



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3695

DATE FILMED 10/29/93 CAMERA NO. 2

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

MUR 3695

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SENSITIVE

- In re: 1. Magda Montiel Davis
2. Magda Montiel Davis for Congress Committee
3. Barry Imber, Treasurer, Magda Montiel Davis
for Congress Committee

COMPLAINT REGARDING ILLEGAL INDIVIDUAL CONTRIBUTIONS

Pursuant to the provisions of the Federal Election Campaign Act of 1971, 2 USC 437g(a)(1) and 11 CFR 111.4(a), I, Robert T. Kelly, Jr., hereby file the following complaint regarding the illegal receipt of illegal campaign contributions by Magda Montiel Davis, the Magda Montiel Davis for Congress Committee, and Barry Imber, Treasurer, made and received in excess of the maximum amount permitted by law and made through the use of his partnership in a law firm, as set forth below:

INTRODUCTION

1. Magda Montiel Davis is a candidate for Congress, District 18, Florida, who lists her address as 300 Pacific Road, Key Biscayne, Florida, and whose principal campaign committee is "Magda Montiel Davis for Congress", 2921 Coral Way, Miami, Florida.

2. Barry Imber is Treasurer of the Magda Montiel Davis for Congress Committee.

3. The law firm of Kurzban, Kurzban and Weinger, P.A., is a Florida professional association organized as a professional services corporation, whose officers are as follows: Marvin

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Kurzban, President, Director and Partner; Ira Kurzban, Vice-president, Director and Partner; and Steven Weinger, Secretary, Director and Partner.

4. Complainant Robert T. Kelly, Jr. is a citizen, resident and registered voter of Dade County, Florida, residing at 8501 NW 8 Street, Miami, Florida, 33126.

MAXIMUM CAMPAIGN CONTRIBUTIONS ALLOWED BY LAW

5. Individuals are prohibited by the Federal Election Campaign Act of 1971 from contributing more than \$1,000 to any candidate for federal office. 2 USC 441a (a)(1). This \$1,000 limit per election applies to spouses of candidates as well as to other individuals. 11 CFR 110.1(i)(1). [See Exhibit A.]

6. Corporations are prohibited by the Federal Election Campaign Act of 1971 from making any contributions whatsoever, whether cash or in-kind contributions, to any candidate for federal office. 2 USC 441b(a). If a professional association is treated as a partnership for certain purposes under state law, the professional association may contribute to federal candidates as a partnership, with each partner being allocated his/her proportional share of the contribution as a contribution of the partner himself/herself. That is, contributions by partnerships are attributed to each partner as part of and counting against the partner's \$1,000 contribution limit. 11 CFR 110.1(b)(1) and (e). [See Exhibit B.]

7. Campaign finance reports of the Magda Montiel Davis for

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Congress Committee reflect that:

(a) On July 22, 1992 and again on October 6, 1992 Ira Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000;

(b) On July 22, 1992 and again on October 6, 1992 Steven Weinger contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000; and

(c) On August 21, 1992 and again on October 6, 1992 Marvin Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000.

These contributions were the maximum allowed by federal law for the primary election in September 1992 and the general election in November 1992, respectively. [See Exhibit C.]

RECEIPT OF ILLEGAL CONTRIBUTIONS

8. Despite receiving the \$1,000 maximum contributions allowed by law for the general election from Marvin Kurzban, Ira Kurzban, and Steven Weinger, Magda Montiel Davis, the Magda Montiel Davis for Congress Committee, and Barry Imber, Treasurer, have continued to receive valuable contributions from Marvin Kurzban, Ira Kurzban, and Steven Weinger, which contributions are illegal and in violation of the Federal Election Campaign Act of 1971.

9. Magda Montiel Davis has illegally received from Marvin Kurzban, Ira Kurzban and Steven Weinger, through the law firm of Kurzban, Kurzban and Weinger, paid postage costs for the mass mailing of campaign literature of Magda Montiel Davis, soliciting

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votes and soliciting campaign funds, which paid postage costs constitute campaign contributions by, and are attributable proportionately to, each of the law firm's partners.

10. Specifically, Magda Montiel Davis illegally received from Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of a Magda Montiel Davis fund-raising letter and invitation to a fund-raising event, by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the envelope, indicating a large mass mailing, and the return address is "Magda Montiel Davis for Congress". Two pages are enclosed, one which solicits money and one which solicits votes.

[See Exhibit D.]

11. Again specifically, Magda Montiel Davis illegally received from Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of Magda Montiel Davis' printed campaign voter solicitation materials (campaign "brochure"), by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the printed literature, indicating a mass mailing, and the pre-printed return address is "Magda Montiel Davis for Congress". The literature is one-page, folded for mass mailing. [See Exhibit E.]

KNOWLEDGE REGARDING CAMPAIGN LAWS

12. The receipt by Magda Montiel Davis, her Committee, and her Treasurer (and the filing of campaign finance reports

reflecting the receipt) of contributions by Marvin Kurzban, Ira Kurzban and Steven Weinger, in amounts of precisely \$1,000 for both the primary and general election, as well as the contributions of their families (among others, for example, Marvin Kurzban's wife for precisely \$1,000 for both the primary and general election, and Ira Kurzban's mother-in-law/Davis' mother for precisely \$1,000 in the general election) demonstrate that Magda Montiel Davis, the Magda Montiel Davis for Congress Committee, Barry Imber, and the contributors are fully knowledgeable of the campaign finance laws. This demonstrates that the illegal method of supporting Davis, that is, by paying mass mailing postage costs for Davis after the legal limits of cash contributions have been reached, is an intentional, purposeful, and willful method of evading the campaign finance laws.

