



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3146

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

91040854944

ALDO V. VITAGLIANO

HAND DELIVERED

06C8382

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 OCT 24 AM 11:02

150 Purchase Street
Rye, New York 10580
October 23, 1990

MUR 3146

Hon. Lee Ann Elliot
Chairman
Federal Election Commission
999 E. St., N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT 24 PM 4:04

Re: Complaint FEC ID#124273

Dear Chairman Elliot:

I am filing this complaint against Rep. Nita Lowey, the Nita Lowey for Congress Committee, and its Treasurer, Gloria Passidomo, for gross violations of the Federal Election Campaign Act during the 1988 campaign.

In the last twelve days of the 1988 General Election Campaign, Rep. Lowey contributed \$250,000 to her campaign. Despite the size and impact of these contributions, she and her campaign committee failed to disclose these contributions within 48 hours as required by 2 U.S.C. Section 434(a)(6)(A).

Her post-election report shows the following personal contributions:

10-21-88	\$50,000
10-27-88	\$50,000
11-02-88	\$100,000
11-03-88	\$50,000

Rep. Lowey used these funds for last-minute advertising and other campaign activities which enabled her to win a narrow victory. The purpose of the 48-hour report provision is to provide the public as well as the opponent with information about late infusions of cash which may affect the election. Rep. Lowey's failure to file these reports is a direct violation of this provision.

This violation is exacerbated by the fact that 48 hour reports were filed listing other contributions. The failure to disclose these personal contributions indicates an apparent wilfulness to violate the law.

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ALDO V. VITAGLIANO

Hon. Lee Ann Elliot
Chairman, Federal Election Commission

I urge you to impose the heavy penalty permitted by the law. Section 437(g)(a)(5)(A) authorizes fines equal to the amount of the contributions involved in the violation; in this case, that means up to a \$250,000 penalty.

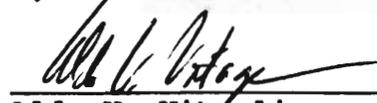
If anything additional is required, please do not hesitate to contact me at (914) 921-0333.

Sincerely,

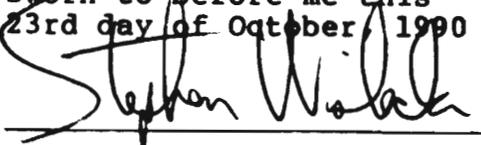

Aldo V. Vitagliano

State of New York
County of Westchester

Aldo V. Vitagliano, being duly sworn, deposes and says as follows: I am the complainant in the above matter; I have read the foregoing complaint and know the contents thereof; that the same is true to my own knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters, I believe them to be true.


Aldo V. Vitagliano

Sworn to before me this
23rd day of October, 1990



Stephen Wislocki
Notary Public, State of New York
No.: 02W14962741
Qualified in Westchester County
Commission Expires February 28, 1992

91040354946



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1990

Aldo V. Vitagliano
150 Purchase Street
Rye, New York 10580

RE: MUR 3146

Dear Mr. Vitagliano:

This letter acknowledges receipt on October 24, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Honorable Nita H. Lowey and Nita Lowey for Congress and Gloria Passidomo, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3146. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence H. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040354947



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1990

Nita Lowey for Congress
Gloria Passidomo, Treasurer
3 Beverly Road
Rye, New York 10580

RE: MUR 3146

Dear Ms. Passidomo:

The Federal Election Commission received a complaint which alleges that Nita Lowey for Congress and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3146. Please refer to this number in all future correspondence.

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

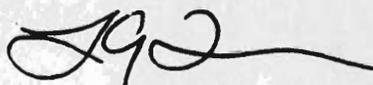
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: The Honorable Nita M. Lowey

21040354949



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1990

The Honorable Nita M. Lowey
Representative in Congress
3 Beverly Road
Rye, New York 10580

RE: MUR 3146

Dear Ms. Lowey:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3146. Please refer to this number in all future correspondence.

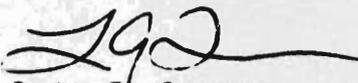
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: The Honorable Nita M. Lowey
The United States House of Representatives
1313 Longworth Building
Washington, D.C. 20515

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STATEMENT OF DESIGNATION OF COUNSEL

OGC 8565

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

MUR 3146

90 NOV -6 AM 10: 29

NAME OF COUNSEL: Robert F. Bauer, Esq.

B. Holly Schadler, Esq.

ADDRESS: Perkins Coie

1110 Vermont Avenue, N.W.

Washington, D.C. 20005

TELEPHONE: 202-956-5431

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.

November 2, 1990
Date

Nita M. Lowey
Signature

RESPONDENT'S NAME: Nita Lowey for Congress
Nita M. Lowey

ADDRESS: 105 Beverly Road

Rye, New York 10580

HOME PHONE: 914-967-7742

BUSINESS PHONE: 914-428-1707

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
90 NOV -6 AM 10: 27

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 857-9050

November 13, 1990

Mr. Craig Reffner
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3146

Dear Mr. Reffner:

This letter is written to request an extension of time to respond to the complaint filed against Nita Lowey for Congress and Representative Nita Lowey. As stated on the Designation of Counsel sent to the Commission on November 5, 1990, Perkins Coie has been retained by Respondents to represent them in this matter. Because Respondents received the notification of this complaint only shortly before Election Day, and, as a consequence, we have not had an opportunity to review this matter with our clients, we request an extension of time until November 28 to prepare a response. The additional time is necessary in order to familiarize ourselves with the materials and to obtain the necessary information to respond.

If you have any questions or need additional information, please let me know.

Very truly yours,



Robert F. Bauer
B. Holly Schadler
Counsel for Respondents

01420/4

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1990

Robert F. Bauer, Esq.
B. Holly Schadler, Esq.
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3146
Nita M. Lowey
Nita M. Lowey for Congress and
Gloria Passidomo, as treasurer

Dear Mr. Bauer and Ms. Schadler:

This is in response to your letter dated November 13, 1990, which we received on November 13, 1990, requesting an extension of 14 days to respond to the complaint in this 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 November 28, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lisa E. Klein
Assistant General Counsel

21040854954

OGC 8764

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

November 28, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 28 PM 4:54

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Craig Reffner

Re: MUR 3146 - Representative Nita M. Lowey, Nita Lowey for Congress Committee and Gloria Passidomo, as Treasurer

Dear Mr. Noble:

Nita Lowey for Congress Committee (the "Committee"), Gloria Passidomo, as Treasurer (collectively referred to herein as "Respondents"), and Representative Nita M. Lowey, hereby reply through Counsel to the Commission's notification that a Complaint has been filed against them by Aldo V. Vitagliano ("Complainant")

The Complaint

The Complaint alleges that Respondents violated the Federal Election Campaign Act of 1971, as amended (the "FECA" or the "Act"), 2 U.S.C. §§ 431 et seq., by failing to disclose on its 48-hour reports four loans from Representative Lowey to the Committee.^{1/} More specifically, Representative Lowey made four loans to her campaign during the last twelve days of the 1988 general election. These loans, while fully disclosed on the Committee's post-election report, were not listed on the 48-hour reports filed by the Committee. Exhibit A. As the

^{1/}The Complaint asserts that Representative Nita Lowey violated the FECA by failing to disclose the loans she made to the Committee. She had abided by the reporting requirement under the Act. These allegations are without basis in law or in fact and, as a consequence, the Complaint against Representative Lowey should be dismissed.

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Complaint acknowledges, the Committee filed 48-hour reports, covering all contributions made to the Committee with the exception of these loans, in full compliance with 2 U.S.C. § 434(a)(6)(A).

Discussion

As evidenced by the four 48-hour reports filed prior to the 1988 election, the Committee understood that "contributions" of \$1000 or more to the campaign must be disclosed, but that loans from the candidate would not be treated as "contributions" reportable under the 48-hour reporting rules. The Committee believed that it had made all disclosure required under the Act. Exhibit B.

