign of Michael Dukakis, and his authorized committee, the Dukakis for President Committee (the "Dukakis Committee"). One of those solicited by Mr. Martinez was Mr. Luis S. Sierra ("respondent"). In response to the solicitation, Mr. Sierra had a $1,000 check drawn against his partnership withdrawal account with the architectural firm of Sierra, Cardona, Ferrer. Upon the request of Mr. Martinez, Jr., the check was cashed and the funds were turned over to Mr. Martinez. Mr. Martinez subsequently converted the $1,000 in cash

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into a money order which was transmitted to the Dukakis Committee. The money order, which contained no signature, indicated that the contributor was the respondent. Since individual cash contributions are limited to an aggregate of $100, and the respondent acknowledges having made a cash contribution totaling $1,000, there is reason to believe that Luis S. Sierra violated 2 U.S.C. § 441g.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Joseph E. Sandler, Esquire
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington,. D.C. 20036-5339

RE: MUR 3089
Sol R. Martinez,
Hector Martinez Franco,
Estaban L. Fuertes,
Celeste S. Fuertes and
Milton Mendez Orsini

Dear Mr. Sandler:

On February 27, 1991, Hector Martinez Franco, Mrs. Sol R. Martinez, Estaban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini ("your clients") were notified that the the Federal Election Commission found that there is reason to believe that they violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On April 9, 1991, you submitted responses to the Commission's findings.

After reviewing the responses, the Commission, on January 17, 1992, found that there is reason to believe that your clients violated 2 U.S.C. § 441g, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your clients' information.

Under the Act, your clients have an opportunity to demonstrate that no action should be taken against them. 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 your clients the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If your clients 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 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.

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

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Factual and Legal Analysis
Procedures

9504368118

BEFORE THE FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3089

RESPONDENTS: Hector Martinez Franco
Mrs. Sol R. Martinez,
Esteban L. Fuertes,
Celeste S. Fuertes
and Milton Mendez Orsini

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. ANALYSIS

A. Cash Contributions

Under the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations, it is unlawful for any person to make contributions of currency which, in the aggregate, exceed $100, with respect to any campaign for Federal office. See 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c). It appears that Hector Martinez, Jr. solicited contributions in connection with a fundraiser held in the home of Rafael Padro on behalf of the 1988 campaign of Michael Dukakis, and his authorized committee, the Dukakis for President Committee (the "Dukakis Committee"). Apparently, Mr. Martinez solicited contributions on behalf of the Dukakis Committee from Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini. In response to the solicitations, each of these

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respondents contributed $1,000 in cash to the Dukakis Committee. Upon receipt of the cash contributions, Mr. Martinez, Jr. is alleged to have purchased money orders in the names of each contributor, which were then forwarded to the Dukakis Committee. Since individual cash contributions are limited to an aggregate of $100, and the respondents acknowledge having made cash contributions in excess of that amount, it appears that Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini violated 2 U.S.C. § 441g.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Georgios Zisis
28 Baylor Circle
Rochester, NY 14624

RE: MUR 3089

Dear Mr. Zisis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Zoi Varaidis
76 Telephone Road
West Henrietta, NY 14586

RE: MUR 3089

Dear Ms. Varaidis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On April 10, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

9504368112

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Demetrios Seremetis
63 Colonial Road
Rochester, NY 14609

RE: MUR 3089

Dear Mr. Seremetis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On March 26, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

95043681193

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Vasilios Stathopoulas
770 Hightower Way
Webster, NY 14580

RE: MUR 3089

Dear Mr. Stathopoulas:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Athansias Petalas
15 Virginia Manor Road
Rochester, NY 14606

RE: MUR 3089

Dear Mr. Petalas:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30,1992

Joseph G. DeMaria, Esquire
Suite 204
301 Exchange Boulevard
Rochester, NY 14608

RE: MUR 3089
Odysseus Mitrousis

Dear Mr. DeMaria:

On March 6, 1991, Odysseus Mitrousis ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 18, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Paul Mihalitsas
11 Sturbridge Lane
Pittsford, NY 14534

RE: MUR 3089

Dear Mr. Mihalitsas:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

9504368117

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Gary R. Carson, Esquire
One East Main Street
Victor, New York 14564

RE: MUR 3089
Evangelos Lolis

Dear Mr. Carson:

On February 27, 1991, Evangelos Lolis ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 22, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

William C. Dedes, Esquire
Attorney and Counselor at Law
Suite 500
17 East Main Street
Rochester, NY 14614

RE: MUR 3089
Dimitrios Kostarellis

Dear Mr. Dedes:

On February 27, 1991, Dimitrios Kostarellis ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On April 1, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Irving Pheterson, Esq.
Pheterson & Pheterson
Suite 900
One East Main Street
Rochester, NY 14614

RE: MUR 3089
Steve Koratsis

Dear Mr. Pheterson:

On February 27, 1991, Steve Koratsis ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On April 5, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

9504368120

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Filippos A. Ilias
125 Bay Knoll Road
Rochester, NY 14622

RE: MUR 3089

Dear Mr. Ilias:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On March 13, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

9504368120 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Steve Hetelekidis
5030 Wyffels Road
Cardalgen, NY 14426

RE: MUR 3089

Dear Mr. Hetelekidis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

George Hetelekides, Counsel
3545 Middle Cheshire Road
Canandaigua, NY 14424

RE: MUR 3089
Jim Hetelekides

Dear Mr. Hetelekides:

On January 17, 1992, the Federal Election Commission found reason to believe that Jim Hetelekides ("your client") violated 2 U.S.C. § 441g, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your client. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds your client that making cash contributions in excess of $100 is a violation of 2 U.S.C. § 441g. You client should take immediate steps to insure that this activity does not occur in the future.

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

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

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If you have any questions, please direct them to Xavier K. McDonnell the attorney assigned to this this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3089

RESPONDENT: Jim Hetelekides

I. GENERATION OF MATTER

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

II. ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations, it is unlawful for any person to make contributions of currency which, in the aggregate, exceed $100, with respect to any campaign for Federal office. See 2 U.S.C. § 441g and 11 C.F.R. § 110.4(c).

During 1988, contributions were solicited on behalf of the the Dukakis for President Committee, Inc. (the "Dukakis Committee") at a fundraising event held at the Annunciation Greek Orthodox Church in Rochester, New York. It is alleged that at the fundraising event someone "passed around a hat" for contributions and that the individual contributors received a receipt after contributor cards were filled out listing their name, address, phone number and occupation. One of the persons who made such a contribution was Jim Hetelekides. Mr. Hetelekides indicates that he contributed $300 to the Dukakis Committee. The making of a $300 cash contribution is a violation of 2 U.S.C. § 441g. Accordingly, there is reason to believe that Jim Hetelekides violated 2 U.S.C. § 441g.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Eleftherios Helelekides
3572 Middle Chesire Road
Canandaigua, NY 14424

RE: MUR 3089

Dear Mr. Helelekides:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Elefteria Hatzigiannidis
200 Harpington Drive
Rochester, NY 14692

RE: MUR 3089

Dear Mr. Hatzigiannidis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On April 12, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined, on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Steve Gitsis
408 Whittier Road
Spencerport, NY 14559

RE: MUR 3089

Dear Mr. Gitsis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Vasilios Elias
308 Sandoris Circle
Rochester, NY 14622

RE: MUR 3089

Dear Mr. Elias:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On March 26, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Terri Clausen
c/o Phil A. Elias
56 Pinoak Lane
Rochester, NY 14622

RE: MUR 3089
Phil A. Elias

Dear Mr. Clausen:

On February 27, 1991, Phil A. Elias was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 25, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against Mr. Elias and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should Mr. Elias wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event Mr. Elias wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

George Ekonomidis
15 Revere Drive
Rochester, NY 14624

RE: MUR 3089

Dear Mr. Ekonomidis:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On March 22, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Dimitrius Economides
17 Stal-Mar Circle
Rochester, NY 14624

RE: MUR 3089

Dear Mr. Economides:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

M. Betsy Relin
Commissioner of Elections
Monroe County Board of Elections
39 West Main Street
Rochester, NY 14614

RE: MUR 3089
John Delmadoros

Dear Ms. Relin:

On February 27, 1991, John Delmadoros was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 26, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against Mr. Delmadores and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should he wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event Mr. Delmadores wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Jordan E. Pappas, Esquire
Jordan E. Pappas & Associates
Suite 400
17 Main Street East
Rochester, NY 14614

RE: MUR 3089
Vasilios Dedes

Dear Mr. Pappas:

On February 27, 1991, Vasilios Dedes ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 28, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Jordan E. Pappas, Esquire
Jordan E. Pappas & Associates
Suite 400
17 Main Street East
Rochester, NY 14614

RE: MUR 3089
Michael Dedes

Dear Mr. Pappas:

On February 27, 1991, Michael Dedes ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 28, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Christos Christofilopoulos
8 Woodlown Street
Rochester, NY 14607

RE: MUR 3089

Dear Mr. Christofilopoulos:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. On March 25, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

William C. Dedes, Esquire
Attorney and Counselor at Law
Suite 500
17 East Main Street
Rochester, NY 14614

RE: MUR 3089
Vasilios Bitsas

Dear Mr. Dedes:

On February 27, 1991, Vasilios Bitsas ("your client") was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 27, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against your client and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should your client wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event your client wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 1992

Dimitrios Amaxzpoulos
710 Ridge Road
Webster, NY 14580

RE: MUR 3089

Dear Mr. Amaxzpoulos:

On February 27, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441f. After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against you and closed the file as it pertains to you. The file will be made part of the public record within 30 days after this matter 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 of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell
Staff Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 18, 1992

Terri Clausen
c/o Phil A. Elias
56 Pin Oak Lane
Rochester, NY 14622

RE: MUR 3089
Phil A. Elias

Dear Mr. Clausen:

On February 27, 1991, Phil A. Elias was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441f. On March 25, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on January 17, 1992, to take no further action against Mr. Elias and closed the file as it pertains to him. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should Mr. Elias wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event Mr. Elias wishes to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Xavier K. McDonnell

Xavier K. McDonnell
Staff Attorney

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Arent Fox Kintner Plotkin & Kahn

FEDERAL ELECTION COMMISSION
RECEIVED
ADMINISTRATIVE DIVISION
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Joseph E. Sandler
202/857-6221

February 18, 1992

BY HAND

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

Attention: Xavier K. McDonnell
Office of the General Counsel

Re: MUR 3089

Dear Mr. McDonnell:

Enclosed please find a Memorandum on behalf of Respondents Sol R. Martinez, Hector Martinez Franco, Esteban L. Fuertes, Celeste S. Fuertes and Milton Mendez Orsini, for consideration and filing in the above-referenced MUR.

If you have any questions or need additional information, please contact me.

Thank you for your time and attention to this matter.

Sincerely yours,

Joseph E. Sandler

Joseph E. Sandler

JES:lb
Enclosures

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1050 Connecticut Avenue, NW
Washington, DC 20036-5339

Telephone: 202/857-6000
Cable: ARFOX
Telex: WU 892672
ITT 440266
Facsimile: 202/857-6395

7475 Wisconsin Avenue
Bethesda, Maryland 20814-3413

8000 Towers Crescent Drive
Vienna, Virginia 22182-2733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3089
)
)
)

MEMORANDUM ON BEHALF OF RESPONDENTS
SOL R. MARTINEZ, HECTOR MARTINEZ FRANCO,
ESTEBAN L. FUERTES, CELESTE S. FUERTES AND
MILTON MENDEZ ORSINI

This memorandum is submitted by the above-named respondents in response to the Commission's January 30, 1992 letter. The Commission has found reason to believe that these respondents violated 2 U.S.C. § 441g, which prohibits the making of contributions in currency to any candidate which exceed $100. Because no contributions in currency were in fact made in this case, the Commission should find no probable cause to believe that any violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has occurred.

BACKGROUND

On April 9, 1991, these respondents, and Hector Martinez Jr., submitted responses to the Commission's Interrogatories and Request for Production of Documents issued in connection with the Commission's first reason to believe finding made in this MUR. As set forth in our original memorandum of April 9, 1991, those responses show the relevant facts to be as follows.

One Rafael Padro held a fundraiser at his home for the Dukakis for President Committee ("Dukakis Committee"). He asked for assistance from a person acquaintance, Mr. Hector Martinez Jr. Hector Martinez then solicited various of his friends to make contributions to the Dukakis Committee, on the occasion of

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this fundraiser. Among those friends were all of the other respondents named above.

It is both lawful and common to make contributions in cash to candidates for political office in the Commonwealth of Puerto Rico. Each of the other respondents (or in the case of a husband, the husband for himself and his wife) provided, from their own funds, cash of $1,000 each to Hector Martinez for the purpose of making a contribution to the Dukakis Committee, and asked Mr. Martinez to effectuate that contribution in any lawful manner. Generally aware of the prohibition against making cash contributions under U.S. federal law, Mr. Martinez purchased money orders, each made out in the name of the person who had provided the funds used to purchase that money order (or that person's spouse). Those money orders were then forwarded to the Dukakis Committee.

On February 5, 1991, the Commission found reason to believe that these respondents violated 2 U.S.C. § 441f, which prohibits the making or assisting in the making of a contribution in the name of another. The respondents, as noted, submitted responses to Interrogatories and Request for Production of Documents on April 9, 1991. On that same date, a Memorandum was submitted on behalf of these respondents.

After reviewing those responses and the Memorandum, the Commission has now apparently concluded that these respondents did <u>not</u> violate 2 U.S.C. § 441f but, instead, violated 2 U.S.C. § 441g.

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DISCUSSION

2 U.S.C. § 441g provides that:

> No person shall make contributions of currency of the United States. . . to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

In this case, it is manifest that no cash contributions were made. The contribution from each of these respondents was made to the Dukakis Committee in the form of a written instrument, specifically, a money order. Each such money order was purchased with funds of the person named on that money order. There was no cash contribution, no contribution made in the name of another, and no violation of any kind.

It is clear that 2 U.S.C. § 441g is violated only when cash is tendered to a candidate or political committee, for the purpose of making a contribution. It cannot be the case that use of cash to purchase a written instrument in the name of the person providing the cash, which instrument is then used to make a contribution, is unlawful. In such a case--this case--a contribution has been made by written instrument; it represents the funds of the person named in the instrument; it can be (and in this case has been) properly recorded, accounted for and reported as the contribution of that individual.

That a money order was originally purchased with cash obviously does not give rise to a violation, since that is often the way money orders are purchased and the Commission's

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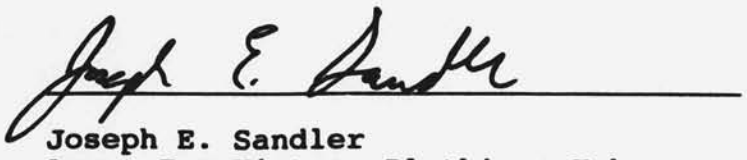
regulations specifically contemplate use of money orders to make contributions. 11 C.F.R. § 104.8(c).

In this case, not only was no cash accepted by the Dukakis Campaign by any of these respondents, no cash was ever presented or offered to the campaign, by any respondent. Thus no contribution in currency was made.

For these reasons, the Commission should find that there is no probable cause to believe any violation of the Act has occurred.



Joseph E. Sandler
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
(202) 857-6221

Counsel for Respondents Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes, Mrs. Celeste S. Fuertes and Milton Mendez Orsini

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FEDERAL ELECTION COMMISSION
MAIL ROOM

92 FEB 20 PM 12:32

MUR 2633

Dukakis for President Committee
c/o Carol Darr, Esq.
1175 Dolly Madison Blvd.
McLean, Virginia 22101

February 18, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 FEB 20 PM 4:30

MUR 3089

Xavier McDonnell, Esq.
Staff Attorney
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

95043681225

Dear Mr. McDonnell:

This responds to the Commission's notification that you have found "reason to believe" that the Dukakis for President Committee, Inc. ("Committee") and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.4(c) by accepting cash contributions in excess of $100 with respect to two fundraising events.

Puerto Rican Fundraiser

In a fundraising event held on January 9, 1988, in San Juan, Puerto Rico, you state in your "Factual and Legal Analysis" that your investigation has revealed that eight of the $1,000 contributions were initially made in cash before being converted into money orders. As the Committee's initial response indicated, the Puerto Rican fundraiser was organized and executed entirely by Governor Rafael Hernandez-Colon, his staff and his son. The involvement of the Dukakis staff, according to Gary Barron, the Southern Finance Director, was limited to "getting the event on the calendar, coordinating with the Governor's son regarding the scheduling details, and ensuring that the funds raised were properly transmitted to Boston." (Affidavit of Gary A. Barron.)

The contributions, when they arrived in Boston, were in money order form, and as the previously submitted affidavits of the staff indicate, there was nothing about them that aroused untoward suspicions. Money orders, according to Charlotte McCormick, were always treated carefully, but this batch of contributions was accompanied by properly completed contributor cards. The contributors had occupations in line with the amounts

donated, and otherwise passed the various check points that comprised the Committee's three-step review process. In short, the committee staff did not know they had been made in cash; did not accept the contributions as cash; and certainly did not participate in any conversion.

With respect to the contribution from Milton Mendez Orsini made in the name of his wife, Myrta Falcon de Mendez, the Committee staff did not know, and had no way of knowing, that a contribution had been made in the name of another. As stated above, the contribution and the contributor card appeared to be in proper order.

Rochester, New York Fundraiser

In your "Factual and Legal Analysis" you also state that Jim Hetelekides made a $300 cash contribution from the fundraising event at the Greek Annunciation Church. In a telephone conversation with FEC attorney, Xavier McDonnell, he stated that the contribution was transmitted by means of $150 cash and a $150 money order. The $150 cash contribution, of course, exceeds the $100 threshold by $50 dollars. Four years after the fact, it is difficult for the Committee to reconstruct how this error slipped through the Committee's extensive review process, and unfortunately, at this point we have no new information to add beyond that which is provided in our initial response.

Conciliation Requested with Respect to Both Fundraisers

As to the errors that occurred in both fundraising events, the Committee wishes to pursue pre-probable cause conciliation. Please let me know when a convenient time is to arrange such a meeting.

Sincerely,

Carol Darr

Carol C. Darr, Esq.
Counsel for the Committee

CD:pas

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CUEVAS KUINLAM & BERMUDEZ
LAW OFFICES

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
92 FEB 21 AM 10: 38

RAFAEL CUEVAS KUINLAM
JORGE BERMUDEZ TORREGROSA
FERNANDO DELGADO KUINLAM

Banco de Ponce Bldg. - Suite 903
268 Muñoz Rivera Avenue
Hato Rey, Puerto Rico 00918-2592
Tel. (809) 753-6464
Fax (809) 759-9556

February 20, 1992

VIA U.P.S.

Office of the General Counsel
Federal Elections Commission
Room 659
999 E Street, N.W.
Washington. D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 FEB 24 PM 3: 36

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RE: MUR 3089
Luis S. Sierra

Dear friends:

Further to your letter of January 30, 1992, received by us on the 5th current, whereby you state that "the Commission ... found that there is reason to believe your client (Luis S. Sierra) violated 2 U.S.C. 441g", our response, on behalf of Mr. Sierra, follows:

As stated by Mr. Sierra in his response of July 10, 1991, copy of which is annexed hereto, made a part hereof, and marked as Exhibit A, the $1,000.00 check referred to therein was cashed at the request of Mr. Héctor Martinez, Jr., and the funds turned over to Mr. H. Martinez, Jr. Thereafter, Mr. Sierra had no further knowledge of, or participation in, the matter.

As found by the Commission itself, "Mr. Martinez subsequently converted the $1,000.00 in cash into a money order which was transmitted to the Dukakis Committee". (Our underline.) (See II of the Commission's Factual and Legal Analysis).

In view of the above and of the contents of Section 441g, we contend that Mr. Sierra has incurred in no violation of the Act.