REQUEST FOR RELIEF

Therefore, complainant Robert T. Kelly, Jr. respectfully requests the Federal Elections Commission to investigate this violation and issue the following relief:

A. That Magda Montiel Davis, the Magda Montiel Davis for Congress Committee, and Barry Imber be found in violation of the Federal Election Campaign Act of 1971 for making campaign contributions in excess of the maximum amount allowed by law;

B. That the proper fines be levied and other penalties be administered; and

C. That such other remedies be adopted as the Commission

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deems appropriate.

Verification

I, Robert T. Kelly, Jr. hereby swear and affirm that the above statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Robert T. Kelly, Jr.
Robert T. Kelly, Jr.

Subscribed to and sworn before me this 2nd day of November, 1992, by Robert T. Kelly, Jr.

State of Florida
County of Dade
My commission expires:

[Signature]

Notary Public

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In re: Ira Kurzban

COMPLAINT

Pursuant to the provisions of the Federal Election Campaign Act of 1971, 2 USC 437g(a)(1) and 11 CFR 111.4(a), I, Robert T. Kelly, Jr., hereby file the following complaint regarding the illegal campaign contributions of Ira Kurzban, made in excess of the maximum amount permitted by law and made through the use of his partnership in a law firm, as set forth below:

INTRODUCTION

1. Ira Kurzban is a resident of Dade County, Florida, who lists his address as 300 Pacific Road, Key Biscayne, Miami, Florida, and is married to Magda Montiel Davis.

2. Magda Montiel Davis is a candidate for Congress, District 18, Florida, who lists her address as 300 Pacific Road, Key Biscayne, Miami, Florida, and whose principal campaign committee is "Magda Montiel Davis for Congress", 2921 Coral Way, Miami, Florida, Barry Imber, Treasurer.

3. Ira Kurzban is a corporate officer, director, and partner in the law firm of Kurzban, Kurzban and Weinger, P.A., a Florida professional association organized as a professional services corporation, whose officers are as follows: Marvin Kurzban, President, Director and Partner; Ira Kurzban, Vice-president, Director and Partner; and Steven Weinger, Secretary, Director and

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Partner.

4. Complainant Robert T. Kelly is a citizen, resident and registered voter of Dade County, Florida, residing at 8501 NW 8 Street, Miami, Florida, 33126.

MAXIMUM CAMPAIGN CONTRIBUTIONS ALLOWED BY LAW

5. Individuals are prohibited by the Federal Election Campaign Act of 1971 from contributing more than \$1,000 to any candidate for federal office. 2 USC 441a (a)(1). This \$1,000 limit per election applies to spouses of candidates as well as to other individuals. 11 CFR 110.1(i)(1). [See Exhibit A.]

6. Corporations are prohibited by the Federal Election Campaign Act of 1971 from making any contributions whatsoever, whether cash or in-kind contributions, to any candidate for federal office. 2 USC 441b(a). If a professional association is treated as a partnership for certain purposes under state law, the professional association may contribute to federal candidates as a partnership, with each partner being allocated his/her proportional share of the contribution as a contribution of the partner himself/herself. That is, contributions by partnerships are attributed to each partner as part of and counting against the partner's \$1,000 contribution limit. 11 CFR 110.1(b)(1) and (e). [See Exhibit B.]

7. Campaign finance reports of the Magda Montiel Davis for Congress Committee reflect that:

(a) On July 22, 1992 and again on October 6, 1992 Ira Kurzban

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contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000;

(b) On July 22, 1992 and again on October 6, 1992 Steven Weinger contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000; and

(c) On August 21, 1992 and again on October 6, 1992 Marvin Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000.

These contributions were the maximum allowed by federal law for the primary election in September 1992 and the general election in November 1992, respectively. [See Exhibit C.]

ILLEGAL CONTRIBUTIONS

8. Despite reaching the \$1,000 maximum contribution limit allowed by law for the general election, Ira Kurzban has continued to make valuable contributions to Magda Montiel Davis, which contributions are illegal and in violation of the Federal Election Campaign Act of 1971.

9. Ira Kurzban, through the law firm of Kurzban, Kurzban and Weinger, has paid postage costs for the mass mailing of campaign literature of Magda Montiel Davis, soliciting votes and soliciting campaign funds, which paid postage costs constitute campaign contributions by, and are attributable proportionately to, Ira Kurzban as partner.

10. Specifically, Ira Kurzban, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass

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mailing of a Magda Montiel Davis fund-raising letter and invitation to a fund-raising event, by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the envelope, indicating a large mass mailing, and the return address is "Magda Montiel Davis for Congress". Two pages are enclosed, one which solicits money and one which solicits votes. [See Exhibit D.]

11. Again specifically, Ira Kurzban, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of Magda Montiel Davis' printed campaign voter solicitation materials (campaign "brochure"), by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the printed literature, indicating a mass mailing, and the pre-printed return address is "Magda Montiel Davis for Congress". The literature is one-page, folded for mass mailing. [See Exhibit E.]