It is quite understandable that a committee would conclude that personal loans by the candidate to the campaign do not constitute contributions for the purpose of 48-hour reports, particularly in light of the written guidance provided to candidates and political committees regarding last minute reporting. A memorandum from Donald K. Anderson to all candidates and political committees on 48-hour reports noted:

Contributions of \$1,000 or more, received between 2 days and 20 days before the election must be reported within 48 hours of their receipt. Notification of such a contribution shall be in writing and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. This notification shall be in addition to the reporting of these contributions on the next regularly scheduled report.

Exhibit C.^{2/}

There is no indication, specifically or by reference to the statute, that personal loans from the candidate to her Committee are subject to this disclosure. In fact, the memorandum suggests quite the contrary by referring to "contributions" and requesting, among other information, the identification of "contributors". These terms, with no further clarification, would be understood to mean that contributors, other than the candidate, who make a donation of \$1000 or more must be reported.

^{2/} A similar memorandum was sent to candidates and political committees in October, 1988.

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The Commission's guidance in the Record on last minute contributions at the time was also consistent with this interpretation. The discussion in the February 1988 issue of the Record does not cite loans as subject to the 48-hour reporting requirement. It simply refers to "contributions". Not until an article in the July 1990 Record did the Commission clarify this point by specifically listing "loans from the candidate" within the definition of "contributions" subject to the 48-hour notice requirement.

Candidates and political committees rely on the written guidance they receive from the FEC and the Clerk of the House. It alerts them in straightforward, layman's terms about the reporting requirements. The Lowey Committee is no different. Particularly as a Committee organized for its first election, the guidance from the Commission and the Clerk was critical to both its understanding and execution of these reporting requirements.

The Committee's interpretation of the 48-hour reporting rules is also consistent with the statutory intent of pre-election disclosure--to alert the public to the identity of those who support a candidate and to whom that candidate may be beholden after an election. Buckley v. Valeo, 424 U.S. 1, 67 (1976) ("the sources of a candidate's financial support . . . alert the voter to the interest to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office"); See also S. Rep. No. 689, 93rd Cong., 2d Sess. 2 (1974); H.R. Rep. No. 564, 92nd Cong., 2d Sess. 4 (1971).

The 48-hour reports play a critical role in revealing to the public last minute contributions from outside sources which could potentially shed some light on the candidate's views or about his or her future performance as an officeholder. But here, the four loans were made from the candidate herself. The public record already reflected loans in the amount of \$350,000 made by Representative Lowey to her campaign. This is not a case where outside contributors, or even third-party guarantors, made last minute contributions to the Committee which went undisclosed to the public until after the election.

The disclosure of these loans, however, would have neither alerted voters about an as of yet undisclosed interest to which the candidate might be responsive, nor facilitated voters' predictions of Representative Lowey's future performance as an

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officeholder. Therefore, the Committee, after reviewing the reporting guidelines, concluded logically and defensibly that loans to the campaign, which involved no outside interest, were not subject to the 48-hour disclosure requirements.

The allegation by the Complainant that the failure to disclose these personal loans indicates an apparent willfulness to violate the law is preposterous. These were not the first loans that the candidate had made to her Committee. She had made five previous loans totaling \$350,000 over the course of the campaign. Each of these loans was reported as required by the FECA. Therefore, it was a matter of public record that Representative Lowey was loaning personal funds to her campaign. If the Committee had understood that the four additional loans were subject to last minute reporting, the loans would have been incorporated. That these personal loans were not reported on a 48-hour time basis was due solely to the fact that the Committee was not aware that they qualified as "contributions" under this provision of the statute.

Conclusion

As demonstrated above, the Complaint filed by Complainant involves at most an alleged technical violation of the FECA which was not covered in the Commission's interpretative guidelines to political committees and which neither deprived voters of critical information nor was inconsistent with the underlying policy of the disclosure requirements. The Commission should dismiss this Complaint with no further action.

If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,



Robert F. Bauer
B. Holly Schadler
PERKINS COIE
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005
(202) 887-9030

Counsel for Respondents

21040354958

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3146

NAME OF COUNSEL: Robert F. Bauer, Esq.

ADDRESS: B. Holly Schadler, Esq.
Perkins Coie

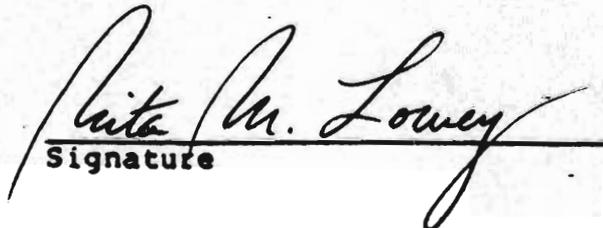
1110 Vermont Avenue, N.W.

Washington, D. C. 20005

TELEPHONE: 202-956-5431

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.

November 21, 1990
Date


Signature

RESPONDENT'S NAME: Nita Lowey for Congress, Nita M. Lowey,
Gloria Passidomo, as Treasurer

ADDRESS: 3 Beverly Road

Rye, New York 10580

HOME PHONE: 914-967-7742

BUSINESS PHONE: 914-428-1707

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RL. JOE OF RECEIPTS AND DISBURSEMENTS

Exhibit A

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Nita Lowey for Congress		2. FEC IDENTIFICATION NUMBER 124273
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 3 Beverly Road		3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CITY, STATE and ZIP CODE Rye, New York 10580	STATE/DISTRICT NY/20	

4. TYPE OF REPORT

April 15 Quarterly Report Twelfth day report preceding _____
(Type of Election)
 July 15 Quarterly Report election on _____ in the State of _____
 October 15 Quarterly Report Thirtieth day report following the General Election on
 January 31 Year End Report **Nov. 8, 1988** in the State of **New York**
 July 31 Mid-Year Report (Non-election Year Only) Termination Report

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

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>10/20/88</u> through <u>11/28/88</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	178,348.00	577,638.00
(b) Total Contribution Refunds (from Line 20(d))	NONE	1,000.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	178,348.00	576,638.00*
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	507,207.56	1,256,277.42
(b) Total Offsets to Operating Expenditures (from Line 14)	3,428.86	5,952.63
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	503,778.70	1,250,324.79
8. Cash on Hand at Close of Reporting Period (from Line 27)	12,610.66	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	581,461.61	

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

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

Type or Print Name of Treasurer
Gloria Passidomo
Signature of Treasurer

Date

*Total contributions from October 15, 1987 to November 28, 1988 \$686,623.00

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

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

Name of Committee (in full)
Nita Lowey for Congress

Report Covering the Period
From **10/20/88** To **11/28/88**

I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		57,980.00	
(ii) Unitemized		18,993.00	
(iii) Total of contributions from individuals		76,973.00	419,758.00
(b) Political Party Committees			
			75.00
(c) Other Political Committees (such as PACs)			
		101,150.00	152,925.00
(d) The Candidate			
		225.00	4,880.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))			
		178,348.00	577,638.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.			
13. LOANS.			
(a) Made or Guaranteed by the Candidate			
		250,000.00	600,000.00
(b) All Other Loans			
		2,000.00	2,000.00
(c) TOTAL LOANS (add 13(a) and (b))			
		252,000.00	602,000.00
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			
		3,428.86	5,952.63
15 OTHER RECEIPTS (Dividends, Interest, etc.)			
			1,975.74
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)			
		433,776.86	1,187,566.37
II. DISBURSEMENTS			
17 OPERATING EXPENDITURES			
		507,207.56	1,256,277.42
18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES			
19 LOAN REPAYMENTS			
(a) Of Loans Made or Guaranteed by the Candidate			
		25,000.00	25,000.00
(b) Of All Other Loans			
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))			
		25,000.00	25,000.00
20 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees			
			1,000.00
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))			
			1,000.00
21 OTHER DISBURSEMENTS			
			75.00
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)			
		532,207.56	1,282,352.42
III. CASH SUMMARY			
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD			\$ 111,041.36
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)			\$ 433,776.86
25 SUBTOTAL (add Line 23 and Line 24)			\$ 544,818.22
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)			\$ 532,207.56
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)			\$ 12,610.66

