FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3268

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

April 4, 1991

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

Dear Mr. Noble:

Enclosed is a copy of selected pages from The Providence Sunday Journal from Providence, Rhode Island dated March 24, 1991. In those articles, I am incorrectly referred to as Linda Hague, although I have never given up my birth name, Linda Jacobs, either personally or professionally.

At the time of the alleged donation, I was married to Edmund Hague, who was employed as Comptroller for Michael Lolicata, who is referred to extensively in these articles.

Please be advised that I have never made a campaign contribution to Congressman Fernand J. St. Germain, although the campaign financial records so indicate, a fact of which I have just been made aware, through these articles.

Obviously, my name was illegally furnished as a contributor, and I am therefore lodging a complaint against the campaign and its treasurer, who I believe was Fernand J. St. Germain personally.

I may be reached at 955 Shore Road, Cape Elizabeth, Maine 04107 or by telephone, at (207) 767-0683.

I await your response in this matter.

Yours truly,

Linda S. Jacobs

Linda S. Jacobs

LSJ:clw

STATE OF CONNECTICUT
ss: April 5, 1991
COUNTY OF HARTFORD

Personally appeared before me the above named Linda S. Jacobs, and made oath that the foregoing statement made by her is complete and that all facts stated therein are true.

Claudette L. Weingart
Notary Public

CLAUDETTE L. WEINGART
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 19[illegible]

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1-401 277-1303

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IN OAXACA, AN OLDER, GRANDER MEXICO

Pottery, tropical birds, serapes make a wonderful spectacle

TRAVEL

DIPRETE UNBOWED OVER RISDIC RECORD

Hits back at Sundlun on blame for crisis

NEWS II

WEATHER

RAIN

High of 53

DETAILS, B-12

The Providence Sunday Journal

FERNAND J. ST GERMAIN
Left office with $250,000 nest egg

One last hurrah for St Germain

Lolicata's power lunch padded rep's pockets

By TRACY BRETON
Journal-Bulletin Staff Writer

The day was Oct. 31, 1988.

Michael A. Lolicata said he arrived at the Little Inn in Johnston well before the guest of honor, U.S. Rep. Fernand J. St Germain. One of the people invited by Lolicata recalled that "Mike looked so nervous that he was sweating right through his suit."

It was not the best of times, either, for St Germain. The polls were showing that his reelection bid was doomed. In fact, St Germain had at that point virtually surrendered.

He was pulling his political advertising off the air and was positioned, as federal election law allows, to wind up the campaign with a personal nest egg of about $250,000.

But Oct. 31 was a day for one final fund-raiser, one that would eventually say much about the high-stakes finance of American politics, about how private businessmen and bankers try to curry favor with powerful politicians who they believe can then do something for them.

It would also show the lengths to which people will go to try to disassociate themselves from appearances of influence peddling.

FIRST OF TWO PARTS

Tomorrow: THE MARQUETTE LOAN

And it would eventually bring Rhode Island's congressman of 28 years, once the powerful chairman of the House Banking Committee, into a controversial bankruptcy proceeding and find him giving false statements in sworn testimony about his dealings with Lolicata, now an admitted swindler, and other central figures in the state banking crisis in 1991.

Three months after the luncheon, St Germain would use his hometown contacts at the now-closed Marquette Credit Union to help Lolicata get a $500,000 loan, which he never repaid.

Lolicata "begged" numerous associates, including Steven R. Salva

Turn to LUNCH, Page A-12

When there's nothing left to trim

Saddam shuffles Cabinet, retains hold on power as

Lunch

Continued from Page D-1

ture, the president of the now-failed Jefferson Loan and Investment Bank, to attend the hastily arranged $1,000-a-person luncheon, which raised more than $25,000 for St Germain.

However, in a deposition taken in proceedings involving Lolicata's now-bankrupt companies, St Germain testified that he never heard of Lolicata until after he left Congress, in January 1989, when Lolicata became his client.

St Germain also testified that he did not know Salvatore, whose bank was taken over by RISDIC in February 1990, after investing $4.5 million, one-third of its assets, in Lolicata's equipment leases.

At the time of the luncheon, Lolicata was preparing to buy a 25 percent interest in Jefferson and was looking outside of Rhode Island to buy a failed S&L.

In a recent interview, Lolicata denied that he was trying to buy influence.

St Germain said: "I'm not giving any interviews about anything. After 30 years, it's nice not to have to talk."

The federal campaign finance law can be violated, either inadvertently or knowingly. St Germain committed numerous such violations as a result of the luncheon.

In one case, he accepted $1,000 from two contributors who were not independently in control of their money: Lolicata's daughters, who were ages 4 and 8 at the time. In federal campaign finance reports filed by St Germain, he identifies the girls as "housewife" and "student."

The luncheon

Campaign finance reports submitted by St Germain to the Federal Elections Commission after the luncheon show it produced contributions from Lolicata, his family members, business associates, employees and their spouses.

The noontime luncheon was held in a private room at the Little Inn and lasted an hour, at most, according to several people who attended. There was a hot and cold buffet.

Lolicata invited the people by phone, some the week before, others at the last minute. "He called me three times that morning to make sure I was coming, because he needed bodies to fill the room," one former business associate said.

A Cape Cod financial consultant who worked for Lolicata said he got a phone call that morning from "one of the girls in Michael's office" with a message to bring along his checkbook.

Lolicata arrived at the Little Inn before St Germain. He said he was very uncomfortable because he had never met St Germain and didn't like having to put the arm on friends for donations to the congressman's coffers.

But the Cape Cod financial consultant remembered that as soon as he arrived, he was ushered by Lolicata into "a side room away from the food, and he said he'd like a $2,000 check made out to St Germain's reelection committee. He told me that I'd get it back from him in my pay envelope the next week, as if it was coming back from his company . . . ."

The consultant says he wrote out his $2,000 check "on top of a piano" and gave it to Lolicata before returning to the dining room.

St Germain arrived a half-hour late, Lolicata said, and walked into the dining room with Providence lawyer Joseph J. Rodio, a former St Germain staff member who would later hire St Germain and give him top billing at his law firm.

RODIO

The chairman of the House Banking Committee was dressed in a double-breasted, navy-blue blazer, a white shirt with button-down collar and, one guest remembered, "a red Donald Trump power tie."

Lolicata said that Rodio introduced him to St Germain "as a Lincoln businessman."

Warwick lawyer Michael J. Kiselica — who says he was there and made a $1,000 donation because he hoped it would spur Lolicata to give him more legal business — said he saw the introduction.

The congressman made no speech but was ushered from table to table by Rodio and introduced to most of the guests, according to Lolicata and another man who was there. The Cape Cod financial consultant said he was introduced to St Germain by Benedetto A. Cerilli Jr., who, with Salvatore, owned Jefferson Loan and Investment Bank.

St Germain, one guest said, sat at each table "for about 30 seconds" before leaving — no more than 30 minutes after his arrival.

After the luncheon, Lolicata said, "I gave Joe the checks."

Favor to Mike

Those who were at the Little Inn that day said they went only "as a favor to Mike Lolicata."

As a favor to Lolicata, Salvatore said, he brought along two of his employees, for a total contribution of $3,000.

Cerilli, who said he also was invited by Lolicata, said that he had once acted as a "broker" for St Germain, helping him buy a $165,000 waterfront condo in Newport.

CERILLI

Earlier that fall, Cerilli had been listed by St Germain as having contributed $250 to the campaign. Cerilli said he also made a contribution at the luncheon. But there is nothing in St Germain's campaign reports indicating that he did.

"It was in the final days of the campaign, and I was told that (St Germain) needed money" for television ads, Cerilli said.

Cerilli said he had attended because St Germain "has always been a friend of mine" and "has always been very helpful to me" as a constituent.

None of the other guests interviewed about the luncheon said he went because he supported St Germain. A few confided that even though they went and contributed, they voted against St Germain in the election eight days later.

"I never go to those things just for the support of the person. I go for selfish reasons, personal gain. But when I got there, I couldn't get out fast enough. I had two drinks and left," said William J. Wilbur, a Cranston developer who is president of Eastern Investment Concepts Inc. Wilbur said he is a former business associate of Lolicata.

Wilbur's office manager at the time, Virginia Benedicos, said she went, her boyfriend to the Little Inn with her $1,000 contribution because "I'm a close personal friend of the Wilburs," and they had a business relationship with Lolicata. "And I knew I could always write the donation off as a personal business expense."

Of St Germain, she said: "Being a former banker, I never cared for the man." And when she went to the polls eight days after the luncheon, Benedicos said, she voted for St Germain's opponent, Republican Ron Machtley.

One of Lolicata's former business associates said, "I'm not a political person" and "I never liked the man (St Germain). I couldn't stand his face.

"But I felt like I was obligated to do it. He really begged me. He said he wanted to help St Germain, and he wanted a good representation at this function.

"I asked him what his relationship was with St Germain, and he said, 'Sometimes in business, you have to do what you have to do.'

"He told me, 'Bring a check. A thousand dollars each.'"

He said he and his wife walked away $2,000 poorer.

The financial consultant from Cape Cod said Lolicata told him the week before the luncheon that "St Germain needed the money for a last-ditch effort in the campaign, that St Germain was behind in the polls, and . . . that he was helping the guy because St Germain was very influential in the banking area, and he (Lolicata) was interested in getting a banking license in the state of Rhode Island."

The polls at the time were predicting St Germain's defeat. But instead of pumping money into a last-minute media blitz, St Germain pulled all his political advertising off the air in the last days of the campaign and kept the money, about $250,000.

St Germain later reported using some of that money for legal fees incurred during separate investigations by the House Ethics Committee and the U.S. Justice Department into his finances and conduct in office.

— Journal-Bulletin file photo

MEAL TICKET: Michael A. Lolicata "begged" numerous associates to attend the hastily arranged $1,000-a-person luncheon in October 1988 that raised more than $25,000 for St Germain.

Aftertaste

The week after the luncheon, the Cape Cod financial consultant was expecting an extra $2,000 in his paycheck from Lolicata's equipment-leasing business as reimbursement for the contribution to St Germain. "But I never got the money back from Michael."

And to make things worse, he said, he and his wife then each received thank-you notes from St Germain's office "with the congressional seal on it."

"I wasn't asked to bring my wife to the luncheon, and she didn't attend the luncheon and has never met St Germain. And the check I wrote out was in my name only and not in hers," he said.

"I called Michael Lolicata and complained about the fact that my wife was sent a thank-you, which presumed she joined in the gift with me . . . and he was all apologies and said he'd check into it. But nothing ever happened."

A few days before St Germain left Congress, the Federal Elections Commission wrote to him. It asked St Germain to supply information missing from the most recent campaign finance reports he had filed — the occupations and employers of certain contributors who had made donations of more than $200.

St Germain wrote a letter to Rodio and asked him to supply the missing information. This information, he stated, is "known only to you because they were invitees to the reception you held just prior to the election."

And, he told Rodio, he needed the information immediately, or else "the commission may choose to initiate an audit or legal enforcement."

In one case, St Germain accepted $1,000 from two contributors who were not independently in control of their money: Lolicata's daughters, who were ages 4 and 8 at the time. In federal campaign finance reports filed by St Germain, he identifies the girls as 'housewife' and 'student.'

By making that request to Rodio, St Germain apparently satisfied the minimal requirements of the federal campaign election law. The law says that a campaign treasurer must show "that best efforts have been used to obtain, maintain and submit the information required," and it will be deemed to be in compliance with the law.

On March 28, 1989, St Germain supplied further information to the Federal Elections Commission, in which he described Marisa Lolicata — who was 8 — as a "housewife" and Alyse Lolicata — who was 4 — as a "student."

Sworn testimony

On March 10, 1989, Lolicata's equipment-leasing companies, Commercial Management Service Inc. (CMS) and Financial Equity Service Inc. (FES) filed for bankruptcy in Boston.

Now St Germain is being sued by a trustee appointed by the Bankruptcy Court, who is trying to recoup millions of dollars for investors in Lolicata's companies. As part of that effort, the trustee wants St Germain to pay back all the legal fees he received for his "purported" work for Lolicata.

In his deposition in that case, St Germain testified that he first heard of Lolicata "sometime after Jan. 3," when Rodio introduced them at their Providence law offices.