First of all, Mr. Sierra made no cash contribution to the Dukakis Committee, but turned over the funds to Mr. Martinez, having cashed the funds at Mr. Martinez' request.

Secondly, it was Mr. Martinez, not Mr. Sierra, who converted the funds into a money order and it was Mr. Martinez, not Mr. Sierra, who transmitted the money order to the Dukakis Committee.

As per the Commission's own findings, Mr. Sierra made no transmittal of cash funds to the Dukakis Committee, nor, for that matter, did anyone. A money order, and not cash, was transmitted. This does not constitute a "cash contribution" and, thus, no violation should be found.

We take this opportunity to also include Mr. Sierra's Answers to Interrogatories and to Request for Production of Documents, dated July 10, 1991, marked as Exhbit B, with copies of the documents originally attached thereto, all of which are incorporated by reference hereto.

In conclusion, in view of the foregoing, we move the Commission to dismiss this matter.

Very truly yours,

CUEVAS KUINLAM & BERMUDEZ

Jorge Bermúdez-Torregrosa

cc: Ms. Joan D. Aikens, Chairman
Arch. Luis S. Sierra

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EXHIBIT A

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
91 JUL 11 PM 5:26

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF: * MUR 3089
MR. LUIS S. SIERRA *

RECEIVED FEDERAL ELECTION COMMISSION
92 FEB 24 PM 3:36

R E S P O N S E

In early January of 1988, Mr. Héctor Martinez informed me that he was in charge of seeking contributions for Gov. Michael Dukakis' primary campaign from eleven individuals and asked me for a One Thousand Dollar ($1,000.00) contribution. Mr. Martinez requested that this contribution be made in cash and, further, that a cocktail-reception would be held for Gov. Dukakis at the residence of Dr. Rafael Padró, at Urb. San Patricio, San Juan, Puerto Rico, shortly thereafter.

Mr. Martinez did not elaborate as to why the contribution had to be made in cash and I was not advised as to how he would transmit the funds to Gov. Dukakis' campaign committee.

Thereafter, I requested a $1,000.00 check from the architectural firm of which I am a partner - Sierra, Cardona, Ferrer - drawn against my own withdrawal account, after full consultation with my partners. This check was cashed and the funds turned over by me to Mr. Martinez.

I later attended the aforesaid cocktail-reception, accompanied by my wife.

Thereafter, I heard nothing further of the matter, having left the transmittal of funds to the committee in Mr. Martinez' hands.

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Even though I had no knowledge of political contribution laws, I did not seek, then, the advice of counsel, thinking all along that it was a minor matter involving an unsubstantial sum.

At no time did I authorize Mr. Martinez or anyone to make the contribution in any name other than mine. I simply did not give the matter any second thought, my participation having been limited to handing over the funds to Mr. Martinez.

I did tell my wife, Silmarie Montilla Sierra, about it, but, at no time, did she make any contribution, nor authorize anyone to make a contribution in her name or in the name of any other person.

Never have I or my firm or my wife received any bonus, advance, premium, gratuity, reimbursement or favor for the contribution in question; nor have I, my firm or my wife ever corresponded with anyone regarding the same. As a matter of fact, the only communication of any nature which I have ever had as regards this contribution was with Mr. Martinez, as stated above; except that, upon Mr. Martinez' receipt of a letter from the Commission earlier this year, he called me and told me that, if I ever received any communications from the Commission, I need not to worry since it was a matter of no real significance and that I should, then, call him. I recall that, either then or upon my receipt of the Commission's May 28, 1991 letter, Mr. Martinez told me for the first time that he had sent all funds under separate money orders, each bearing the name of the contributor, in an attempt to comply fully with the applicable law and that, he not only sent a money order for $1,000.00 under my name, but also another one for the same sum under my wife's name. I protested that my wife had never made any contribution, but he merely replied that his recollection was that she had.

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I understand that I am not guilty of any wrongdoing and feel that, if there has been any, it was not on my part (and probably not so intended by anyone else), since, at all times, I acted in an up-front, non-secretive manner.

Finally, I must once again state that the sum total of contributions made by me, my firm and my family was $1,000.00, as above expressed.

In view of the above, I respectfully request that this matter be dismissed and that no action be taken against me.

O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based and as per documents at hand.

In San Juan, Puerto Rico, this 10th day of July, 1991.

LUIS S. SIERRA

AFFIDAVIT NO.: 4314

Sworn and subscribed to before me by Mr. Luis S. Sierra, of legal age, married, architect, and resident of San Juan, Puerto Rico, personally known to me, this 10th day of July, 1991.

JORGE BERMUDEZ TORREGROSA
ABOGADO NOTARIO
PUERTO RICO

NOTARY PUBLIC

9504368 1271

EXHIBIT B
RECEIVED
FEDERAL ELECTION COMMISSION
COUNSEL
91 JUL 11 PM 5:26

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	*	
	*	MUR 3089
MR. LUIS S. SIERRA	*	
	*	
----------	*	

ANSWERS TO INTERROGATORIES AND
TO REQUEST FOR PRODUCTION OF DOCUMENTS

NOW COMES respondent and hereby submits his answers to Interrogatories and Request for Production of Documents submitted by the Federal Election Commission through letter of May 28, 1991:

1) Sierra, Cardona, Ferrer; partner.

2) Yes.

   a) One Thousand Dollars ($1,000.00); 1/8/88.

   b) Mr. Héctor Martinez.

   c) None.

   d) Cocktail reception held at the residence of Dr. Rafael Padró, Urb. San Patricio, San Juan, Puerto Rico.

3) None, other than my counsel.

4) a) Enclosed is copy of check no. 5267 of 1/8/88, cashed by Sierra, Cardona, Ferrer, the product of which was handed over to Mr. Héctor Martinez, all as requested by the latter.

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b) Enclosed is the corresponding check registry.

c) None ever received.

d) There is no such correspondence.

O A T H

I hereby swear under oath that the above answers are true as per my recollection of the events upon which the same are based and as per documents at hand.

In San Juan, Puerto Rico, this 10th day of July, 1991.

LUIS S. SIERRA

AFFIDAVIT NO.: 4315

Sworn and subscribed to before me by Mr. Luis S. Sierra, of legal age, married, architect, and resident of San Juan, Puerto Rico, personally known to me, this 10th day of July, 1991.

JORGE BERMUDEZ TORRES-ROSA
ABOGADO NOTARIO
PUERTO RICO

NOTARY PUBLIC

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SIERRA
CARDONA'
FERRER

ARCHITECTS
ACE PLANNERS
TERIOR DESIGNERS

Reparto San José
Old San Juan
Puerto Rico 00901

№ 5267

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THE FIRST NATIONAL BANK OF BOSTON
PUERTO RICO BRANCH
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SAN JUAN, PUERTO RICO
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[redacted]

OGC 4724

CHARLES S. HEY-MAESTRE
Abogado - Notario
Attorney - Notary Public
Calle Las Marías Núm. 206-A
Hyde Park, Río Piedras, P.R. 00927
Tel.: (809) 250-0589 Fax: (809) 250-0986

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 26 PM 12: 16

May 18, 1992

Jim Brown, Esq.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3089
Mrs. Milton Méndez

Dear Mr. Brown:

Over one year ago I wrote to you about the above captioned case. At that time, Mrs. Méndez, my client, submitted written answers to the questions put to her by your office. Since then, neither I nor my client have had any communication from you or from the Federal Elections Commission.

At this time, we are requesting that you inform us of the status of this case, and whether this matter is closed, at least regarding Mrs. Méndez.

We look forward to your prompt attention to our inquiry. Thank you.

Sincerely,

CHARLES S. HEY-MAESTRE

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1992

Charles S. Hey-Maestre
Calle Las Marias Num. 206-A
Hyde Park, Rio Piedras, P.R. 00927

RE: MUR 3089
Mrs. Milton Mendez

Dear Mr. Hey-Maestre:

We are in receipt of your letter dated August 7, 1992, in which you provided responses to our recent inquiry and requested information about the status of the investigation in the above-captioned matter. This matter is still in the investigatory stage. You will be notified as soon as the Commission takes action with respect to your client. See 2 U.S.C. §§ 437g(a)(4)(B) and (12)(A).

Thank you for your cooperation in this matter. If you have any questions, please call me at (202) 219-3400.

Sincerely

Xavier K McDonnell

Xavier K. McDonnell
Attorney

9504368126

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1992

Charles S. Hey-Maestre, Esq.
Notary Public-Attorney
Calle Las Marias Num 206-A
Hyde Park, Rio Piedras, P.R. 00927

RE: MUR 3089
Mrs. Milton Mendez

Dear Mr. Hey-Maestre:

We are in receipt of your letter dated May 18, 1992, in the above captioned matter, in which you have requested information relating to your client, Mrs. Milton Mendez. As I informed you during our telephone conversation on May 29, 1992, this Office is still conducting its investigation in this matter. Attached are some outstanding questions which you indicated Mrs. Mendez would attempt to answer to help complete this investigation. Please return your client's responses to these questions at your earliest convenience.

Thank you for your cooperation in this matter. We look forward to hearing from you. If you have any questions, please call me at (202) 219-3400.

Sincerely

Xavier K. McDonnell
Attorney

Attachment
Questions

9504368127

QUESTIONS TO MRS. MILTON MENDEZ

1. State whether Milton Mendez Orsini ("your husband") ever requested that you make a contribution to the Dukakis for President Committee, Inc. ("Dukakis Committee").

2. State whether your husband ever informed you that he had made a contribution to the Dukakis Committee on your behalf.

3. State whether you attended a cocktail party at the home of Dr. Rafael Padro at anytime during January of 1988.

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CHARLES S. HEY-MAESTRE
Abogado - Notario
Attorney - Notary Public
Calle Las Marías Núm. 206-A
Hyde Park, Río Piedras, P.R. 00927
Tel.: (809) 250-0589 Fax: (809) 250-0986

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FEDERAL ELECTION
COMMISSION
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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 AUG 13 AM 11:16

August 7, 1992

Xavier K. McDonnell
Attorney
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3089
Mrs. Milton Méndez

Dear Mr. McDonnell:

In response to your communication of July 2, 1992, enclosed you will find the answers of my client, Mrs. Milton Méndez (Myrta Falcón de Méndez) to your additional questions sent to us on that date.

Please inform us, within the next 30 days, as to the status of this investigation or, if it is concluded, as to its result. Also, I will be travelling to Washington, D. C. on business unrelated to this matter on September 17 and 18, 1992. I would be happy to meet you about this matter while I am in Washington, if that would be helpful.

We look forward to your response concerning this pending matter. Thank you.

Sincerely,

CHARLES S. HEY-MAESTRE

Enclosure.

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BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 AUG 13 AM 11:16

IN RE MRS. MILTON MENDEZ *
* MUR 3089
****

ANSWER TO QUESTIONS DATED JULY 2, 1992

TO THE COMMISSION:

COMES NOW Mrs. Milton Méndez and, in response to the questions sent to her on July 2, 1992 and which were received on July 9, 1992 (by her attorney), in relation to the above-captioned matter under review, answers as follows:

1. NO.

2. My husband never informed me that he had made any contribution to the Dukakis Committee on my behalf or even in his own name.

3. No. I do not even recognize the name as that of anyone I know.

I declare under penalty of perjury that the foregoing is true and correct, in accordance with 28 U.S.C. sec. 1746. Executed in San Juan, Puerto Rico this 4th day of August, 1992.

Myrta Falcón de Méndez
MYRTA FALCON DE MENDEZ
(Mrs. Milton Méndez)

9504368120

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 15, 1993

Edward S. Pliner
Dukakis for President Committee, Inc.
483 Washington Street
Brookline, MA 02146

RE: MUR 3089
Dukakis for President Committee, Inc. and
Edward S. Pliner, as treasurer

Dear Mr. Pliner:

On April 5, 1993, you requested that the Federal Election Commission permit the Dukakis for President Committee, Inc. ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

We also note that you have signed the Committee's 1993 April Quarterly Report as treasurer and we understand that you executed a designation of counsel, as treasurer of the Committee, in the context of the audit repayment matters. However, it appears that the Dukakis for President Committee, Inc., has not filed an amended Statement of Organization reflecting a change in treasurers. As 11 C.F.R. § 102.2 requires that an amended Statement of Organization be filed within 10 days of a treasurer change, you should do so as soon as possible. Enclosed for your convenience is a blank Federal Election Commission Form 1.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

cc: Reports Analysis Division
Daniel A. Taylor, Esq.

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 30 4 37 PM '94

In the Matters of	MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer; Dukakis/Bentsen General Election Legal and Accounting Compliance Fund and Leonard Aronson, as treasurer; Dukakis/Bentsen Committee, Inc.;[1] The Senator Lloyd Bentsen Election Committee and Marc L. Irvin, as treasurer; and Fried, Frank, Harris, Shriver and Jacobson	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

During conciliation agreement negotiations in MUR 3562, an enforcement matter arising out of the audit of the Dukakis for President Committee ("Committee"), counsel proposed resolving all open Matters Under Review ("MURS") involving the various Dukakis committees in a single conciliation agreement. Counsel submitted a counter-proposal to that effect together with a Motion to Dismiss on the grounds that these matters are time-barred by the statute of limitations set forth at 28 U.S.C. § 2462. Attachments 1, 2, and 3. Counsel has asked that the Committee's counter-proposal be considered in the event the Commission denies the Motion to Dismiss.

We recommend that the Commission deny the Committee's

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1. Edward Pliner resigned as treasurer of all three Dukakis committees in January 1994. Leonard Aronson has succeeded him as treasurer to the Dukakis for President Committee and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund. The Dukakis/Bentsen Committee currently has no treasurer and has had no cash on hand since June 1992.

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Motion to Dismiss for the reasons set forth in Section II. The Committee's substantive responses to the reason to believe findings in MUR 3562 are also discussed in that Section. Although we also recommend rejecting the Committee's most recent counter-proposal, we find merit in counsel's proposal to attempt settlement of all the open Dukakis MURs in a single conciliation agreement. Thus, Section III discusses the open Dukakis MURs individually. The necessary recommendations in light of the FEC v. NRA decision are set forth in Section IV. Finally, our recommendations for a combined conciliation agreement with the Dukakis committees and a proposed conciliation agreement with Fried, Frank, the remaining respondent in MUR 3449, are discussed in Section V.

II. DISCUSSION OF MOTION TO DISMISS AND RESPONSES IN MUR 3562

A. Motion to Dismiss

Like the respondents in MUR 3360 (Jack Kemp for President), the Committee vigorously argues that the Commission should dismiss MUR 3562 because it is time-barred by the general federal statute of limitations found at 28 U.S.C. § 2462.[2] See Attachments 1 and 2. Moreover, as the Committee's most recent submissions make clear, the Committee believes that Section 2462 requires the Commission to not only initiate MUR proceedings,

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2. 28 U.S.C. § 2462 provides:

> Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued. . .

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but to initiate judicial enforcement within five years of the date a violation occurs. Attachments 1 at 4 and 2 at 4. Thus, the Committee requests that all of the open Dukakis MURs be dismissed. Attachments 2 at 1 and 3 at 2.[3]

The Committee contends that Section 2462 applies since the Act has no statute of limitations relating to the initiation of a MUR proceeding. Attachment 2 at 3. It further argues that, in cases where an administrative proceeding is required prior to commencing an enforcement suit, courts apply Section 2462 differently depending on whether the required administrative proceeding is adjudicative or prosecutorial in nature. See Attachment 2 at 4-9. According to the Committee, where adjudicative proceedings are required, courts have held that an agency's cause of action under Section 2462 does not accrue until the conclusion of the agency adjudication. In contrast, where the required proceeding is essentially a decision to prosecute, the Committee says courts have held that the cause of action accrues from the date of an alleged violation. Accordingly, the Committee contends that because a MUR proceeding "leads only to an agency decision to prosecute" and is not an administrative adjudication of a violation, the FEC

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3. Counsel for the Committee submitted a motion to dismiss on March 31, 1994 (Attachment 1) at a meeting with members of this Office after having submitted an initial counterproposal. On April 11, counsel submitted what appears to be a revised motion to dismiss together with a second counterproposal (Attachment 2). Counsel renewed the motion via a letter on May 4, 1994 in which counsel cites "additional authority" that 28 U.S.C. § 2462 bars these matters (Attachment 3). The Committee has not withdrawn its April 11 counterproposal, although it asks that the Commission first consider the motion to dismiss.

must initiate judicial enforcement within five years from the date of the alleged violations. Attachment 2 at 4.

The Committee relies chiefly upon U.S. v. Meyer, 808 F.2d. 912 (1st Cir. 1987), to support its position. Meyer involved a civil penalty enforcement suit brought more than five years from the date an individual allegedly violated provisions of the Export Administration Act. The First Circuit held that when a statutory prerequisite to the bringing of an civil penalty enforcement action exists, Section 2462 "does not begin to run, so long as administrative proceedings have been seasonably initiated, until the same have been concluded and a final (administrative) decision has resulted." Meyer at 922. In distinguishing cases relied upon by the Fifth Circuit to reach the opposite conclusion, the Meyer court opined that where prosecutorial decisions rather than adjudicatory proceedings constitute the statutory precondition to suit, Section 2462 runs from the date a violation occurred. Meyer at 920.

To a lesser degree, the Committee also relies on 3M v. Browner, 17 F.3d 1453 (D.C. Cir. 1994); rehearing denied on May 9, 1994. See Attachment 2 at 5 and 9. There, the D.C. Circuit held that Section 2462 barred assessment of civil penalties for any violations committed by 3M more than five years before the EPA commenced its proceedings under the Toxic Substances Control Act. The 3M court held that Section 2462 begins to run when the underlying violations occurred. The Committee cites to the policy considerations discussed by the 3M court in favor of a general five year statute of limitations for

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government penalty actions, in arguing that its ability to effectively defend itself has been hampered by the passage of time. Attachment 2 at 9-13.

The Commission has previously considered the applicability of 28 U.S.C. § 2462 to its proceedings in MURs 3360, 2619 (Antonovich for Senate), and 3492 (Jesse Jackson for President '88) and the case analyses discussed in those matters is incorporated herein. See First General's Report in MUR 3360, dated April 12, 1994 at 3-11, General Counsel's Report in MUR 2619 dated June 22, 1994 at 3-6, and General Counsel's Report in MUR 3492 dated July 8, 1994 at 10-11. Additionally, this Office has specifically addressed the applicability of Section 2462 to civil actions brought by the Commission in district court. See e.g., FEC's Memorandum in Opposition to Defendant's Motion for Summary Judgment in FEC v. National Right to Work, Civil Action No. 90-0571 (D.D.C. filed March 1, 1991) at 31-42 and FEC's Opposition to the Defendant's Motion to Dismiss in FEC v. Larry R. Williams, No. CV-93-6321-ER(BX) (C.D.Cal. filed May 3, 1994). As we concluded in each of those matters, Section 2462 does not apply to Commission investigations and conciliation proceedings. These matters are not adjudicatory and the Commission neither assesses nor imposes civil penalties. Section 2462 is also inapplicable to civil enforcement actions because Congress provided a special statutory scheme in FECA favoring resolution of FECA violations through "informal methods of conciliation, conference and persuasion" before a civil action can be filed. 2 U.S.C. § 437g(a)(4). See also, Occidental Life Ins. v. Equal

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Employment Opportunity Commission, 432 U.S. 355 (1977) (outside statute of limitations held inapplicable where conciliation is mandated by statute, and Congress intended that informal resolution through conciliation be attempted before resort to federal courts). Even assuming that Section 2462 applies to the Commission's filing of civil actions, no claim has yet accrued in these matters since under the Act the Commission cannot file a civil action until after a probable cause finding and completion of the mandatory conciliation period.[4]

The Committee's reliance on distinctions drawn by the Meyer court between mandated administrative proceedings which are prosecutorial or adjudicative is misplaced. First, none of the cases cited by the Committee, except for Meyer, explicitly discusses such a distinction. See Attachment 2 at 4-6. Moreover, the critical distinction in Meyer was not whether an antecedent proceeding was adjudicatory or prosecutorial, but whether mandatory administrative proceedings are a prerequisite to a judicial action for enforcement of a civil penalty. Meyer at 922. Finally, assuming arguendo, that the nature of mandatory antecedent proceedings is critical to Meyer's holding, the FECA enforcement process cannot be equated with the type of wholly prosecutorial decision-making contemplated in Meyer. FECA enforcement proceedings consist of a multi-step process

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4. Moreover, even if Section 2462 applied to the Commission's proceedings and begins to run from the date of the underlying violation, the Commission would only be precluded from seeking a civil penalty. It could still request a court to grant injunctive or declaratory relief.