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Loans owed by the committee

Name of Committee (in Full) Nita Lowey for Congress			
A. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, New York 10580	Original Amount of Loan 50,000.00	Cumulative Payment To Date 25,000.00	Balance Outstanding at Close of This Period 25,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>6-28-88</u> Date Due <u>None</u> Interest Rate <u>None</u> (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
B. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, New York 10580	Original Amount of Loan 100,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 100,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>8/14/88</u> Date Due <u>None</u> Interest Rate <u>None</u> (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
SUBTOTALS This Period This Page (optional)			125,000.00
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

91040354962

LOANS

Loans owed by the committee

Name of Committee (in Full) Nita Lowey for Congress			
A. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, NY 10580	Original Amount of Loan 100,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 100,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>8/25/88</u> Date Due <u>None</u> Interest Rate <u>None</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
B. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, NY 10580			
		Original Amount of Loan 50,000.00	Balance Outstanding at Close of This Period 50,000.00
Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>9/8/88</u> Date Due <u>None</u> Interest Rate <u>None</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
SUBTOTALS This Period This Page (optional)			150,000.00
TOTALS This Period (last page in this line only)			

Carry outstanding balances only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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Loans owed by the committee

Name of Committee (in Full) Nita Lowey for Congress			
A. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, New York 10580	Original Amount of Loan 50,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 50,000.00
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>9/19/88</u> Date Due <u>None</u> Interest Rate <u>None</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
B. Full Name, Mailing Address and ZIP Code of Loan Source			
DSG Campaign Fund 4 Library Court, S.W. Washington, DC 20003	Original Amount of Loan 2,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 2,000.00
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>10/31/88</u> Date Due <u>5/19/89</u> Interest Rate <u>None</u> % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
None	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
SUBTOTALS This Period This Page (optional)			52,000.00
TOTALS This Period (last page in this line only)			

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Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

Name of Committee (in Full)
Nita Lowey for Congress

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Nita Lowey 3 Beverly Road Rye, New York 10580	\$50,000.00		\$50,000.00

Election: Primary General Other (specify):

Terms: Date Incurred 10/21/88 Date Due none Interest Rate none % (apr) Secured

List All Endorsers or Guarantors (if any) to Item A **Personal Loan**

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

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Nita Lowey 3 Beverly Road Rye, New York 10580	\$50,000.00		\$50,000.00

Election: Primary General Other (specify):

Terms: Date Incurred 10/27/88 Date Due none Interest Rate none % (apr) Secured

List All Endorsers or Guarantors (if any) to Item B **Personal Loan**

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

SUBTOTALS This Period This Page (optional) **100,000.00**

TOTALS This Period (last page in this line only)

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

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Name of Committee (in Full) Nita Lowey for Congress			
A. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, NY 10580	Original Amount of Loan 100,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 100,000.00
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>11/02/88</u> Date Due <u>none</u> Interest Rate <u>none</u> %(apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
B. Full Name, Mailing Address and ZIP Code of Loan Source Nita Lowey 3 Beverly Road Rye, New York 10580			
	Original Amount of Loan 50,000.00	Cumulative Payment To Date	Balance Outstanding at Close of This Period 50,000.00
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>11-03-88</u> Date Due <u>none</u> Interest Rate <u>none</u> %(apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B Personal Loan			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
SUBTOTALS This Period This Page (optional)			150,000.00
TOTALS This Period (last page in this line only)			577,000.00
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

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Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

October 11, 1990

TO: All Candidates and Political Committees Supporting Such
Candidates in the General Election to be Held on November 6, 1990

FROM: DONNALD K. ANDERSON, Clerk *DKA*
U.S. House of Representatives

SUBJECT: Pre- and Post-Election Reports of Receipts and Disbursements for the
General Election

Type of Report	Closing date for books	Filing date for report	Mailing date for report*
Pre-Election	Oct. 17, 1990	Oct. 25, 1990	Oct. 23, 1990
Post-Election	Nov. 26, 1990	Dec. 6, 1990	Dec. 6, 1990

* Reports will be considered timely if postmarked Registered or Certified Mail by the Mailing Date.

NOTE: Contributions of \$1,000 or more, received between 2 days and 20 days before the election must be reported within 48 hours of their receipt. Notification of such a contribution shall be in writing and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. This notification shall be in addition to the reporting of these contributions on the next regularly scheduled report.

If additional committees are authorized by the candidate, their Reports should be filed with the principal campaign committee which shall compile and file such reports with the Clerk of the House of Representatives.

If you have any questions concerning this matter, please do not hesitate to contact my staff in the Office of Records and Registration at (202) 225-1300.

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BY 100 LINES OVER 007

THE RECEIPTS OF MONIES AND
OTHER RECEIPTS

124275

NOV 24 1911 13

RECEIVED

THE RECEIPTS OF MONIES IN THE MONTH
OF NOVEMBER, 1911

AMOUNT OF \$200.00.

FOR MONTHLY EMPLOYEES OF 010

FOR MONTHLY EMPLOYEES OF 020



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

4-050420070 10/24/80 TCO IDENTIFY CON UNED
0100033000 HONG TONT WHITE PLAINS NY 10610 0610P EST

CLERK OF THE HOUSE
OFFICE OF RECORDS AND REGISTRATION
1030 LONGWORTH HOUSE OFFICE BLDG
WASHINGTON DC 20515

WITA LONEY (PEC 1124293), CANDIDATE FOR CONGRESS IN THE 20TH CD,
RECEIVED THE FOLLOWING CONTRIBUTIONS:

1 OCTOBER 80 ERIC BUCKEN AT \$1000
15 WINDMILL ROAD
SCARSDALE NY 10583
EMPLOYER: GOLDMAN, SACHS AND CO
OCCUPATION: INVESTMENT BANKER

2 RECEIVED ON 10/24: ELLIOT AND JILL GOLDMAN AT \$1000
3 CHESTER DRIVE
4 AVE NY 10580
5 EMPLOYER: SELF EMPLOYED/HOUSEWIFE

RICHARD J SCHUEER AT \$1000/PRIMARY DEBT RETIREMENT
AT \$1000/GENERAL ELECTION
21 WILLOW AVE
LARCHMONT NY 10538
EMPLOYER: G1 ASSOCIATES
OCCUPATION: REAL ESTATE

RICHARD AND SYLVIA SCHUEER AT \$1000
674 PENNINO RD
LARCHMONT NY 10538
EMPLOYER: R J SCHUEER AND CO
OCCUPATION: INSURANCE

AMERICAN FEDERATION OF TEACHERS CODE 02 AT \$2000
1000 JEFFERSON AVE N.W.
WASHINGTON DC 20001

MARSHY REYNOLD AT \$1000

10001 EST

HONGTONT

UNIVERSITY OF 10001 STAR

0-0020170301 10/27/80 ICS IPWITZ COP WMSB
0100033090 WMSB TONY WHITEPLAINS NY 201 10-27 0024P EDT

CLERK OF THE HOUSE OFFICE OF RECORDS AND
REGISTRATION
1030 LONGMOUTH HOUSE OFFICE BUILDING
WASHINGTON DC 20515

NITA LOUVEYER WOMAN CANDIDATE FOR CONGRESS IN THE 20TH CD.
RECEIVED THE FOLLOWING CONTRIBUTIONS:

JAMES COLL AT 1000 DOLLARS PARSONAGE POINT AVE NEW YORK 10500

OCCUPATION:EMPLOYEE

LYNN COLL AT 1000 DOLLARS PARSONAGE POINT AVE NEW YORK 10500

OCCUPATION:HOUSEWIFE

CHRISTY MACK AT 1000 DOLLARS 91 PURCHASE STREET PURCHASE NEW YORK
10577

OCCUPATION:HOUSEWIFE

JACK MELNIKOFF AT 1000 DOLLARS 16 DAVID DRIVE ARMONK NEW YORK 10504

OCCUPATION:STUDENT

LINDA MELNIKOFF AT 1000 DOLLARS 16 DAVID DRIVE ARMONK NEW YORK 10504

OCCUPATION:HOUSEWIFE

RICHARD MELNIKOFF AT 1000 DOLLARS 16 DAVID DRIVE ARMONK NEW YORK
10504

EMPLOYER:COLOSTEIN, SOLUS AND KESSLER

OCCUPATION:ACCOUNTANT

STANLEY GOODMAN AT 1000 DOLLARS 81 MAIN STREET WHITEPLAINS NEW YORK
10601

EMPLOYER:SELF EMPLOYED

OCCUPATION:CTA/ATTORNEY

WILLIAM LERACH AT 1000 DOLLARS PO BOX 937 RANCHO SANTA FE CALIFORNIA
92067

EMPLOYER:WILSON, WELLS, GERHARD SPECTWITZ AND LERACH

OCCUPATION:ATTORNEY

AMERICAN FEDERATION OF TEACHERS-PAC AT 2000 DOLLARS 595 NEW JERSEY
AVE IN NEWARK NJ 07102

INDUSTRIAL UNION OF MARINE ENGINEERS AT 2000 DOLLARS LPO BOX 1306 WASHINGTON
DC 20004

INTERNATIONAL UNION OF PUBLIC EMPLOYEES AT 1000 DOLLARS 2000 P
STREET IN WASHINGTON DC 20006

CONFEDERATION OF NATIONAL INDUSTRY AT 1000 DOLLARS 815 15TH STREET NW WASHINGTON
DC 20005

AMERICAN ASSOCIATION OF UNIVERSITY FACULTIES AT 1000 DOLLARS 300 SOUTH
HOLLYWOOD AVE LOS ANGELES CALIFORNIA 90020

MOVIES FOR CONGRESS AT 1000 DOLLARS 6100 OLD SILVER HILL ROAD
DISTRICT HEIGHTS MARYLAND 20747

ATLA PAC-ASSOCIATION OF TRIAL LAWYERS OF AMERICA POLITICAL ACTION
COMMITTEE AT 1000 DOLLARS 1000 31 STREET NW WASHINGTON DC 20007

TO REPLY BY MAILING SERVICE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL FREE PHONE NUMBERS

Mailgram

UAW V CAT AT 3000 DOLLARS INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, 4000 EAST
JEFFERSON DETROIT MICHIGAN 48210
HARVEY REYMAN
OFFICER MANAGER

14127 EST

MEMCOMP

13610742

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR USOVERS UNION'S TOLL FREE PHONE NUMBERS

0-00000000 11/00 000 11-00 10100 EST
010000000 NEW YORK WHITE PLAINS NY 000 11-00 10100 EST

CLERK OF THE HOUSE
OFFICE OF RECORDS AND REGISTRATION
1000 LONGWORTH HOUSE OFFICE BLDG
WASHINGTON DC 20545

ETA LEWIS 1700 NORTON ROAD CANDIDATE FOR CONGRESS IN THE 20TH
CD, DISTRICT OF COLUMBIA

AMERICAN NURSES ASSOCIATION PAC AT 02,000 1101 16 STREET NORTHWEST
WASHINGTON DC 20005

EMEREA COLNER AT 01,000 6000 DRIVE NYE BROOK NEW YORK 10573
EMPLOYER: CONTEMPORARY INTERIORS OCCUPATION INTERIOR DESIGNER

INDEPENDENT ACTION FOR SPACE AT 01,500 1730 NORTH LYNN STREET
ALEXANDRIA VIRGINIA

JOHN S MARTIN JR AT 01,000 PURTAN ROAD NYE NEW YORK 10562 EMPLOYER:
REALTY BOTH AND OCCUPATION: ATTORNEY

MARGARET MARTIN AT 02,000 PURTAN ROAD NYE NEW YORK 10562 OCCUPATION
HOUSEWIFE

MARTIN PERSTE AT 02,000 10 LAKEMOOD DRIVE CAMBRIDGE MASSACHUSETTS
CHILD SUPPORT AND OCCUPATION: CHAIRMAN

NATIONAL COUNCIL OF AMERICAN COTTAGES PAC AT 02,000 905 15 STREET
NORTHWEST WASHINGTON DC 20005

GRACE DEER AT 01,000 1000 WHITE PLAINS ROAD WHITE PLAINS NEW YORK
OCCUPATION: REALTOR

AMERICAN NURSES ASSOCIATION PAC AT 02,000 1101 16 STREET NORTHWEST WASHINGTON
DC 20005

AMERICAN NURSES ASSOCIATION PAC AT 02,000 1101 16 STREET NORTHWEST WASHINGTON
DC 20005

AMERICAN NURSES ASSOCIATION PAC AT 02,000 1101 16 STREET NORTHWEST WASHINGTON
DC 20005

NATHAN ANTON AT 01,000 1000 WHITE PLAINS ROAD WHITE PLAINS NEW YORK 10573
OCCUPATION: REALTOR

FREE PHONE NUMBERS

CITIZENS FOR FAMILY PLANNING II PAC AT \$1,000 BOX 246, 1202 LEXINGTON AVENUE NEW YORK NEW YORK 10020

STANLEY GROSSMAN AT \$1,000 34 STERLING ROAD HARRISON NEW YORK 10520 EMPLOYER; POKERANTZ, LEVY, MAUDER, BLOCH AND GROSSMAN OCCUPATION ATTORNEY

KIDDAPAC, INC (PAC) AT \$1,000 60 TROWBRIDGE STREET CAMBRIDGE MASSACHUSETTS 02130

ROBERT KORNREICH AT \$1,000 301 EAST 79 STREET NEW YORK NEW YORK 10021 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY

LESTER LEVY AT \$1,000 60 CHELSEA ROAD NEW YORK NEW YORK 10003 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY

PROMISE VOTER (PAC) AT \$3,000 1000 AVENUE WHITE PLAINS 10601

PROMISE VOTER (PAC) AT \$2,000 1000 AVENUE WHITE PLAINS 10601

ALLEN SIGEL AT \$1,000 5 LEBLANC STREET CONNECTICUT 06000 EMPLOYER; DEAR STERNS REALTY COMPANY OCCUPATION EXECUTIVE VICE PRESIDENT

COMMUNICATIONS WORKERS OF AMERICA (PAC) AT \$2,500 1025 K STREET NORTHWEST WASHINGTON DC 20004

DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE (PAC) AT \$2,000 430 SOUTH CAPITAL STREET WASHINGTON DC 20003

HARISH KOPPEL AT \$1,000 100 EAST 100 STREET NEW YORK NEW YORK 10021 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY

DAVID BERMAN AT \$1,000 2 CHESTER ROAD MONTCLAIR NEW JERSEY 07042 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY

COMMITTEE TO ABOLISH HUAC AT \$1,000 815 16 STREET NEW YORK NEW YORK 10011

THE NEW YORK STATE BAR ASSOCIATION AT \$1,000 11217 NEW YORK 11217 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES

AMERICAN OVERSIGHT (PAC) AT \$1,000 1125 19 STREET NORTHWEST WASHINGTON DC 20005

RONALD REAGAN AT \$1,000 HAVELAND ROAD HARRISON NEW YORK 10520 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY

SIGAN HARRIS AT \$1,000 HAVELAND ROAD HARRISON NEW YORK 10520 EMPLOYER; WOLF POPPER ROSS WOLF AND JONES OCCUPATION ATTORNEY



OCCUPATION HOUSEWIFE

WASH PAC CMA (PAC) AT \$2,000 7001 EASTERN AVENUE SILVER SPRING MARYLAND 20910

NEW YORK STATE DEMOCRATIC COMMITTEE (PAC) AT \$5,000 111 WASHINGTON AVENUE ALBANY NEW YORK 12210

CITIZENS FOR FAMILY PLANNING II (PAC) AT \$1,000 1202 LEXINGTON AVENUE BOX 200 NEW YORK NEW YORK 10020

COMMITTEE FOR DEMOCRATIC OPPORTUNITY (PAC) AT \$1,000 PO BOX 10000 PHILADELPHIA PENNSYLVANIA 19110

J.N.C. SERVICES CORPORATION (PAC) AT \$5,000 430 SOUTH CAPITAL STREET SOUTHWEST WASHINGTON DC 20003

INDEPENDENT ACTION INC (PAC) AT \$1,000 1730 NORTH LYNN STREET ARLINGTON VIRGINIA 22204

SHEET METAL WORKERS INTERNATIONAL - PAC AT \$5,000 1750 NEW YORK AVENUE NORTHWEST WASHINGTON DC 20006

BOB CAMPAIGN FUNDS PAC AT \$5,000 (LOAN) 4 LIBRARY COURT SOUTHWEST WASHINGTON DC 20003

JOHN HEDDER AT \$1,000 32 GOLDEN GATE AVENUE DELVEDERE CALIFORNIA 94009

EMPLOYER: HENRY SHIFF AND CO
OCCUPATION: STEELWORKER

NATIONAL EDUCATION ASSOCIATION POLITICAL ACTION COMMITTEE AT \$5,000 (100 PRIMARY 5000 REDUCTIONS) 1201 16TH STREET NORTHWEST WASHINGTON DC 20036