And he testified that he had "no knowledge" of any relationship between Lolicata, his now-bankrupt equipment-leasing companies and Jefferson.

St Germain also said that the reason he and Rodio got along so well was because "we have good memories."

Last week, Lolicata pleaded guilty to defrauding 289 private investors who had given him $13 million to expand his equipment-leasing business. He claims he is now personally bankrupt, just like his companies.

He is to be sentenced May 29 and faces up to five years in prison and fines that could total $27.86 million.

Campaign finance laws

Under the Federal Election Campaign Act, the limit on contributions by individuals to congressional candidates is $1,000 per election.

The law also prohibits people from giving money in the name of another person and forbids candidates from accepting such contributions.

Fred Eiland, press officer for the FEC, said that in order for a child to make a contribution to a candidate for federal office, he or she must have control over the money that is donated. "A person cannot give a child $1,000 and say, 'Go contribute that to Candidate X.' The person making the contribution must be in control of it."

If spouses make contributions, said Eiland, "there must be some indication on the check that the contribution is being made in both of their names." Otherwise, he said, separate checks should be written.

But to this day, St Germain, who was the treasurer of his own reelection campaign, lists the $2,000 contribution he received from the Cape Cod financial consultant's individual checking account as separate $1,000 contributions from the man and his wife — despite the man's insistence that his wife had nothing to do with his $2,000 contribution.

The reports filed by St Germain list $1,000 contributions from Alyse and Marisa Lolicata, who the Journal-Bulletin learned are the children of Michael and Angela Lolicata and who were 4 and 8 at the time.

Eight-year-old Marisa's address is recorded on St Germain's reports as 535 Centreville Rd., Warwick, which was the address of Michael Lolicata's equipment-leasing business. And 4-year-old Alyse's address is listed simply as Narragansett, R.I.

St Germain also lists Salvatore, the president of Jefferson Loan & Investment Bank, as having contributed $1,250 to his 1988 general election — which is $250 over the maximum set by federal law.

SALVATORE

And even though federal election campaign law requires that donations be reported as to the day they are received, St Germain reported receiving all of the money collected at the Oct. 31 Little Inn luncheon on Nov. 7.

According to a canceled check that the Journal-Bulletin saw, the was the date the money was deposited in the account of St Germain's reelection campaign, kept in an account at the Wright Patman Congressional Federal Credit Union, in Washington, D.C.

The mystery host

While Lolicata invited pe[ople to] attend the luncheon, no one [will] admit to who planned it. Lo[licata] and Rodio point the finger a[t each] other.

"It was certainly not my i[dea to] give Mr. St Germain any ty[pe of] fund-raiser," Lolicata said. "[I] didn't know him, and it's be[en my] experience that politicians a[re] pretty limited as far as wha[t they] can do as far as promoting a thing."

Lolicata said he extended [in]vitations as "a favor" to Ro[dio].

And Rodio, he said, made reservations for the luncheo[n and] his law firm — Rodio & Ur[sillo] Ltd. — footed the bill.

Rodio, he said, "was my [law]yer, my friend and my part[ner in] gas stations." Rodio also w[anted] to buy a bank or S&L with Lolicata said, either in Rho[de Is]land or elsewhere.

"We had approached people for financial backing . . . and Joe said to me, 'This guy (St Germain) knows a lot of people. He's chairman of the Banking Committee. Maybe he knows every banker anywhere who we would be interested in doing business with us.'"

"Joe told me, 'Get as many people as you can get to go. It's important for me,'" Lolicata said. "I gave the checks to him. His office made the reservations, gave us the cards to fill out" for the campaign finance reports.

And Lolicata insisted that it w[as] Rodio who instructed him to giv[e] St Germain $4,000, split in $1,00[0] contributions from himself, his wife, Angela, and his 4- and 8-year-old daughters. "He said, 'U[se] your wife and kids.'"

But Rodio says. . .

Rodio conceded that he was [at] the Little Inn while the luncheo[n] was going on, that he saw St G[er]main and spoke with some gue[sts].

But he said he never saw Lol[i]cata there, never knew that Lo[li]cata had invited the guests, wa[s] unaware of the fact that Lolica[ta,] his wife and two young daugh[ters] had each given $1,000 to the S[t] Germain campaign, or that St [Ger]main and Lolicata had ever ev[en] met before the election.

"I introduced them in my of[fice] in December 1988, and they a[cted] like they had never met befor[e,"] Rodio said. "If they had, they [must] both be pretty good actors."

But, he said, it now makes [sense] that Lolicata would have spon[sored] the luncheon because "I [re]member him asking me if I k[new] of a place where he could hol[d a] party, and I recommended th[e Lit]tle Inn. The owners are client[s of] mine."

"Obviously," said Lolicata, Rodio is trying to cover his b[utt] here."

None of the other guests interviewed about the luncheon said he went because he supported St Germain. A few confided that even though they went and contributed, they voted against St Germain in the election eight days later.

Contributors at the Lolicata luncheon

Here is a list of $1,000 contributions received and reported by Congressman Fernand J. St Germain as a result of Michael Lolicata's luncheon:

- **Michael A. Lolicata**, 18 Sylvia Lane, Lincoln: President of the now-bankrupt Commercial Management Service Inc. (CMS) and Financial Equity Service Inc. (FES).
- **Angela M. Lolicata**, 18 Sylvia Lane, Lincoln: Michael Lolicata's wife.
- **Alyse Lolicata**, Narragansett: Lolicata's daughter who actually lives with her parents in Lincoln; age 4 at time of the fundraiser.
- **Marisa Lolicata**, 535 Centreville Rd., Warwick: Lolicata's daughter, who lives with her parents in Lincoln. Address listed is of Lolicata's business address in Warwick. She celebrated her eighth birthday the day of the fundraiser.
- **Steven R. Salvatore**, 11 Hawthorne Ave., East Providence: President of the now-defunct Jefferson Loan and Investment Bank which invested more than one-third of its assets in equipment leases of Lolicata's companies.
- **Elaine Allaire**: Mortgage writer who worked for Steven R. Salvatore at the now-bankrupt Homeowners Funding Corp. in Warwick.
- **Greg Combs**: Employee of Steven R. Salvatore. He served both as vice president of Homeowners Funding Corp. and vice president of Jefferson Loan and Investment Bank.
- **Michael J. Kiselica**, Coventry: One of Lolicata's lawyers.
- **Kathleen A. Rossi**, 65 Chestnut Ave., Narragansett: Lolicata's business partner in the now-bankrupt Commercial Management Service Inc. and Financial Equity Service Inc.
- **Glen A. Hipp**, Kenyon: Lolicata employee.
- **Elizabeth Casey**, Kenyon: Lolicata employee at CMS. She was Glen Hipp's girlfriend and now is Hipp's wife.
- **Debra Izbicki**, 190 Brookside Dr., North Kingstown: Lolicata's office manager.
- **Robert W. Izbicki**, 190 Brookside Dr., North Kingstown: Husband of Lolicata's office manager. He is the coordinator of the maintenance program for the state Department of Mental Health, Retardation and Hospitals.
- **Albert A. Isabella**, 39 Trinity Pkwy., Providence: Lolicata relative through marriage. He was one of the financial consultants who acted as a broker for promissory notes that Lolicata's companies sold to investors.
- **Donna M. Isabella**, 39 Trinity Pkwy., Providence: Lolicata's wife's cousin and wife of Albert Isabella.
- **William J. Wilbur**, 27 Carris Anne Drive, Cranston: Developer and president of Eastern Investment Concepts Inc. He borrowed money from Lolicata, leased equipment from him and is an unsecured creditor of Lolicata's bankrupt companies.
- **Kevin Wilbur**, 2202 Pontiac Ave., Cranston: Vice president of Eastern Investment Concepts, Inc. (However, St Germain later reports he wrote off the contribution because the check bounced.)
- **Virginia N. Benedicos**, 53 Auburn St., Cranston: Former office manager for Eastern Investment Concepts Inc. and former assistant manager at the Co-Op Credit Union.
- **Edmund T. Hague**, 32 Harbour Terrace, Cranston: Former controller for Lolicata's companies. He was previously finance director for the City of Warwick.
- **Linda Hague**, 32 Harbour Terrace, Cranston: [illegible] She now lives in Maine.
- **Bernard F. Hanlon Jr.**, 96 Bank St., Harwichport, Mass.: Former Lolicata employee. He was one of the brokers who sold promissory notes to investors in Lolicata's business; now a member of the creditors' committee for Lolicata's bankrupt companies.
- **Joan Hanlon**, 96 Bank St., Harwichport, Mass.: Hanlon's wife.
- **Robert Fordiar**, 63 Sockanosset Crossroads, Cranston: Developer and acquaintance of Steven R. Salvatore.
- **Kenneth Pereira**, 36 Sears Ave., Providence: Branch manager of Chrysler First Financial in Warwick who years ago brokered mortgages that Lolicata originated.
- **Dorothy Pereira**, 36 Sears Ave., Providence: Wife of Kenneth Pereira.
- **Anthony Bravo**: Lolicata's brother-in-law.
- **Valerie Bravo**: Anthony Bravo's ex-wife.

— TRACY BRETON

— Journal-Bulletin Graphic

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Linda S. Jacobs
955 Shore Road
Cape Elizabeth, Maine 04107

RE: MUR 3268

Dear Ms. Jacobs:

This letter acknowledges receipt on April 15, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Fernand St. Germain. 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 3268. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

93040932189

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Fernand St. Germain, Treasurer
Congressman St. Germain
Re-election Committee
21 Harbor View Drive
Newport, RI 02840

RE: MUR 3268

Dear Mr. St. Germain:

The Federal Election Commission received a complaint which alleges that the Congressman St. Germain Re-election Committee and you, as treasurer, may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3268. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

93040932190

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

cc: Fernand St. Germain, Treasurer
Congressman St. Germain
Re-election Committee
2550 M Street, N.W.
Washington, DC 20037

93040093219 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Steven R. Salvatore
11 Hawthorne
East Providence, RI 02913

RE: MUR 3268

Dear Mr. Salvatore:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3268. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

93040932193

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Michael Lolicata
18 Sylvia Lane
Lincoln, RI 02865

RE: MUR 3268

Dear Mr. Lolicata:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3268. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

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93040932194

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

93040932195

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Joseph Rodio
c/o Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268

Dear Mr. Rodio:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3268. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

23040932196

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

93040932197

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 1991

Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3268. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

93040932198

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

93040932199

OGC 1047

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAY -8 PM 12: 10

Congressman's Residence

HALIDON HALL
21 HARBOR VIEW DRIVE
NEWPORT, RHODE ISLAND 02840

4-7-91

91 MAY -8 PM 2: 44
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Mark Allen, Esq.
Federal Election Commission
Washington, D.C. 20463

MUR 3268

Dear Mr. Allen,

This is in response to your letter of April 26-1991.

The fact are as follows. A fundraiser was held on my behalf on 10-31-88. The organizer and host was Joseph Rodio an attorney with law offices in Providence, R.I. I attended the luncheon fundraiser and met many people for the first time. After the luncheon Mr. Rodio informed me that the proceeds and the information cards on the donors would be delivered to me in the near future. The checks were deposited as soon as received and a report was filed using the information furnished by Mr. Rodio and on the cards. We had difficulty obtaining some of the required information as my file will indicate. I had to rely on Mr. Rodio for the information since he ran the event. All information was obtained from Mr. Rodio, his secretary, and the cards filled out by some of the donors. There was no intent to mislead or falsify. Every effort was made to comply with F.E.C. requirements.

I had no way of knowing about the situation relative to Mr. Hague and his wife at the time. I furnished this information relying on the cards that were filled out and the information provided to me. I do not believe that I am responsible for the fact that her name was improperly furnished to me as a contributor. I was unaware of this until now. I leave it to you to advise me as to how to correct this if anything.

Since Linda Jacobs states she never contributed to the Cong. Joe Kennedy Reelection Committee I am in a quandary. What should be done to correct this alleged erroneous reporting if anything this. Kindly advise me as to how I should proceed.