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that includes investigation, a briefing stage, a Commission determination that there is probable cause to believe a violation occurred and a conciliation period. The Act requires that such steps be taken before a civil suit can be filed. In addition, the investigation may include the use of discovery devices such as interrogatories and subpoenas for documents and depositions which often lengthen enforcement proceedings. See 2 U.S.C. §§ 437g(a)(2), 437d(a)(1) and 437d(a)(4). The Meyer court considered the scope of mandated antecedent proceedings in its holding, opining that lengthy administrative proceedings could impair an agency's ability to bring an enforcement action within the time prescribed by Section 2462. See Meyer at 919.[5]

Finally, the Committee's contention that it is unable to mount an effective defense is less than compelling. The various Dukakis committees have long been notified of the Commission's reason to believe findings in MURs 2715, 3089 and 3449. In the case of MUR 3562, the Committee was notified throughout the audit process of various staff recommendations concerning the

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5. Moreover, the Act provides certain procedural protections for alleged FECA violators which are apparently absent from the type of prosecutorial proceedings discussed in Meyer. The Act requires the Commission to notify respondents of the factual and legal basis of the Commission's reason to believe finding and later, requires the general counsel to notify respondents of any recommendations made to the Commission to find probable cause to believe a violation has occurred. 2 U.S.C. §§ 437g(a)(2) and (3). In the latter case, a brief must be sent to respondents stating the general counsel's position on the factual and legal issues of a case. Respondents are afforded opportunities to respond at both stages.

potential violations which gave rise to that MUR.[6] Thus, the Committee has had ample opportunity to gather and preserve evidence and cannot now claim surprise.

Based on the foregoing, this Office recommends that the Commission deny the Committee's motion to dismiss.[7]

B. Committee's Response to Reason to Believe Findings in MUR 3562

The Commission found reason to believe that the Committee violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Presidential Primary Matching Payment Account Act ("Matching Payment Act") by making excessive state expenditures; accepting a prohibited in-kind contribution; failing to report contributions upon receipt; and accepting excessive contributions which were not timely refunded, reattributed, or redesignated to a legal and accounting compliance fund. In an attempt to resolve this matter expeditiously, the Commission simultaneously approved a

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6. The Committee was informed during the May 1989 audit exit conference of adjustments made to the Iowa and New Hampshire expenditure allocations. Additionally, the February 1990 Interim Audit Report detailed the potential violations involving the Iowa and New Hampshire spending limits and the joint escrow account (including both the reporting and excessive contributions violations). Finally, the Committee was notified through the Final Audit Report in December 1991 that the value of the additional Iowa and New Hampshire phone bank allocations was viewed as an in-kind contribution and that certain matters had been referred to the General Counsel.

7. In the event the Commission denies its motion to dismiss, the Committee also asks that this Office share "its brief" explaining why Section 2462 doesn't apply in this matter. This Office will not share this report with the Committee but will explain its view on the issue in a letter should the Commission deny the Motion to Dismiss.

pre-probable cause conciliation

As noted, the Committee has moved to dismiss MUR 3562 and the other open Dukakis MURs on the grounds that Section 2462 bars further enforcement proceedings. The Committee also submitted two substantive responses to the Commission's findings in MUR 3562 together with a counter-proposal in the event the Commission denied its motion. Attachments 4 and 5.[8] These responses are discussed below.

1. Excessive State Expenditures

The Committee makes two arguments in response to the Commission's reason to believe findings that it exceeded the state-by-state expenditure limits in Iowa and New Hampshire by $279,013.84 and $57,848.92, respectively.[9] First, the Committee repeats its Interim Audit arguments, justifying its own allocations to these states. Second, the Committee argues that no facts have been asserted to show that it "knowingly" exceeded the state spending limits. Rather, the Committee asserts throughout its responses that even if it improperly allocated

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8. The Committee filed its initial response to the Commission's reason to believe findings on January 19, 1994 (Attachment 4) and supplemented it on March 14 when it also submitted its first counter-proposal (Attachment 5). As noted earlier, a second counter-proposal was submitted on April 11 (Attachment 2 at 14-21).

9. Based on the Final Audit determination of the expenditures properly allocable to Iowa and New Hampshire, the Commission determined that the Committee should repay the U.S. Treasury a total of $491,282, including $98,607.83 for exceeding the Iowa and New Hampshire spending limits. The Committee has filed a lawsuit challenging the Commission's repayment determination. See footnote 22, infra.

certain expenses, it did so based on differing interpretations of the relevant statutory and regulatory provisions which do not constitute a knowing violation. See e.g., Attachment 4 at 10 and 11.

The Committee's arguments in support of its allocations were previously considered and rejected by the Commission during the audit process. The Commission-approved Statement of Reasons in Support of Final Repayment Determination thoroughly discusses the reasons for rejecting the Committee's position on these allocations. See Statement of Reasons, approved February 25, 1993, at 14-39.

As for the Committee's argument that it did not "knowingly" exceed the limits, we note first that the Commission made reason to believe findings based on two statutory provisions -- 441a(b)(1)(A) and 26 U.S.C. § 9035(a), and only Section 9035(a) requires that a committee "knowingly" act.[10] Even so, however, a "knowing" violation requires only that the committee or candidate know the facts which render its conduct unlawful. See Federal Election Commission v. California Medical Association, 502 F. Supp. 196, 203-204 (N.D.Cal.1980), aff'd on other grounds, 641 F.2d 619 (1980), aff'd. 453 U.S. 182 (1981)(holding that "knowledge of the facts. . . which rendered its conduct unlawful" was sufficient to create civil liability under Section

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10. 26 U.S.C. § 9035(a) provides that "no candidate may knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 441a(b)(1)(A) of title 2..." Section 441a(b)(1)(A), on the other hand, provides only that "No candidate . . . may make expenditures in excess of [the state spending limits]."

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441a(f)). It does not require proving that respondents intentionally violated the Act. The Committee appears to confuse a "knowing" standard with a "knowing and willful" standard which would require "knowledge that one is violating a law . . ." Federal Election Commission v. Dramesi, 640 F. Supp. 985, 987 (D.N.J. 1986). Here, the Committee knew that it made and/or incurred the expenditures at issue in Iowa and New Hampshire which is all that is required to establish the violation of the state-by-state expenditure limit.[11]

2. Prohibited In-Kind Contribution: Phone Bank Services (Iowa and New Hampshire)

The Commission found reason to believe that the Committee violated 2 U.S.C. § 441b by accepting a prohibited in-kind contribution from the American Federation of State, County and Municipal Employees (AFSCME), a labor organization, in the form of phone bank services and related rented office space. This finding was based on an audit review of Iowa and New Hampshire phone bank-related records at AFSCME headquarters and phone bills subpoenaed from phone companies which revealed that the costs incurred for these operations exceeded the amounts billed for these services by about $33,000.

The Committee contends that it did not "knowingly" accept a prohibited in-kind contribution from AFSCME because it

11. In fact, all of the expenditure allocations at issue involve reductions from the allocations originally made and reported by the Committee. Moreover, even the Committee's reports reflect a final allocation to Iowa that exceeds the limit by $60,455. See Form 3P of Committee's 1992 October Quarterly Report.

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justifiably relied upon AFSCME's invoices, "which on their face were reasonable and appropriate." See Attachments 5 at 2 and 4 at 13. In contrast, the Committee points out, the audit computations are based on internal AFSCME records and subpoenaed phone company bills, documents that "no responsible official of the Committee has ever seen." Attachment 4 at 13.[12] The Committee also challenges the audit figures for not taking into account that, "in some cases", the Committee had limited access to the phone banks because AFSCME and other campaigns, including Jesse Jackson's, used the same phones. The Committee notes that its leases with AFSCME provided that AFSCME would invoice it for the "actual use of the facilities and equipment . . . in an amount based on the normal and usual rental charge . . . and including any actual telephone charges incurred by the lessee" and believes the invoices reflect such usage. Attachment 5 at 3. Accordingly, the Committee concludes that if AFSCME misbilled it, the Commission should pursue AFSCME.

Although the Committee's argument appears to have some appeal on its face, a review of AFSCME's bills and the lease agreements suggest that the Committee may have had reason to question the accuracy and completeness of the Iowa and New

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12. Pursuant to counsel's request, this Office produced the following additional phone bank documentation to the Committee: copies of audit's workpapers detailing the basis for its computations together with a written explanation explaining the workpapers; copies of the subleases between AFSCME and the committee (which AFSCME apparently mailed the committee with its invoices); and copies of the underlying leases (AFSCME's leases with the property owners). Although counsel was contacted to determine whether additional explanation or information was needed, no further requests were received.

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Hampshire bills. A cover letter accompanying the first invoice that included most of the New Hampshire and Iowa phone bank operations states that a final bill would be sent for each location once all the actual bills were received from the phone companies involved. Attachment 6. None of AFSCME's subsequent bills, however, included additional charges for Iowa and New Hampshire. The only amounts billed for locations in those states were a rental charge for the office space and a flat $50 deposit per phone. No "actual telephone charges" appear to have been included in AFSCME's bills for Iowa and New Hampshire contrary to the Committee's lease agreements.

Moreover, AFSCME's bills show that the Committee leased phone banks from AFSCME in more than 80 cities in eighteen states. Although the Committee and AFSCME have stated that "some" unidentified phone banks were leased to both the Dukakis and Jackson campaigns and both maintain that "in many cases" AFSCME used the phones for its own purposes precluding the Committee's use, neither the Committee nor AFSCME has ever demonstrated that the Committee actually shared the Iowa and New Hampshire phone bank facilities with anyone.

Finally, correspondence between AFSCME and the Committee undermines the Committee's present assertion that the invoices "on their face were reasonable and appropriate." In fact, the Committee questioned AFSCME's final phone bill and apparently met with AFSCME officials to discuss it in April 1989. See Attachment 7.

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3. Joint Escrow Account

The Commission found reason to believe that the Committee violated 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A) for failing to report when received about $1.4 million in contributions deposited into its joint escrow account in 1988 and to identify contributors making such contributions.[13] The Commission also found reason to believe that the Committee violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling $111,924.53, which were not refunded, reattributed or redesignated to GELAC in a timely manner. These excessive contributions consisted of contributions deposited into the joint escrow account which exceeded the Act's contribution limits when aggregated with other primary contributions from the same individuals.

The Committee regards the reporting violations as "soley an issue of timeliness" since GELAC or the Committee eventually reported these contributions. Attachments 5 at 3 and 4 at 14. It also protests the inclusion in the reporting violations of the entire $1.4 million in 1988 joint escrow deposits. The

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13. The joint escrow account was a checking account opened by the Committee after Mr. Dukakis won the June 1988 California primary. The Committee has said it opened the account because it was apparent then that it would raise more funds than it could legally spend. Contributions received thereafter, which were not payable to the Committee's GELAC account, were deposited in the joint escrow account. The Committee then requested that contributors redesignate their contributions to GELAC or request a refund. Contributions for which the Committee received redesignations were subsequently transferred to the GELAC and only then reported as receipts on GELAC's disclosure reports. The Committee did not initially report the receipt or refund of joint escrow contributions ultimately refunded.

Committee apparently believes contributions received after July 20, 1988 and the pre-July 20 contributions which the Commission viewed as having been timely redesignated to GELAC when determining the Committee's cash on hand for NOCO purposes, should be excluded from the violation. Attachment 4 at 14.

The Committee attempts to trivialize the reporting violations by framing them as mere timeliness issues. However, timely reporting of contributions is critical to the effectiveness of public disclosure. Moreover, in this particular case, the failure to timely report was the result of an apparent attempt by the Committee to prevent a surplus and consequent repayment to the U.S. treasury by transferring primary contributions to the GELAC. The Committee's characterization also masks the fact that many of the joint escrow contributions went unreported until long after their receipt. For example, more than $230,000 of joint escrow contributions received and ultimately refunded in 1988 and 1989 were not reported until September 1990 and approximately $244,000 in contributions which had not been refunded or transferred to GELAC as of May 1989 were first reported in April 1990. Finally, the Committee's attempt to chip away at the $1.4 million figure by arguing that some of the contributions were not included in the calculation of the Committee's cash on hand for NOCO purposes is immaterial to these reporting violations. The fact is, all of the contributions deposited into the joint escrow account should have been reported when received and they were not.

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As for the Committee's acceptance of excessive primary contributions, the Committee essentially argues that no excessives existed since the contributions deposited into the joint escrow account were not primary contributions. In its view, the whole purpose of the joint escrow account was to hold contributions while the Committee ascertained the contributors' intent which it has asserted was to benefit the general election through the GELAC. Id at 15. See also Committee's June 12, 1989 letter to the Commission included as part of Attachment 3 to the First General Counsel's Report dated November 5, 1993. In any case, the Committee contends that any "inadvertent" violation has been vitiated since it refunded or otherwise resolved the excessive contributions for which it had taken no action at the time of the Interim Audit Report. Id. at 16.

All of the contributions at issue were dated prior to July 20, 1988, the date of Governor Dukakis' nomination, and all were payable to "Dukakis for President" or a similar entity (i.e., none were payable to GELAC). Thus, they are properly considered primary contributions. See 11 C.F.R. § 110.1(b). Although the Committee mitigated its violation to the extent that it untimely refunded contributions for which it had not received written redesignations or reattributions, such mitigation does not nullify the violation.

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III. SUMMARY OF OTHER DUKAKIS MATTERS: MURS 3449, 3089 and 2715

A. MUR 3449: Dukakis/Bentsen Committee, Inc., Dukakis/Bentsen General Election Legal and Accounting Compliance Fund, and Fried, Frank, Harris, Shriver & Jacobson

This matter was generated from an audit of the Dukakis/Bentsen Committee, Inc. ("GEC"), and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund ("GELAC"), a separate account of the GEC. The Commission found reason to believe that the GEC violated 2 U.S.C. § 434(b)(4) by failing to timely report approximately $3.1 million in draft account activity which cleared the account in November and December 1988. It also found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 441b(a)[14] and 26 U.S.C. § 9003(b) by accepting an in-kind contribution from a law firm in the form of legal services provided to prepare a memo about the electoral college, and that the law firm, Fried, Frank, Harris, Shriver & Jacobson, violated 2 U.S.C. § 441a(a)(1)(A) and 441b(a) for providing such a contribution. Additionally, the Commission found reason to believe that the GEC(GELAC) violated 11 C.F.R. § 9003.3(a)(2) by improperly using private compliance fund contributions to pay for $17,942 in expenses incurred by the law firm in preparing the electoral college memo, and 2 U.S.C. § 441f for accepting contributions in the form of sequential money orders which appeared to have been completed by someone other than the named contributor.

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14. The law firm, Fried, Frank is a partnership which includes professional corporations.

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In response, the GEC asserts that its actions were either unintentional and have been corrected or do not constitute violations of the Act. Attachment 8. The law firm also asserts that its preparation and provision of the memo did not violate the Act. Attachment 9.

1. Untimely Reporting

The GEC argues that its failure to timely report all of its operating expenditure disbursements was inadvertent and resulted only because it was inadequately staffed after the election. Attachment 8 at 2. Since the GEC does not dispute that it untimely reported approximately $3.1 million of these disbursements, but merely attempts to explain the untimeliness, this Office recommends that this issue be included in the consolidated conciliation agreement.

2. Electoral College Memorandum

Both the GEC and Fried, Frank ("the firm") vigorously argue that no violation occurred in connection with the electoral college memo. In their view, actions of electors and post-general election electoral college matters are outside the Commission's jurisdiction. The GEC elaborates on its audit arguments that work related to "actions of electors" is not a contribution because the electoral college is not an election as defined by the Act, the Presidential Election Campaign Fund Act ("Fund Act") or Commission regulations. Attachment 8 at 5-7. It also contends that the definition of presidential election at 26 U.S.C. § 9002(10), the legislative history of the Act, and the statutory and regulatory framework all confirm that the Act

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does not cover the actions of electors. Attachment 8 at 6-8. In particular, the GEC cites to regulations exempting from the definitions of expenditure and contribution monies spent on recounts or election contests, and regulations governing expenditures by convention delegates, but not electors, as evidence that "post-general election actions" are not intended to be regulated. Attachment 8 at 7-8. The GEC also continues to argue that it properly paid for the memo expenses with GELAC funds, arguing that Commission regulations permit use of surplus GELAC funds for any legal purpose.

The firm's response, in the form of an affidavit by William Josephson, the firm partner who coordinated the memo work, incorporates the GEC's arguments. Attachment 9 at 3-4. The firm also contends that the FEC's position is not "substantially justified" because neither the Act nor Commission regulations define general election to include electoral college activity. See Attachment 9 at 7-9. It also argues that if this issue is one of first impression, it should be addressed through rule-making and then articulates reasons why the Commission should not regulate electoral college matters even if it can, including the difficulty in determining what activities should be regulated. Attachment 9 at 9-12. The firm also reveals that it was asked to prepare the memo by a member of the National Lawyers' Council of the Democratic National Committee and that it had virtually no contact with the GEC until shortly before

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forwarding the memo to it. Attachment 9 at 5-6.[15]

Respondents raise thoughtful arguments about the Commission's ability to regulate activities relating to the electoral college. However, the unique nature of the Presidential general election must be considered in interpreting the relevant statutory and regulatory provisions. The general presidential election consists of two separate but integral steps -- the selection of electors in each state which is accomplished through a November popular election and the electoral college election. Electoral college votes are acquired by a candidate based upon the November election results and the Constitution mandates that a candidate prevail in the electoral college to become President. See U.S. Const., art. II §1 and amend XII. Commission regulations at 11 C.F.R. § 100.2(a) acknowledge the unique nature of the Presidential general election in defining election as "the process by which individuals . . . seek nomination for election, to Federal office."

Moreover, leaving activities relating to the electoral college unregulated would permit unlimited private funds to be spent on activities clearly meant to further the election of candidates to the Office of President and Vice President. Such a result would undermine the purposes of the Act and the Fund Act which are intended to limit the potentially corrupting

15. Since the memo was given to the GEC for the purpose of furthering Dukakis' election, however, it would not qualify for an exemption under 11 C.F.R. § 100.7(b)(13) as once suggested by the firm.

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effect of private contributions and influences in federal elections by ensuring disclosure of contributions and expenditures and, in the case of presidential elections, limiting spending.

Even if the Act, the Fund Act and Commission regulations were deemed not to encompass post-general election electoral college matters, the memo itself deals in part with "selection of electors" which clearly falls within the definition of "presidential election" found at 26 U.S.C. § 9002(10). As pointed out in the memo's nine-page narrative, the comprehensive summary of state laws (which comprises the remainder of and the bulk of the memo) addresses state requirements relating to the November "election of electors" including requirements for elector nomination, the form of the ballot for the November election and how the popular vote determines who is appointed electors. Attachment 8 at 14-15 and 23-122. Indeed, as the narrative further states, the purpose of the memo is to aid in preventing "mishaps in the electoral college process" from defeating the Dukakis/Bentsen ticket, whenever they occurred. Attachment 8 at 14.

Finally, since the memo was provided to influence and to further the election of the Dukakis/Bentsen ticket, the associated memo expenses were qualified campaign expenses which could be paid for only with federal funds since the memo was unrelated to compliance with the Act.