VALLEY EDUCATION FUND AT \$2,000 (80 GENERAL ELECTION) PO BOX 1100 WASHINGTON DC 20013

COMMITTEE FOR A PROGRESSIVE CONGRESS AT \$1,000, FOR GENERAL, 114 4TH STREET NORTHWEST WASHINGTON DC 20002

AMERICAN UNION OF WORKERS COMMITTEE OF POLITICAL EDUCATION AT \$5,000 1200 15TH AVENUE NORTHWEST WASHINGTON DC 20001
MANAGER

CRISTINA

WASHDC

91 JAN 24 PH 3:31

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR: 3146
Date Complaint Received
By OGC: October 24, 1990
Date of Notification to
Respondents: October 26, 1990
Staff Member: Craig Reffner

COMPLAINANT: Aldo Vitagliano

RESPONDENTS: Representative Nita Lowey
The Nita Lowey for Congress Committee and
Gloria Passidomo, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
11 C.F.R. § 104.5(f)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was initiated by a complaint filed by Aldo Vitagliano alleging that Representative Nita Lowey and the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer (collectively referred to as the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act") by failing to disclose last minute contributions in connection with the 1988 general election. A response was received from counsel on behalf of Nita Lowey and the Committee on November 28, 1990. Attachment A (Response to Complaint).

II. FACTUAL AND LEGAL ANALYSIS

The Act requires a federal candidate's principal campaign committee to notify either the Clerk of the House, Secretary of

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the Senate or the Commission (and the appropriate Secretary of State), in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

2 U.S.C. § 434(a)(6)(A). The Act further requires this notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate, identification of the contributor, the date or receipt and the amount of the contribution. Id. According to the Act, a contribution is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. See 2 U.S.C. § 431(8)(A). Timely disclosure of such contributions, pursuant to 2 U.S.C. § 434(a)(6)(A), is in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

Nita Lowey was the Democratic candidate in the 1988 general election for New York's 20th Congressional District. Pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 20, 1988 to November 5, 1988. It is undisputed that Representative Lowey made four loans to her Committee totaling \$250,000 during that time period for which the Committee did not file 48 hour notices.¹

1. From the face of the photocopies of reports submitted by Respondents, it appears that the Committee also failed to timely file a 48 hour notice for a \$2,000 loan from the DSG campaign fund. Attachment A at 9. The loan, which was apparently incurred on October 31, 1988, was not disclosed until November 4, 1988.

9
1
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4
0
3
5
4
9
7
6

<u>Date</u>	<u>Amount</u>
10-21-88	\$50,000
10-27-88	\$50,000
11-02-88	\$100,000
11-03-88	\$50,000

Respondents note in their response to the complaint that the loans in question were disclosed on the post election report, and argue that the failure to file 48-hour notices for these loans was due to their understanding "that loans from the candidate would not be treated as 'contributions' reportable under the 48-hour reporting rules." Attachment 1 at 2. They attribute their understanding to the fact that reminder notices and an article in the Commission Record regarding 48-hour reporting requirements only refer to "contributions" and do not specifically list "loans from candidates." Id. at 2-3. Finally, Respondents reason that after reviewing the 1988 Record, their failure to report the candidate loans on 48-hour reports is not inconsistent with the Act's disclosure purposes because:

The disclosure of these loans . . . would have neither alerted voters about an as of yet undisclosed interest to which the candidate might be responsive, nor facilitated voters' predictions of Representative Lowey's future performance as an office holder.

Id. at 3.

Respondents' arguments are not persuasive. If the Committee assumed the candidate's loans were not to be reported on 48-hour reports because they believed 48 hour reports only applied to "contributions," it is unclear how or on what basis they concluded that the same loans were to be reported on the next periodic report they filed. The law

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explicitly includes loans within the definition of the term contribution, 2 U.S.C. § 431(8)(A)(1), and the Act specifically requires the reporting of loans made by the candidate. 2 U.S.C. § 434(b)(2)(G).²

Similarly, Respondents' assertion that their confusion arose in part from interpreting the Commission's publications rather than from a misreading of the statute is unavailing. First, Respondents discuss the 1988 Record in their response but provide no evidence that the Committee consulted those publications or directly contacted the FEC for guidance. Second, Respondents' interpretation of the 1988 Record is unnecessarily narrow. That portion of the 1988 Record which referenced 48-hour reports concerned the receipt of all contributions and the under the Act, the term contribution has been defined to include any loan made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8).

As Respondents correctly note, however, there is no reporting requirement imposed upon the candidate under the Act in connection with the reporting of these loans. Instead, that responsibility is imposed upon the Committee and its treasurer. Nor is there any evidence to support complainant's allegation that the Respondents' failure to file 48-hour reports for these loans demonstrated an apparent

2. The loans here were not bank loans which the Act exempts from the definition of contribution as provided by 2 U.S.C. § 431(8)(B)(viii).

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willfulness to violate the law.

As a result of the foregoing, this Office recommends that the Commission find reason to believe that the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and no reason to believe that Representative Nita Lowey violated 2 U.S.C. § 434(a)(6)(A) on the basis of the complaint in this matter.

III. RECOMMENDATIONS

1. Find reason to believe that the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

2. Find no reason to believe that Representative Nita Lowey violated 2 U.S.C. § 434(a)(6)(A) on the basis of the complaint in this matter.

3. Approve the appropriate letter and attached Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

Date 1/23/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

- A. Response to Complaint
- B. Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Representative Nita Lowey)
The Nita Lowey for Congress Committee) MUR 3146
and Gloria Passidomo, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 29, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3146:

1. Find reason to believe that the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer, violated 2 U.S.C. § 434(a)(6) (A).
2. Find no reason to believe that Representative Nita Lowey violated 2 U.S.C. § 434(a)(6)(A) on the basis of the complaint in this matter.
3. Approve the appropriate letter and Factual and Legal Analysis, as recommended in the General Counsel's Report dated January 23, 1991.

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

Attest:

Jan. 30, 1991
Date

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

Received in the Secretariat: Thurs., Jan. 24, 1991 3:31 p.m.
Circulated to the Commission: Fri., Jan. 25, 1991 12:00 p.m.
Deadline for vote: Tues., Jan. 29, 1991 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert F. Bauer, Esq.
B. Holly Schadler, Esq.
Perkins Cole
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3146
Nita M. Lowey
Nita M. Lowey for Congress and
Gloria Passidomo, as treasurer

Dear Mr. Bauer and Ms. Schadler:

On October 26, 1990, the Federal Election Commission notified your clients, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you on behalf of your clients, the Commission, on January 29, 1991, found that there is reason to believe Nita M. Lowey for Congress and Gloria Passidomo, as treasurer (the "Committee"), violated 2 U.S.C. § 434(a)(6)(A), a provision of the Act. On that same date, the Commission also found no reason to believe that Nita Lowey violated 2 U.S.C. § 434(a)(6)(A). 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. 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 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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Robert F. Bauer, Esq.
B. Holly Schadler, Esq.
Page 2

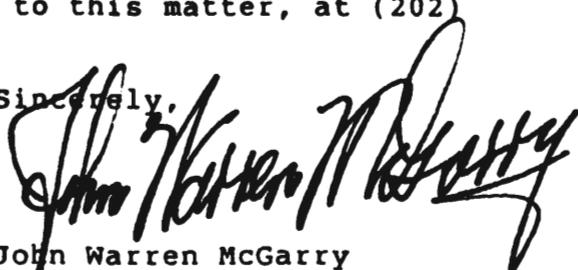
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending 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 you notify the Commission in writing that you wish the matter to be made public.