Sincerely,

J. Joe Kennedy

P.S.- In the future could you please send copies of correspondence to me at:
700 7th St. S.W. Apt 712
Washington, D.C. 20024

93040932200

06-C 1101

THOMAS F. CONNORS
ATTORNEY AT LAW
ONE STATE STREET
SUITE 401
PROVIDENCE, RHODE ISLAND 02904
OFFICE: (401) 751-3900

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 MAY 13 PM 12:09

May 8, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAY 13 PM 2:31

Mark Allen, Esquire
Federal Election Commission
Office of the general Counsel
999 E. Street N.W.
Washington, D.C. 02463

RE: Steven R. Salvator
MUR 3268

Dear Mr. Allen:

Pursuant to my phone conversation with you yesterday, I am enclosing a copy of the front and back of the two (2) checks paid by my client to Congressman St. Germain's re-election committee.

Clearly he has exceeded the limit of $1,000. In mitigation and not as a deference , Mr. Salvatore was solicited over the phone for the $250. His secretary filled it out and he signed it. Mr. Salvatore signs hundreds of checks each month and had forgotten the donation by the time he was requested to attend the fundraiser where he wrote a check for $1,000.

Clearly, he had no intent to circumvent any law in that both checks are over the reportable limits, came from the same account and are under his personal name.

It should be noted that the $250 has not been returned by the St. Germain Committee.

Very truly yours,

Thomas F. Connors

Thomas F. Connors

TFC/cmc
enclosures

2304003220 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3268

NAME OF COUNSEL: Landry & Connors

ADDRESS: Thomas F. Connors, Esq.
One State Street, Suite 401
Providence, RI 02908

TELEPHONE: (401) 751-3900

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.

5/8/91
Date

Signature

RESPONDENT'S NAME: STEVEN R. SALVATORE

ADDRESS: 94 Jefferson Boulevard,
Warwick, RI 02888

HOME PHONE:

BUSINESS PHONE: (401) 461-1450

93040932202

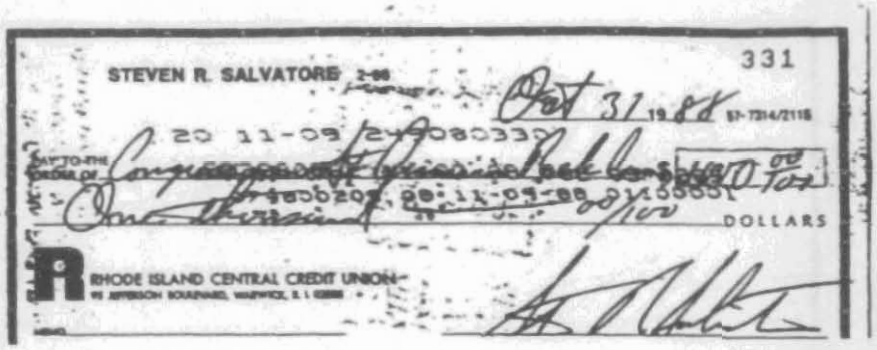
STEVEN R. SALVATORE 2-86 308

August 22 19 88 21-7214/2118

PAY TO THE ORDER OF [illegible] $ 250.00

Two hundred fifty dollars and 00/100 DOLLARS

RHODE ISLAND CENTRAL CREDIT UNION



STEVEN R. SALVATORE 2-86 331

Oct 31 19 88 21-7214/2118

PAY TO THE ORDER OF [illegible] $ 100.00

One thousand [illegible] 00/100 DOLLARS

RHODE ISLAND CENTRAL CREDIT UNION

9304093220 3

Cong. St Germain Reelection
Committee, No. 21787
Deposit only to the account

Cong. St Germain Reelection
Committee, No. 21787
Deposit only to the account

9304093220 4

DGC 1191

5-14-91

DEMUR 326B

DEAR MR. ALLEN:

As per our conversation, due to the lateness of my receiving your letter of 4-26-91, I am formally requesting a 14 day extension to prepare an appropriate response

Thank you

Michael Colicata

RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM 92 JUN 20 AM 11:53

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL 92 MAY 20 PM 1:02

93040932205

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1991

Michael Lolicata
18 Sylvia Lane
Lincoln, RI 02865

RE: MUR 3268

Dear Mr. Lolicata:

This is in response to your letter dated May 14, 1991, which we received on May 20, 1991, requesting an extension of 14 days to respond to the Commission's Notification letter. 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 June 3, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9304009322006

06C1057

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 JUN 24 AM 11:22

JUNE 17, 1991

Lois Lerner
Associate General Counsel
FEC
999 E. Street NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUN 24 PM 3:51

RE: MUR 3268

Dear Ms. Lerner:

I am writing in reference to the complaint I filed, which was issued the above number.

According to my reading of the procedure for processing complaints I should've had a response as of this date.

Would you please inform me of the status of the claim.

Yours truly,

Linda S. Jacobs

Linda S. Jacobs

93040932207

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1991

Linda S. Jacobs
955 Shore Road
Cape Elizabeth, ME 04107

RE: MUR 3268

Dear Ms. Jacobs:

This is in response to your letter dated June 17, 1991 in which you request information pertaining to the complaint you filed on April 15, 1991 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 parties being investigated have 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 have been no written agreements that the matter be made public, we are not in a position to release any information at this time.

On April 26, 1991, this Office sent you a letter acknowledging the receipt of your complaint and stating that we will notify you as soon as the Commission takes final action on your complaint (copy attached).

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner by HSK
Associate General Counsel

Attachment

93040932208

200 DYER STREET
PROVIDENCE RHODE ISLAND
CABLE ADDRESS

July 31, 1991

Mr. Mark Allen
FEDERAL ELECTION COMMISSION
Washington, DC 20463

RE: MUR 3268
JOSEPH J. RODIO
RODIO & URSILLO, LTD.

Dear Mr. Allen:

I am writing to you with respect to the above-captioned matter and our most recent conversations with respect to same. I am enclosing a copy of the document which we have been informed by Cheryl Hahn that she will sign indicating that no one paid the bill with respect to the subject inquiry. I am requesting that you review the Affidavit and determine whether or not it is proper for us to do so prior to paying the bill on our Diner's Club card or American Express and inform us as to the proper procedure. As I have indicated to you on the telephone, no one has paid the bill with respect to the party that was held on behalf of Mr. St Germain. The only reason that I am proposing to pay the bill is that Mrs. Hahn and her family have been clients of the firm for fifteen (15) years. The firm nor myself wishes to jeopardize the relation we have with the family and therefore are proposing this solution to this problem as indicated.

Thank you for consideration in this matter and I apologize for the delay in responding to your inquiry.

Very truly yours,

JOSEPH J. RODIO

JJR:kcl
Enclosure

9304093209

June 19, 1991

To whom it may concern:

I, Cheryl Hahn of the Little Inn Restaurant, to this date have not been paid nor has the restaurant been paid for the party held on behalf of Fernand J. St Germain in October or November of 1988.

Mr. Joseph J. Rodio has this date, June 19, 1991, paid ____ _____ on his personal Diner's Club for the party.

_____
CHERYL HAHN

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1991

Mr. Joseph J. Rodio
Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268

Dear Mr. Rodio:

This is to respond to your letter dated July 31, 1991, which we received on August 7, 1991. In this letter and in previous telephone conversations with Mark Allen of my staff, you ask if it would be proper for you personally to pay a restaurant bill which apparently relates to a fundraising event for the 1988 election campaign of former Rep. Ferdinand J. St Germain.

For your information, the payment of an expense of a campaign fundraiser would be an in-kind contribution to that campaign, see 11 C.F.R. §§ 100.7(a)(1)(iii) and 110.1(g), subject, along with any other contributions made by the payor to that campaign, to limitation under 2 U.S.C. § 441a. The Commission may render opinions, however, only through the advisory opinion process set out at 2 U.S.C. § 437f. Therefore, if you would like further guidance with respect to your question, please contact Associate General Counsel N. Bradley Litchfield, who has responsibility for advisory opinions, at (202) 376-5690.

If you have any other questions with respect to this matter, please contact Mark Allen, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

93040093211

RECEIVED
F.E.C.
SECRETARIAT
92 JAN -2 PM 12: 19

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3268
DATE COMPLAINT RECEIVED
BY OGC 4-15-91
DATE OF NOTIFICATION TO
RESPONDENTS 4-26-91
STAFF MEMBER Mark Allen

COMPLAINANT: Linda Jacobs

RESPONDENTS: Congressman St Germain Re-election Committee and
Fernand St Germain, as treasurer
Michael Lolicata
Steven Salvatore
Joseph Rodio
Rodio & Ursillo, Ltd.

RELEVANT STATUTES: 2 U.S.C. § 434(b)(3)(A)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: disclosure reports

FEDERAL AGENCIES CHECKED: none

I. GENERATION OF MATTER

The Office of the General Counsel received a complaint on April 15, 1991 from Linda Jacobs. The complaint asserts that the Congressman St Germain Re-election Committee ("the Committee") reported a contribution by complainant that she never made. The complaint included a March 24, 1991 article from the Providence Sunday Journal which describes a fundraiser held for St Germain on October 31, 1988, and lists complainant as a contributor in connection therewith. The article alleges that several violations of federal election law occurred in connection with the fundraiser. This Office received responses from the St Germain

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Committee, Steven Salvatore, Joseph Rodio, and Rodio & Ursillo, Ltd. Michael Lolicata requested an extension of time in which to respond but to date has not provided a response.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any candidate and his or her authorized political committees with respect to an election which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(a)(1)(A). No committee shall knowingly accept any contribution in violation of this provision. 2 U.S.C. § 441a(f). Pursuant to section 441f, no person shall make a contribution in the name of another, and no committee shall knowingly accept such a contribution. In addition, the Commission's regulations provide that if a treasurer determined that at the time a contribution was received and deposited it did not appear to be made in the name of another, but later discovers that it is illegal based on new evidence not available to the committee at the time of receipt, the treasurer shall refund the contribution to the contributor within 30 days of the date on which the illegality is discovered. 11 C.F.R. § 103.3(b)(2).

Under the Act's reporting requirements, political committees must disclose the identification of each person whose contributions have an aggregate amount in excess of $200 within the calendar year. 2 U.S.C. § 434(b)(3)(A). The Act defines "identification" as the name, the mailing address, and the occupation of an individual, as well as the name of his or her employer. 2 U.S.C. § 431(13)(A). The Act also provides that a

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committee treasurer is in compliance with the Act when he or she has used "best efforts" to obtain the required contributor information. 2 U.S.C. § 432(i). Pursuant to the Commission's regulations, a treasurer will not be deemed to have exercised best efforts unless he or she has made at least one effort by a written request or by an oral request documented in writing to obtain such information from the contributor. 11 C.F.R. § 104.7(b).

A. Michael Lolicata

The Providence Sunday Journal article alleges that respondent Michael Lolicata made contributions of $1,000 in the names of each of two daughters, Alyse and Marisa Lolicata, ages 4 and 8. The Committee reported receiving $1,000 contributions from Alyse and Marisa on November 7, 1988, the same day as the Committee received $1,000 contributions each from Michael Lolicata and his wife Angela Lolicata. The article quotes Michael Lolicata stating that Joseph Rodio (who ran the fundraiser) told Lolicata to make the contributions in that fashion. Rodio is quoted that he didn't know of Lolicata's contributions in the name of the daughters. Mr. Lolicata contacted this Office in order to request an extension of time in which to respond to the complaint, but he never provided a response.

9304 093 2214

In addition, he pled guilty in March 1991 to criminal charges of defrauding investors. Moreover, he filed chapter 7 bankruptcy in March 1989. While the Commission does not view bankruptcy as foreclosing the imposition of civil penalties, this Office feels that it is not worth the resources necessary to pursue Mr. Lolicata in light of the relatively small excessive contributions.

Thus, on the basis of the complaint and this respondent's circumstances, this Office recommends that the Commission find reason to believe that Michael Lolicata violated 2 U.S.C. § 441a(a)(1)(A) but exercise its prosecutorial discretion and take no further action. This Office intends to include an admonishment in the letter to Mr. Lolicata.