Based on the foregoing, this Office recommends that the violations relating to the electoral college memo and the

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payment of related expenses be included in the combined conciliation agreement. This Office also recommends that the Commission approve a conciliation agreement with the firm on this issue. A proposed agreement is attached and described in Section V.B.

3. Sequential Money Orders

The GEC(GELAC) denies that it knowingly accepted contributions made by persons in the name of another. Instead, the GEC(GELAC) explains the handwriting similarities on the sequential money orders at issue by positing that members of the Greek community made cash contributions which were then converted into money orders by an unnamed person or persons before being forwarded to campaign headquarters. Attachment 8 at 9-10. The facts asserted by the GEC(GELAC) in support of this explanation are minimal. It states that most of the money orders, which bear the name of individuals with Greek surnames, were associated with a mid-June 1988 GELAC fundraiser in Queens; that Mr. Dukakis' supporters in the Greek community tended to make cash contributions; and that campaign fundraisers discouraged cash contributions because they didn't like the responsibility of handling large amounts of cash and the campaign preferred the controls afforded by written instruments.

Information provided to the Audit division by a committee official concerning the code "FRONN" that appears on many of the Marine Midland money orders is consistent with the Committee's assertion that those money orders were associated with a June 1988 GELAC fundraiser. No other information is currently known

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about this fundraiser or the persons involved in soliciting or collecting the contributions. However, the GEC(GELAC)'s explanation for the money orders at issue -- that they are the result of cash contributions converted into money orders -- parallels the results of the investigation in MUR 3089. MUR 3089 arose from another audit referral of one of the Dukakis committees (in this case, the Dukakis for President Committee) and also involved sequential money orders apparently purchased by one or two individuals rather than the named contributors. Discovery in MUR 3089, discussed more extensively below, revealed that the majority of the individuals whose names appeared on the money orders actually made cash contributions which were then converted into money orders in the amount of cash given, probably to facilitate transmittal of the funds to campaign headquarters.

Assuming the GEC(GELAC)'s explanation is accurate, however, the GEC(GELAC) instead violated 11 C.F.R. § 110.4(c) by accepting cash contributions in excess of $100 and failing to promptly return the amounts over $100 to the respective contributors. Fifteen of the money orders at issue, totaling $4,900, were for amounts over $100. The receipt of sequentially-numbered money orders drawn on the same institution, bearing similar dates and handwriting/typing patterns, should have alerted the Committee to inquire further

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into the circumstances surrounding the contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b). This is especially true since eight of the fifteen money orders at issue consisted of apparent "duplicate" contributions from four individuals.[16] Moreover, the GEC(GELAC) was evidently aware cash contributions had been made at other fundraising events since it says that fundraisers discouraged cash contributions. Attachment 8 at 9. Thus, this Office recommends that the Commission find reason to believe that the GEC(GELAC) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c).

B. MUR 3089: Dukakis for President Committee, Inc.[17]

This matter involves the Committee's acceptance of contributions in the form of sequential money orders drawn on banks in Puerto Rico and New York. The Commission found reason to believe that the Committee and approximately 40 individuals violated 2 U.S.C. § 441f for making and accepting contributions made in the name of another.

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16. These eight money orders, numbered sequentially from 0155634-0155641, consist of: two $250 contributions from George Kafantaris dated 6/2/88; two $250 contributions from Athena Marangoudakis dated 6/2/88; two $250 contributions from Vasilios Marangoudakis dated 6/2/88; and two $250 contributions from Anastasio Lekkas dated 5/31/88. Each pair of contributions is reported together on the Committee's disclosure reports.

17. The requisite NRA recommendations for this matter are included in Section IV.

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The investigation revealed that a majority of the individuals indeed made the contributions at issue at two separate fundraisers in New York and Puerto Rico. See General Counsel's Report in MUR 3089, dated January 14, 1992. However, nine contributions were made in cash.[18] Since it appeared that all of these cash contributions were accepted by the Committee's fundraising agent, the Commission found reason to believe that the Committee violated 11 C.F.R. § 110.4(c) for failing to return the amounts in excess of $100 to each contributor.

The Committee acknowledges that one $150 cash contribution apparently slipped through its review process in connection with the New York fundraiser but denies that it accepted cash in connection with the eight other contributions -- all associated with the Puerto Rico fundraiser. Attachment 10 at 2. The Committee contends that the Puerto Rico contributions arrived at Committee headquarters in the form of money orders and were accompanied by completed contributor cards. It denies Committee staff knew the contributions were made in cash or participated in the conversion of cash into money orders. Attachment 10 at 1-2. The Committee acknowledges that a staff member was involved in the fundraiser but contends his involvement was limited to setting a date for the event, coordinating the scheduling details with an individual who organized the event, and ensuring the funds raised were promptly transmitted to

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18. Eight of these contributions were for $1,000 and one was for $300.

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headquarters. Id.

Since the Committee acknowledges it accepted an excess cash contribution in one instance, this violation will be included in the combined conciliation agreement. Moreover, we believe the Committee should also be held accountable for having accepted excessive cash contributions in connection with the other eight Puerto Rico contributions. Although the Committee generally denies it accepted cash contributions, it acknowledges a cash contribution slipped through its review process on at least one occasion. Moreover, previously-submitted affidavits of Committee staff and the interrogatory responses of Hector Martinez, Jr., the person who solicited these contributions, leave open the possibility that the Committee knew or should have known the money orders resulted from excess cash contributions. Gary Barron, the Committee staffer charged with responsibility for organizing and overseeing fundraising for a region that included Puerto Rico, has stated this his involvement in this fundraiser included "ensuring that the funds raised were promptly transmitted to Boston." Attachment 10 at 3. However, Mr. Barron has not elaborated on his contacts with the fundraiser organizers regarding the transmittal of funds raised. Similarly, Hector Martinez, Jr.'s response is vague regarding the circumstances surrounding the subsequent money order conversion, stating only that he was "generally aware that cash contributions are illegal under federal law and should be made through a written instrument. . ." Attachment 11 at 15. He has not elaborated on the facts surrounding the transmittal

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of the contributions either, stating only that the money orders "were forwarded" to the Committee. Attachment 11 at 3 and 16. Finally, Charlotte McCormick, the Committee's Director of Administration for the Finance Department, has stated that she returned some Puerto Rico contributions to Barron or his assistant to gather additional information, although she does not specifically recall if it was in connection with this fundraiser. Attachment 10 at 4-5.

Even if the Committee was not made aware through its contact with local organizers that cash contributions were made, the arrival of the eleven Puerto Rico contributions at Committee headquarters in the form of sequential money orders drawn on the same institution on the same date, prepared in an identical manner, and all in amounts of $1,000, should have alerted the Committee to inquire further into the circumstances surrounding these contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b).

We also recommend at this time that the Commission take no further action against the Committee and Leonard Aronson, as treasurer, with respect to the initial 441f finding.

With regard to the individual contributors, as noted, the Commission initially found reason to believe that each violated Section 441f. After responses were received, the Commission subsequently found reason to believe that seven individuals violated 2 U.S.C. § 441g by making excessive cash contributions.

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No further action was taken against one of these respondents, Mr. Jim Hetelekides, based on the small amount involved. The other six respondents, who all made cash contributions in connection with the Puerto Rico fundraiser, deny they violated Section 441g because no cash was actually tendered to the Committee. Rather, each of these respondents say they gave cash to Mr. Martinez, Jr., who was a friend of the individual at whose home the fundraiser was held. Attachment 11 at 2-3 and 6-7. Five of the respondents point out that cash contributions are lawful and commonly made in Puerto Rico and say they relied on Martinez to transmit them to the Committee "in any lawful manner." Attachment 11 at 2-3. The sixth respondent, Mr. Luis Sierra, asserts that Mr. Martinez specifically requested cash, and he too relied on Martinez to transmit the contribution to the Committee. Attachment 11 at 6-9.

We reject the argument that a Section 441g violation can be avoided by giving cash to an intermediary rather than directly to a political committee. However, in light of the fact that the Committee will be pursued for accepting these contributions and the relatively minimal amounts involved for each individual respondent, we recommend that the Commission take no further action with respect to the outstanding 441f and 441g findings against these individuals -- Hector Martinez Franco, Sol R. Martinez, Esteban Fuertes, Celeste Fuertes, Milton Mendez Orsini and Luis Sierra -- include an admonishment in each respondent's notification letter, and close the file with respect to them.

Questions remain regarding two individuals who deny making

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contributions to the Committee -- Mrs. Milton Mendez (Myrta Falcon de Mendez) and Mrs. Luis Sierra (Silmarie Montilla Sierra). As noted in the January 14, 1992 General Counsel's Report, Mrs. Mendez denies making any contribution although her husband, Mr. Milton Mendez Orsini stated that he made a $1,000 contribution on her behalf. Both Mrs. Sierra and her husband deny that Mrs. Sierra made a $1,000 contribution. However, Hector Martinez, Jr., states that he purchased money orders with the cash provided to him "in the name of the individual who actually provided me with the funds used to purchase that money order" and in some cases, he states that husbands provided funds for themselves and their wives. Attachment 11 at 16 and 19. Given the additional resources necessary to resolve these remaining discrepancies involving 1988 election activity and the minimal amounts involved, this Office recommends that the Commission exercise its prosecutorial discretion and take no further action with respect to the outstanding 441f findings against these -- Silmarie Montilla Sierra, Myrta Falcon de Mendez and Mr. Hector Martinez, Jr. -- and close the file with respect to them. See Heckler v. Chaney. 470 U.S. 821 (1985).

Given Mr. Sierra's sworn statement that Hector Martinez, Jr. specifically requested a cash contribution at issue, we also recommend that the Commission include an admonishment in his notification letter.

Finally, two of the remaining individual respondents -- Benjamin Torres Vazquez and Julieta Torres -- could not be located and have not been notified of the initial Section 441f

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findings against them. Thus, this Office also recommends that the Commission take no further action and close the file as to them.

C. MUR 2715: Dukakis/Bentsen Committee, Inc. and The Senator Lloyd Bentsen Committee[19]

This matter concerns issues arising from Lloyd Bentsen's dual candidacies for U.S. Senate and the Vice Presidency in 1988. The Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 26 U.S.C. § 9003(b)(2) for accepting an in-kind contributions from the Senator Lloyd Bentsen Election Committee ("Senate Committee") in connection with a Senate-financed phone bank and newsletter and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) for making them. The Commission also approved discovery requests to both committees in connection with a Senate-financed mailgram referencing both candidacies. Additionally, the Commission found reason to believe that both the GEC and the Senate Committee violated 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) by sharing facilities and personnel, and by failing to allocate air travel, food and lodging expenditures during campaign tours that benefited both the Senate Committee and the GEC. Finally, the Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee as a result of its failure to allocate the aforementioned expenditures and that the

19. The requisite NRA recommendations for this matter are included in Section IV.

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Senate Committee violated 2 U.S.C. §§ 441a(f) by accepting such a contribution.

Following the investigation in this matter, this Office prepared and sent both committees a General Counsel's Brief and a revised General Counsel's Brief indicating that we were prepared to make recommendations to the Commission. The briefs recommended that the Commission: (1) find probable cause to believe that the GEC and the Senate Committee violated certain provisions of the Act and Fund Act in connection with the Senate mailgram; (2) find probable cause to believe but take no further action that the GEC and Senate Committee violated the Act and Fund Act in connection with the phone bank activity; and (3) find no probable cause to believe that the GEC and Senate Committee violated the Act and Commission regulations in connection with the newsletter, by sharing facilities and personnel or by failing to allocate air travel, food and lodging expenditures during dual campaign tours. Responses to the original briefs were received from both respondents in May and June 1992. Group Attachments 12 at 1-23 (GEC) and 13 at 7-9 (Senate Committee).[20] Only the Senate Committee responded to the

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20. Included with the attached responses to the briefs are each committee's responses to interrogatories and reason to believe findings in both MURs 2715 and 2652 which were eventually merged. Attachments 12 at 28-63 (GEC) and 13 at 10-79 (Senate Committee). Given the already voluminous attachments to this report, most of the discovery documents produced by the GEC and the Senate Committee are not attached here but are available for review in the Docket division. Documents produced by the Senate Committee in regard to the mailgram and phone banks are attached, however, since probable cause findings are recommended as to those issues.

revised brief. Attachment 13 at 1-6.

With two exceptions, this Office now makes the same recommendations as made in the revised General Counsel Briefs, incorporated herein by reference. First, the Briefs recommend pursuing both the GEC and the Senate Committee in connection with the mailgram. However, should the Commission concur with our recommendations, the mailgram issue would be the only probable cause finding outstanding against the Senate Committee. Although the GEC's liability on this issue is easily incorporated into a combined conciliation agreement with the GEC, pursuing this matter with the Senate Committee will require additional use of resources. Thus, we recommend that the Commission exercise its prosecutorial discretion and find probable cause but take no further action against the Senate Committee on this issue which involves less than $5,000. Second, the Briefs recommend that the Commission find probable cause to believe that violations occurred with respect to the GEC's apparent payment for two plane trips that benefited the Senate campaign. In response, the GEC submitted documentation showing the DNC paid for these trips. Consequently, we recommend that the Commission find no probable cause to believe with respect to both committees on this issue. These and the other issues in MUR 2715 are summarily discussed below.

Phone Banks

As detailed in the General Counsel's Briefs, the Senate Committee contracted with a commercial vendor, '88 Texas, to conduct the phone bank and other campaign activity. Telephone

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scripts produced revealed only one reference to Bentsen's Vice-Presidential race in the form of a question about whether the call recipient would vote for the Dukakis/Bentsen or Bush/Quayle ticket. In its most recent response on this issue, the Senate Committee reiterates that the phone bank focused on voter identification and that voter identification surveys, like the one in question, frequently use questions regarding presidential contest preference given the high-profile nature of that election. Attachment 13 at 7-8. The Senate Committee also continues to argue that since none of the information from the phone bank operation was transferred or provided to the GEC, no benefit was received. It thus urges the Commission to make a no probable cause finding on this issue. Attachment 13 at 8. The Senate Committee's position has been echoed by the GEC in earlier responses. The GEC also adds that it did not enter into any agreement with any other candidate or political party or political committee for services rendered by the vendor for the general election. See Attachment 12 at 53-54 and 57-58.

As pointed out in the Briefs, Senator Bentsen's name is used often in the phone bank scripts. Moreover, persons called were encouraged to support the entire Democratic ticket. Thus, Senator Bentsen arguably could have benefited from the phone bank efforts as a Vice-Presidential candidate. However, given that only one in a series of questions conducted in the phone bank surveys actually referenced the Vice Presidential contest, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C § 441a(f) or 26 U.S.C.

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§ 9003(b)(2) and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) but take no further action with respect to both.

Mailgram

Discovery revealed that the Senate mailgram, described in detail in the revised GC Brief, was sent to 2,076 individuals including Senate Committee county coordinators, selected contributors who had given the Senate campaign more than $1,000 and members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid. The Senate Committee developed the mailgram mailing list from in-house lists and paid a commercial vendor $9,964 to produce and distribute it.

In response to the revised GC Brief, the Senate Committee requests the Commission find no probable cause to believe a violation occurred on this issue and essentially repeats its earlier argument that the mailgram's focus was on the Senate race and its purpose was to promote Secretary Bentsen's Senate candidacy whether or not the mailgram recipients supported his Vice-Presidency bid. Thus, the Senate Committee contends it should be viewed as soley a Senate campaign expenditure. Attachment 13 at 3-6. The GEC has not responded to the General Counsel's recommendation to find probable cause on this issue. However, in its earlier responses, the GEC made the same argument as the Senate Committee and concluded the mailgram was not a presidential campaign expense. See GEC's August 28, 1988 response to complaint and Attachment 12 at 54-55 and 59-60. The GEC has also stated that it did not participate in the mailgram's preparation or distribution. Id.

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As discussed in the revised GC Brief, the mailgram, dated the day Governor Dukakis announced that Secretary Bentsen would be his running-mate, referenced the Vice Presidential nomination, and stated Secretary Bentsen's belief that "the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future." Although the mailgram includes no request for contributions, it was sent to contributors who had given "more than" $1,000 to the Senate Committee and seeks their continued support. Moreover, the use of a commercial vendor to produce and distribute the mailgram precludes it from qualifying for the coattails exception. Accordingly, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting an excessive in-kind contribution as a result of the production and distribution of the mailgram. We also recommend that the Commission find probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind to the GEC in connection with the mailgram, but take no further action for the reasons discussed on page 32.

Allocation of Food, Lodging and Travel Expenses/ Sharing of Personnel and Facilities

As detailed in the GC Brief, Lloyd Bentsen held approximately ten meetings/fundraisers with Senate campaign supporters while on Vice-Presidential campaign trips. It appeared from the investigation that the two campaigns did not share personnel or facilities and that each campaign paid for

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its own expenses for dual-purpose trips. Moreover, it initially appeared that GEC paid the airfare for two of the ten trips in question rather than the Democratic National Committee ("DNC"), as contended by the GEC. In response to the GC Brief, however, the GEC provided documentation that the DNC paid for these trips as well. Attachment 12 at 1-22. Thus, the GEC made no in-kind contribution to the Senate Committee in connection with the airfare for trips benefiting the Senate campaign. Accordingly, this Office recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(f) by accepting excessive in-kind contributions in the form of GEC-paid airfare. Similarly, this Office recommends that the Commission find no probable cause to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) or 26 U.S.C. § 9004(c) for making such contributions. Additionally, this Office recommends that the Commission find no reason to believe that either the GEC or the Senate Committee violated 11 C.F.R. §§ 106.1, 110.8(d)(2) and 110.8(d)(3) by failing to allocate air travel, food and lodging expenses or by sharing personnel and facilities.

<u>Senate Newsletter</u>

The Senate Committee paid for the production and distribution costs of the newsletter, described in more detail in the GC Briefs, which volunteers labeled and mailed. Although a commercial vendor was paid to duplicate, stitch and hand fold the newsletter, it appears that sufficient volunteer activity was involved to qualify as exempt activity. <u>See</u> <u>e.g</u>., MUR 2270.

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Because the revised GC Brief indicated that the General Counsel would make a no probable cause to believe recommendation in connection with this issue, neither committee addresses it in their responses to the Briefs. Accordingly, the Office of General Counsel recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) or that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the newsletter.

IV. RECOMMENDATIONS IN LIGHT OF FEC v. NRA

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the court's decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994), this Office recommends that the Commission take the following action in connection with MUR 2715: (1) ratify its November 13, 1989 determination to merge MUR 2652 into MUR 2715; (2) ratify its reason to believe findings that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2), 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3); and (3) ratify its reason to believe findings that the Senator Lloyd Bentsen Election Committee, and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).

Additionally, based on the original audit referrals in MUR 3089, this Office recommends that the Commission: (1) revote reason to believe that the Dukakis for President Committee and

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its treasurer, Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban L. Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres violated 2 U.S.C. § 441f; and (2) approve the factual and legal analyses, samples of which were attached to the First General Counsel's Report dated January 25, 1991. Based on the subsequent responses received from respondents in MUR 3089, this Office further recommends that the Commission: (1) revote reason to believe that the Dukakis for President Committee and its treasurer violated 11 C.F.R. § 110.4(c); (2) revote reason to believe that Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes; Mrs. Celeste S. Fuertes, Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C.§ 441g; and (3) approve the factual and legal analyses attached to the General Counsel's Report dated January 14, 1992.

Attached are the relevant certifications in MURs 2715 and 3089 for the Commission's information. Attachment 14. NRA findings have already been made in MUR 3449 and none were necessary in MUR 3562 since the reconstituted Commission made those findings.

V. CONCILIATION

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VI. RECOMMENDATIONS

1. Deny the motion to dismiss MURs 3562, 3449, 3089 and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.

2. Reject the Dukakis for President Committee's counter-proposal dated April 11, 1994.

3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the attached factual and legal analysis (Attachment 17).

4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.

5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the mailgram in MUR 2715.

7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.

8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R.

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§§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.

9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.

11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.

12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.