KNOWLEDGE REGARDING CAMPAIGN LAWS

12. The reported contributions of Ira Kurzban and his law partners, in amounts of precisely \$1,000 for both the primary and general election, as well as the contributions of their families (among others, for example, Marvin Kurzban's wife for precisely \$1,000 for both the primary and general election, and Ira Kurzban's mother-in-law/Davis' mother for precisely \$1,000 in the general election) demonstrate that Ira Kurzban and his law partners are fully knowledgeable of the campaign finance laws. This demonstrates

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that the illegal method of supporting Davis, that is, by paying mass mailing postage costs for Davis after the legal limits of cash contributions have been reached, is an intentional, purposeful, and willful method of evading the campaign finance laws.

REQUEST FOR RELIEF

Therefore, complainant Robert T. Kelly, Jr. respectfully requests the Federal Elections Commission to investigate this violation and issue the following relief:

A. That Ira Kurzban be found in violation of the Federal Election Campaign Act of 1971 for making campaign contributions in excess of the maximum amount allowed by law;

B. That the proper fines be levied and other penalties be administered against Ira Kurzban; and

C. That such other remedies be adopted as the Commission deems appropriate.

Verification

I, Robert T. Kelly, hereby swear and affirm that the above statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Robert T. Kelly, Jr.
Robert T. Kelly, Jr.

Subscribed to and sworn before me this 2nd day of November, 1992, by Robert T. Kelly.

State of Florida
County of Dade
My commission expires:

[Signature]

Notary Public

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In re: Marvin Kurzban

COMPLAINT

Pursuant to the provisions of the Federal Election Campaign Act of 1971, 2 USC 437g(a)(1) and 11 CFR 111.4(a), I, Robert T. Kelly, Jr., hereby file the following complaint regarding the illegal campaign contributions of Marvin Kurzban, made in excess of the maximum amount permitted by law and made through the use of his partnership in a law firm, as set forth below:

INTRODUCTION

1. Marvin Kurzban is a resident of Dade County, Florida, who lists his address as 12845 SW 107 Court, Miami, Florida.

2. Magda Montiel Davis is a candidate for Congress, District 18, Florida, who lists her address as 300 Pacific Road, Key Biscayne, Miami, Florida, and whose principal campaign committee is "Magda Montiel Davis for Congress", 2921 Coral Way, Miami, Florida, Barry Imber, Treasurer.

3. Marvin Kurzban is a corporate officer, director, and partner in the law firm of Kurzban, Kurzban and Weinger, P.A., a Florida professional association organized as a professional services corporation, whose officers are as follows: Marvin Kurzban, President, Director and Partner; Ira Kurzban, Vice-president, Director and Partner; and Steven Weinger, Secretary, Director and Partner.

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4. Complainant Robert T. Kelly, Jr. is a citizen, resident and registered voter of Dade County, Florida, residing at 8501 NW 8 Street, Miami, Florida, 33126.

MAXIMUM CAMPAIGN CONTRIBUTIONS ALLOWED BY LAW

5. Individuals are prohibited by the Federal Election Campaign Act of 1971 from contributing more than \$1,000 to any candidate for federal office. 2 USC 441a (a)(1). [See Exhibit A.]

6. Corporations are prohibited by the Federal Election Campaign Act of 1971 from making any contributions whatsoever, whether cash or in-kind contributions, to any candidate for federal office. 2 USC 441b(a). If a professional association is treated as a partnership for certain purposes under state law, the professional association may contribute to federal candidates as a partnership, with each partner being allocated his/her proportional share of the contribution as a contribution of the partner himself/herself. That is, contributions by partnerships are attributed to each partner as part of and counting against the partner's \$1,000 contribution limit. 11 CFR 110.1(b)(1) and (e). [See Exhibit B.]

7. Campaign finance reports of the Magda Montiel Davis for Congress Committee reflect that:

(a) On July 22, 1992 and again on October 6, 1992 Ira Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000;

(b) On July 22, 1992 and again on October 6, 1992 Steven

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Weinger contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000; and

(c) On August 21, 1992 and again on October 6, 1992 Marvin Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000.

These contributions were the maximum allowed by federal law for the primary election in September 1992 and the general election in November 1992, respectively. [See Exhibit C.]

ILLEGAL CONTRIBUTIONS

8. Despite reaching the \$1,000 maximum contribution limit allowed by law for the general election, Marvin Kurzban has continued to make valuable contributions to Magda Montiel Davis, which contributions are illegal and in violation of the Federal Election Campaign Act of 1971.

9. Marvin Kurzban, through the law firm of Kurzban, Kurzban and Weinger, has paid postage costs for the mass mailing of campaign literature of Magda Montiel Davis, soliciting votes and soliciting campaign funds, which paid postage costs constitute campaign contributions by, and are attributable proportionately to, Ira Kurzban as partner.

10. Specifically, Marvin Kurzban, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of a Magda Montiel Davis fund-raising letter and invitation to a fund-raising event, by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label

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is on the envelope, indicating a mass mailing, and the return address is "Magda Montiel Davis for Congress". Two pages are enclosed, one which solicits money and one which solicits votes.

[See Exhibit D.]