B. Joseph Rodio and Rodio & Ursillo, Ltd.

The Providence Sunday Journal article noted that Joseph Rodio attended the St Germain fundraiser luncheon that was paid for by his law firm Rodio & Ursillo, Ltd.[1] Mr. Rodio and his firm provided a joint response on July 31, 1991, stating that the firm had not paid for the luncheon but was interested in doing so because the restaurant was a client (Attachment 1, page 6). The response asked this Office about the proper procedure in this

1. The Committee stated in its response that Joseph Rodio organized the fundraiser (Attachment 1, page 1).

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matter. This Office replied on August 21, 1991, that to pay the costs of a campaign fundraising event would constitute an in-kind contribution to the campaign benefited, subject to the limitations of 2 U.S.C. § 441a (Attachment 2). Our reply also explains the Commission's advisory opinion procedure. So far as this Office is aware, neither Joseph Rodio nor his firm have paid for the luncheon. In light of this situation, this Office recommends that the Commission find no reason to believe based on the available facts that Joseph Rodio or Rodio & Ursillo violated the Act by making an excessive in-kind contribution.

Regarding respondent Michael Lolicata's allegations noted above, Rodio denies that he instructed Lolicata to make contributions in the name of his children, and this Office has no other information on the issue. In light of our recommendation that the Commission take no further action regarding Lolicata, we make no recommendation regarding Rodio's alleged role.

C. Steven Salvatore

The Journal article states that respondent Steven Salvatore made excessive contributions to the St Germain Committee during the 1988 election cycle. The public record indicates that Mr. Salvatore contributed a total of $1,250 to the St Germain Committee in connection with the 1988 general election, $250 in excess of the section 441a limit. Salvatore's response acknowledges this excessive contribution (Attachment 1, page 2). In light of the above-noted policy, this Office recommends that the Commission find reason to believe that Steven Salvatore violated 2 U.S.C. § 441a(a)(1)(A), but exercise its prosecutorial

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discretion and take no further action. This Office will include an admonishment in the letter to Mr. Salvatore.

D. Complainant's specific allegation

The complainant in this matter states that she did not contribute to the St Germain Committee, although her name appears on the Committee's 1988 Post-General Election Report as the source of a $1,000 contribution on November 7, the reported date of the contributions made in connection with the October 31, 1988 fundraiser.[2] Complainant's spouse at the time, Edmund Hague, was also reported by the Committee as making a $1,000 contribution on November 7, 1988. The Providence Sunday Journal article does not mention complainant or her husband by name, and Mr. Hague was not notified as a respondent. Upon an examination of the public record, however, it appears likely that Mr. Hague contributed $2,000 that was subsequently reported as $1,000 each from Mr. Hague and Ms. Jacobs. Such a contribution exceeds his $1,000 limit under 2 U.S.C. § 441a(a)(1)(A). Pursuant to the Commission's internal threshold (the Dymally Rule), this Office makes no recommendations against contributors unless they contribute more than twice the 441a limit. Mr. Hague apparently contributed twice the limit. Therefore, this Office makes no recommendation with respect to Edmund Hague.

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2. Complainant notes that her name appears incorrectly on the report as Linda Hague. While married, she kept her name, Linda Jacobs.

E. St Germain Committee[3]

The Committee's 1988 Post General report contains errors regarding the contributions received in connection with the October 31, 1988 fundraiser. According to the Committee's response, the names of the individuals who contributed in connection with the fundraiser were provided by Joseph Rodio, the "organizer and host" of the fundraiser, and by donor cards (Attachment 1, page 1).[4] After the fundraiser, Rodio, a former St Germain staffer, informed the Committee that "the proceeds and the information cards on the donors would be delivered to [the Committee] in the near future."

The Committee's original 1988 Post-General Election Report erroneously listed complainant Linda Jacobs as a contributor. She stated in the complaint that she never contributed to the Committee. This Office does not have the written instrument of the contribution but it is likely to be drawn on a joint account and signed by complainant's husband Edmund Hague. The report also omitted the occupations or employers for a number of the contributors, including the daughters of respondent Michael Lolicata, Alyse and Marisa Lolicata. The Commission's Reports Analysis Division sent a Request for Additional Information to the Committee on December 28, 1988, asking the Committee to provide

---

3. St Germain lost the 1988 election, although the Committee still has a large amount of cash on hand. The Committee's 1991 Mid Year Report discloses no activity other than the receipt of interest ($4,030) and the payment of taxes ($1,366).

4. It is unclear who came up with the idea for the fundraiser. The Journal article states that Rodio and Michael Lolicata each claim that the other planned the event.

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the occupation and employer for each contributor reported on Schedule A. See 2 U.S.C. §§ 434(b)(3)(A), 431(13)(A). The public record indicates that the Committee wrote to Joseph Rodio on February 7, 1989, requesting that he identify the occupations and employers of the contributors who attended the October 31, 1988 fundraiser. The Committee later filed an amended Post-General report that disclosed the occupations and employers of most of the contributors. The amended report listed the occupations of Alyse and Marisa Lolicata as student and housewife, respectively.

The Act requires that a committee treasurer make "best efforts" to obtain contributors' identification, which includes occupation and employer. 2 U.S.C. §§ 434(b)(3)(A), 431(13)(A), 432(i). The regulations specify that a treasurer satisfies the best efforts requirement by making one written request to the contributor. 11 C.F.R. § 104.7(b). The Committee did not write to the contributors, as specified in the regulation, but rather obtained the information from Joseph Rodio. The information provided regarding the occupations of Michael Lolicata's two daughters was false. In light of the Committee's failure to amend the report to correct the erroneous reporting regarding the contributions of the Lolicatas as well as complainant and her spouse Edmund Hague, this Office recommends that the Commission find reason to believe that the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

Regarding the Committee's receipt of $250, $1,000, and $2,000 in excessive contributions from Steven Salvatore, Edmund Hague,

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and Michael Lolicata, respectively, this Office recommends that the Commission find reason to believe that the Committee violated 441a(f). The Factual and Legal Analysis will explain what the Committee has to do in order to comply with the Act: refund the excessive contributions to Michael Lolicata, Steven Salvatore, and Edmund Hague, and amend its 1988 Post-General report to reflect Michael Lolicata as the source of $3,000 in contributions and Edmund Hague as the source of $2,000 in contributions. If the Committee undertakes these actions in a timely manner, this Office may recommend that the Commission take no further action regarding the Committee, in light of the small sums involved and the difficulty the Committee may have had in determining the true sources of the contributions.

III. RECOMMENDATIONS

1. Find reason to believe that Michael Lolicata violated 2 U.S.C. § 441a(a)(1)(A) but take no further action and close the file regarding this respondent.

2. Find no reason to believe that Joseph Rodio or Rodio & Ursillo, Ltd. violated 2 U.S.C. § 441a(a)(1)(A) and close the file regarding this respondent.

3. Find reason to believe that Steven Salvatore violated 2 U.S.C. § 441a(a)(1)(A) but take no further action and close the file regarding this respondent.

4. Find reason to believe that Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(A) and 441a(f).

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5. Approve the attached Factual and Legal Analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

12/30/91
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Responses to the complaint (3)
2. Letter to Joseph Rodio and Rodio & Ursillo, Ltd.
3. Factual and Legal Analyses

93040932221

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: JANUARY 7, 1992

SUBJECT: MUR 3268 - FIRST GENERAL COUNSEL'S REPORT DATED DECEMBER 30, 1991.

The above-captioned document was circulated to the Commission on THURSDAY, JANUARY 2, 1992 at 4:00 P.M.

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

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	XXX
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, JANUARY 14, 1992.

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

93040932222

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3268
Congressman St Germain Re-election	)	
Committee and Fernand St Germain,	)	
as treasurer;	)	
Michael Lolicata;	)	
Steven Salvatore;	)	
Joseph Rodio;	)	
Rodio & Ursillo, Ltd.	)	

AMENDED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 14, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3268:

1. Find reason to believe that Michael Lolicata violated 2 U.S.C. § 441f and § 441a(a)(1)(A), but take no further action and close the file regarding this respondent.

2. Find no reason to believe that Joseph Rodio or Rodio & Ursillo, Ltd. violated 2 U.S.C. § 441a(a)(1)(A), but take no action at this time.

(continued)

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3. Find reason to believe that Steven Salvatore violated 2 U.S.C. § 441a(a)(1)(A), but take no further action and close the file regarding this respondent.

4. Find reason to believe that Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).

5. Approve the Factual and Legal Analyses and the appropriate letters as recommended in the General Counsel's report dated December 30, 1991, subject to revision pursuant to the actions noted above and the meeting discussion.

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

Attest:

1-22-92
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1992

Mr. Joseph J. Rodio
Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268
Joseph Rodio
Rodio & Ursillo, Ltd.

Dear Mr. Rodio:

On April 26, 1991, the Federal Election Commission notified Rodio & Ursillo, Ltd. and you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On January 14, 1992, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that Rodio & Ursillo, Ltd. or you violated 2 U.S.C. § 441a(a)(1)(A). The Commission, however, is keeping the file open regarding Rodio & Ursillo, Ltd. and you, pending further investigation in this matter. The Commission will contact you if it is determined that you can provide further information, and will let you know when the file has been closed as to Rodio & Ursillo and you.

If you have any questions, please direct them to Mark Allen, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1992

Michael Lolicata
18 Sylvia Lane
Lincoln, RI 02865

RE: MUR 3268

Dear Mr. Lolicata:

On January 14, 1992, the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that making contributions in the names of others and thereby contributing a total of $3,000 to a candidate committee in connection with an election appears to be a violation of 2 U.S.C. §§ 441f and 441a(a)(1)(A), respectively. You should take immediate steps to insure that this activity does not occur in the future.

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

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

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If you have any questions, please direct them to Mark Allen, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Michael Lolicata MUR 3268

The Office of the General Counsel received a complaint on April 15, 1991, from Linda Jacobs. Named as a respondent is Michael Lolicata. The complaint asserts that respondent made contributions to the Congressman St Germain Re-election Committee in the names of respondent's two daughters.

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any candidate and his or her authorized political committees with respect to an election which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(a)(1)(A). Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another.

The Providence Sunday Journal article included in the complaint alleges that respondent made contributions of $1,000 in the names of each of two daughters, Alyse and Marisa Lolicata, ages 4 and 8. The St Germain Committee reported receiving $1,000 contributions from Alyse and Marisa on November 7, 1988, the same day as the Committee received $1,000 contributions each from Michael Lolicata and his wife Angela Lolicata. The article quotes Michael Lolicata stating that one Joseph Rodio told Lolicata to make the contributions in that fashion. Mr. Rodio is quoted that he didn't know of Lolicata's contributions in the name of the daughters. Mr. Lolicata contacted the Commission in order to request an extension of time in which to respond to the complaint,

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but he never provided a response.

Mr. Lolicata apparently contributed a total of $3,000 to the St Germain Committee, in his name and in the names of his children. Such a total is $2,000 in excess of Mr. Lolicata's section 441a limit. Mr. Lolicata pled guilty in March 1991 to criminal charges of defrauding investors. Moreover, he filed chapter 7 bankruptcy in March 1989. While the Commission does not view bankruptcy as foreclosing the imposition of civil penalties, in view of all the circumstances, the Commission has decided not to pursue Mr. Lolicata. Thus, on the basis of the complaint and respondent's circumstances, the Commission finds reason to believe that Michael Lolicata violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f but exercises its prosecutorial discretion and takes no further action regarding Mr. Lolicata.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1992

Thomas F. Connors, Esq.
Landry & Connors
One State Street, Suite 401
Providence, RI 02928

RE: MUR 3268
Steven Salvatore

Dear Mr. Connors:

On January 14, 1992, the Federal Election Commission found reason to believe that your client, Steven Salvatore, violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your clients. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that aggregated contributions in excess of $1,000 to a candidate committee in connection with an election appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). Your client should take immediate steps to insure that this activity does not occur in the future.

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

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

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If you have any questions, please direct them to Mark Allen, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Steven Salvatore MUR 3268

The Office of the General Counsel received a complaint on April 15, 1991, from Linda Jacobs. Named as a respondent is Steven Salvatore. The complaint asserts that respondent made excessive contributions to the Congressman St Germain Re-election Committee.

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any candidate and his or her authorized political committees with respect to an election which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(a)(1)(A).