13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres each violated 2 U.S.C. §§ 441f in MUR 3089.

14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.

15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.

16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as

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treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.

17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres and close the file with respect to each of them in MUR 3089.

18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the attached proposed combined conciliation agreement for MURs 3562, 3449, 3089 and 2715.

19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the attached proposed conciliation agreement in MUR 3449.

20. Approve the appropriate letters.

8/30/94
Date

Lawrence M. Noble
General Counsel

Attachments
1. Committee's 3/31/94 motion to dismiss (MUR 3562)
2. Committee's 4/11/94 letter and second counterproposal (MUR 3562)
3. Committee's 5/5/94 letter renewing its motion to dismiss and enclosing "supplemental authority" (MUR 3562)
4. Committee's 1/19/94 RTB response (MUR 3562)
5. Committee's 3/14/94 supplemental RTB response and first counterproposal (MUR 3562)
6. 3/15/88 letter from AFSCME to Committee enclosing phone bank invoice
7. 4/25/89 letter from Committee to AFSCME re: payment of final bill for phone banks
8. GEC's RTB response in MUR 3449
9. Law Firm's RTB response in MUR 3449 (electoral college memo)
10. Committee's 2/18/92 Response to cash contribution issue in MUR 3089
11. (Group) Responses of individuals who made cash contributions in MUR 3089

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MURS 3562,
Dukakis for President Committee, Inc.	)	3449, 3089,
and Leonard Aronson, as treasurer;	)	and 2715
Dukakis/Bentsen General Election	)	
Legal and Accounting Compliance Fund	)	
and Leonard Aronson, as treasurer;	)	
Dukakis/Bentsen Committee, Inc.;	)	
The Senator Lloyd Bentsen Election	)	
Committee and Marc L. Irvin, as	)	
treasurer; and	)	
Fried, Frank, Harris, Shriver and	)	
Jacobson	)	

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 20, 1994, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to MURS 3562, 3449, 3089, and 2715:

1. Deny the motion to dismiss MURS 3562, 3449, 3089, and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.

(continued)

2. Reject the Dukakis for President Committee's counterproposal dated April 11, 1994.

3. Find reason to believe that the Dukakis/ Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the factual and legal analysis designated Attachment 17 to the FEC General Counsel's report dated August 30, 1994.

4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.

5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003 (b)(2) in connection with the mailgram in MUR 2715.

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7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.

8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.

9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.

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11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.

12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.

13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vasquez and Julieta Torres each violated 2 U.S.C. § 441f in MUR 3089.

14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez) Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.

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15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.

16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.

17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres and close the file with respect to each of them in MUR 3089.

18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the proposed combined conciliation agreement for MURs 3562, 3449, 3089 and 2715 as recommended in the General Counsel's report dated August 30, 1994.

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19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the proposed conciliation agreement in MUR 3449 as recommended in the General Counsel's August 30, 1994 report.

20. Approve the appropriate letters as recommended in the General Counsel's August 30, 1994 report.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Elliott was not present. Commissioner Potter noted that he was not participating with regard to these matters and he was not present.

Attest:

9-21-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

OCTOBER 3, 1994

VIA EXPRESS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

HAND DELIVERED

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

This letter is to advise you of the various actions taken by the Federal Election Commission (the "Commission") on September 20, 1994, in the above-referenced matters.

The Commission considered and denied your clients' Motion to Dismiss these matters. It also reviewed and rejected your clients' April 11th counter-conciliation agreement proposing to settle all of the above-referenced MURs. Although the Commission denied your counter-offer, it is amenable to your proposal that we attempt to settle all of these matters in a single conciliation agreement. Accordingly, the Commission took the actions described below with respect to MURs 3449, 3089 and 2715 and approved the enclosed combined conciliation agreement in an effort to expeditiously settle all of these matters. The combined conciliation agreement contains the factual bases for, and admissions of, violations at issue in all of the above-referenced MURs.

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With respect to MUR 2715 (for which Mr. Gross is designated counsel), the Commission ratified its prior determination to merge MUR 2562 into MUR 2715 and its findings of reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC") violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).[1] It also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee mailgram; found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but determined to take no further action; and found no probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication, and 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2), and 110.8(d)(3) in connection with the sharing of airfare, food, lodging, personnel and facilities with the Senate Committee.

With respect to MUR 3089, the Commission revoted its prior findings of reason to believe that the Dukakis for President Committee, Inc. and its treasurer ("the Committee") violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) and to approve the factual and legal analyses which were previously mailed to them.[2] After considering the circumstances of this matter, the Commission also determined to take no further action against the Committee, and Leonard Aronson as treasurer, in connection with the Section 441f finding. It also determined to enter into pre-probable cause conciliation with the Committee and Leonard Aronson, as treasurer, in settlement of the violation of 11 C.F.R. § 110.4(c).

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1. This action was taken in accordance with specific procedures adopted by the Commission as a result of the D.C. Circuit decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). As you are aware, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees, and has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

2. See Footnote 1.

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With respect to MUR 3449, the Commission considered your clients' June 6, 1993 response to its reason to believe findings and determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. It also found reason to believe that the Dukakis Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in connection with the sequential money order issue. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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Finally, the Commission notes that Mr. Taylor requested that the General Counsel's Office share its reasoning as to why it believes 28 U.S.C. § 2462 does not preclude the Commission from proceeding in these matters. The General Counsel's Office ordinarily does not provide a written statement of its reasons for recommending motions to dismiss. However, the Commission's position on this particular issue has been set forth in several civil actions pending before various courts. Enclosed for your

information is a copy of a recently-filed brief addressing this issue in FEC v. National Republican Senatorial Committee, Civil Action No. 93-1612 (D.D.C. filed September 1, 1994).

The Commission is hopeful that these matters can be settled through conciliation negotiations. In light of the fact that pre-probable cause conciliation negotiations are limited to 30 days, you should respond to this agreement no later than 30 days of your receipt of this notification. If agreement is not reached within this period, MURs 3562, 3449 and 3089 will proceed to the next stage of the enforcement process. Similarly, since MUR 2715 is already in the probable cause stage, if we are unable to reach agreement on this matter within this time, the Commission may institute a civil suit in the United States District Court with respect to this matter and seek payment of a civil penalty. See 2 U.S.C. §§ 437g(a)(4) and (6).

If you have questions or suggestions for changes in the enclosed conciliation agreement, please contact Dawn M. Odrowski, the staff attorney assigned to these matters, at (202) 219-3400.

For the Commission

Danny L. McDonald

Danny L. McDonald
Vice Chairman

Enclosures
Conciliation Agreement
Factual and Legal Analysis in MUR 3449
Copy of brief in FEC v. NRSC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Ms. Julieta Torres
11th St. Calle #1, Bloque #1
Alturas de Torrimar
Puerto Rico 00619

RE: MUR 3089
Julieta Torres

Dear Ms. Torres:

On February 27, 1991, you were notified that the Commission found reason to believe that you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

On October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission revoted to find reason to believe that you violated 2 U.S.C. § 441f and to approve the Factual and Legal analysis previously mailed to you. At the same time, after considering the circumstances of this matter, the Commission determined to take no further action against you and closed the file as it pertains to you. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

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You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Joseph E. Sandler, Esq.
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: MUR 3089
Sol R. Martinez
Hector Martinez Franco
Esteban L. Fuertes
Celeste S. Fuertes
Milton Mendez Orsini
Hector Martinez, Jr.

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Dear Mr. Sandler:

On February 27, 1991, your clients, Hector Martinez Franco, Sol R. Martinez, Hector Martinez, Jr., Esteban L. Fuertes, Celeste S. Fuertes and Milton Mendez Orsini, were notified that the Federal Election Commission found that there is reason to believe that each violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). After reviewing responses to the Commission's findings and discovery requests, on January 17, 1992, the Commission found that there is reason to believe that Hector Martinez Franco, Sol R. Martinez, Esteban L. Fuertes, Celeste S. Fuertes, and Milton Mendez Orsini, violated 2 U.S.C. § 441g, a provision of the Act. Responses to these findings were also submitted.

On October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission revoted to find reason to believe that each of your clients violated 2 U.S.C. § 441f and that Hector Martinez Franco, Sol R. Martinez, Esteban L. Fuertes, Celeste S. Fuertes, and Milton Mendez Orsini, violated 2 U.S.C. § 441g, and to approve the Factual and Legal Analyses previously mailed to them and you. At the same time, after considering the circumstances of this matter, the Commission determined to take no further action against your clients and closed the file with respect to each of them. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

The Commission reminds your clients that making contributions in the name of others and making cash contributions in excess of $100 with respect to any federal election are violations of 2 U.S.C. §§ 441f and 441g. Your clients should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M Odrowski

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Mr. Benjamin Torres Vazquez
11th St. Calle #1, Bloque #1
Alturas de Torrimar
Puerto Rico 00619

RE: MUR 3089
Benjamin Torres Vazquez

Dear Mr. Vazquez:

On February 27, 1991, you were notified that the Commission found reason to believe that you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

On October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission revoted to find reason to believe that you violated 2 U.S.C. § 441f and to approve the Factual and Legal Analyses previously mailed to you. At the same time, after considering the circumstances of this matter, the Commission determined to take no further action against you and closed the file as it pertains to you. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

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You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

OCTOBER 3, 1994

Jorge Bermudez-Torregrosa, Esq.
Cuevas Kuinlam & Bermudez
Banco de Ponce Bldg., Suite 903
Hato Rey, Puerto Rico 00918-2592

RE: MUR 3089
Luis S. Sierra
Mrs. Luis Sierra
(Silmarie Montilla Sierra)

Dear Mr. Bermudez-Torregrosa:

On February 27, 1991, your clients, Luis S. Sierra and Mrs. Luis Sierra (Silmarie Montilla Sierra) were notified that the Commission found reason to believe that they violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). After reviewing responses to the Commission's finding and to discovery requests, on January 17, 1992, the Commission found reason to believe that Luis Sierra violated 2 U.S.C. § 441g, a provision of the Act. A response to this finding was also received.

On October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission revoted to find reason to believe that your clients violated 2 U.S.C. § 441f and that Luis Sierra violated 2 U.S.C. § 441g, and to approve the Factual and Legal Analyses previously mailed to them

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and you. At the same time, after considering the circumstances of this matter, the Commission determined to take no further action against your clients and closed the file as it pertains to them. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

The Commission reminds Mr. Sierra that making cash contributions in excess of $100 with respect to any Federal election is a violation of 2 U.S.C. § 441g.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Charles S. Hey-Maestre, Esq.
Calle Las Marias Num. 206-A
Hyde Park, Rio Piedras, PR 00927

RE: MUR 3089
Mrs. Milton Mendez
(Myrta Falcon de Mendez)

Dear Mr. Hey-Maestre:

On February 27, 1991, your client, Mrs. Milton Mendez (Myrta Falcon de Mendez) was notified that the Commission found reason to believe that she violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Responses to the Commission's finding and to discovery requests were submitted.

On October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission revoted to find reason to believe that your client violated 2 U.S.C. § 441f and to approve the Factual and Legal Analysis previously mailed to her. At the same time, after considering the circumstances of this matter, the Commission determined to take no further action against your client and close the file as it pertains to her. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved.

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You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

John C. Culver, Esq.
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Ave., N.W.
5th Floor
Washington, D.C. 20036

RE: MUR 3089
Sol R. Martinez
Hector Martinez Franco
Esteban L. Fuertes
Celeste S. Fuertes
Milton Mendez Orsini
Hector Martinez, Jr.

Dear Mr. Culver,

Enclosed is a notification letter which was mailed on October 3, 1994 to Joseph Sandler, the attorney of record for the above-named individuals in this Matter Under Review. The letter was returned by Arent, Fox with the explanation that Mr. Sandler was no longer with the firm. Pursuant to phone conversations with Mr. Sandler, now at the Democratic National Committee, and Sharon Taylor of your office, we have been advised that you will now handle this matter.

Should you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure

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AGENDA DOCUMENT NO. X95-39

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
Apr 28 4 02 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) 28 U.S.C. § 2462
) Statute of Limitations
)

GENERAL COUNSEL'S REPORT

SENSITIVE
MAY 16 1995
EXECUTIVE SESSION

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I. INTRODUCTION[1]

As the Commission is aware, on February 24, 1995, the U.S. District Court for the District of Columbia decided in Federal Election Commission v. National Republican Senatorial Committee, 1995 WL 83006 (D.D.C. 1995) ("NRSC"), that the statute of limitations set forth at 28 U.S.C. § 2462 ("Section 2462") applied to Commission enforcement suits seeking civil penalties, relying upon the D.C. Circuit's opinion in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994). This Report discusses the statute of limitations generally, describes

enforcement matters potentially affected by the NRSC court's conclusion and makes recommendations for each of the potentially affected matters.[2]

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1. This is a combined General Counsel's Report from the Enforcement and Public Financing, Ethics and Special Projects ("PFESP") areas of the Office of the General Counsel.

In NRSC, Judge Pratt held that the Commission could not seek a civil penalty in conjunction with its civil enforcement action against the defendant for violations of 2 U.S.C. §§ 441a(h) and 434(b) because the 5-year federal catch-all statute of limitations found at 28 U.S.C. § 2462 applied to Commission-initiated enforcement suits seeking civil penalties. The court, however, allowed the Commission's suit to go forward notwithstanding this conclusion, ruling that Section 2462 did not apply to the declaratory and equitable relief also sought by the Commission. Therefore, the court so far has issued no final appealable decision.

On May 17, 1994, in FEC v. Williams, the U.S. District Court for the Central District of California reached the opposite conclusion about the applicability of 28 U.S.C. § 2462 to the Commission's enforcement actions. Mr. Williams' contributions in the name of another took place more than 5 years before the Commission filed its complaint and counsel raised 28 U.S.C. § 2462 as an affirmative defense. However, the court ruled at an oral hearing that the statute of limitations did not apply. Instead, the court awarded the Commission a $10,000 civil penalty against Mr. Williams for violations of 2 U.S.C. § 441f. FEC v. Williams, No. 93-6321 (C.D. Cal. Jan. 31, 1995), appeal docketed, No. 95-55320 (9th Cir. 1995) ("Williams"). Mr. Williams has filed a notice of appeal regarding, inter alia, the district court's

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statute of limitations decision. Thus, whether and to what extent the statute of limitations at 28 U.S.C. § 2462 will apply to Commission enforcement cases will be before the 9th Circuit shortly, and could also be the subject of a later appeal before the D.C. Circuit in NRSC.[3]

In light of this conflict between the courts and the pendency of the appeal, this Office believes a decision to close enforcement cases based solely on a conclusion that the 5 year statute of limitations would apply to any potential enforcement suits would be unwarranted. This is especially true since neither 28 U.S.C. § 2462 nor the NRSC decision limits the Commission's authority to complete administrative investigations or seek civil penalties in voluntary conciliation prior to filing suit. Nonetheless, the Office of the General Counsel recognizes that until the stautue of limitations is finally resolved by the courts, respondents are likely to raise it as a defense, making settlement more complicated. Thus, even though the Commission is not bound by the NRSC decision in other cases, the Office of the General Counsel believes the Commission should take this issue into consideration on a case-by-case basis when looking at its active and inactive enforcement cases -- particularly those with older activity -- and, in an exercise of its prosecutorial discretion, attempt to bring the matters most vulnerable to

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statute of limitations difficulties to an early administrative disposition.[4]

In order to give the Commission the broadest picture of the possible effect of a statute of limitations on its caseload, this Office has analyzed all enforcement cases where there is FECA-violative activity that will be 5 years old at some point during this year. Section II of this Report gives an overview of principles involved in analyzing the statute of limitations issue, with particular attention to determining when a Commission cause of action might accrue, and when the running of the statute may be tolled by equitable principles. Section III describes how this Office applied these principles to its active and inactive enforcement caseload and the approach used in making its recommendations for Commission action. Section IV includes descriptions of each of the potentially affected enforcement matters, outlines the statute of limitations difficulties this Office foresees for each, and recommends specific Commission action for each potentially affected matter.

II. THE LAW

This section discusses 28 U.S.C. § 2462, the federal catch-all statute of limitations, and issues relating to when the statute begins to run, under what circumstances it may be tolled

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and declaratory and equitable relief available to the Commission even if the statute of limitations has run completely.

A. Accrual

Section 2462 requires commencement of a suit for civil penalties within five years from the date when the claim first accrued.[5] Thus, as a threshold matter, in considering the potential effect of the limitations period on a particular case, one must determine the complex issue of when the claim first accrued.

1. General Principles

A cause of action normally accrues when the factual and legal prerequisites for filing suit are in place, i.e., at the precise moment when the violation occurred.[6] However, federal courts have generally applied the discovery rule of accrual, an equitable doctrine under which a claim is considered to have accrued at the time that a potential claimant knew, or through the exercise of reasonable diligence should have known, of the facts underlying the cause of action.[7]

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5. 28 U.S.C. § 2462 provides:

> Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued . . . .

6. United States v. Lindsay, 346 U.S. 568, 569 (1954).

7. See, e.g., Delaware State College v. Ricks, 449 U.S. 250, 259 (1980) (Court implicitly applied discovery rule to Title VII discrimination suit); United States v. Kubrick, 444 U.S. 111, 122-25 (1979) (court implicitly endorsed discovery rule of accrual, but limited it to discovery of facts underlying a claim,

The substantial harm theory of accrual can be considered analytically as a particular application of the discovery rule. It is usually advanced in personal injury actions involving latent injuries or injuries difficult to detect, especially in cases of "creeping disease" such as asbestosis. The rule rests on the idea that plaintiffs cannot have a tenable claim for the recovery of damages unless and until they have been harmed. Under the substantial harm theory, therefore, damage claims in cases involving latent injuries or illnesses do not accrue until substantial harm matures or, in other words, until the harm becomes apparent.

The Supreme Court has cautioned against "attempting to define for all purposes when a cause of action first accrues. Such words are to be interpreted in light of the general purposes of the statute and of its other provisions, and with due regard to those practical ends which are to be served by any limitation of the time within which an action must be brought."[8] Thus, in determining the time of accrual in cases arising under the FECA,

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(Footnote 7 continued from previous page)
rather than extending the rule to discovery of legal cause of action); see also Oshiver v. Levin, Fishbein, Sedran & Berman, 38 F.3d 1380, 1386 (3d Cir. 1994); Dixon v. Anderson, 928 F.2d 212, 215 (6th Cir. 1991); Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450 (7th Cir. 1990); Corn v. City of Lauderdale Lakes, 904 F.2d 585, 588 (11th Cir. 1990); Alcorn v. Burlington Northern Railroad Co., 878 F.2d 1105, 1108 (8th Cir. 1989); Lavellee v. Listi, 611 F.2d 1129, 1131 (5th Cir. 1980); Cullen v. Margiotta, 811 F.2d 698, 725 (2d Cir. 1987); Cline v. Brusett, 661 F.2d 108, 110 (9th Cir. 1981); Bireline v. Seagondollar, 567 F.2d 260, 263 (4th Cir. 1977).

8. Crown Coat Front Co., Inc. v. United States, 386 U.S. 503, 517 (1967) (quoting Reading Co. v. Koons, 271 U.S. 58, 62 (1926)).

courts will look to the nature and goals of the FECA versus the interests underlying the five-year limitations period.

2. Accrual in the Context of the FECA

While the discovery rule has been applied in a wide range of cases, originating in the tort context and extending to, inter alia, contract, Title VII, and RICO actions, to date, it appears that only the United States District Court for the District of Columbia has held that the Section 2462 statute of limitations is applicable to the FECA. The court also addressed the precise question of when a cause of action accrues under the FECA. Inasmuch as the district court in NRSC relied on the decision of the Court of Appeals for the District of Columbia in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994) ("3M"), the latter case will be summarized first.