11. Again specifically, Marvin Kurzban, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of Magda Montiel Davis' printed campaign voter solicitation materials (campaign "brochure"), by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the printed literature, indicating a mass mailing, and the pre-printed return address is "Magda Montiel Davis for Congress". The literature is one-page, folded for mass mailing. [See Exhibit E.]

KNOWLEDGE REGARDING CAMPAIGN LAWS

12. The reported contributions of Marvin Kurzban and his law partners, in amounts of precisely \$1,000 for both the primary and general election, as well as the contributions of their families (among others, for example, Marvin Kurzban's wife for precisely \$1,000 for both the primary and general election, and Ira Kurzban's mother-in-law/Davis' mother for precisely \$1,000 in the general election) demonstrate that Steven Weinger and his law partners are fully knowledgeable of the campaign finance laws. This demonstrates that the illegal method of supporting Davis, that is, by paying mass mailing postage costs for Davis after the legal limits of cash contributions have been reached, is an intentional, purposeful, and

willful method of evading the campaign finance laws.

REQUEST FOR RELIEF

Therefore, complainant Robert T. Kelly, Jr. respectfully requests the Federal Elections Commission to investigate this violation and issue the following relief:

A. That Marvin Kurzban be found in violation of the Federal Election Campaign Act of 1971 for making campaign contributions in excess of the maximum amount allowed by law;

B. That the proper fines be levied and other penalties be administered against Marvin Kurzban; and

C. That such other remedies be adopted as the Commission deems appropriate.

Verification

I, Robert T. Kelly, Jr. hereby swear and affirm that the above statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Robert T. Kelly, Jr.

Robert T. Kelly, Jr.

Subscribed to and sworn before me this 2nd day of November, 1992, by Robert T. Kelly.

State of Florida
County of Dade

[Signature]

Notary Public

My commission expires:

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In re: Steven Weinger

COMPLAINT

Pursuant to the provisions of the Federal Election Campaign Act of 1971, 2 USC 437g(a)(1) and 11 CFR 111.4(a), I, Robert T. Kelly, Jr., hereby file the following complaint regarding the illegal campaign contributions of Steven Weinger, made in excess of the maximum amount permitted by law and made through the use of his partnership in a law firm, as set forth below:

INTRODUCTION

1. Steven Weinger is a resident of Dade County, Florida, who lists his address as 12000 SW 90 Avenue, Miami, Florida.

2. Magda Montiel Davis is a candidate for Congress, District 18, Florida, who lists her address as 300 Pacific Road, Key Biscayne, Miami, Florida, and whose principal campaign committee is "Magda Montiel Davis for Congress", 2921 Coral Way, Miami, Florida, Barry Imber, Treasurer.

3. Steven Weinger is a corporate officer, director, and partner in the law firm of Kurzban, Kurzban and Weinger, P.A., a Florida professional association organized as a professional services corporation, whose officers are as follows: Marvin Kurzban, President, Director and Partner; Ira Kurzban, Vice-president, Director and Partner; and Steven Weinger, Secretary, Director and Partner.

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4. Complainant Robert T. Kelly is a citizen, resident and registered voter of Dade County, Florida, residing at 8501 NW 8 Street, Miami, Florida, 33126.

MAXIMUM CAMPAIGN CONTRIBUTIONS ALLOWED BY LAW

5. Individuals are prohibited by the Federal Election Campaign Act of 1971 from contributing more than \$1,000 to any candidate for federal office. 2 USC 441a (a)(1). [See Exhibit A.]

6. Corporations are prohibited by the Federal Election Campaign Act of 1971 from making any contributions whatsoever, whether cash or in-kind contributions, to any candidate for federal office. 2 USC 441b(a). If a professional association is treated as a partnership for certain purposes under state law, the professional association may contribute to federal candidates as a partnership, with each partner being allocated his/her proportional share of the contribution as a contribution of the partner himself/herself. That is, contributions by partnerships are attributed to each partner as part of and counting against the partner's \$1,000 contribution limit. 11 CFR 110.1(b)(1) and (e). [See Exhibit B.]

7. Campaign finance reports of the Magda Montiel Davis for Congress Committee reflect that:

(a) On July 22, 1992 and again on October 6, 1992 Ira Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000;

(b) On July 22, 1992 and again on October 6, 1992 Steven

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Weinger contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000; and

(c) On August 21, 1992 and again on October 6, 1992 Marvin Kurzban contributed \$1,000 to the campaign of Magda Montiel Davis for Congress, totaling \$2,000.

These contributions were the maximum allowed by federal law for the primary election in September 1992 and the general election in November 1992, respectively. [See Exhibit C.]

ILLEGAL CONTRIBUTIONS

8. Despite reaching the \$1,000 maximum contribution limit allowed by law for the general election, Steven Weinger has continued to make valuable contributions to Magda Montiel Davis, which contributions are illegal and in violation of the Federal Election Campaign Act of 1971.

9. Steven Weinger, through the law firm of Kurzban, Kurzban and Weinger, has paid postage costs for the mass mailing of campaign literature of Magda Montiel Davis, soliciting votes and soliciting campaign funds, which paid postage costs constitute campaign contributions by, and are attributable proportionately to, Ira Kurzban as partner.

10. Specifically, Steven Weinger, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of a Magda Montiel Davis fund-raising letter and invitation to a fund-raising event, by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label

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is on the envelope, indicating a mass mailing, and the return address is "Magda Montiel Davis for Congress". Two pages are enclosed, one which solicits money and one which solicits votes.