The complaint is supported by the Congressman St Germain Re-election Committee disclosure reports, which indicate that Mr. Salvatore contributed a total of $1,250 to the Committee in connection with the 1988 general election, $250 in excess of the section 441a limit. Mr. Salvatore's response to the complaint acknowledges this excessive contribution. In light of the small size of the excessive, the Commission finds reason to believe that Steven Salvatore violated 2 U.S.C. § 441a(a)(1)(A), but exercises its prosecutorial discretion and takes no further action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1992

Fernand St Germain, Treasurer
Congressman St Germain Re-election Committee
21 Harbor View Drive
Newport, RI 02840

RE: MUR 3268
Congressman St Germain Re-election Committee and Fernand St Germain, as Treasurer

Dear Mr. St Germain:

On April 26, 1991, the Federal Election Commission notified the Congressman St Germain Re-election Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on January 14, 1992, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 30 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 the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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

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

If you have any questions, please contact Mark Allen, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Questions
Designation of Counsel Form
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3268
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Fernand St Germain, Treasurer
Congressman St Germain Re-election Committee
21 Harbor View Drive
Newport, RI 02840

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

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

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

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

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

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

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DEFINITIONS

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

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

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

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

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

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

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

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INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Regarding the fundraiser held at the Little Inn in Johnston, Rhode Island on October 31, 1988,

1. Identify the person(s) that originated the idea to hold the fundraiser. State the date and the method by which the idea was communicated to the Committee and to the candidate.

2. State the cost of the fundraiser. Identify the person(s) that paid the cost of the fundraiser. If the fundraiser has not been paid for, identify the person(s) who was intended to pay for the fundraiser.

3. Provide copies of all the Committee documents relating to the fundraiser, such as invitations, receipts, and lists of attending individuals.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer MUR 3268

The Office of the General Counsel received a complaint on April 15, 1991, from Linda Jacobs. Named as respondents are the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer ("the Committee"). The complaint asserts that respondents erroneously reported the receipt of contributions and received excessive contributions.

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any candidate and his or her authorized political committees with respect to an election which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(a)(1)(A). No committee shall knowingly accept any contribution in violation of this provision. 2 U.S.C. § 441a(f). In addition, the Commission's regulations provide that if a treasurer determined that at the time a contribution was received and deposited it did not appear to be made in the name of another, but later discovers that it is illegal based on new evidence not available to the committee at the time of receipt, the treasurer shall refund the contribution to the contributor within 30 days of the date on which the illegality is discovered. 11 C.F.R. § 103.3(b)(2).

Under the Act's reporting requirements, political committees must disclose contributions from persons other than political

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committees. 2 U.S.C. § 434(b)(2)(A). Committees must also disclose the amount and nature of outstanding debts and obligations owed by the committee. 2 U.S.C. § 434(b)(8). In addition, committees must disclose the identification of each person whose contributions have an aggregate amount in excess of $200 within the calendar year. 2 U.S.C. § 434(b)(3)(A). The Act defines "identification" as the name, the mailing address, and the occupation of an individual, as well as the name of his or her employer. 2 U.S.C. § 431(13)(A). The Act also provides that a committee treasurer is in compliance with the Act when he or she has used "best efforts" to obtain the required contributor information. 2 U.S.C. § 432(i). Pursuant to the Commission's regulations, a treasurer will not be deemed to have exercised best efforts unless he or she has made at least one effort by a written request or by an oral request documented in writing to obtain such information from the contributor. 11 C.F.R. § 104.7(b).

A fundraiser was held for then-Representative St Germain on October 31, 1988 at the Little Inn in Johnston, Rhode Island. The Committee has neither reported the cost of the fundraiser as a debt, if it has not been paid, nor as a contribution received from the person who paid the cost, if it has. See 2 U.S.C. § 434(b)(8), (b)(2)(A).

The St Germain Committee's 1988 Post General report contains errors regarding the contributions received in connection with the fundraiser. According to the Committee's response to the complaint, the names of the individuals who contributed in connection with the fundraiser were provided by Joseph Rodio, the

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"organizer and host" of the fundraiser, and by donor cards. After the fundraiser, Mr. Rodio, a former St Germain staffer, informed the Committee that "the proceeds and the information cards on the donors would be delivered to [the Committee] in the near future."

The Committee's original 1988 Post-General Election Report erroneously listed complainant Linda Jacobs as a contributor. She stated in the complaint that she never contributed to the Committee. The Commission does not possess the written instrument of the contribution but it is likely to be drawn on a joint account and signed by complainant's husband Edmund Hague. The report also omitted the occupations or employers for a number of the contributors, including the daughters of respondent Michael Lolicata, Alyse and Marisa Lolicata. The Commission's Reports Analysis Division sent a Request for Additional Information to the Committee on December 28, 1988, asking the Committee to provide the occupation and employer for each contributor reported on Schedule A. See 2 U.S.C. §§ 434(b)(3)(A), 431(13)(A). The public record indicates that the Committee wrote to Joseph Rodio on February 7, 1989, requesting that he identify the occupations and employers of the contributors who attended the October 31, 1988 fundraiser. The Committee later filed an amended Post-General report that disclosed the occupations and employers of most of the contributors. The amended report listed the occupations of Alyse and Marisa Lolicata as student and housewife, respectively.

The Act requires that a committee treasurer make "best efforts" to obtain contributors' identification, which includes occupation and employer. 2 U.S.C. §§ 434(b)(3)(A), 431(13)(A),

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432(i). The regulations specify that a treasurer satisfies the best efforts requirement by making one written request to the contributor. 11 C.F.R. § 104.7(b). The Committee did not write to the contributors, as specified in the regulation, but rather obtained the information from Joseph Rodio. The information provided regarding the occupations of Michael Lolicata's two daughters was false. In light of the Committee's failure to amend the report to correct the erroneous reporting regarding the contributions of the Lolicatas as well as complainant and her spouse Edmund Hague, and the Committee's failure to report the cost of the fundraiser as a debt or as a contribution, the Commission finds reason to believe that the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, violated 2 U.S.C. § 434(b).

In addition to the reporting problems, the Committee received $250, $1,000, and $2,000 in excessive contributions from Steven Salvatore, Edmund Hague, and Michael Lolicata, respectively. Regarding these receipts, the Commission finds reason to believe that the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, violated 2 U.S.C. § 441a(f).

The Commission will consider actions taken by the Committee to bring it into compliance with the Act. The Committee should refund the excessive contributions to Michael Lolicata, Steven Salvatore, and Edmund Hague, and amend its 1988 Post-General report to reflect Michael Lolicata as the source of $3,000 in contributions and Edmund Hague as the source of $2,000 in contributions.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 1992

The Little Inn Restaurant, Inc.
103 Putnam Ave.
Johnston, RI 02919

RE: MUR 3268

Dear Madam/Sir:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. This letter seeks certain information in connection with the October 31, 1988 fundraiser held at the Little Inn Restaurant for Congressman Fernand St Germain. The Commission does not consider you a respondent in this matter, but rather a witness only.

Please submit written answers under oath to the enclosed questions within 30 days of your receipt of this letter. Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to these questions. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,

Mark Allen

Mark Allen
Attorney

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 3268
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: The Little Inn Restaurant, Inc.
103 Putnam Ave.
Johnston, RI 02919

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

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

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

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

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

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

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DEFINITIONS

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

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

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

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

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

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

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

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QUESTIONS AND DOCUMENT REQUESTS

Regarding the October 31, 1988 fundraiser held at the Little Inn Restaurant for Congressman Fernand St Germain,

a. Identify the person who contacted you to arrange the fundraiser. State when the contact(s) occurred, the nature of the contact(s), and describe the arrangement for the payment for the fundraiser. Provide all relevant documents, such as letters inquiring about the Little Inn's facilities and the contract.

b. State whether you had any contact with the candidate or persons from the candidate's campaign regarding the fundraiser, either before, on, or after October 31, 1988. If so, identify the persons from the Little Inn Restaurant and the campaign involved, state the date(s) of such contact and describe the contact(s). Provide all available documents reflecting this contact.

c. State how many persons attended the fundraiser.

d. State the cost of the fundraiser.

e. Describe all efforts made to get paid for the fundraiser, including the dates of bills sent. Identify the person who was billed for the fundraiser and state the amount of the bill(s). Provide a copy of the bill(s). State whether you have been paid for the fundraiser. If so, state the amount paid and the date on which you were paid, and identify the person who paid you. Provide a copy (front and back) of the instrument of payment.

f. If you have not been paid for the fundraiser and have not billed anyone for the fundraiser, state whether you desire and/or expect to be paid for the fundraiser. If so, identify the person whom you desire or expect to pay, and the amount you expect the person to pay.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 FEB 25 AM 9:11

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 FEB 25 PM 3:54

Congressman's Residence

HALIDON HALL
21 HARBOR VIEW DRIVE
NEWPORT, RHODE ISLAND 02840

2-18-92

Federal Election Commission
Attn: Mark Allen
General Counsel's Office
Washington D.C. 20463

MUR 3268

Dear Mr. Allen:

It is my intent to comply fully with the recommendations in the in the factual analysis and legal analysis included with the letter from the Commission dated 1-31-92.

I am amending the 1988 Post General election report to reflect donations by Michael Jollicoeur of 3000.00, Edmund Hague $2000.00 and Steven Salvatore 1250.00. I will delete the names of Alyce & Marcia Jolicoeur and Linda Hague as contributors as well as the amounts reported as having been donated by them.

I have written to the Little Inn of Johnston R.I. requesting an accounting of Oct 31 1988 event as well as the name of the individual who made the reservation and paid for the fundraiser. I include a copy of the letter. Upon receipt of a reply I shall advise you promptly and will take the proper steps to comply with FEC requirements.

I am mailing checks to Michael Jolicoeur for $2000.00, Edmund Hague 1000. and Steven Salvatore $250.00

As to the interrogatories:

1) The idea to hold the fundraiser was originated by Joseph Rodio who had worked in my Providence office as a summer intern years ago. This idea to the Committee 7 to 10 days before the event when Joseph Rodio called

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Welland Partington who headed my Providence Office He resides at Thomas Scighton Blvd. Cumberland R.I 02864

2- I am attempting to obtain the cost of the fundraiser, the person(s) who paid for it. Mr. Rodio the host was supposed to have paid for it. Unfortunately, Mr. Rodio and I had a major falling out in early 1990, unrelated to this matter, and we have not communicated to this day. It is therefore impossible for me to learn anything from him. I refer you to the Providence Journal article in your file a copy of which you sent me dated 3-24-91 where Mr. Rodio denied being the host, contradicted by Mr. Solicitta. Mr Rodio called Mr. Partington Mr. Rodio picked me up at my Providence office drove me to the Little Inn (he stated the owners were lawclients of his) introduced me to the guests, including Mr. Solicita, many of whom I had never met before and in particular Mr. Solicita was a total stranger to me. After a half hour to forty five minutes Mr Rodio drove me back to my Providence office. On the return trip he stated he would deliver the contributions and provide the required information about the participant contributors. This was the first and only time I ever visited the "Little Inn".

3- To my knowledge there were no invitations. The telephone was used to contact people. I do not have copies of checks deposited upon receipt from Mr. Rodio. I was never given a list of attendees. Mr. Rodio provided cards to be filled out with information required by the F.E.C. I have none in my files and never did see any.

9304093249

The only documents I have are copies of reports filed with the Commission and correspondence with the Commission.

Compounding the difficulty in finding records, I moved from my Congressional Office during the 1988 Holiday Season. On Jan. 4, 1989 I moved into 2550 M Street N.W. In May 1990 I moved to 1234 31st St. N.W., In Sept 91 moved to 1200 Eton Court, N.W. 20007.

When we closed the Congressional office in Washington many files went to Rhode Island, many went to the Library at Boston University Law School and some were kept in Washington by Ms. Jan Jones who prepared F.E.C. reports, Correspondence and relevant data. Ms. Jones had been ill for a long period of time and came to the office less and less until she was no longer able to work early 1990. - As a result my F.E.C. filings were late. She passed away in the fall of 1991 and I have no way of knowing where she may have kept some of the records if any.

I intend to cooperate fully with the Commission to comply with the act.

Lastly, I am undergoing surgery on Feb 28 in Rhode Island. I hope to return to my DC office March 9.