3M was an action brought by the Environmental Protection Agency ("EPA") to impose civil penalties against a company for violations of the Toxic Substances Control Act, wherein the EPA argued that in the exercise of due diligence it could not have discovered the violations earlier. In 3M, the defendant misstated and failed to include information on notices required by the EPA. The court acknowledged that the District of Columbia Circuit has adopted the discovery rule, under which, as discussed above, a claim is considered to have accrued at the time that a claimant knew or should have known of the facts underlying the cause of action. However, the 3M court found that the discovery rule had only been applied in limited circumstances -- those involving remedial, civil claims -- and specifically rejected the discovery

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rule under the circumstances presented, stating that the rule proposed by the EPA in that case was a "discovery of violation" rule. The court concluded that in civil penalty actions the running of the limitations period of Section 2462 is measured from the date of the violation.[9]

In NRSC, a suit arising from violations of the FECA involving excessive contributions and failure to report such contributions to the FEC, the court repeated the options for defining the time of accrual set forth in 3M, stating that a claim accrues "when the defendant commits his wrong or when substantial harm matures." Then, without pinpointing the exact time of accrual, and without specifically attempting to define accrual in the FECA context, the court held that the FECA claim accrued "considerably before the end of the [FEC's] administrative process." While the district court's accrual finding was imprecise, Judge Pratt's construction of 3M suggests that the discovery rule of accrual may be rejected in FECA claims brought in that Circuit.

On the other hand, the Court of Appeals for the Third Circuit, in considering a citizens' suit brought under the Clean

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9. In 3M, the court cited the Supreme Court's decision in Unexcelled Chemical Corp. v. United States, 345 U.S. 59 (1953), which was a suit for liquidated damages against a government contractor for unlawfully employing child labor. As the 3M decision noted, in that case, the Supreme Court held that "a cause of action is created when there is a breach of duty owed the plaintiff. It is that breach of duty, not its discovery, that normally is controlling." However, the Supreme Court's focus was the question of whether the claim accrued at the time of the violation versus after it had been administratively determined that the contractor was liable. The Court was not concerned specifically with the question of whether the claim accrued at the time of the violation versus when the plaintiff knew or should have known of the facts underlying the claim.

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Water Act, which has statutory self-reporting requirements comparable to the FECA, held the Section 2462 statute of limitations applicable and embraced the discovery rule. There, the Third Circuit held that since the defendant was responsible for filing reports under the Act and the public could not reasonably be deemed to have known about any violation until the defendant filed the report, the cause of action did not accrue until the reports listing the violations were filed.[10] A district court in Virginia[11] has also embraced this discovery rule for determining accrual under the Clean Water Act.[12]

B. EQUITABLE TOLLING

There are instances in which a court may determine that equitable considerations require the statute of limitations to be tolled. Such a determination is made on a case-by-case basis and

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10. Public Interest Research Group v. Powell Duffryn Terminals, Inc., 913 F.2d 64, 75 (3d Cir. 1990), cert. denied, 498 U.S. 1109 (1991).

11. United States v. Hobbs, 736 F. Supp. 1406 (E.D. Va. 1990).

12. Various other circuit courts have grappled with the question of when the federal five-year statute of limitations of Section 2462 begins to run, but these cases, which have produced conflicting rulings, have all involved actions to recover civil penalties rather than actions to impose them. Compare United States Dept. of Labor v. Old Ben Coal Co., 676 F.2d 259 (7th Cir. 1982) (in action to recover civil penalty, claim accrues only after administrative proceeding has ended, penalty has been assessed, and violator failed to pay) and United States v. Meyer, 808 F.2d 912 (1st Cir. 1987) (in civil penalty enforcement action limitations period is triggered on date civil penalty is administratively imposed) with United States v. Core Laboratories Inc., 759 F.2d 480 (5th Cir. 1985) (in suit to recover civil penalty limitations period begins to run on date of underlying violation).

is referred to as equitable tolling.[13] Equitable tolling presumes claim accrual and steps in to toll, or stop, the running of the statute of limitations in light of established equitable considerations.[14] The most fundamental rule of equity is that a party should not be permitted to profit from its own wrongdoing.

There are three principal situations in which equitable tolling may be appropriate: (1) where the defendant has actively misled the plaintiff regarding the plaintiff's cause of action; (2) where the plaintiff in some extraordinary way has been prevented from asserting his or her rights; and (3) where the

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13. Some courts have pointed out that, in instances where the defendant has taken active steps to prevent the plaintiff from suing, e.g., in cases involving fraudulent concealment, the tolling of the statute of limitations is more appropriately referred to as equitable estoppel. See Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450-51 (7th Cir. 1990).

14. Courts have held that statutes of repose cannot be extended by federal tolling principles, see Baxter Healthcare, 920 F.2d at 451; First United Methodist Church of Hyattsville v. United States Gypsum Company, 882 F.2d 862 (4th Cir. 1989). While statutes of repose and statutes of limitations have sometimes been referred to interchangeably, a statute of repose is legally distinguishable from a statute of limitations. Whereas a statute of limitations is a procedural device motivated by considerations of fairness to the defendant, a statute of repose is a substantive grant of immunity after a legislatively determined period of time and is based on the economic interest of the public as a whole and a legislative balance of the respective rights of potential plaintiffs and defendants. See First United Methodist Church, supra. To date, this Office's research has revealed no instances in which a court has held that Section 2462 is a statute of repose in the legal sense and, therefore, held tolling principles to be inapplicable. Indeed, in 3M, the court noted the potential applicability of the doctrine of fraudulent concealment to Section 2462. See 3M, 17 F.3d at 1461, n.15.

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plaintiff has timely asserted his or her rights mistakenly in the wrong forum.[15]

1. Doctrine of Fraudulent Concealment

The Supreme Court has defined the doctrine of fraudulent concealment as the rule that "where a plaintiff has been injured by fraud and remains in ignorance of it without any fault or want of diligence or care on his part, the bar of the statute does not begin to run until the fraud is discovered, though there be no special circumstances or efforts on the part of the party committing the fraud to conceal it from the knowledge of the other party." Holmberg v. Armbrecht, 327 U.S. 392, 397 (1946). The Court went on to state that this equitable doctrine is read into every federal statute of limitation. Id.

The doctrine, as applied by the circuit courts of appeal, requires the plaintiff to plead[16] and prove three elements:

15. School District of City of Allentown v. Marshall, 657 F.2d 16, 19-20 (3d Cir. 1981) (quoting Smith v. American President Lines, Ltd., 571 F.2d 102, 109 (2d Cir. 1978)). It should also be noted that statutes of limitations are subject to waiver and may be tolled by agreement of the parties. See Zipes v. Trans World Airlines, Inc., 455 U.S. 385, 393 (1982).

16. Pleading requirements for fraudulent concealment are very strict. Some courts invoke Fed. R. Civ. P. 9(b) and require a plaintiff to meet the pleading requirements for fraud. See Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389, 394 (6th Cir. 1975). Other courts, while not specifically invoking Rule 9, still require specificity and particularity in pleading. See Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Weinberger v. Retail Credit Co., 498 F.2d 552, 555 (4th Cir. 1974).

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(1) use of fraudulent means by the defendant;
(2) plaintiff's failure to discover the operative facts that are the basis of his cause of action within the limitations period; and
(3) plaintiff's due diligence until discovery of the facts.

State of Colorado v. Western Paving Construction, 833 F.2d 867, 874 (10th Cir. 1987).

The first prong of the plaintiff's burden under the doctrine - the use of fraudulent means by the defendant - warrants some elaboration. The courts have generally held that to establish this element of the doctrine one of two facts must be shown: 1) that fraud is an inherent part of the violation so that the violation conceals itself; or 2) that the defendant committed an affirmative act of concealment - a trick or contrivance intended to exclude suspicion or prevent inquiry.[17] These approaches to establishing the first element of the doctrine of fraudulent concealment have been referred to, respectively, as the self-concealing theory and the subsequently concealed theory. By contrast, the courts have pointed out that silence, without some fiduciary duty, never satisfies this element.[18]

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17. See Riddell v. Riddell Washington Corp., 866 F.2d 1480, 1491 (D.C. Cir. 1989); State of Colorado v. Western Paving Construction, 833 F.2d at 876-78.

18. See Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Dayco Corp. v. Firestone Tire & Rubber Co., 386 F. Supp. 546, 549 (N.D. Ohio 1974), aff'd sub. nom., Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389 (6th Cir. 1975). Some courts have also held that a denial of an accusation of wrongdoing does not constitute fraudulent concealment. See King & King Enters. v. Champlin Petroleum Co., 657 F.2d 1147, 1155 (10th Cir. 1981), cert. denied, 454 U.S. 1164 (1982); but see Rutledge, supra ("denying wrongdoing may constitute fraudulent concealment where the circumstances make the plaintiff's reliance upon the denial reasonable").

Where the plaintiff establishes all three of the required elements, the doctrine provides the plaintiff with the full statutory limitations period, starting from the date the plaintiff discovers, or with due diligence could have discovered, the facts supporting the plaintiff's cause of action.

2. Inducement Due to Intentional or Unintentional Misrepresentation

In cases where the plaintiff has refrained from commencing suit during the period of limitation because of inducement by the defendant, the Supreme Court has found the statutory period tolled because of the conduct of the defendant. See Glus v. Brooklyn Eastern Terminal, 359 U.S. 231 (1973). Under the facts of Glus, supra, the plaintiff averred that the defendant had fraudulently or unintentionally misstated information upon which the plaintiff relied in withholding suit.

3. Subpoena Enforcement

Several district courts have tolled other statutes of limitations in circumstances where the plaintiff was forced to initiate subpoena enforcement proceedings to uncover facts underlying the cause of action.[19] While research to date has not revealed specific instances in which a court has tolled the Section 2462 statute of limitations because the plaintiff was

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19. EEOC v. Gladieux Refinery, Inc., 631 F. Supp. 927, 935-36 (N.D. Ind. 1986) (Court held that the statute of limitations was tolled during the time between issuance of subpoena and enforcement because defendant did not have valid basis for not complying with subpoena); EEOC v. City of Memphis, 581 F. Supp. 179, 182 (W.D. Tenn. 1983) (Court held that the statute of limitations was tolled until documents sought in subpoena were made available to EEOC).

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forced to initiate subpoena enforcement proceedings, Section 2462 is sufficiently similar to those statutes which courts have tolled to suggest that the same result would be appropriate. Further, a good argument could be made for equitably tolling Section 2462 in such circumstances because defendants' refusal to comply with the Commission's subpoenas, whether that refusal is reasonable or otherwise, frustrates the Commission's ability to bring the action within the limitations period. Not tolling the statute of limitations in such circumstances while allowing defendants to plead the statute of limitations as an affirmative defense to actions brought by the Commission would allow defendants to profit from refusing to comply with subpoenas, and thus "offer a tempting method of defeating the basic purpose of [the Act]."[20]

4. Continuous Violation Theory

The continuous violation theory is another theory that operates to toll statutes of limitations. In the case of a continuing violation, the violation is not complete for purposes of the statute of limitations as long as the proscribed course of conduct continues, and the statute of limitations does not begin to run until the last day of the continuing offense.[21]

The Supreme Court has cautioned that continuing offenses are not to be too readily found, explaining in the criminal context that "such a result should not be reached unless the

20. See Hodgson v. International Printing Press, 440 F.2d 1113, 1119 (6th Cir. 1973).

21. See Fiswick v. United States, 329 U.S. 211, 216 (1946); United States v. Butler, 792 F.2d 1528, 1532-33 (11th Cir. 1986).

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explicit language of the substantive criminal statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." Toussie v. United States, 397 U.S. 112, 115 (1970). Thus, the question of whether a violation is a continuing one is largely a matter of statutory interpretation involving the precise statutory definition of the violation.

Courts will generally not find that a violation is continuous absent clear language in the statute.[22]

C. Declaratory Relief and Equitable Remedies

The limitations period set forth in 28 U.S.C. § 2462 applies only to suits for civil penalties. Section 2462, by its own terms, has no bearing on suits in equity.[23] The following is a purely exemplary, non-exhaustive list of various forms of equitable relief that may be available. It should be noted that it is within the discretion of the courts to grant or withhold

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22. Compare Toussie, 397 U.S. 112 (1970) (Court held that failure register for draft was not continuing violation where draft statute contained no language that clearly contemplated continuing offense, and regulation under Act referring to continuing duty to register was insufficient, of itself, to establish continuing offense) with United States v. Cores, 356 U.S. 405 (1958) (statute prohibiting alien crewmen from remaining in United States after permits expired contemplated continuing offense where conduct proscribed is the affirmative act of willfully remaining, and crucial word "remains" permits no connotation other than continuing presence). See also Keystone Insurance Company v. Houghton, 863 F.2d 1125 (3d Cir. 1988) (In RICO action, court held that language of the Act, which makes a pattern of conduct the essence of the crime, "clearly contemplates a prolonged course of conduct."); West v. Philadelphia Electric Co., 45 F.3d 744 (3d Cir. 1995) (Court applied continuing violation theory where cause of action required showing of intentional, pervasive, and regular racial discrimination).

23. See Hobbs, 736 F. Supp. at 1410; NRSC, 1995 WL 83006, at *4.

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equitable remedies and courts will exercise that discretion on a case-by-case basis in light of the particular circumstances of each case.

o Declaratory Judgment - A declaratory judgment is a court judgment which establishes the rights of parties or expresses the opinion of the court on a question of law without the court necessarily ordering anything to be done. While a declaratory judgment is similar in some respects to an advisory opinion, unlike the latter, a declaratory judgment is rendered in an adversarial proceeding and is legally binding on all the parties involved.

o Disgorgement - Disgorgement is aimed at preventing the unjust enrichment of a wrongdoer. The disgorgement remedy takes away "ill-gotten gains," thereby depriving a respondent of wrongfully obtained proceeds and returning the wrongdoer to the position the wrongdoer was in before the proceeds were wrongfully obtained.

o Injunction - A prohibitory injunction is a court order that requires a party to refrain from doing or continuing a particular act or activity. Prohibitory injunctions are generally considered preventative measures which guard against future acts rather than affording remedies for past wrongs.

By contrast, a mandatory injunction is a type of injunction that requires some positive action. A mandatory injunction (1) commands the respondent to do a particular thing; (2) prohibits the respondent from refusing (or persisting in refusing) to do or permit some act to which the plaintiff has a legal right; or (3) restrains the respondent from permitting his previous wrongful act to continue to take effect, thus virtually compelling him or her to undo it. A conciliation agreement provision that requires a committee to amend its reports in conformance with the Act is similar in effect to a mandatory injunction, albeit one entered into voluntarily and without court order. In addition, the creative forms of equitable relief listed below are examples of possible mandatory injunctions that the Commission might seek in court.

o Creative Forms of Equitable Relief

- require defendant(s) to notify the public that the defendant(s) violated the FECA, e.g., bulletin board posting.
- require additional reporting relevant to preventing future violations of the type committed.
- require defendant(s) to put different procedures in place to prevent future violations of the type committed.
- require defendant(s) to take courses to become familiar with the requirements of the FECA.

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III. ANALYSIS

This section outlines the underlying legal assumptions and other factors considered by this Office in evaluating and making recommendations for each of the potentially affected cases discussed in Section IV, infra. As a preliminary matter, this Office notes that it has reviewed all of the active and inactive enforcement matters where there appears to have been FECA-violative activity prior to January 1, 1991 that will thus be at least 5 years old by the end of this year. By selecting the cases in this manner, this Office has attempted to bring to the Commission's attention all of the matters where, were the NRSC decision applied, the statute of limitations might run this year.[24]

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This Office has assumed for purposes of these recommendations the possibility of a uniform application of the Section 2462 statute of limitations to the FECA in all circuits

This Office has further assumed that it is possible courts will deem claims arising under the FECA to have accrued at the precise moment that the violation occurred.

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In setting forth the case summaries, this Office has divided its discussion into three sections.

The third

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section analyzes matters which this Office recommends that the Commission not pursue.

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IV. CASE DISCUSSIONS

This section provides brief descriptions of enforcement matters assigned to the Public Financing, Ethics and Special Projects and Enforcement areas, including the Central Enforcement Docket.

3. Cases this Office Recommends the Commission Close

MUR 2984 (Robert Johnson et al.)

This matter involves 1988 corporate fundraising mailings for the 1988 Bush/Quayle campaign and a pattern of contributions made in the name of another, resulting in knowing and willful probable cause findings for violations of 2 U.S.C. §§ 441f, 441b(a), and 441d(a) against the individual and corporate actors.

Of the respondents still open in the matter, Robert G. Johnson and E. Kenneth Twichell were formally referred to the Department of Justice for criminal prosecution; Mr. Johnson pled guilty to felony perjury for lying under oath in a Commission deposition and Mr. Twichell pled guilty to obstructing the Commission's investigation. The corporate respondents, all closely tied to Mr. Johnson, were neither pursued nor prosecuted during the criminal proceeding. As this Office has reported, Mr. Johnson's remaining sentence was stayed based on NRA arguments

No action has taken place since the Supreme Court dismissed the Commission's appeal in NRA, and whether Mr. Johnson will have to serve the balance of his sentence is still unclear.

All of the transactions underlying FECA liability date from 1988, thus posing an obstacle under 28 U.S.C. § 2462 in the event the Commission chose to litigate this matter to obtain civil penalties. The Commission found probable cause in January of 1992, but then referred the matter to the Department of Justice, and resumed proceedings in late 1993 after resolution of the criminal proceedings. Prosecutorial discretion strongly counsels against further pursuing the remaining respondents in this matter. The

age of the activity as compared to other pending matters, and the desirability of making public the Commission's initiating role in the prosecution of Mr. Johnson argue in favor of closing this matter.

For the reasons outlined above, this Office recommends the Commission take no further action with respect to the remaining respondents in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

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MUR 3182 (Kentucky Democratic Party, et al.)

This matter, a merger of MURs 3145 and 3182, involves television ads broadcast by the Kentucky Democratic Party during the 1990 general election campaign on behalf of the Democratic Party's Senatorial candidate, Dr. Harvey Sloane. The complaints allege that the ads were prepared by the Sloane campaign's media consultant, paid for by the Kentucky Democratic party's nonfederal account, and financed in part by contributions from the ATLA PAC and from Mary C. Bingham. Mrs. Bingham recently passed away.

Most of the outstanding issues in this matter occurred in the Fall of 1990, slightly less than five years ago. Thus, it does not appear that the Commission would presently be barred from seeking a civil penalty even under the strictest reading of Section 2462. In order for the Commission to obtain a judicially imposed civil penalty in this matter, civil suit must be filed by November of 1995. Yet, even if the Commission were to devote substantial resources to this matter, it is virtually inconceivable that the deadline would be met.

First, in order to proceed, the Commission must review and revote its earlier determinations in this matter to comply with the NRA opinion. Second, this matter is still in the investigatory stage and further investigation appears necesarry. Third, the issues are complex and the two staff attorneys previously assigned to this matter have been transferred to other areas of this agency. Moreover, the allocation regulations at issue in this matter are no longer in effect, having been revised in 1991

Finally, it does not appear that equitable relief would be appropriate here as the only feasible remedy we may obtain is injunctive relief on the misallocation issue: The Sloan Committee has virtually no money for disgorgement and Sloan has never been a candidate in any other federal election. In view of all the foregoing, this Office recommends the Commission take no further action and close this file.

Staff Assigned: Lisa Klein (pending reassignment)

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MUR 3228 (Dahlson for Congress, et al.)

This matter was generated by a referral from the Commission's Reports Analysis Division, and involves the subsidization of the campaign by a corporation associated with the candidate (§ 441b(a)) and the misreporting of one of the corporate loans (§ 434(b)). Specifically, the candidate funneled approximately $47,000 in corporate funds to the campaign through his personal checking account, thus concealing the true source of the funds. The candidate/corporate loans took place from May to October 1990. Further, the committee misreported the source of a May 2, 1990 direct contribution from the corporation ($10,000) in its 12-Day Pre-Primary report filed May 21, 1990. Consequently, assuming 28 U.S.C. § 2462 applies, the Commission might be unable to obtain a judicially imposed civil penalty for most of the violations as early as May of this year.