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

Sincerely,


John Warren McGarry
Chairman

Enclosures
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer **MUR: 3146**

I. GENERATION OF MATTER

On October 24, 1990, Aldo Vitagliano filed a complaint with the Federal Election Commission (the "Commission") alleging that Representative Nita Lowey, the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer (the "Respondents"), violated the Federal Election Campaign Act of 1971, as amended (the "Act") by failing to disclose last minute contributions in connection with the 1988 general election. A response was received from counsel on behalf of Respondents on November 28, 1990.

II. FACTUAL AND LEGAL ANALYSIS

The Act requires a federal candidate's principal campaign committee to notify either the Clerk of the House, Secretary of the Senate or the Commission (and the appropriate Secretary of State), in writing, of each contribution totaling \$1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

2 U.S.C. § 434(a)(6)(A). The Act further requires this notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate, identification of the contributor, the date of receipt and the amount of the contribution. Id. According to the Act, a contribution is any gift, subscription, loan, advance, or

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deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. See 2 U.S.C. § 431(8)(A). Timely disclosure of such contributions, pursuant to 2 U.S.C. § 434(a)(6)(A), is in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

Nita Lowey was the Democratic candidate in the 1988 general election for New York's 20th Congressional District. Pursuant to 2 U.S.C. § 434(a)(6)(A), the Committee was required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 20, 1988 to November 5, 1988. It is undisputed that Representative Lowey made four loans to her Committee totaling \$250,000 during that time period for which the Committee did not file 48 hour notices.

<u>Date</u>	<u>Amount</u>
10-21-88	\$50,000
10-27-88	\$50,000
11-02-88	\$100,000
11-03-88	\$50,000

Respondents note in their response to the complaint that the loans in question were disclosed on the post election report, and argue that the failure to file 48-hour notices for these loans was due to their understanding "that loans from the candidate would not be treated as 'contributions' reportable under the 48-hour reporting rules." They attribute their understanding to the fact that reminder notices and an article in the Commission Record regarding 48-hour reporting requirements only refer to "contributions" and do not specifically list "loans from candidates." Finally, Respondents

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reason that failure to report the candidate loans on 48-hour reports is not inconsistent with the Act's disclosure purposes because:

The disclosure of these loans . . . would have neither alerted voters about an as of yet undisclosed interest to which the candidate might be responsive, nor facilitated voters' predictions of Representative Lowey's future performance as an office holder.

Id. at 3.

Respondents' arguments are not persuasive. If the Committee assumed the candidate's loans were not to be reported on 48-hour reports because they believed 48 hour reports only applied to "contributions," it is unclear how or on what basis they concluded that the same loans were to be reported on the next periodic report they filed. The law explicitly includes loans within the definition of the term contribution, 2 U.S.C. § 431(8)(A)(1), and the Act specifically requires the reporting of loans made by the candidate. 2 U.S.C. § 434(b)(2)(G).¹

Similarly, Respondents' assertion that their confusion arose in part from interpreting the Commission's publications rather than from a misreading of the statute is unavailing. First, Respondents discuss the 1988 Record in their response but provide no evidence that the Committee consulted those publications or directly contacted the FEC for guidance. Second, Respondents' interpretation of the 1988 Record is unnecessarily narrow. That portion of the 1988 Record which

1. The loans here were not bank loans which the Act exempts from the definition of contribution as provided by 2 U.S.C. § 431(8)(B)(viii).

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referenced 48-hour reports concerned the receipt of all contributions and the under the Act, the term contribution has been defined to include any loan made by any person for the purpose of influencing any election for Federal office.

2 U.S.C. § 431(8).

As Respondents correctly note, however, there is no reporting requirement imposed upon the candidate under the Act in connection with the reporting of these loans. Instead, that responsibility is imposed upon the Committee and its treasurer. Nor is there any evidence to support complainant's allegation that the Respondents' failure to file 48-hour reports for these loans demonstrated an apparent willfulness to violate the law.

As a result of the foregoing, there is reason to believe that the Nita Lowey for Congress Committee and Gloria Passidomo, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and no reason to believe that Representative Nita Lowey violated 2 U.S.C. § 434(a)(6)(A) on the basis of the complaint in this matter.

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 687-9030

February 26, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
91 FEB 26 PM 1:45

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Craig Reffner

RE: MUR 3146 - Representative Nita M. Lowey, Nita Lowey
for Congress Committee and Gloria Passidomo, as
Treasurer

Dear Mr. Noble:

This letter responds to the notification, dated February 5, 1991, that the Commission found reason to believe that Nita M. Lowey for Congress (the "Committee") and Gloria Passidomo, as Treasurer (collectively "Respondents") violated 2 U.S.C. § 434(a)(6)(A) by not reporting four loans made by Representative Lowey to the Committee during the 48-hour reporting period.

The Committee filed 48-hour reports disclosing all contributions, other than these loans, covered under the 48-hour reporting requirements, confident that it had fully satisfied the disclosure requirements under the Act. The General Counsel's Factual and Legal Analysis concludes that Respondent's argument, that they believed the Committee had complied with the reporting requirements, is not persuasive. The General Counsel questions, if the Committee thought loans were not "contributions" for the purpose of "last-minute" reporting, how the Committee concluded that it was required to report the loans on the post-general report. This is disingenuous, at best, given the fact that FEC reports include a separate schedule, Schedule C, specifically and explicitly for the purpose of reporting loans. Loans from candidates are also disclosed on a separate line from other contributions on the Detailed Summary Page. This is not the case with the last-minute reports. No form, or even sample, is provided to candidates to guide them in filing these reports. Committees

TELEX: 44-0277 PCSO U1 • FACSIMILE (GP I, II, III): (202) 223-2088

OTHER OFFICES: ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • PORTLAND, OREGON • SEATTLE, WASHINGTON

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Lawrence M. Noble, Esquire
February 26, 1991
Page 2

must rely on publications received from the Commission and the Clerk of the House for such guidance.

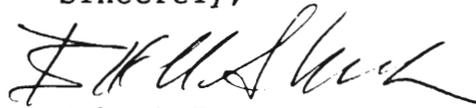
These publications did not serve to clarify the matter. The fact that the Committee understood that loans must be reported on the regular periodic report, where such disclosure is explicitly requested, but was clearly confused about the applicable rules for the 48-hour report, is not at all difficult to understand. This construction of the rules was, in fact, supported by Commission publications. The large number of 48-hour report violations based on candidate loans currently pending before the Commission should be a clear indication to the Commission of the failure of its materials to give adequate guidance to candidates on this subject. While such a widespread misunderstanding does not entirely excuse a failure to report, it should demonstrate that the Commission's enforcement at this stage should be more educational than punitive.

The General Counsel states that Respondent's interpretation of the 1988 Record on this point "is unnecessarily narrow". The Analysis does not, however, mention the fact that in 1990 the Commission found it necessary to clarify its guidance on "contributions" subject to the 48-hour reporting rules by specifically listing "loans from the candidate" within the items covered.

Moreover, as Respondents pointed out in their earlier response, the Committee's interpretation of the 48-hour reporting rules is wholly consistent with the statutory intent of this "last-minute" disclosure set forth in both the legislative history and by the Supreme Court in Buckley v. Valeo.

In the hope of expediting the resolution of this matter, Respondents request pre-probable cause conciliation. Respondents request further that in the course of preparing a conciliation agreement, the Commission consider the response set forth above.

Sincerely,



Robert F. Bauer
B. Holly Schadler
Counsel for Respondents

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91 MAR 12 PM 4:41

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Nita Lowey for Congress and) MUR 3146
Gloria Passidomo, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 29, 1991, the Commission found reason to believe that Nita Lowey for Congress and Gloria Passidomo, as treasurer (collectively referred to as the "Committee"), violated 2 U.S.C. § 434(a)(6)(A). The basis for the Commission's finding focused on the Committee's failure to file 48 hour notices in 1988 for four loans, totaling \$250,000, which the Committee received from the candidate, Nita Lowey. The Respondents were notified of the Commission's determination on February 5, 1991, and on February 26, 1991, counsel for Respondents submitted a response which included a request to enter into pre-probable cause conciliation. Attachment A.