Please address Correspondence on this matter to my D.C. office at 1200 Eton Court, N.W. 20007

Sincerely,

Jack McDonald

93040932250

SCHEDULE A ITEMIZED RECEIPTS

FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (In Full)

Congressman St Germain Re-election Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Michael J. Kiselica P.O. Box 758 Coventry, RI 02816	Self Employed Attorney	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Kathleen A. Rossi 65 Chestnut Avenue Narragansett, RI 02852	FES/CMS Executive	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
~~Alyse Zolicate~~ ~~Narragansett, RI~~	Student	11/7/88	~~1,000.00~~
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Elizabeth Casey Kenyon, RI 02836	FES Adm. Asst.	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Glen A. Hipp Kenyon, RI 02836	No. Star Petroleum Manager	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Robert W. Izbicki 190 Brookside Drive N. Kingstown; RI 02852	State of Rhode Island Supervisor	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Debra Izbicki 190 Brookside Drive N. Kingstown, RI 02852	CMS Adm. Asst.	11/7/88	1,000.00
Receipt For: [ ] Primary [X] General [ ] Other (specify):	Aggregate Year-to-Date > $ 1,000.00		

SUBTOTAL of Receipts This Page (optional) .....

TOTAL This Period (last page this line number only) .....

RB01370225376

FEDERAL ELECTION COMMISSION RECEIVED 92 FEB 25 PM 3:5

SCHEDULE A

ITEMIZED RECEIPTS

Page 6 of 1

FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (In Full)

Congressman St Germain Re-election Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Michael Lolicata 18 Sylvia Lane Lincoln, RI 02865 Receipt For: [ ] Primary [X] General [ ] Other (specify):	FES/CMS Executive Aggregate Year-to-Date $ 1,000.00	11/7/88	3,000.00
Angela M. Lolicata 18 Sylvia Lane Lincoln, RI 02865 Receipt For: [ ] Primary [X] General [ ] Other (specify):	Housewife Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00
Albert A. Isabella 39 Trinity Parkway Providence, RI 02908 Receipt For: [ ] Primary [X] General [ ] Other (specify):	Self-Employed Insurance Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00
Donna M. Isabella 39 Trinity Parkway Providence, RI 02908 Receipt For: [ ] Primary [X] General [ ] Other (specify):	Self Employed Ins. Agent Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00
Virginia N. Beneduce 53 Auburn St. Cranston, RI 02910 Receipt For: [ ] Primary [X] General [ ] Other (specify):	FES/CMS Unknown Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00
William J. Wilbur 27 Carrie Anne Drive Cranston, RI 02920 Receipt For: [ ] Primary [X] General [ ] Other (specify):	Eastern Invtmt. President Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00
Kevin Wilbur 2202 Phenix Avenue Cranston, RI 02920 Receipt For: [ ] Primary [X] General [ ] Other (specify)	Eastern Investment Vice President Aggregate Year-to-Date $ 1,000.00	11/7/88	1,000.00

SUBTOTAL of Receipts This Page (optional) .....

TOTAL This Period (last page this line number only) .....

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SCHEDULE A — ITEMIZED RECEIPTS

PAGE 7 OF 1

FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (In Full)
Congressman St Germain Re-election Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Edmund T. Hague 32 Harbour Terr. Cranston, RI 02905 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: CMS Occupation: Comptroller Aggregate Year-to-Date > $ 1,000.00	11/7/88	2,000.00
B. ~~Edmund Hague~~ ~~32 Harbour Terr.~~ ~~Cranston, RI 02905~~ Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Dimeo Constr. Occupation: Comptroller Aggregate Year-to-Date > $ 1,000.00	11/7/88	~~[illegible]~~
C. Bernard P.Hanlon, Jr. 96 Bank Street Harwichport, MA 02646 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Self Employed Occupation: Investment Banker Aggregate Year-to-Date > $ 1,000.00	11/7/88	1,000.00
D. Joan Hanlon 96 Bank Street Harwichport, MA 02646 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Cape Cod Bank & Trust Occupation: Executive Aggregate Year-to-Date > $ 1,000.00	11/7/88	1,000.00
E. Robert Forcier 63 Sockanosset Crossroads Cranston, RI 02920 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Forcier, Inc. Occupation: Pres Aggregate Year-to-Date > $ 1,000.00	11/7/88	1,000.00
F. Edward F. Ricci 210 Blackstone Blvd. Providence, RI 02906 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Duro Textiles Occupation: VP Aggregate Year-to-Date > $ 300.00	11/7/88	300.00
G. Steven R. Salvatore 11 Hawthorne E. Providence, RI 02913 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Employer: Jefferson Loan & Invest. Bank Occupation: President Aggregate Year-to-Date > $ 1,000.00	11/7/88	1,250.00 ~~1,000.00~~

SUBTOTAL of Receipts This Page (optional) . . . . . >

TOTAL This Period (last page this line number only) . . . . . >

R 8 9 1 3 7 9 2 , 7 8

FERNAND J. ST. GERMAIN, Mc
1200 ETON COURT NW
WASHINGTON, DC 20007-3239

110

2-18 19 29 15-3/540

PAY TO THE ORDER OF Michael Lolicata $ 2000 00

Two Thousand and No/cents DOLLARS

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

CIT INVESTMENT FUNDS
1655 NORTH FORT MYER DRIVE, ARLINGTON, VA 22209

FOR Return Excess Contribution 1988 Campaign

Fernand J. St. Germain

92 FEB 25 PM 3:54

FERNAND J. ST. GERMAIN, Mc
1200 ETON COURT NW
WASHINGTON, DC 20007-3239

111

2-18 19 92 15-3/540

PAY TO THE ORDER OF Edmund T. Hague $ 1000 00/100

One Thousand and No/cents DOLLARS

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

CIT INVESTMENT FUNDS
1655 NORTH FORT MYER DRIVE, ARLINGTON, VA 22209

FOR Return of Excess Contribution 1988 Campaign

Fernand J. St. Germain

FERNAND J. ST. GERMAIN, Mc
1200 ETON COURT NW
WASHINGTON, DC 20007-3239

112

2-18 19 92 15-3/540

PAY TO THE ORDER OF Steven R. Salvatore $ 250 00/100

Two Hundred Fifty and No/cents DOLLARS

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

CIT INVESTMENT FUNDS
1655 NORTH FORT MYER DRIVE, ARLINGTON, VA 22209

FOR Return of Excess Contribution 1988 Campaign

Fernand J. St. Germain

SCHEDULE A — ITEMIZED RECEIPTS

Page 8 of

FOR LINE NUMBER 11a

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

NAME OF COMMITTEE (In Full)

Congressman St Germain Re-election Committee

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Edwin S. Soforenko Providence, RI 02906 82 Grotto Avenue Receipt For: [ ] Primary [x] General [ ] Other (specify):	Insurance Underwriters, Inc. Occupation: Ch. of Board Aggregate Year-to-Date > $ 250.00	11/7/88	250.00
B. [redacted] Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Housewife Occupation: Aggregate Year-to-Date > $ 1,000.00	11/7/88	[redacted]
C. Jerome Lefkowitz 160 Sweetbriar Drive Cranston, RI 02920 Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Laventhal & Howvath Occupation: Managing Partner Aggregate Year-to-Date > $ 250.00	11/7/88	250.00
D. David Shute 1448 Lake Shore Drive Chicago, IL 60610 Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date > $ 500.00	11/3/88	500.00
E. Paul T.Clark 518 E Street, SE Washington, DC 20003 Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Seward & Kissel Occupation: Executive Aggregate Year-to-Date > $ 300.00	11/3/88	300.00
F. Lauri Cornell 25 W. 95th Street, No. 1A New York,NY 10025 Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date > $ 1,000.00	11/3/88	1,000.00
G. Michael E. Rosoff 2 Towne Court Melville, NY 11747 Receipt For: [ ] Primary [x] General [ ] Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date > $ 1,000.00	11/2/88	1,000.00

SUBTOTAL of Receipts This Page (optional) .....

TOTAL This Period (last page this line number only) .....

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0304092255

Congressman's Residence

HALIDON HALL
21 HARBOR VIEW DRIVE
NEWPORT, RHODE ISLAND 02840

2-11-92

LITTLE INN
103 PUTNAM AVE
Johnston, R.I. 02919
Tel. (401) 231 0570

MANAGEMENT:

ON Oct. 31, 1988 A luncheon buffet was held at your restaurant for approximately 20 people. The Federal Election Commission to know: What the cost of the Fundraiser was? Who paid for it? What was the cost? If not paid, who was the person who made the reservation, picked the MENU, the time and the room.

Federal Law requires this information and I would appreciate your obtaining + forwarding it to me as soon as possible

Sincerely,

F. J. St Germain

9304093225 6

GARDNER, SAWYER, GATES, SLOAN & ENGUSTIAN
COUNSELORS AT LAW
1309 TURKS HEAD BUILDING
PROVIDENCE, RHODE ISLAND 02903
(401) 421-5927

ROBERT B. GATES
JAMES M. SLOAN, III
CHRISTINE J. ENGUSTIAN*

KRISTEN SLOAN MACCINI

*ALSO ADMITTED IN NEW YORK AND MASSACHUSETTS

TELECOPIER
(401) 421-9506

March 16, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAR 18 PM 3:27

Mark Allen, Esquire
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3268

Dear Mr. Allen:

Pursuant to your letter dated February 5, 1992, enclosed herewith please find the Answers to Interrogatories and Request for Production of Documents by The Little Inn Restaurant, Inc. regarding the above-noted matter.

If you have any questions concerning this matter, please advise me at your first convenience.

Very truly yours,

James M. Sloan III

James M. Sloan, III

JMS:nan
Enclosure

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
MAR 18 2 04 PM '92

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3268
)

ANSWERS TO INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS BY THE LITTLE INN RESTAURANT, INC.

In compliance with your letter dated February 5, 1992, The Little Inn Restaurant, Inc. presents these answers to the Questions and Document Requests as follows:

a. The person who contacted The Little Inn Restaurant, Inc. to arrange the fundraiser for Congressman Fernand St. Germain was Joseph J. Rodio, Esquire, Rodio & Ursillo, Ltd., 200 Dyer Street, Providence, Rhode Island. The contact was one day prior to the fundraiser and was made by telephone on October 30, 1988. Mr. Rodio was known to the management of The Little Inn Restaurant, Inc. and no discussion was made at the time of the contact concerning the payment for the fundraiser. There were no letters or contracts relating to the fundraiser.

b. The Little Inn Restaurant, Inc. by its officers, had no contact with the candidate or persons from the candidate's campaign prior to the fundraiser other than that expressed in a. above. Subsequent requests for payment for the fundraiser were made each six months following the fundraiser where requests were made for payment. The exact dates were not recorded. A copy of a statement for the balance due was mailed to Mr. Rodio on several occasions. No copies of the statement were retained by The Little Inn Restaurant, Inc.

c. Approximately 20 persons attended the fundraiser. The initial request had indicated 40 to 50 persons would attend.

d. The cost of the fundraiser was $2,000.00.

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e. Following the fundraiser, no statement was immediately sent as Mr. Rodio was known personally to The Little Inn Restaurant, Inc. and it was assumed that the statement would be paid. Subsequently, upon seeing Mr. Rodio on various occasions at the restaurant and no mention being made of payment, statements were sent every six months, the first statement being approximately six months after the date of the fundraiser. All such statements were sent to Mr. Rodio. The amount was finally paid on approximately December 23, 1991 and was paid by check from Mr. Rodio. No copy of the check was retained.

f. The amount having been paid, the other questions are not applicable for response.

The Little Inn Restaurant, Inc.

By: Cheryl Hahn
Cheryl Hahn VICE PRESIDENT

STATE OF RHODE ISLAND
PROVIDENCE, SC.

Subscribed and sworn to before me, this 13th day of March, 1992.

James M. Sloan III
Notary Public
Notary Public

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OGC 4522
RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAR 26 11 29 AM '92

Congressman's Residence

HALIDON HALL
21 HARBOR VIEW DRIVE
NEWPORT, RHODE ISLAND 02840

3-25-92

92 MAR 26 PM 1:49

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
OGC-GC

Federal Election Commission
ATTN: Mark Allen, Esq.
General Counsel's Office
Washington, D.C. 20463

MUR 3268

Dear Mr. Allen:

Enclosed please find copies of cancelled checks to: Edward T Hogue - 1000.-
Steven R. Salvatore - $250.-
Michael Solicata - $2000.-

I await your further instructions.