This matter is presently in the investigative stage after an unsuccessful attempt at pre-probable cause conciliation. Most recently, on March 2, 1995, this Office interviewed the campaign's treasurer. The interview established that the treasurer was not involved in the committee's receipt of the funneled corporate contributions and that the misreporting may have resulted from innocent error. Consequently, the available evidence suggests that the candidate Roy Dahlson was the individual chiefly responsible for the violations in this matter.

Additional investigation would be necessary -- including the taking of depositions -- to prove that the § 441b(a) violations by Mr. Dahlson are knowing and willful. This investigation and the subsequent procedural stages leading to litigation would have to be completed in the most expeditious fashion. This Office recommends that the Commission forgo this course. Mr. Dahlson was a one-time candidate who won the primary election but lost the general election with 35% of the vote. Mr. Dahlson is now retired. Accordingly, this matter does not warrant the expenditure of resources necessary for its most expeditious completion and resolution. Therefore, this Office recommends that the Commission take no further action in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Jose Rodriguez

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MUR 3787 (Georgia Republican Party)
Public Financing, Ethics and Special Projects

This case involves violations committed during the 1988 election cycle. In particular, an audit of the Georgia Republican Party ("the Party") revealed that the Party accepted $20,350 in excessive contributions from five individuals that were not resolved in a timely manner. Similarly, the Party accepted $13,403 in prohibited contributions that were not resolved in a timely manner. The Party also did not properly document approximately $333,270 in individual contributions. In addition, the Commission found reason to believe that the respondent violated 2 U.S.C. § 441a(f) by paying phone bank employees to conduct get-out-the-vote activities and voter identification on behalf of the Bush-Quayle campaign.

The Party admits that it erred in accepting the prohibited and excessive contributions, but urged the Commission to accept as a mitigating factor the fact that it rid its accounts of the impermissible amounts upon discovery. Similarly, the Party concedes that it failed to keep adequate records for certain contributions, but asserts that a large portion of those receipts were $35 contributions which it did not believe it was required to document. Finally, this Office has concluded that documentation and affidavits furnished by the Party demonstrate that only $26,700 of the more than $300,000 in Party expenditures made for get-out-the-vote and voter identification activities amounted to impermissible contributions by the Party.

Although it may be possible to enjoin similar conduct in future elections, the Party has acknowledged that it violated the Act. Accordingly, assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of this case and the ordering of the Commission's priorities, we recommend that the Commission take no further action in this matter and close the file. If the Commission adopts this recommendation, the notification letter to the Party will contain appropriate admonishment language.

Staff Assigned: Kenneth E. Kellner and Jane Whang

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MUR 3973 (Bob Davis)

This matter stems from a House Bank Task Force referral indicating that former Representative Bob Davis used his committee's petty cash to make disbursements in excess of $100. Between 1988 and 1992, the committee reported disbursing $22,708 in petty cash disbursements, $16,567 of which was reported as having been disbursed by Mr. Davis. In May of last year the Commission found reason to believe that Mr. Davis, his committee and its treasurer violated 2 U.S.C. § 432(h)(1), and that his committee and its treasurer additionally violated 2 U.S.C. § 432(h)(2) for failing to maintain a petty cash journal as required. However, because RAD had allowed the committee to terminate some months before, the Commission took no further action with respect to the committee's violations. Thus, only Mr. Davis remains a respondent in the case.

Of the $22,708 in petty cash, all but approximately $9,400 was disbursed prior to 1991. Thus, if 28 U.S.C. § 2462 applies, the Commission might be time-barred from obtaining a judicially imposed civil penalty for a substantial portion of the petty cash.

While our inquiries have confirmed that the committee kept no petty cash journal, that it possesses receipts for only a portion of its cash transactions, and that a small number of the disbursements exceeded $100, it now appears that Mr. Davis' role in the committee's petty cash was de minimus. Affidavits from two members of Mr. Davis' congressional staff and one from his former campaign treasurer state that while Mr. Davis was the payee of many of the checks, and was reported as same, this was to enable the staff to easily cash the checks at the Wright-Patman Federal Credit Union. In fact, the affiants maintain, the majority of the petty cash was disbursed by the campaign and congressional staff and not Mr. Davis.

Given the age of these violations, the fact that Mr. Davis is no longer a candidate for federal office and his apparently limited personal involvement in his committee's petty cash violations, this Office recommends the Commission take no further action in MUR 3973 and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

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MUR 4013 (National Freedom PAC)
Public Financing, Ethics and Special Projects

This matter involves chronic reporting violations and the apparent commingling of Committee funds with the personal funds of the Committee's treasurer, Rick Woodrow. The respondents are the Committee and Mr. Woodrow. The material events occurred in 1990.[31]

This is an inactive, internally generated matter. Assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of the violations at issue, this Office recommends that the Commission take no further action with respect to this matter and close the file.

Staff Assigned: Kenneth E. Kellner and Delanie Dewitt Painter

31. On July 20, 1994, MUR 3516 was merged with MUR 4013. In MUR 3516, which arose out of a RAD referral, the Commission found reason to believe that National Freedom PAC committed reporting violations.

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MURs 3562, 3449, 3089 and 2715 (Dukakis for President, et al.)

MURs 3562, 3449 and 3089 were generated from Title 26 audits of the Dukakis 1988 presidential campaign; MUR 2715 is a complaint-generated matter arising out of Lloyd Bentsen's 1988 dual candidacy for the Vice-Presidency and the U.S. Senate. The Commission has found reason to believe that the Dukakis for President Committee, the Dukakis/Bentsen Committee, Inc. ("GEC") and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund (collectively "the Committees") violated various provisions of the FECA, the Presidential Primary Matching Payment Account Act and the Presidential Election Campaign Fund Act.[29] The Commission has also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a $4,980 in-kind contribution in the form of a mailgram concerning Bentsen's dual candidacy. Finally, the Commission found reason to believe that the law firm of Fried, Frank, Harris, Shriver & Jacobson ("the firm"), a partnership including corporations, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441b in connection with an electoral college memo provided to the GEC.

Last September, the Commission, inter alia, rejected the Committees' motion to dismiss these matters based on 28 U.S.C. § 2462 and approved a consolidated conciliation agreement with the Commission Committees also approved a conciliation agreement with the law firm

Upon learning of the NRSC decision, counsel renewed his request for dismissal of these matters. Attachment 7.

In addition, the firm partner who oversaw preparation of the memo has filed a Petition for Rulemaking concerning the Commission's jurisdiction over disbursements relating to the electoral college.

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29. The violations include making $336,000 in excessive state expenditures, failing to report upon receipt $1.4 million in contributions deposited into a joint escrow account and to timely report $3.1 million in draft account activity, and accepting a $65,000 excessive in-kind contribution from a law firm in the form of legal services provided to prepare an electoral college memo.

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It appears that virtually all of the violations at issue in this matter occurred over five years ago. Thus. assuming 28 U.S.C. § 2462 applies, the Commission would probably not be able to obtain a civil penalty if it litigated the matter. With respect to the Committees, this was a publicly funded campaign and the reporting violations alone involve large amounts. In addition, other remaining 1988 presidential audit respondents have been willing to continue negotiations and pay civil penalties despite the recent court cases interpreting Section 2462. Given the foregoing, we recommend that the Commission deny the Committees' latest request for dismissal and approve the attached counterproposal in an attempt to obtain a conciliation agreement with a civil penalty. Attachment 9.[30] With respect to the law firm, this Office recommends that the Commission take no further action and close the file as to it.

Staff Assigned: Lisa Klein and Dawn Odrowski

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V. RECOMMENDATIONS

Take no further action, close the file and approve the appropriate letters in the following matters:

1) MUR 2984
2) MUR 3182
3) MUR 3228
4) MUR 3787
5) MUR 3973
6) MUR 4013

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<u>With regard to MUR 3492</u>:

1) Accept the attached conciliation counteroffer.

2) Close the file.

3) Approve the appropriate letter.

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G. <u>With regard to MURs 3562, 3449, 3089 and 2715:</u>

1) Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.

2) Deny the Respondents' request for dismissal.

3) Approve the attached conciliation agreement for the remaining Respondents

(L)

4) Approve the appropriate letters.

4/28/95
Date

Lawrence M. Noble
General Counsel

Staff Assigned

Staff members assigned to each of the potentially affected matters prepared their respective case discussions; the PFESP cases were coordinated by Jim Portnoy; Tracey Ligon drafted the legal section; and Colleen Sealander combined the parts into one document.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer; Dukakis/Bentsen Committee, Inc., and, Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen Committee General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer)	)	MURs 3562, 3449, 3089, and 2715

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 16, 1995, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matters:

1. Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.

2. Deny the Respondents' request for dismissal.

(continued)

3. Approve the conciliation agreement for the remaining Respondents

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Potter recused himself from these matters and was not present during their consideration.

Attest:

5-19-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 23, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On May 16, 1995, the Commission considered and rejected your request to dismiss these matters. In a final effort to resolve these matters at this stage of the proceedings, however, the Commission approved the enclosed proposed agreement.

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The Commission remains hopeful that this matter can be settled through a conciliation agreement. So that we may all soon put these matters behind us, we ask that you respond to this proposal within five days of your receipt of this letter.

If you have any further questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	
Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer;	)	MURs 3562, 3449, 3089 and 2715
Dukakis/Bentsen Committee, Inc.;	)	
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer;	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 16, 1995, the Commission considered recommendations for forty-five enforcement matters potentially affected by a D.C. District Court decision applying 28 U.S.C. § 2462, the general federal five year statute of limitations, to Commission enforcement actions. See FEC v. NRSC, 877 F. Supp 15 (D.D.C. 1995). Among the cases the Commission considered were the four above-referenced MURs, involving the presidential campaign committees of Michael Dukakis for the 1988 primary and general elections ("Respondents").

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Before closing MUR 3449, we also recommend that the Commission take no further action as to the outstanding 2 U.S.C. § 441f reason to believe finding against the Dukakis Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) ("GELAC"). The Section 441f finding was based on similarities in handwriting and dates on a series of sequential money order contributions drawn on the same

banking institutions. Based on GELAC's response that the money orders represented "converted" cash contributions made by the individuals whose names appear on them, the Commission subsequently found reason to believe that the GELAC violated 11 C.F.R. § 110.4(c) for accepting excessive cash contributions. The Section 441f finding was left open pending investigation in the event pre-probable cause conciliation failed. Since the conciliation agreement includes admissions of violations of 11 C.F.R.§ 110.4(c), it is appropriate to now take no further action as 2 U.S.C. § 441f.

III. RECOMMENDATIONS

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURs 3562, 3449, 3089 and 2715.

2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.

2. Close the files in MURs 3562, 3449, 3089 and 2715.

3. Approve the appropriate letter.

6/22/95
Date

Lawrence M. Noble
General Counsel

Attachments
1. Conciliation Agreement
2 Respondents' 6/7/95 letter
3. Respondents' 6/14/95 letter

Staff assigned: Dawn M. Odrowski

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	MURS 3562, 3449,
Dukakis for President Committee,	)	3089 and 2715
Inc. and Leonard Aronson, as	)	
treasurer;	)	
Dukakis/Bentsen Committee, Inc.;	)	
Dukakis/Bentsen Committee, Inc.	)	
(Dukakis/Bentsen General	)	
Election Legal and Accounting	)	
Compliance Fund) and Leonard	)	
Aronson, as treasurer	)	

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MURs 3562, 3449, 3089 and 2715:

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURs 3562, 3449, 3089 and 2715.

(continued)

2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.

3. Close the files in MURs 3562, 3449, 3089 and 2715.

4. Approve the appropriate letter as recommended in the General Counsel's report dated June 22, 1995.

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

Attest:

6-28-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 10, 1995

Ms. Julietta Torres
Mr. Benjamin Torres Vazquez
Calle #1, Bloque #1 - No. 23
Alturas de Torrimar
Puerto Rico 00969

RE: MUR 3089
Julieta Torres
Benjamin Torres Vazquez

Dear Ms. Torres and Mr. Vazquez:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

9504368138

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

John C. Culver, Esq.
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Ave., N.W.
5th Floor
Washington, D.C. 20036

RE: MUR 3089
Sol R. Martinez
Hector Martinez Franco
Esteban L. Fuertes
Celeste S. Fuertes
Milton Mendez Orsini
Hector Martinez, Jr.

Dear Mr. Culver:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Jorge Bermudez-Torregrosa, Esq.
Cuevas Kuinlam & Bermudez
Banco de Ponce Bldg., Suite 903
Hato Rey, Puerto Rico 00918-2592

RE: MUR 3089
Luis S. Sierra
Mrs. Luis Sierra (Silmarie Montilla Sierra)

Dear Mr. Bermudez-Torregrosa:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368135 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Charles S. Hey-Maestre, Esq.
Calle Las Marias Num. 206-A
Hyde Park, Rio Piedras, PR 00927

RE: MUR 3089
Mrs. Milton Mendez
(Myrta Falcon de Mendez)

Dear Mr. Hey-Maestre:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368135 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Dimitrios Amaxzpoulos
710 Ridge Road
Webster, NY 14580

RE: MUR 3089
Dimitrios Amaxzpoulos

Dear Mr. Amaxzpoulos:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

William C. Dedes, Esq.
17 East Main Street
Suite 500
Rochester, NY 14614

RE: MUR 3089
Vasilios Bitsas

Dear Mr. Dedes:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368135 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Christos Christofilopoulos
8 Woodlown Street
Rochester, NY 14607

RE: MUR 3089
Christos Christofilopoulos

Dear Mr. Christofilopoulos:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Jordan E. Pappas, Esq.
Jordan E. Pappas & Associates
17 East Main Street, Suite 400
Rochester, NY 14614

RE: MUR 3089
Michael Dedes

Dear Mr. Pappas:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

9504368135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Jordan E. Pappas, Esq.
Jordan E. Pappas & Associates
17 East Main Street, Suite 400
Rochester, NY 14614

RE: MUR 3089
Vasilios Dedes

Dear Mr. Pappas:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Ms. M. Betsy Relin
Commissioner of Elections
39 W. Main Street
Rochester, NY 14614

RE: MUR 3089
John Delmadoros

Dear Ms. Relin:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Dimitrius Economides
17 Stal-Mar Circle
Rochester, NY 14624

RE: MUR 3089
Dimitrius Economides

Dear Mr. Economides:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. George Ekonomidis
15 Revere Drive
Rochester, NY 14624

RE: MUR 3089
George Ekonomides

Dear Mr. Ekonomides:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Phil A. Elias
c/o Terri Clausen
56 Pinoak Lane
Rochester, NY 14622

RE: MUR 3089
Phil A. Elias

Dear Mr. Elias:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368130

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Vasilios Elias
308 Sandoris Circle
Rochester, NY 14622

RE: MUR 3089
Vasilios Elias

Dear Mr. Elias:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368131

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Steve Gitsis
408 Whittier Road
Spencerport, NY 14559

RE: MUR 3089
Steve Gitsis

Dear Mr. Gitsis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368132

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Elefteria Hatzigiannidis
200 Harpington Drive
Rochester, NY 14692

RE: MUR 3089
Elefteria Hatzigiannidis

Dear Mr. Hatzigiannidis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Eleftherios Helelekides
3572 Middle Chesire Road
Canandaigua, NY 14424

RE: MUR 3089
Eleftherios Helelekides

Dear Mr. Helelekides:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368134

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

George Hetelekides, Counsel
3545 Middle Cheshire Road
Canandaigua, NY 14424

RE: MUR 3089
Jim Hetelekides

Dear Mr. Hetelekides:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Steve Hetelekidis
5030 Wyffels Road
Cardalgen, NY 14426

RE: MUR 3089
Steve Hetelekidis

Dear Mr. Hetelekidis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368136

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Filippos A. Ilias
125 Bay Knoll Road
Rochester, NY 14622

RE: MUR 3089
Filippos A. Ilias

Dear Mr. Ilias:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Irving Pheterson, Esq.
Pheterson & Pheterson
One E. Main Street
Suite 900
Rochester, NY 14614

RE: MUR 3089
Steve Koratsis

Dear Mr. Pheterson:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368138

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

William C. Dedes, Esq.
Attorney and Counselor at Law
Suite 500
17 East Main Street
Rochester, NY 14614

RE: MUR 3089
Dimitrios Kostarellis

Dear Mr. Kostarellis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368136 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Gary R. Carson, Esq.
One E. Main Street
Victor, NY 14564

RE: MUR 3089
Evangelos Lolis

Dear Mr. Carson:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Paul Mihalitsas
11 Sturbridge Lane
Pittsford, NY 14534

RE: MUR 3089
Paul Mihalitsas

Dear Mr. Mihalitsas:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Joseph G. DeMaria, Esq.
301 Exchange Blvd., Suite 204
Rochester, NY 14608

RE: MUR 3089
Odysseus Mitrousis

Dear Mr. DeMaria:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Athansias Petalas
15 Virginia Manor Road
Rochester, NY 14606

RE: MUR 3089
Athansias Petalas

Dear Respondent:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Vasilios Stathopoulos
770 Hightower Way
Webster, NY 14580

RE: MUR 3089
Vasilios Stathopoulos

Dear Mr. Stathopoulos:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Demetrios Seremetis
63 Colonial Road
Rochester, NY 14609

RE: MUR 3089
Demetrios Seremetis

Dear Mr. Seremetis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Zoi Varaidis
76 Telephone Road
West Henrietta, NY 14586

RE: MUR 3089
Zoi Varaidis

Dear Mr. Varaidis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

9504368137 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Mr. Georgios Zisis
28 Baylor Circle
Rochester, NY 14624

RE: MUR 3089
Georgios Zisis

Dear Mr. Zisis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

George Koratsis
82 Hillrise Drive
Penfield, NY 14526

RE: MUR 3089
George Koratsis

Dear Mr. Koratsis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Ilias Sarganis
4 Adeane
Rochester, NY 14627

RE: MUR 3089
Ilias Sarganis

Dear Mr. Sarganis:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 10, 1995

George Kannelopoulos
2329 Ridge Road East
Rochester, NY 14622

RE: MUR 3089
George Kannelopoulos

Dear Mr. Kannelopoulos:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On June 27, 1995, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 434(b)(4), 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"); 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2), provisions of the Code of Federal Regulations implementing the Act; and 26 U.S.C. §§ 9003(b) and 9035(a), provisions of Chapters 95 and 96 of Title 26, U.S. Code. Accordingly, the files have been closed in these matters. Please be advised that the civil penalty in this agreement reflects the particular circumstances of these cases which relate to the 1988 presidential election cycle.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the files may be placed on the public record before receiving your additional materials,

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any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents 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. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date or within 5 days of your receipt of the repayment refund owed as a result of Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995), whichever occurs later. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and, Dukakis/Bentsen Committee, Inc., (Dukakis/Bentsen Committee General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer	)	MURs 3562, 3449, 3089 and 2715

CONCILIATION AGREEMENT

Matters Under Review ("MURs") 3089, 3449, and 3562 were initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. MUR 2715 was initiated from complaints filed by Beau Boulter and Jann L. Olsten, on behalf of the National Republican Senatorial Committee.

In MUR 3562, the Commission found reason to believe that the Dukakis for President Committee, Inc., and its treasurer ("Primary Committee") violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a).

In MUR 3449, the Commission found reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC"), violated 2 U.S.C. §§ 434(b)(4), 441a(f), 441b(a) and 26 U.S.C. § 9003(b). The Commission also found reason to believe the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund and its treasurer ("GEC/GELAC"), a

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separate account of the GEC, violated 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2).

In MUR 3089, the Commission found reason to believe that the Primary Committee and its treasurer violated 11 C.F.R. § 110.4(c).

Finally, in MUR 2715, the Commission found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2).