[See Exhibit D.]

11. Again specifically, Steven Weinger, through Kurzban, Kurzban and Weinger, P.A., on October 21, 1992 paid postage costs for a mass mailing of Magda Montiel Davis' printed campaign voter solicitation materials (campaign "brochure"), by use of the law firm postage meter (meter #1757658). A mechanically-reproduced address label is on the printed literature, indicating a mass mailing, and the pre-printed return address is "Magda Montiel Davis for Congress". The literature is one-page, folded for mass mailing. [See Exhibit E.]

KNOWLEDGE REGARDING CAMPAIGN LAWS

12. The reported contributions of Steven Weinger and his law partners, in amounts of precisely \$1,000 for both the primary and general election, as well as the contributions of their families (among others, for example, Marvin Kurzban's wife for precisely \$1,000 for both the primary and general election, and Ira Kurzban's mother-in-law/Davis' mother for precisely \$1,000 in the general election) demonstrate that Steven Weinger and his law partners are fully knowledgable of the campaign finance laws. This demonstrates that the illegal method of supporting Davis, that is, by paying mass mailing postage costs for Davis after the legal limits of cash contributions have been reached, is an intentional, purposeful, and

willful method of evading the campaign finance laws.

REQUEST FOR RELIEF

Therefore, complainant Robert T. Kelly, Jr. respectfully requests the Federal Elections Commission to investigate this violation and issue the following relief:

A. That Steven Weinger be found in violation of the Federal Election Campaign Act of 1971 for making campaign contributions in excess of the maximum amount allowed by law;

B. That the proper fines be levied and other penalties be administered against Steven Weinger; and

C. That such other remedies be adopted as the Commission deems appropriate.

Verification

I, Robert T. Kelly, Jr. hereby swear and affirm that the above statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Robert T. Kelly, Jr.

Robert T. Kelly, Jr.

Subscribed to and sworn before me this 2nd day of November, 1992, by Robert T. Kelly, Jr.

State of Florida
County of Dade

[Signature]

Notary Public

My commission expires:

[Faint stamp]

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In re: 1. Magda Montiel Davis
2. Magda Montiel Davis for Congress Committee
3. Barry Imber, Treasurer, Magda Montiel Davis
for Congress Committee

and

In re: 1. Ira Kurzban
2. Marvin Kurzban
3. Steven Weinger

ORIGINAL EXHIBITS

Complainant Robert T. Kelly, Jr. submits herein the original exhibits (envelopes used in campaign mailings) which are referred to in the complaints filed on this same date, styled "In re: Magda Montiel Davis, Magda Montiel Davis for Congress Committee, and Barry Imber, Treasurer -- Complaint Regarding Illegal Individual Contributions", and "In re: Ira Kurzban, Marvin Kurzban, and Steven Weinger -- Complaint".

Copies of these original exhibits have been attached to the complaint. However, since by their nature there is only one original physical paper for each original exhibit, the original papers, which are relevant to several different complaints, could not be attached to each complaint.

In addition, names and addresses shown on the original exhibits were partially obliterated on all copies, in order to protect confidentiality. However, the names and addresses are clearly shown on the original papers, attached hereto.

Respectfully submitted,
Robert T. Kelly, Jr.
Robert T. Kelly, Jr.

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Verification

I, Robert T. Kelly, Jr. hereby swear and affirm that the above statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Robert T. Kelly, Jr.
Robert T. Kelly

Subscribed to and sworn before me this 2 day of November, 1992, by Robert T. Kelly, Jr.

State of Florida
County of Dade
My commission expires:

[Signature]
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG. 28, 1994
BONDED THRU GENERAL INS. UND.

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Exhibit # A

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§ 439c. Authorization of appropriations

NOTE: This section contains the authorization for FEC appropriations for FY 1975 through FY 1978. While contained in the United States Code, this provision has no substantive election law content.

§ 441a. Limitations on contributions and expenditures

(a) *Dollar limits on contributions.*

(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

§ 110.1 Contributions by persons other than multicandidate political committees (2 U.S.C. 441a(1)).

(a) *Scope.* This section applies to all contributions made by any person as defined in 11 CFR 100.10, except multicandidate political committees as defined in 11 CFR 100.5(e)(3) or entities and individuals prohibited from making contributions under 11 CFR 110.4 and 11 CFR parts 114 and 115.

(b) *Contributions to candidates; designations; and redesignations.*

(1) No person shall make contributions to any candidate, his or her authorized political committees or agents with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

(i) *Contributions by spouses and minors.* (1) The limitations on contributions of this section shall apply separately to contributions made by each spouse even if only one spouse has income.

11. Contributions from Candidates and Their Families

When candidates use their personal funds for campaign purposes, they are making contributions to their campaigns. Unlike other contributions, these candidate contributions are not subject to any limits. 110.10(a); AOs 1985-33 and 1984-60. They must, however, be reported (as discussed below).

Note, however, that contributions from members of the candidate's family are subject to the same limits as any other individual. Therefore, a candidate's parent or spouse may not contribute more than \$1,000, per election, to the candidate.

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Exhibit # B

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(e) Contributions by partnerships. A contribution by a partnership shall be attributed to the partnership and to each partner—

(1) In direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the political committee or candidate; or

(2) By agreement of the partners, as long as—

(i) Only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and

(ii) These partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them.