Sincerely,

J. Joe Paolucci

9304092322260

FERNAND J. ST. GERMAIN, M.C.

112

2-11-84

PAY TO THE ORDER OF Steve Bolshoreff

Two Hundred Fifty and No/Cents

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

INVESTMENT FUNDS

Campaign Contribution 1984 Campaign

FERNAND J. ST. GERMAIN, M.C.

110

2-11-29

PAY TO THE ORDER OF Michael Lolicata

Two Thousand and No/Cents

DOLLARS

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

INVESTMENT FUNDS

Campaign Contribution 1988 Campaign

PROCESSED

Fax Brown

FERNAND J. ST. GERMAIN, M.C.
WASHINGTON, D.C.

111

2-18-92

PAY TO THE ORDER OF Edmund T. Hayre
One Thousand and No/100

PAYABLE THROUGH THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

INVESTMENT FUNDS

FOR

Edmund T. Hayre
PAID
MAR 16 92
PROCESSED
MAR 16 92

200 DYER STREET
PROVIDENCE, RHODE ISLAND 02903-3993
401 331-6400
CABLE ADDRESS: TAX COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
MAR 27 12 19 PM '92

JOSEPH J. RODIO
DAVID R. URSILLO
JEFFREY M. GIBSON
FRED T. POLACEK (ALSO ADMITTED IN MA)

RICHARD O. LESSARD (ALSO ADMITTED IN MA)
PHILIP G. PARSONS (ALSO ADMITTED IN MA, CT & DC)
NEAL R. STEINGOLD (ALSO ADMITTED IN MA)

FAX: 401 941-5300

RODIO & URSILLO, LTD.

Attorneys at Law

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAR 27 PM 3:13

March 24, 1992

Lawrence M. Noble
General Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RE: MUR 3268

Dear Mr. Noble:

Enclosed is a copy of a letter which I forwarded to former Represenative Ferdinand J. St. Germain along with a copy of your August 21, 1991 letter. During late December, 1991, or early January, 1992 I paid the Little Inn Restaurant $2,000.00.

As in the past, I will be more than happy to discuss this matter with anyone at your direction.

Thank you for your continued consideration in this matter.

Very truly yours,

JOSEPH J. RODIO

JJR:dch
Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 21, 1991

Mr. Joseph J. Rodio
Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268

Dear Mr. Rodio:

This is to respond to your letter dated July 31, 1991, which we received on August 7, 1991. In this letter and in previous telephone conversations with Mark Allen of my staff, you ask if it would be proper for you personally to pay a restaurant bill which apparently relates to a fundraising event for the 1988 election campaign of former Rep. Ferdinand J. St Germain.

For your information, the payment of an expense of a campaign fundraiser would be an in-kind contribution to that campaign, see 11 C.F.R. §§ 100.7(a)(1)(iii) and 110.1(g), subject, along with any other contributions made by the payor to that campaign, to limitation under 2 U.S.C. § 441a. The Commission may render opinions, however, only through the advisory opinion process set out at 2 U.S.C. § 437f. Therefore, if you would like further guidance with respect to your question, please contact Associate General Counsel N. Bradley Litchfield, who has responsibility for advisory opinions, at (202) 376-5690.

If you have any other questions with respect to this matter, please contact Mark Allen, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

9304093226 4

200 DYER STREET
PROVIDENCE, RHODE ISLAND 02903-3993
401 331-6400
CABLE ADDRESS: TAX COUNSEL

JOSEPH J. RODIO
DAVID R. URSILLO
JEFFREY M. GIBSON
FRED T. POLACEK (ALSO ADMITTED IN MA)

RICHARD O. LESSARD (ALSO ADMITTED IN MA)
PHILIP G. PARSONS (ALSO ADMITTED IN MA, CT & DC)
NEAL R. STEINGOLD (ALSO ADMITTED IN MA)

FAX: 401 941-5300

RODIO & URSILLO, LTD.

Attorneys at Law

March 24, 1992

Ferdinand J. St. Germain
21 Harbor View Drive
Newport, RI 02840

Dear Congressman:

This letter is to advise you that in late December, early January, I paid the Little Inn Restaurant $2,000.00 for the Lolicata fund raiser held in October of 1988. I advise that you take the appropriate action with the Federal Election Commission.

Very truly yours,

JOSEPH J. RODIO

JJR:dch

9304093226 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 1992

Fernand St Germain, Treasurer
Congressman St Germain Re-election Committee
1200 Eton Court, N.W.
Washington, D.C. 20007

RE: MUR 3268
Congressman St Germain Re-election Committee and Fernand St Germain, as Treasurer

Dear Mr. St Germain:

This is to follow up on our telephone conversation yesterday, in which we spoke of the apparent excessive contribution made to your campaign by Joseph Rodio. Mr. Rodio's $2,000 payment to The Little Inn for the October 31, 1988 fundraiser appears to constitute an excessive contribution. Therefore, you should refund the excessive portion, $1,000, to Mr. Rodio, and include this payment on your next Report of Receipts and Disbursements.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

93040932266

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUL 10 4 37 PM '92

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 JUL 14 PM 12:00

Congressman's Residence

HALIDON HALL
21 HARBOR VIEW DRIVE
NEWPORT, RHODE ISLAND 02840

7-8-92
D.C. Tel.-202-6256100

Federal Election Commission
Attn: Mark Allen, Esq.
General Counsel's Office
Washington, D.C. 20463

MUR 3268

Dear Mr. Allen,

I hereby request pre-probable cause conciliation in the matter MUR 3268

I submit the following for your consideration:

1- Continuing efforts were made to obtain necessary information subsequent to the Oct. 31-1988 filing, prior to the 11-28-88 filing and subsequently in response to requests from the F.E.C. - cf. letter to Commission dated 1-31-1989 - marked Exhibit #1

2. As a result of closing Congressional offices in Washington and Pawtucket, R.I., after 28 years, shuffling of tons of records, absence of staff support, illness and subsequent death of my record keeper and personal secretary, Joan Jones, the only staffer to come to work for me after the election loss, my personal hospitalization the day after election, the trauma of defeat, many items in addition to FEC reports and filings were unfortunately not properly addressed. This is evidenced

9304093226 7

in my letter to you dated 2-18-92 which also replied to the interrogatories, cf. exhibit #2

3.- The information provided to the F.E.C. was done so in good faith. I relied on the sponsor organizer of the event, Joseph Rodio as to accuracy. This is explained in the letter of 2-18-92 exhibit #2. As the Commission well knows, fundraisers are constantly held that are organized by supporters of candidates, where many contributors are not personally known to the candidate, but who attend and or contribute at the behest of the sponsors and organizers. The candidates have no alternative but to rely on the information provided by the contributors, sponsors, and or organizers for the purpose of reporting in compliance with the Act.

4.- I was unaware of the newspaper article March 24-91 until I received it from the Commission on April 26, 1991 along with the letter of complaint from Linda Jacobs, I was at my Florida residence during the month of March.

5.- In the News Story Joseph Rodio denied being the organizer of the Oct 31, 1988 function. I took issue with that in my letter of 2-18-92, exhibit #2. On 2-28-92 I wrote to the "Little Inn" to determine the cost of the event. I received no reply cf exhibit #3. However as a result of your interrogatories, the "Little Inn" did provide information verifying that Mr. Rodio was indeed the organizer of the event, cf exhibit #4.- This concerned with my answers to interrogatories in exhibit #2.

6- Excess contributions were returned as suggested by you. On 3-25-92 I provided you with copies of cancelled checks to Ephraim T. Hague $1000.-, Steven R. Salvatore, $250.- Michael Jolicoeur $2000.-

7- I am this date mailing a check in the amount of $1000.- to Joseph R. Rodio as per your direction since Mr. Rodio on December 23, 1991 finally paid "Little Inn" $2000 for the luncheon, which is 1000- beyond the limit for any one contributor.

To summarize, every effort was made to report accurately. There was no intent, willful or otherwise to violate the Act. Excess contributions have been returned. As to the luncheon, never in my wildest dreams did I think a BUFFET luncheon of cold cuts, salads, potato chips and rolls, very little if any alcoholic drinks were served would cost more than 30.- for twenty (20) people. Certainly not 100- per person. In any event, the cost of the luncheon was not reported. This was inadvertent, not intentional. It was frankly overlooked by me and Miss Jones since neither I nor the Committee received any statement or bill from "Little Inn" as is evident from exhibit #4.

In conclusion I ask you to take note of the fact that I have done everything which to comply with the Act. I never had any intent willful or otherwise to violate the Act.

Sincerely, J. Joel Jacobsen

200 DYER STREET
PROVIDENCE, RHODE ISLAND 02903-3993
401 331-6400
CABLE ADDRESS: TAX COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

SEP 17 11 46 AM '92

RODIO & URSILLO, LTD.

Attorneys at Law

September 15, 1992

92 SEP 17 PM 4:24
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Lawrence M. Noble
General Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RE: MUR 3268

Dear Mr. Noble:

I received a check from Ferdinand J. St. Germain, a copy of the check is enclosed for your reference. The non-negotiated check remains in my personal possession. Unless instructed otherwise, I will deposit the check in 30 days from the date of this letter.

If you need any further information, I will be happy to discuss same with you.

Very truly yours,

JOSEPH J. RODIO

JJR:dch

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RECEIVED
FEDERAL ELECTION COMMISSION

92 SEP 17 PM 4:24

FERNAND J. ST GERMAIN
RACHEL M. ST GERMAIN
21 HARBOR VIEW DR.
NEWPORT, RI 02840

3588

7-8 1992

15-7434
2540

PAY TO THE ORDER OF Joseph J. Rodio $ 1000 XX/100

One Thousand & NO/100 DOLLARS

CONGRESSIONAL FEDERAL CREDIT UNION
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

MEMO Return Excess 1988 Contribution

Fernand St Germain

930409322 7 1

RECEIVED
F.E.C.
SECRETARIAT
93 JAN -7 PM 3:02

FEDERAL ELECTION COMMISSION

SENSITIVE

In the matter of	)	
	)	
Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer	)	MUR 3268
Joseph Rodio	)	
Rodio & Ursillo, Ltd.	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 14, 1992, the Commission found reason to believe that the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer ("the Committee") violated 2 U.S.C. §§ 434(b) and 441a(f). Also on that date, the Commission found no reason to believe that Joseph Rodio and the Rodio & Ursillo, Ltd. firm violated 2 U.S.C. § 441a(a)(1)(A), but kept the file open regarding these respondents. This Office now recommends that the Commission take no further action regarding the Committee. In addition, we recommend that the Commission find reason to believe that Joseph Rodio violated 2 U.S.C. § 441a(a)(1)(A) but take no further action, and close the entire file.

II. ANALYSIS

A. St Germain Committee

This matter involves the Committee's receipt of contributions in connection with a fundraiser held for then-Congressman Fernand St Germain on October 31, 1988. The Committee's 1988 Post General report contained errors and omissions regarding the contributions received in connection with the fundraiser. Specifically, the report disclosed a contribution by complainant Linda Jacobs that

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appears to have been made by her spouse Edmund Hague, and contributions by Alyse Lolicata and Marisa Lolicata that were actually made by their father, Michael Lolicata.[1] The 1988 Post General report also failed to disclose the cost of the fundraiser itself as a debt or as a contribution. On these bases, the Commission found reason to believe that the Committee violated 2 U.S.C. § 434(b). The above-noted contributions by Edmund Hague and Michael Lolicata were excessive in the amount of $1,000 and $2,000, respectively. In addition, the Committee received a $250 excessive contribution from Steven Salvatore.[2] Thus, the Commission found reason to believe that the Committee violated 2 U.S.C. § 441a(f). The Factual and Legal Analysis for the Committee explained that the Commission would consider actions taken by the Committee to bring it into compliance with the Act: the refund of the excessive contributions and the amendment of its 1988 Post-General report to reflect Michael Lolicata as the source of $3,000 in contributions and Edmund Hague as the source of $2,000 in contributions.