NOW, THEREFORE, the Commission and the Primary Committee, the GEC, the GEC/GELAC and their treasurer (solely in his capacity as treasurer) (collectively, "Respondents") having participated in informal methods of conciliation prior to a finding of probable cause to believe with respect to MURs 3089, 3449 and 3562, and the Commission and the GEC, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) with respect to MUR 2715, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and with respect to MURs 3089, 3449 and 3562, this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i). No other MURs involving Respondents are currently pending or being processed.

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

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

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

1. The Dukakis for President Committee, Inc., is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Michael Dukakis for the 1988 presidential primary elections.

2. The Dukakis/Bentsen Committee, Inc., was an authorized campaign committee of Michael Dukakis and Lloyd Bentsen, the Democratic Party nominees for President and Vice President in the 1988 general election, within the meaning of 26 U.S.C. § 9002.

3. The Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen Committee General Election Committee Legal and Accounting Compliance Fund) is a separate account of the GEC, established pursuant to 11 C.F.R. § 9003.3.

4. Robert Farmer was the treasurer of the Primary Committee, the GEC and GEC(GELAC) at the time the events herein occurred. Edward Pliner, succeeded Mr. Farmer as treasurer of each committee but resigned this position on January 14, 1994. Leonard Aronson is the current treasurer of the Primary Committee and (GEC)GELAC.

A. <u>MUR 3562</u>

5. Pursuant to 2 U.S.C. §§ 441a(b)(1)(A) and 441a(c) of the Federal Election Campaign Act of 1971, as amended (the "Act") and 26 U.S.C. § 9035(a) of the Presidential Primary Matching Payment Account Act ("Matching Payment Act"), no candidate for the office of President of the United States, who is eligible under 26 U.S.C. § 9033 to receive payments from the Secretary of the Treasury, may make expenditures in any one state aggregating in excess of the greater of 16 cents multiplied by the voting age

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population of the state, or $200,000, as adjusted by changes in the Consumer Price Index. Except for expenditures exempted under 11 C.F.R. § 106.2, expenditures incurred by a candidate's authorized committee or committees for the purpose of influencing the nomination of that candidate for the office of President with respect to a particular state shall be allocated to that state. 11 C.F.R. § 106.2(a)(1).

6. For the 1988 presidential primary elections, the expenditure limitation for the State of Iowa was $775,217.60. The Commission has determined that the Primary Committee exceeded this limitation by $279,013.84.

7. For the 1988 presidential primary elections, the expenditure limitation for the State of New Hampshire was $461,000. The Commission has determined that the Primary Committee exceeded this limitation by $57,848.92.

8. Under the Act, the terms "contribution" and "expenditure" are broadly defined to include any gift, subscription, purchase, payment, distribution, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A). "Anything of value" includes in-kind contributions. 11 C.F.R. §§ 100.7(a)(1)(iii)(A) and 100.8(a)(1)(iv)(A). A contribution also includes the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(A)(ii). However, legal and accounting services rendered to or on behalf of an authorized

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committee or a candidate are specifically excluded from the definition of contribution if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with the Act or with the public financing provisions (chapter 95 or 96 of Title 26). 2 U.S.C. § 431(8)(B)(ix). The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is also excluded from the definition of contribution under 2 U.S.C. § 431(8)(B)(i) and 11 C.F.R. § 100.7(b)(3).

9. Pursuant to 2 U.S.C. § 441b(a), it is prohibited for any candidate or political committee to knowingly accept or receive a contribution from any corporation or labor organization in connection with a federal election.

10. The American Federation of State, County and Municipal Employees ("AFSCME") is a labor organization within the meaning of 2 U.S.C. § 441b.

11. During the 1988 presidential campaign, the Primary Committee entered into an agreement with AFSCME for phone bank services and related space in various states. The Commission audit of the Primary Committee identified $24,806.43 in phone bank and related space costs allocable to Iowa and $25,004.84 in such costs allocable to New Hampshire.

12. The Primary Committee paid AFSCME $9,244.55 for phone bank services and related space allocable to Iowa and $7,152.50 for phone bank services and related space allocable to New Hampshire.

13. The Primary Committee accepted prohibited in-kind

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contributions from AFSCME for phone bank services and related space in Iowa and New Hampshire in the amounts of $15,561.88 and $17,852.34, respectively. The Primary Committee contends it justifiably relied upon AFSCME's billings statements in paying the phone bank-related expenses and in allocating them to the respective states in which they were conducted.

14. Pursuant to 2 U.S.C. § 434(b)(2), each report filed by a political committee must disclose the amount of cash on hand at the beginning of the reporting period, and for the reporting period and the calendar year, the total amount of all receipts and the total amount of contributions received from persons other than political committees. Pursuant to 2 U.S.C. § 434(b)(3)(A), each report must also disclose the identification of each person who makes a contribution to the committee during the reporting period whose contributions have an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such contribution.

15. No person shall make contributions to any candidate and his or her authorized committees with respect to any election for Federal office which exceed $1,000 in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Similarly, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The term "person" includes a partnership. 2 U.S.C. § 431(11).

16. Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall ascertain whether a contribution, when aggregated with other contributions from the same contributor,

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exceeds the contribution limits of 2 U.S.C. § 441a(a). Contributions which on their face and contributions which, when aggregated with other contributions from the same contributor, exceed the contribution limits, may either be deposited into a campaign depository or returned to the contributor. If an excessive contribution is deposited, the treasurer may request that the contribution be redesignated or reattributed by the contributor in accordance with 11 C.F.R. §§ 110.1(b) or 110.1(k), as appropriate.

17. Pursuant to 11 C.F.R. § 9003.3, in the case of presidential elections, a major party candidate for president may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with 11 C.F.R. § 9003.3. Contributions made after the beginning of the expenditure report period which are designated for the primary election, and contributions that exceed a contributor's limit for the primary election, may be deposited into the compliance fund if a candidate receives a contributor's redesignation or a reattribution in accordance with 11 C.F.R. § 110.1.

18. A contribution shall be considered redesignated to another election if: (1) the treasurer requests that the contributor provide a written redesignation of the contribution and informs the contributor that the contributor may request a refund as an alternative to providing a written redesignation, and (2) the contributor provides a signed, written redesignation to the treasurer within sixty days from the date of the treasurer's receipt of the contribution. 11 C.F.R. § 110.1(b)(5)(ii).

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19. A contribution shall be considered reattributed to another contributor if: (1) the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a refund of the excessive portion of the contribution if it is not intended to be a joint contribution, and (2) within sixty days of the treasurer's receipt of the contribution, the contributor provides the treasurer with a signed, written reattribution indicating the amount to be attributed to each if other than equal attribution is intended. 11 C.F.R. § 110.1(k)(3)(ii).

20. The Primary Committee opened a checking account, known as the "Joint Escrow Account," on June 10, 1988. The Primary Committee deposited contributions received thereafter, payable to Dukakis for President and payees other than the General Election Legal and Accounting Compliance Fund ("GELAC"), into the joint escrow account. A total of $1,447,570.42 was deposited into that account between June 10 and December 30, 1988. Once contributions were so deposited, the Primary Committee sent a form to contributors requesting them to redesignate their contributions to the GELAC or request a refund.

21. None of the contributions deposited into the joint escrow account was reported by the Primary Committee when received. Contributions subsequently transferred to the GELAC were reported in GELAC's disclosure reports only after the transfer. Contributions refunded, and contributions which had not been refunded or transferred to GELAC as of May 1989, were not reported until 1990. Additionally, certain contributions initially

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deposited into the joint escrow account were never reported in the Primary Committee's disclosure reports.

22. Additionally, the audit review of joint escrow account contributions attributable to the primary election revealed that the Primary Committee accepted a total of 259 excessive contributions, or portions thereof, totaling $111,924. Of these, 143 contributions or portions thereof, totaling $56,129.53, were reattributed or redesignated to GELAC in an untimely manner, and 116 contributions or portions thereof, totaling $55,795, were refunded in an untimely manner.

B. MUR 3449

23-25. Paragraphs 8, 9 and 15 are repeated as Paragraphs 23, 24 and 25, respectively, as though fully set forth herein.

26. Under the Presidential Election Campaign Fund Act ("Fund Act"), to be eligible to receive public funding, candidates for President and Vice President must certify that neither they nor their authorized committees will accept contributions to defray qualified campaign expenditures. 26 U.S.C. § 9003(b)(2).

27. A contribution by a partnership shall be attributed to the partnership and to each partner either in direct proportion to his or her share of the partnership or by agreement of the partners under certain conditions. 11 C.F.R. § 110.1(e). A contribution by a partnership shall not exceed the contribution limitations of the Act and accompanying regulations. Id. No portion of such contribution may be made from the profits of a corporation that is a partner. Id.

28. The Act provides, in pertinent part, that an "election"

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means a general, special, primary or run-off election. 2 U.S.C. § 431(1)(A). Commission regulations further provide, in pertinent part, that "election" means "the process by which individuals, whether opposed or unopposed, seek nomination for election, or election, to Federal Office." 11 C.F.R. § 100.2(a).

29. The electoral college is an integral part of the general presidential election. Electoral college votes are acquired based on the results of the popular vote and candidates must prevail in the electoral college to become President and Vice President. See U.S. Const. art. II, §1 and amend. XII. Respondents contend that the procedures relating to the electoral college are not governed by the Act.

30. Commission regulations permit a major party candidate for president to accept private contributions to a legal and accounting compliance fund in addition to any public financing received. 11 C.F.R. § 9003.3(a)(1)(i). The use of compliance funds, however, is strictly regulated. Pursuant to 11 C.F.R. § 9003.3(a)(2)(i), compliance fund contributions shall be used only: to defray legal and accounting costs provided solely to ensure compliance with the Act and Title 26; to defray overhead costs related to ensuring compliance; to defray any civil and criminal penalties imposed under the Act; to make repayments to the Presidential Election Campaign Fund; to defray the cost of soliciting contributions to the compliance fund; and to make a loan to an account established pursuant to 11 C.F.R. § 9003.4 to defray qualified campaign expenses incurred prior to the expenditure report period or prior to receipt of federal funds

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provided loans are restored to the compliance funds. Compliance funds can also be used to reimburse a federal fund account in an amount equal to 10% of the payroll and overhead expenditures of a candidate's national campaign headquarters and state offices, and in an amount equal to 70% of the costs associated with computer services. 11 C.F.R. § 9003.3(a)(ii). Any excess compliance funds may be used for any purpose permitted under 2 U.S.C. § 439a and 11 C.F.R. § 113, et seq., only after payment of all general election-related expenses. See 11 C.F.R. § 9003.3(a)(iv).

31. Fried, Frank, Harris, Shriver & Jacobson, a New York law firm, is a partnership that includes professional corporations ("the firm").

32. In September 1988, the firm and the GEC formally agreed that the firm would update a 1980 legal memorandum ("memo") it had written concerning the electoral college. The firm billed the GEC $17,942.41 for out-of-pocket disbursements it made in connection with its preparation of the memo ("memo expenses"). The firm also incurred $76,905.50 in professional service fees preparing the memo for which it did not bill the GEC. Firm employees who worked on the memo received their ordinary compensation while doing so.

33. The GEC paid for the memo expenses in June 1989. It made no payments for the legal services. In January 1991, the GELAC "reimbursed" the GEC for the memo expenses.

34. The memo included comprehensive summaries of state laws that addressed procedures governing the selection of electors and procedures governing their post-selection electoral college duties. The purpose of the memo and the legal services rendered

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to prepare it, was to provide guidance to the GEC to ensure that "mishaps in the electoral college process" would not defeat the Dukakis/Bentsen ticket. The memo did not address compliance with the Act, Fund Act, or Matching Payment Act.

35. The GEC accepted excessive and prohibited in-kind contributions in the form of legal services rendered without charge to prepare the memo. Respondents contend that the legal services rendered do not constitute a contribution under the Act or Commission regulations.

36. GELAC funds were improperly used to pay for the memo expenses since they were unrelated to compliance with the Act, Fund Act, or Matching Payment Act. Respondents contend GELAC funds were properly used.

37. The Act requires each report filed by a political committee to disclose for the reporting period and the calendar year, the total amount of all disbursements and all disbursements made for specific categories, including operating expenditures. 2 U.S.C. § 434(b)(4). Moreover, each report must disclose the name and address of each person to whom a committee makes an expenditure in an aggregate amount or value in excess of $200 within the calendar year to meet an operating expense, together with the date, amount, and purpose of such expenditure. 2 U.S.C. § 434(b)(5)(A). The principal campaign committee of a Presidential candidate shall file a post-general election report no later than the 30th day after a general election which shall be complete as of the 20th day after such election. 2 U.S.C. §§ 434(a)(3)(A)(i) and 434(a)(2)(A)(ii). A year-end report shall

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be filed no later than January 31 of the following calendar year. 2 U.S.C. §§ 434(a)(3)(A)(i).

38. During the 1988 election cycle, the GEC maintained a draft account used primarily by state campaign offices to pay office expenses. An audit review of this account revealed that drafts totaling $3,153,346.34 which cleared the account during November and December, 1988, were not included in the Committee's disclosure reports for the relevant period. The Committee filed an amended report disclosing all of the previously unreported draft activity as operating expenditures on April 5, 1989.

C. MURs 3449 and 3089

39. Pursuant to 2 U.S.C. § 441g, it is unlawful for any person to make contributions of currency which exceed $100 in the aggregate, with respect to any campaign for Federal office. Commission regulations require a candidate or committee receiving cash contributions in excess of $100 to promptly return the amount over $100 to the contributor. 11 C.F.R. § 110.4(c).

40. In connection with a June, 1988, GELAC fundraiser in Queens, New York, the GEC(GELAC) received approximately 15 cash contributions in sums between $200 and $500 which had been converted into sequentially-numbered money orders. The GEC(GELAC) failed to return the amounts in excess of $100 to each contributor.

41. In connection with a January 9, 1988 fundraiser in San Juan Puerto Rico and an April, 1988, fundraiser in Rochester, New York, the Primary Committee received eight cash contributions of $1,000 each which had been converted into sequentially-numbered

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money orders, and a $300 cash contribution, half of which had been converted into money order form. The Primary Committee failed to return the amounts exceeding $100 to each contributor.

D. MUR 2715

42. The Senator Lloyd Bentsen Election Committee (the "Senate Committee") is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Senator Lloyd Bentsen for his 1988 election campaign for the United States Senate.

43-44. Paragraphs 8 and 26 are repeated as Paragraphs 43 and 44 as though fully set forth herein.

45. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).

46. Pursuant to 11 C.F.R. § 106.1(a), expenditures made on behalf of two or more Federal candidates, shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived.

47. Payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so

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referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI). See 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17).

48. During the 1988 election, the Senate Committee produced and distributed a July 12, 1988, mailgram which, inter alia, advised recipients that Senator Bentsen had accepted Governor Dukakis' request to run as the Democratic vice-presidential nominee and that he would also continue to run for re-election to the U.S. Senate. The mailgram expressed Senator Bentsen's belief that the Democratic ticket would prevail in November and that his nomination was of great importance to Texas and its future. It also sought the recipients' continued advice and support.

49. The mailgram was dated the day of Governor Dukakis' announcement that Senator Bentsen would be his running mate. It was sent to 2,076 individuals, including all 254 of the Senate Committee county coordinators, members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid, and selected contributors who had given more than $1,000 to the Senate Committee.

50. The Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram. Given the use of a commercial vendor to produce and disseminate the mailgram, it does not qualify for the "coattail exception" of 2 U.S.C. § 431(8)(B)(xi). Accordingly, the GEC accepted an in-kind contribution in the form of the mailgram. The GEC contends that the mailgram did not constitute an in-kind

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contribution to it.

V. 1. For the sole purpose of settling MUR 3562, the Primary Committee concedes that:

a. the Primary Committee exceeded the primary campaign expenditure limitations for the states of Iowa and New Hampshire by a total of $279,013.84 and $57,848.92, respectively, in violation of 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).

b. the Primary Committee accepted a prohibited in-kind contribution, totaling $33,414, from AFSCME in the form of phone bank services and related office space in Iowa and New Hampshire, in violation of 2 U.S.C. § 441b(a).

c. the Primary Committee failed to report contributions deposited into the joint escrow account, and to identify contributors making such contributions, when those contributions were received, in violation of 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A).

d. the Primary Committee accepted excessive contributions totaling $111,924, in violation of 2 U.S.C. § 441a(f).

2. The GEC(GELAC) and the Primary Committee received 24 cash contributions in excess of $100 and failed to return the amounts over $100 to the contributors in violation of 11 C.F.R. § 110.4(c).

3. The GEC(GELAC) improperly used compliance funds to pay for expenses related to the electoral college memo, in violation of 11 C.F.R. § 9003.3(a)(2).

4. The GEC accepted an excessive in-kind contribution from

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a law firm in the form of legal services provided to prepare a memo regarding the electoral college, in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. 9003(b). Additionally, because the law firm is a partnership which includes professional corporations, the GEC accepted prohibited contributions from that portion of the services attributable to the firm's corporate partners, in violation of 2 U.S.C. § 441b.

5. The GEC failed to timely disclose approximately $3.1 million in operating expenditures in violation of 2 U.S.C. § 434(b)(4).

6. The GEC accepted an in-kind contribution in the form of a mailgram from the Senator Lloyd Bentsen Election Committee in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars ($15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent Dukakis for President Committee, Inc. and Michael S. Dukakis hereby waive any and all claims they might have for attorney's fees in Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995).

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.

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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 30 days from the date this agreement becomes effective or five days from receipt of the the repayment refund due the Primary Committee and Michael Dukakis as a result of Dukakis v. FEC, supra, whichever last occurs, to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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. The parties also agree that this Agreement concludes and settles these matters as to Respondents, all former treasurers and other officers, directors, employees and agents of the Committees and Michael S. Dukakis.

9504368140

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

Date 7/10/95

FOR THE RESPONDENTS

(Name)
(Position) Attorney

Date 6/19/95

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Dukakis Campaign for President, Inc, check number 10303, dated July 18, 1995, and in the amount of $15,000.00. 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: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $15,000.00, the MUR number is 3562 and in the name of Dukakis for President Cmte, Inc. The account into which it should be deposited is indicated below:

__ Budget Clearing Account (OGC), 95F3875.16

✓ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

8-01-95
Date

9504368140 1

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE
JUL 31 2 12 PM '95

HILL & BARLOW

A Professional Corporation

DANIEL A. TAYLOR
DIRECT LINE: 617-428-3257

July 26, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dawn M. Odrowski, Esq.
General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
AUG 1 9 50 AM '95

Re: MUR's 3562, 3449, 3089 and 2715

Dear Dawn:

I am pleased to enclose the check in the amount of $15,000 payable to the Federal Election Commission from the Dukakis Committee account. I understand that the funds were wired to the Committee's account on Friday, July 21. I trust this concludes all matters now under the Conciliation Agreement.

If you find yourself in Boston with a free moment on your hands, give me a call.

With best wishes.

Sincerely,

Daniel A. Taylor

cc: Michael S. Dukakis
Mr. Leonard Aronson
Ms. Mary Wong
(All with enclosures)

Enclosure
DAT/sd
0158726.01

9 5 0 4 3 0 8 1 4 0 2

ONE INTERNATIONAL PLACE · BOSTON · MASSACHUSETTS 02110-2607
TELEPHONE 617-428-3000 · FACSIMILE 617-428-3500

10303

DUKAKIS CAMPAIGN
FOR PRESIDENT, INC.
105 CHAUNCEY STREET
BOSTON, MA 02111

July 18 1995

5-133/110

PAY TO THE ORDER OF Federal Election Commission $ 15,000.00

Fifteen Thousand and no/100 ---------- DOLLARS

USTrust
United States Trust Company
Boston, Massachusetts 02108

23

FOR

Mary Wong

⑈010303⑈ ⑆011001331⑆ 889 3301557⑈

9504368140 3

THIS IS THE END OF MUR # 3089

9 5 0 4 3 6 8 1 4 0 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

THIS IS THE END OF MUR # 3089

DATE FILMED 8-7-95 CAMERA NO. 4

CAMERAMAN MRJ

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