11 CFR Ch. I (1-1-92 Edition)

A contribution by a partnership shall not exceed the limitations on contributions in 11 CFR 110.1 (b), (c), and (d). No portion of such contribution may be made from the profits of a corporation that is a partner.

D. Contributions from Partnerships

Outlined below are special rules concerning contributions received from partnerships.

1. Contribution Limits

Contributions received by a candidate's campaign¹ from a partnership may not exceed \$1,000 per election. In addition, a contribution from a partnership counts proportionately against each contributing partner's \$1,000 per election limit for the same candidate. 110.1(b)(1) and (e).

Note, however, that certain partnerships and partners may be prohibited from contributing. See "Prohibited Partnership Contributions," below.

Exhibit # C

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SCHEDULE A

ITEMIZED RECEIPTS

Separate schedule(s) each category of the Detailed Summary Page

PAGE 1 OF 11
FOR LINE NUMBER 11(a)(1)

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)

HAGDA MONTIEL DAVIS FOR CONGRESS

C00272708

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Lazara L. Balseiro 2827 SW 24 Terrace Miami, FL 33145	Lazara L. Balseiro, P.A.	7/22/92	\$ 1,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 1,000.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Steven Weinger 12000 SW 90 Avenue Miami, FL 33176	Kurzban Kurzban & Weinger, P.A.	7/22/92	\$ 1,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 1,000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Jose Montiel 601 South Shore Drive Miami Beach, FL 33141	Continental National Bank	7/22/92	\$ 500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Sr. Vice President	Aggregate Year-to-Date > \$ 500.00	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Martin Lawler 2401 Laguna Vista Novato, CA 94945	Lawler & Lawler	7/22/92	\$ 500.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 500.00	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
James Hallagan 206 N. Merrill Park Ridge, IL 60068		7/22/92	\$ 50.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 50.00	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Howard B. Grunther 1 Partridge Drive East Hills, NY 11576	Marlansky, Grunther Kurzban, Stoll et al	7/22/92	\$ 200.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Medical doctor	Aggregate Year-to-Date > \$ 200.00	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Burton Cohen 98 Bayview Avenue Great Neck, NY 11021	Marlansky, Grunther Kurzban, Stoll et al	7/22/92	\$ 200.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Medical doctor	Aggregate Year-to-Date > \$ 200.00	

SUBTOTAL of Receipts This Page (optional) \$ 3,450.00

TOTAL This Period (last page this line number only)

9932004104969820798610

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 2 OF 11
FOR LINE NUMBER 11(a)(1)

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)

MAGDA MONTIEL DAVIS FOR CONGRESS

C00272708

35040992702

A. Full Name, Mailing Address and ZIP Code

Royal F. Berg
33 N. La Salle
Chicago, IL 60602

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

7/22/92

\$ 50.00

Receipt For: Primary General
 Other (specify):

Occupation

Aggregate Year-to-Date > \$ 50.00

B. Full Name, Mailing Address and ZIP Code

Paul Zulkie
222 S Riverside Plaza
Chicago, IL 60606-6101

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

7/22/92

\$ 100.00

Receipt For: Primary General
 Other (specify):

Occupation

Aggregate Year-to-Date > \$ 100.00

C. Full Name, Mailing Address and ZIP Code

Ira Kurzban
300 Pacific Road
Key Biscayne, FL 33149

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Kurzban Kurzban & Weinger, P.A.

7/22/92

\$ 1,000.00

Receipt For: Primary General
 Other (specify):

Occupation
Attorney

Aggregate Year-to-Date > \$ 1,000.00

D. Full Name, Mailing Address and ZIP Code

Elliott Y. Denner
2770 SW 27 Avenue
Coconut Grove, FL 33133

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

7/22/92

\$ 100.00

Receipt For: Primary General
 Other (specify):

Occupation

Aggregate Year-to-Date > \$ 100.00

E. Full Name, Mailing Address and ZIP Code

Sharon L. Langer
3261 Riviera Drive
Coral Gables, FL 33134

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

7/22/92

\$ 50.00

Receipt For: Primary General
 Other (specify):

Occupation

Aggregate Year-to-Date > \$ 50.00

F. Full Name, Mailing Address and ZIP Code

Mazen M. Sukkar
PO Box 2011
Hollywood, FL 33022

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

Mazen M. Sukkar, PA

7/22/92

\$ 500.00

Receipt For: Primary General
 Other (specify):

Occupation
Attorney

Aggregate Year-to-Date > \$ 500.00

G. Full Name, Mailing Address and ZIP Code

Sylvia J. Boecker
474 N Lake Shore Drive, #2105
Chicago, IL 60611

Name of Employer

Date (month, day, year)

Amount of Each Receipt this Period

7/22/92

\$ 100.00

Receipt For: Primary General
 Other (specify):

Occupation

Aggregate Year-to-Date > \$ 1,000.00

SUBTOTAL of Receipts This Page (optional)

100.00

TOTAL This Period (last page this line number only)

1,900.00

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

NAME OF COMMITTEE (in Full)

117 HEDD WENTZEL DALE FOR CONGRESS (CC-2) 2708

A. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Carol Leslie Wolchok
 1707 Hobart Street NW
 Washington, DC 20009
 Occupation
 2/21/92 100 -