On January 31, 1992, this Office sent interrogatories and document requests to the Committee regarding the October 31, 1988

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1. On January 14, 1992, the Commission found reason to believe that Michael Lolicata violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f, but determined to take no further action. Edmund Hague was not named in the complaint, was not notified of the complaint, and in light of the size of his apparent excessive contribution the Commission made no finding against him. See the First General Counsel's Report in this matter, dated December 30, 1991.

2. On January 14, 1992, the Commission found reason to believe that Mr. Salvatore violated 2 U.S.C. § 441a(a)(1)(A), but determined to take no further action.

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fundraiser (Attachment 1, page 1). Fernand St Germain, responding on behalf of the Committee and himself on February 18, 1992, stated that the fundraiser was organized by Joseph Rodio who was supposed to have paid for the event. Mr. St Germain also stated that he had written to the Little Inn in Johnston, Rhode Island, site of the fundraiser, for an accounting of the event.[3] In addition, Mr. St Germain stated that he was amending the 1988 Post General report and refunding the excessive contributions to Michael Lolicata, Edmund Hague, and Steven Salvatore. On March 16, 1992 the Committee filed an amended 1988 Post-General report that reflected the $3,000 contribution by Michael Lolicata, the $2,000 contribution by Edmund Hague, and the $1,250 contribution by Steven Salvatore. This amended report also omitted the previously reported contributions by Alyse and Marisa Lolicata and Linda Jacobs. On March 25, 1992, Mr. St Germain provided this Office with copies of refund checks dated February 18, 1992 made out to Michael Lolicata for $2,000, Edmund Hague for $1,000, and Steven Salvatore for $250 (Attachment 2, page 14).

On February 5, 1992, this Office sent questions and document requests to the Little Inn regarding the October 31, 1988 fundraiser (Attachment 1, page 5). In its response, the Inn stated that Joseph Rodio had arranged the fundraiser and that the event cost $2,000 (Attachment 2, page 8). The Inn also stated that its management knew Mr. Rodio and that there was no discussion at the time of the event regarding payment. No

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3. A copy of his February 11, 1992 letter was included in a later response (Attachment 2, page 24). See infra.

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statement was immediately sent to Mr. Rodio for the cost of the event, but subsequently the Inn mailed payment requests to Mr. Rodio every six months. Finally, Mr. Rodio paid the $2,000 on approximately December 23, 1991.

This $2,000 payment constitutes an excessive contribution of $1,000. See 2 U.S.C. § 441a(a)(1)(A). This Office wrote to the Committee on July 7, 1992, instructing the Committee to refund the excess $1,000 to Mr. Rodio (Attachment 1, page 10). On July 8, 1992, Mr. St Germain provided a further response, including a request for pre-probable cause conciliation (Attachment 2, page 17). The response included a copy of Mr. St Germain's February 11, 1992 letter to the Little Inn noted above (Attachment 2, page 24). In addition, the response included a copy of the Little Inn's response to this Office's questions about the fundraiser, which the Inn apparently provided to Mr. St Germain. Also, the Committee stated that it was refunding the $1,000 excessive to Mr. Rodio.[4] On its disclosure report covering the period November 30, 1991 through September 15, 1992, the Committee reported making the refund on July 8, 1992.[5]

The Committee has been fully cooperative in the investigation in this matter. The Committee undertook the recommended actions

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4. The Committee also noted its attempts to obtain the contributor information regarding the contributions received in connection with the October 31, 1988 fundraiser, and its cooperation in this matter in general. The public record indicates that the Committee wrote to Joseph Rodio on February 7, 1989, requesting that he identify the occupations and employers of the contributors who attended the October 31, 1988 fundraiser.

5. On September 15, 1992, Mr. Rodio sent this Office a copy of the refund check, dated July 8, 1992 (Attachment 2, page 27).

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of making refunds and amending its 1988 October Quarterly report in an expeditious manner, and also took the step of writing to the Little Inn in an attempt to answer this Office's interrogatories. In light of the Committee's cooperation, the age of the events, the fact that the candidate lost the 1988 election and the Committee has been largely inactive since that time, the relatively small sums involved, and the difficulty the Committee may have had in determining the true sources of the contributions, this Office recommends that the Commission use its prosecutorial discretion to deny the Committee's pre-probable cause conciliation request and take no further action regarding the Committee.

B. Joseph Rodio and Rodio & Ursillo, Ltd.

The March 24, 1991 Providence Sunday Journal article upon which the complaint in this matter was based noted that Joseph Rodio attended the St Germain fundraiser that was paid for by his law firm Rodio & Ursillo, Ltd. Mr. Rodio and his firm provided a joint response on July 31, 1991, stating that the firm had not paid for the luncheon but was interested in doing so because the restaurant was a client. The response asked this Office about the proper procedure in this matter. This Office replied on August 21, 1991, that to pay the costs of a campaign fundraising event would constitute an in-kind contribution to the campaign benefited, subject to the limitations of 2 U.S.C. § 441a. So far as this Office was aware at the time the First General Counsel's Report in this matter was before the Commission, neither Joseph Rodio nor his firm had paid for the luncheon. In light of the available facts, the Commission found no reason to believe that

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Joseph Rodio or Rodio & Ursillo violated the Act by making an excessive in-kind contribution, but kept the file open regarding these respondents.

As a result of the investigation in this matter, it is clear that Joseph Rodio arranged the October 31, 1988 fundraiser and paid $2,000 to the Little Inn on approximately December 23, 1991. This $2,000 payment constitutes a $1,000 excessive in kind contribution to the Committee. See 2 U.S.C. §§ 431(8)(A)(i), 441a(a)(1)(A). Therefore, this Office recommends that the Commission find reason to believe that Joseph Rodio violated 2 U.S.C. § 441a(a)(1)(A).

While this Office might nevertheless recommend further pursuit of Mr. Rodio in light of this Office's specific notice to Mr. Rodio regarding the contribution limits, in light of the facts of this matter, we recommend that the Commission not pursue Mr. Rodio. The Committee is inactive, and Mr. Rodio's excessive contribution served to pay a debt owed to the vendor rather than to benefit the Committee and candidate, who lost the 1988 election. Finally, the excessive portion has been refunded. In light of the these considerations, this Office recommends that the Commission take no further action regarding Joseph Rodio.

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III. ADMONISHMENT

If the Commission approves this Office's recommendations, this Office intends to include admonishments in the no further action letters to the Committee and Joseph Rodio. Regarding the latter, this Office will emphasize the contribution limits and the fact that this Office informed him of those limits by letter in August 1991.

IV. RECOMMENDATIONS

1. Deny the request by the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, to enter into conciliation prior to a finding of probable cause to believe.

2. Take no further action regarding the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer.

3. Find reason to believe that Joseph Rodio violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.

3. Close the file.

4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 1/5/93

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Interrogatories and other OGC correspondence
2. Responses to Interrogatories and other respondent correspondence

93040932278

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS /DONNA ROACH
COMMISSION SECRETARY

DATE: JANUARY 12, 1993

SUBJECT: MUR 3268 - GENERAL COUNSEL'S REPORT DATED JANUARY 5, 1993.

The above-captioned document was circulated to the Commission on THURSDAY, JANUARY 7, 1993 at 4:00 P.M.

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

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	XXX
Commissioner McGarry	
Commissioner Potter	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, JANUARY 26, 1993.

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

93040932279

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3268
Congressman St Germain Re-election	)	
Committee and Fernand St Germain,	)	
as treasurer;	)	
Joseph Rodio;	)	
Rodio & Ursillo, Ltd.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 26, 1993, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 3268:

1. Deny the request by the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, to enter into conciliation prior to a finding of probable cause to believe.

2. Take no further action regarding the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer.

3. Find reason to believe that Joseph Rodio violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.

(continued)

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4. Close the file.

5. Approve the appropriate letters as recommended in the General Counsel's report dated January 5, 1993.

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

Attest:

1-26-93
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Linda S. Jacobs
955 Shore Road
Cape Elizabeth, ME 04107

RE: MUR 3268

Dear Ms. Jacobs:

This is in reference to the complaint you filed with the Federal Election Commission on April 15, 1991, concerning contributions received by the Congressman St Germain Re-election Committee in connection with an October 31, 1988 fundraiser.

Based on that complaint, on January 31, 1992, the Commission found that there was reason to believe the Congressman St Germain Re-election Committee and Fernand St Germain, as treasurer, ("the Committee") violated 2 U.S.C. §§ 434(b) and 441a(f), Michael Lolicata violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f, and that Steven Salvatore violated 2 U.S.C. § 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. In addition, on January 26, 1993, the Commission found reason to believe that Joseph Rodio violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee, Michael Lolicata, Steven Salvatore, and Joseph Rodio, and closed the file in this matter on January 26, 1993. Two General Counsel's Reports, which the Commission considered in reaching these decisions, are attached for your information. The Office of the General Counsel also notes that the amended Committee disclosure report does not contain your name as a contributor.

This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

Enclosure
General Counsel's Reports

93040932283

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1993

Mr. Joseph J. Rodio
Rodio & Ursillo, Ltd.
200 Dyer Street
Providence, RI 02903

RE: MUR 3268
Joseph Rodio
Rodio & Ursillo, Ltd.

Dear Mr. Rodio:

On April 26, 1991, the Federal Election Commission notified Rodio & Ursillo, Ltd. and you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On January 14, 1992, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that Rodio & Ursillo, Ltd. or you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act."). The Commission, however, kept the file open regarding Rodio & Ursillo, Ltd. and you, pending further investigation in this matter.

Subsequently, on January 26, 1993, the Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The General Counsel's Report, which the Commission considered in reaching these decisions, is attached for your information.

The Commission reminds you that making an in-kind contribution in excess of the $1,000 limit appears to be a violation of 2 U.S.C. § 441a(a)(1)(A). The Office of the General Counsel had previously advised you of the section 441a contribution limits by letter dated August 21, 1991. You should take immediate steps to insure that this activity does not occur in the future.

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The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please direct them to Mark Allen, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Scott E. Thomas
Chairman

Enclosure
General Counsel's Report

9304093225 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1993

Thomas F. Connors, Esq.
Landry & Connors
One State Street, Suite 401
Providence, RI 02928

RE: MUR 3268
Steven Salvatore

Dear Mr. Connors:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

93040932286

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1993

Michael Lolicata
18 Sylvia Lane
Lincoln, RI 02865

RE: MUR 3268

Dear Mr. Lolicata:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

93040932287

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 11, 1993

Fernand St Germain, Treasurer
Congressman St Germain Re-election Committee
1200 Eton Court, N.W.
Washington, D.C. 20007

RE: MUR 3268
Congressman St Germain Re-election Committee and Fernand St Germain, as Treasurer

Dear Mr. St Germain:

On January 31, 1992, you were notified that the Federal Election Commission found reason to believe that the Congressman St Germain Re-election Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). On February 18, 1992 and July 8, 1992, you submitted responses to the Commission's reason to believe findings. After considering the circumstances of the matter, the Commission determined on January 26, 1993, to take no further action against the Committee and you, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that accepting contributions from individuals in excess of the $1,000 limit and failure to accurately and fully report contributor information appears to be a violation of 2 U.S.C. §§ 434(b) and 441a(f). The Commission notes your refunds of the excessive contributions and the amending of your disclosure reports.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

9304093288

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 11, 1993

Fernand St Germain, Treasurer
Congressman St Germain Re-election Committee
1200 Eton Court, N.W.
Washington, D.C. 20007

RE: MUR 3268
Congressman St Germain Re-election Committee and Fernand St Germain, as Treasurer

Dear Mr. St Germain:

On January 31, 1992, you were notified that the Federal Election Commission found reason to believe that the Congressman St Germain Re-election Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). On February 18, 1992 and July 8, 1992, you submitted responses to the Commission's reason to believe findings. After considering the circumstances of the matter, the Commission determined on January 26, 1993, to take no further action against the Committee and you, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that accepting contributions from individuals in excess of the $1,000 limit and failure to accurately and fully report contributor information appears to be a violation of 2 U.S.C. §§ 434(b) and 441a(f). The Commission notes your refunds of the excessive contributions and the amending of your disclosure reports.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

9304093229 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3268

DATE FILMED 2/22/93 CAMERA NO. 1

CAMERAMAN E.E.S.

9304093229 0