II. ANALYSIS

In their latest response, Respondents reiterate their earlier arguments and state that while a misunderstanding of the last minute reporting requirements "does not entirely excuse a failure to report, it should demonstrate that the Commission's enforcement at this stage should be more educational than punitive." Attachment A at 2. Respondents note that there are a "large number of 48-hour report violations based on candidate loans currently pending before the Commission." Id. They attribute this to the Commission's failure "to give adequate

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guidance . . . on this subject" in 1988 and note that in the 1990 Record, the Commission specifically listed loans from the candidate as an item subject to the 48-hour notice requirements.

Id. Regardless of Respondents' purported reliance on the 1988 Record, the statute clearly requires that 48-hour reports include a committee's receipt of all contributions and under the Act, the term contribution includes any loan made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8).¹

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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1. Respondents' purported misunderstanding of the last minute reporting rules is further undermined by the fact that the Committee did file a 48-hour notice disclosing a \$2,000 loan from the DSG Campaign Fund.

IV. RECOMMENDATIONS

1. Enter into conciliation with Nita Lowey for Congress and Gloria Passidomo, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 3/12/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Request for conciliation
- B. Proposed Conciliation Agreement

Staff assigned: Craig Douglas Reffner

21040854991



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: MARCH 14, 1991

SUBJECT: MUR 3146 - GENERAL COUNSEL'S REPORT
DATED MARCH 12, 1991

The above-captioned document was circulated to the Commission on WEDNESDAY, MARCH 13, 1991 at 11:00 A.M.

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

Commissioner Aikens	_____
Commissioner Elliott	XXXXX
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for TUESDAY, MARCH 19, 1991.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3146
Nita Lowey for Congress and)
Gloria Passidomo, as treasurer.)

AMENDED CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that at the executive session on March 26, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3146:

1. Enter into conciliation with Nita Lowey for Congress and Gloria Passidomo, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and the appropriate letter, as recommended in the General Counsel's report dated March 12, 1991.

Commissioners Aikens, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Elliott was not present.

Attest:

April 8, 1991
Date

Delores Harris
for Marjorie W. Emmons
Secretary of the Commission

21040354993



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 9, 1991

Robert F. Bauer, Esq.
B. Holly Schadler, Esq.
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3146
Nita M. Lowey for Congress and
Gloria Passidomo, as treasurer

Dear Mr. Bauer and Ms. Schadler:

On January 29, 1991, the Federal Election Commission found reason to believe that the Nita M. Lowey for Congress Committee and Gloria Passidomo, as treasurer, violated 2 U.S.C. § 434(a)(6)(A). At your request, on March 26, 1991, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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06-1505

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

LAW OFFICES
OF
ALDO V. VITAGLIANO, P.C.

ATTORNEY AT LAW

150 PURCHASE STREET • RYE, NEW YORK 10590-2136

FAX: (914) 921-0332

(914) 921-0333

91 JUN 12 AM 11:25

ALDO V. VITAGLIANO*
STEPHAN WISLOCKI**

FRANK P. TROTTA, JR.***
WILLIAM L. CARBONARI
COUNSEL TO THE FIRM

*Also admitted in Fla.

**Also admitted in Conn.

***Also admitted in Conn. and D.C.

June 7, 1991

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3146

Dear Mr. Noble:

Regarding the referenced matter, which concerns violations of the Federal Election Campaign Act of 1971 by the Honorable Nita M. Lowey and Nita Lowey for Congress and Gloria Passidomo as Treasurer, the resolution of which has not yet been decided by the Commission, I would like to point out your recent Federal Election Commission Record of June, 1991 which explicitly states that contributions and personal loans made by a candidate come under the 48 Hour Notice of Contribution requirement.

This is exactly the issue which I am complaining of. I expect a prompt and expeditious conclusion to this matter.

I am mindful of my options under the law to bring a formal suit in U.S. District Court in Washington D.C. for the FEC's failure to act on my complaint. I trust this will not be necessary.

Very truly yours,


Aldo V. Vitagliano

AVV/el

RECEIVED
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OFFICE OF GENERAL COUNSEL
91 JUN 12 PM 1:40

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RECORD

June 1991

999 E Street NW Washington DC 20463

Volume 17, Number 6

800 LINE

PACs: ALLOCATING FEDERAL AND NONFEDERAL EXPENSES

Many PACs have called the FEC asking whether they are subject to the new allocation rules that became effective at the beginning of 1991. This article explains when PACs must allocate and what expenses must be allocated. The article covers both separate segregated funds and nonconnected PACs:

- o A separate segregated fund (SSF) is a committee established by a corporation—including an incorporated trade association or other nonprofit corporation—or a labor organization. 11 CFR 114.1(a) (2)(iii). An SSF is also referred to as a corporate or labor PAC.
- o A nonconnected PAC is a committee that is not a corporate or labor PAC, a party committee or a committee authorized by a federal candidate. 11 CFR 106.6(a).

Why Allocate?

PACs must allocate expenses that jointly influence federal elections (Presidential, U.S. House and U.S. Senate) and non-federal elections (state and local). The reason for this is that they must use "hard money"—funds that comply with federal law—to pay for the federal portion of the expense. The new rules provide specific allocation formulas to determine the federal portion of each allocable expense, i.e., the amount that must be paid with funds that are permissible under federal law.

Who Must Allocate?

PACs with Federal and Nonfederal Accounts. The allocation rules apply to SSFs and nonconnected PACs that maintain both a federal account (that is, an account registered under federal law) and a nonfederal account (which may be registered under state law). The federal account is the "hard money" account—the account which is used for all of the PAC's federal activity and which contains funds raised in

(continued on p. 4)

SPECIAL ELECTIONS

ARIZONA AND PENNSYLVANIA SPECIAL ELECTIONS

Pennsylvania and Arizona have scheduled special elections to fill recently vacated seats. Political committees authorized by candidates participating in these elections must file reports according to the tables that appear on pages 3 and 4.

PACs and party committees may also have to file reports in connection with special elections, as explained below.

(continued on p. 2)

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Arizona Special Elections

Arizona has scheduled special elections to fill the 2nd Congressional District seat of Congressman Morris K. Udall, who recently retired. The special primary will be held August 13, 1991, and the special general election, September 24. Note that the mid-year report is waived for committees filing pre-primary reports. See the tables of reporting dates on page 3.

Pennsylvania Special Election

Pennsylvania has scheduled a special general election for November 5, 1991, to fill the seat held by the late Senator John Heins. See the tables of reporting dates on page 4.

The Republican and Democratic nominating conventions are scheduled to be held in June 1991. The Commission has decided not to require pre-primary reports for these conventions. Instead, committees will include convention activity in their mid-year reports due July 31.

Authorized Committees:

48-Hour Notices on Contributions

Authorized committees must file special notices on contributions of \$1,000 that are received after the 20th day, but more than 48 hours, before an election. The dates that apply to the 48-hour notice requirement for the special elections are shown below.

- o Arizona Primary: 7/25-8/10
- o Arizona General: 9/5-9/21
- o Pennsylvania General: 10/17-11/2

Please note that this special notice requirement applies to all types of contributions, including:

- o In-kind contributions;
- o Loans (other than bank loans);
- o Guarantees and endorsements of bank loans; and
- o Contributions, personal loans and endorsements of bank loans made by the candidate.

The notice must reach the appropriate federal and state filing offices within 48

hours after the committee's receipt of the contribution. Note that notices may be faxed to the Secretary of the Senate and the Clerk of the House. Fax numbers are: Senate--202/224-1851; House--202/225-7701. Note also that only 48-hour notices may be submitted by fax machine because they do not require the treasurer's signature; other reports and statements may not be faxed. AO 1988-32.

For information on the content of the notice, see 11 CFR 104.5(f).

Information for PACs and Party Committees

Semiannual Filers. A PAC or party committee that reports on a semiannual basis during 1991 must file special election reports if it makes contributions or expenditures in connection with a special election during the coverage periods shown in the tables. PACs may also have to file 24-hour reports on independent expenditures.

Monthly Filers. PACs and party committees that file monthly during 1991 do not have to file special election reports, but PACs may have to file 24-hour reports on independent expenditures.