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 100

B. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Mary Ellen Wess
 353 Cassmont Drive
 San Francisco, CA 94131
 Occupation
 8/21/92 100 -

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 100

C. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Christine Brigagliano
 408 Manager
 Piedmont, CA 94611
 Occupation
 8/21/92 100 -

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 100

D. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Susan Kurzbarn
 12845 S.W. 107th Ct.
 Miami, FL 33176
 Occupation
 8/21/92 1000 -

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 1000

E. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

MARVIN KURZBAN
 12845 S.W. 107th Ct.
 Miami, FL 33176
 Occupation
 8/21/92 1,000

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 1,000

F. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Ann Sparanese
 146 St. Nicholas Ave.
 Englewood, N.J. 07621
 Occupation
 8/21/92 1,000

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 1,000

G. Full Name, Mailing Address and ZIP Code
 Name of Employer
 Date (month, day, year)
 Amount of Each Receipt this Period

Lilanda Prieto
 549 W. 123rd Street #6c
 New York, N.Y. 10027
 Occupation
 8/21/92 1,000

Receipt For: Primary General
 Other (specify):

Aggregate Year-to-Date \$ 1,000

SUBTOTAL of Receipts This Page (Include)

TOTAL This Form (Use last page and line number only)

4,300

93040992783

This receipt should be used only if the Debited Summary Page

11002

Information copied from each Report and Statement may not be used or sold by any person for the purpose of making contributions or for other purposes, other than using the name and address of any political committee to solicit other persons from such committee.

NAME OF COMMITTEE in Full
MAGDA MONTIEL DAVIS FOR CONGRESS

Full Name, Mailing Address and ZIP Code	Name of Employer	Date Invoiced (day, year)	Amount of Receipt (this P)
A. BRUCE I. COHEN 40 FIFTH AVENUE SAN FRANCISCO CA 94118	COHEN, MANDY & MANDY ATTORNEY	10/6/92	500
B. CARMEN PERTIERRA 4281 W. 19 AVE. HIALEAH FL 33012		10/6/92	200
C. DANIEL M. KOWALSKI 621 SEVENTEENTH ST. #1555 DENVER CO 80293		10/6/92	25-
D. JOSHUA D. MANASTER 1428 BRICKELL AVE. MIAMI FL 33131		10/6/92	150-
E. MARIA C. SHOHAT 9260 S.W. 101 STREET MIAMI FL 33176	BIERMAN, SHOHAT, LOWRY & PERRY P.A. ATTORNEY	10/6/92	1000
F. STEVEN M. WEINGER 12000 S.W. 90. AVE MIAMI FL 33176	KURZBAN, KURZBAN & WEINGER ATTORNEY	10/6/92	1000
G. GUSTAV LAZARUS 190 BEVERLY ROAD WHITE PLAINS N.Y. 10605		10/6/92	25-

SUBTOTAL of Receipts This Page (optional)

TOTAL This Page (use page and line number only)

2900-

93040992784

SCHEDULE A

ITEMIZED RECEIPTS

Amounts contributed for each company of the Qualified Tuition Fund
 5 1 21
 (On Line) (Total)

Any information required from each Employer and Donor should not be used or used by any person for the purpose of preparing, reporting, or filing any return or for any other purpose other than using the name and address of any qualified contribution to which such amounts have been contributed

NAME OF CONTRIBUTOR IN FULL
 MARGO MONTIEL DAVIS FOR COMPANY (00272708)

A. Full Name, Mailing Address and ZIP Code
 Judith Hedder
 44 West Flacker Street
 Miami, FL 33130

Receipt For: Other (specify): Primary General

Name of Employer: Elsar, Greene & Hedder
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 300-

Occupation: ATTORNEY
 Aggregate Year-to-Date: \$ 300

B. Full Name, Mailing Address and ZIP Code
 David Heason
 15 Eagle Point
 Irvine, CA 92714

Receipt For: Other (specify): Primary General

Name of Employer: [Blank]
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 150-

Occupation: [Blank]
 Aggregate Year-to-Date: \$ 150

C. Full Name, Mailing Address and ZIP Code
 Irene Kuzelban
 100 Bayview Drive
 North Miami Beach, FL 33160

Receipt For: Other (specify): Primary General

Name of Employer: [Blank]
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 100-

Occupation: [Blank]
 Aggregate Year-to-Date: \$ 100

D. Full Name, Mailing Address and ZIP Code
 Marvin Kuzelban
 12545 S.W. 107 Ct.
 Miami, FL 33176

Receipt For: Other (specify): Primary General

Name of Employer: Kuzelban Kuzelban & Weinger
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 1000-

Occupation: ATTORNEY
 Aggregate Year-to-Date: \$ 1000

E. Full Name, Mailing Address and ZIP Code
 Susan Kuzelban
 12545 SW 107 Ct.
 Miami, FL 33176

Receipt For: Other (specify): Primary General

Name of Employer: N/A
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 1000

Occupation: Housewife
 Aggregate Year-to-Date: \$ 0.00

F. Full Name, Mailing Address and ZIP Code
 Ina Kuzelban
 300 Pacific Road
 Key Biscayne, FL 33149

Receipt For: Other (specify): Primary General

Name of Employer: Kuzelban Kuzelban & Weinger
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 1000-