24-Hour Reports on Independent Expenditures. Any PAC (including a monthly filer) that makes independent expenditures in connection with a special election may have to file a 24-hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election. The dates that apply to the 24-hour reporting requirement for independent expenditures are shown below.

- o Arizona Primary: 7/25-8/11
- o Arizona General: 9/5-9/22
- o Pennsylvania General: 10/17-11/3

The report must be filed with the appropriate federal and state filing offices within 24 hours after the expenditure

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Federal Election Commission, 999 E Street, NW, Washington, DC 20463
800/424-9530 202/376-3120 202/376-3136 (TDD)

John Warren McGarry, Chairman
Joan D. Aikens, Vice Chairman
Lee Ann Elliott
Thomas J. Josefiak
Danny L. McDonald
Scott E. Thomas

Walter J. Stewart, Secretary of the Senate,
Ex Officio Commissioner
Donald K. Anderson, Clerk of the House of
Representatives, Ex Officio Commissioner



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 14, 1991

Aldo V. Vitagliano, Esq.
150 Purchase Street
Rye, New York 10580-2136

RE: MUR 3146
Nita Lowey for Congress and
Aaron Eidelman, as treasurer

Dear Mr. Vitagliano:

This is in response to your letter dated June 7, 1991, in which you request information pertaining to the complaint you filed on October 24, 1990, with the Federal Election Commission.

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the party being investigated has agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

As you were informed by letter dated October 26, 1990, we will notify you as soon as the Commission takes final action on your complaint. We cannot, of course, advise you concerning your contemplated action pursuant to 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

21040354998

91 JUL -9 PM 3:30

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3146
Nita Lowey for Congress and)
Aaron Eidelman, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel for Respondents, Nita Lowey for Congress and Aaron Eidelman, as treasurer.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Nita Lowey for Congress and Aaron Eidelman, as treasurer.
2. Close the file.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 7/9/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments
Conciliation Agreement

Staff Assigned: Craig Douglas Reffner

91040354999



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ DELORES HARRIS *DH*
COMMISSION SECRETARY

DATE: JULY 11, 1991

SUBJECT: MUR 3146 - GENERAL COUNSEL'S REPORT
DATED JULY 9, 1991

The above-captioned document was circulated to the Commission on Wednesday, July 10, 1991 at 11:00 a.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 XXX
Commissioner McGarry _____
Commissioner Thomas _____

This matter will be placed on the meeting agenda for TUESDAY, JULY 16, 1991.

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

2104035000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3146
Nita Lowey for Congress and)
Aaron Eidelman, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 16, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 3146:

1. Accept the conciliation agreement with Nita Lowey for Congress and Aaron Eidelman, as treasurer, as recommended in the General Counsel's report dated July 9, 1991.
2. Close the file.
3. Approve the appropriate letters as recommended in the General Counsel's report dated July 9, 1991.

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

Attest:

7-16-91
Date

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

91040855001



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aldo V. Vitagliano, Esq.
150 Purchase Street
Rye, New York 10580-2136

CLOSED

RE: MUR 3146
Nita Lowey for Congress and
Aaron Eidelman, as treasurer

Dear Mr. Vitagliano:

This is in reference to the complaint you filed with the Federal Election Commission on October 24, 1990, concerning the Nita Lowey for Congress Committee.

The Commission found that there was reason to believe Nita Lowey for Congress and its treasurer violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On July 16, 1991, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter. A copy of this agreements is enclosed for your information.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

31040355002



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 23, 1991

Robert F. Bauer, Esq.
B. Holley Schadler, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3146
Nita Lowey for Congress and
Aaron Eidelman, as treasurer

Dear Mr. Bauer and Ms. Schadler:

On July 16, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. I remind you that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

91040355003

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

91 JUN 28 PM 2:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 3146
Nita Lowey for Congress and)	
Aaron Edelman, as treasurer)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed by Aldo Vitagliano. The Federal Election Commission ("Commission") found reason to believe that Nita Lowey for Congress and its treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A).

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

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

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

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

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

1. Nita Lowey for Congress (the "Committee") is a political committee within the meaning of 2 U.S.C. § 431(4) and is the principal campaign committee, within the meaning of 2 U.S.C. § 431(5), for Nita Lowey, a 1988 candidate in New York's

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-2-

20th Congressional District.

2. On April 16, 1991, Nita Lowey for Congress filed an amended Statement of Organization indicating that Aaron Eidelman had become treasurer. Gloria Passidomo was the treasurer of Nita Lowey for Congress at all times relevant to this inquiry.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that each treasurer of a principal campaign committee shall file written notifications of any contribution of \$1,000 or more received after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. Id. The notification required under Section 434(a)(6)(A), otherwise known as a "48-hour notice," shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(B).

4. Under the Act, a contribution is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A).

5. Nita Lowey participated in the 1988 general election for New York's 20th Congressional District, held on November 8, 1988.

6. In order to comply with Section 434(a)(6)(A), the

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Respondents were required to file notices of all contributions of \$1,000 or more received from October 20, 1988 to November 5, 1988.

7. During the period between October 20, 1988, and November 5, 1988, ("the Period") the Respondents received four loans from Nita Lowey as follows:

<u>Date</u>	<u>Amount</u>
October 21, 1988	\$50,000
October 27, 1988	\$50,000
November 2, 1988	\$100,000
November 3, 1988	\$50,000

8. Respondents did not submit 48 hour reports for the loans noted in paragraph 7, supra, but did report the loans on the next periodic report.

9. Respondents timely filed 48-hour reports for all contributions other than the personal loans from the candidate to the Committee, during the reporting period in question.

V. 1. Respondents failed to file 48 hour notices in violation of 2 U.S.C. § 434(a)(6)(A).

2. Respondents contend that they failed to file the 48-hour notices under the belief that personal loans from a candidate were not required to be reported on 48-hour reports.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three thousand and five hundred dollars (\$3,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement 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.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

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

7/22/91
Date

FOR THE RESPONDENTS:

B. Holly Schadler
Name B. Holly Schadler
Position General Counsel

6/28/91
Date

91040855007



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3146

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

21040855008



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3146 .

10/18/91

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

August 8, 1991

CLOSED

91 AUG 12 AM 10:39

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

Lois G. Lerner, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

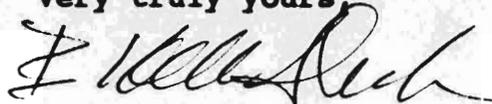
Re: MUR 3146

Dear Ms. Lerner:

Pursuant to the Conciliation Agreement, in the Matter of Nita Lowey for Congress (the "Committee") and Aaron Eidelman, as treasurer, signed by the Commission on July 22, 1991, enclosed you will find a check in the amount of \$3,500. This check from the Committee constitutes payment in full of the civil penalty provided for under the Agreement.

If you have any questions, please contact the undersigned at (202) 434-1634.

Very truly yours,



B. Holly Schadler

Enclosure

BHS:vcj

91 AUG -9 PM 1:31

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

91040871746



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1991

TWO WAY MEMORANDUM

TO: Fabrae Brunson
OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Ainita Lowley
for Congress, check number 835, dated
July 7, 1991, and in the amount of \$ 3,500.00.
Attached is a copy of the check and any correspondence that
it should be deposited, and the MUR number and name.

Hand Carried

TO: Philomena Brooks
Accounting Technician

FROM: Fabrae Brunson FAB
OGC, Docket

In reference to the above check in the amount of
\$ 3,500, the MUR number is 3146 and in the name of
Nita Lowley for Congress. The account into
which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Fabrae D. Brunson
Signature

August 12, 1991
Date

91040871747

NITA LOWEY FOR CONGRESS

P. O. BOX 271
WHITE PLAINS, NY 10615

835

8/7 1991

1-12/210

PAY
TO THE
ORDER OF

Federal Election Commission

\$3500⁰⁰/₁₀₀

Three thousand five hundred ⁰⁰/₁₀₀

DOLLARS

CHEMICALBANK

349 FIFTH AVENUE, NEW YORK, NY 10018

FOR

Teruo Jussuwa

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