Occupation: Attorney
 Aggregate Year-to-Date: \$ 2,000

G. Full Name, Mailing Address and ZIP Code
 Sarah E. Byers
 3 Washington Square Village
 New York, NY 10012

Receipt For: Other (specify): Primary General

Name of Employer: [Blank]
 Date (month, day, year): 10/6/92
 Amount of Each Receipt this Period: 100-

Occupation: [Blank]
 Aggregate Year-to-Date: \$ 100

SUBTOTAL of Receipts This Page (attach all) 3,650-

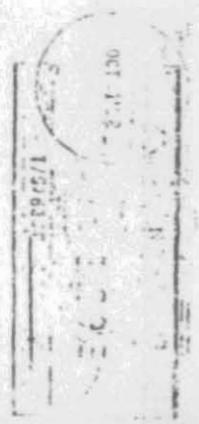
TOTAL This Period (see page one for number one)

93040992785

93040992786

Exhibit # D

MAGDA KONTIEL DAVIS
FOR CONGRESS
2921 Coral Way #100
Miami, Florida 33145



██████████ Ave.
Coral Gables, FL 331███

7876604036

MAGDA MONTIEL DAVIS

I'm running for Congress
because Washington politicians
have created a mess.

I'm tired of career politicians like
Mrs. Lehtinen saying one thing
then turning right around and voting with
the special interest in Washington.

I'm for a woman's right to choose,
for health care reform,
for putting more dollars into our schools
Mrs. Lehtinen is on the
opposite side of each of these issues.

And to top it off,
she's become one of the most extreme
anti-choice politicians in the country.

Please join me and vote for change
November 3rd.

Punch #36

Please make your contribution payable to: Magda Montiel Davis for Congress
2921 Coral Way, Suite 101 • Miami, Florida 33145 (305) 444-0417

93040992788

93040992789

Jeanne Baker & Walter Bradley
Jane Moscovitz
Louise & Jose Quiñon
Holly Skolnick & Richard Strafer

Invite you to a reception

for

MAGDA MONTIEL DAVIS

Candidate for House of Representatives
District 18
Challenging Ileana Ros-Lehtinen

**"FIGHTING FOR CHANGE, FIGHTING FOR CHOICE
IN THE U.S. CONGRESS"**

on

Friday, October 30, 1992
6:00 - 8:00 P.M.

758 University Drive
Coral Gables, Florida
(just north of Bird Road)

R.S.V.P. to Magda Montiel Davis
For Congress at 444-0417

Requested contribution: \$35.00

Exhibit # E

93040992790

93040992791

MAGDA MONTIEL DAVIS
FOR CONGRESS
2921 Coral Way #100
Miami, Florida 33145



[REDACTED]
[REDACTED]
[REDACTED]
MIAMI, FL 331 [REDACTED]

MAGDA MONTIEL DAVIS FOR CONGRESS

9 3 0 4 0 9 9 2 7 9 2

WHOSE WOMB IS IT ANYWAY, ROS-LEHTINEN'S OR YOURS?

Ileana Ros-Lehtinen previously received a resounding endorsement from "Right to Life." In their own words: "It is not often that our movement finds a candidate we can wholeheartedly endorse." They found one in Ros-Lehtinen, alright. As a legislator, she's done her utmost to make legal abortion illegal in Florida and in the U.S.

What's her voting record like? She voted against federal funding for abortion even in cases of rape and incest. She voted for the gag rule which prevents medical professionals from advising their patients about the option to terminate a pregnancy. She voted to prevent women at Homestead Airforce Base and other military facilities from getting family counseling at those facilities, even at their own expense, and on and on and on.

We think every woman should have control over her own body. And we urgently need your support. If you're Pro-Choice, you have just one choice.

Vote Magda Montiel Davis
for Congress - Democrat



MAGDA MONTIEL DAVIS FOR CONGRESS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Robert T. Kelly, Jr.
8501 NW 8th St.
Miami, FL 33126

RE: MUR 3695

Dear Mr. Kelly:

This letter acknowledges receipt on November 4, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Marvin Kurzban, Ira Kurzban, Magda Montiel Davis, the Magda Montiel Davis for Congress Committee and Barry Imber, as treasurer, Steven Weinger, and Kurzban, Kurzban, and Weinger, P.A. 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 3695. 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.

Sincerely,

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

93040992793



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 9, 1992

Marvin Kurzban
12845 SW 107 Court
Miami, FL 33176

RE: MUR 3695

Dear Mr. Kurzban:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

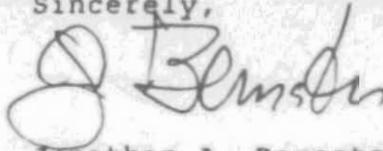
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992794

Marvin Kurzban
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040992795



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Ira Kurzban
300 Pacific Rd.
Key Biscane, FL 33149

RE: MUR 3695

Dear Mr. Kurzban:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

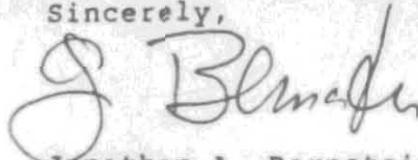
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992796

Ira Kurzban
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040992797



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Magda Montiel Davis
300 Pacific Rd.
Miami, FL 33149

RE: MUR 3695

Dear Ms. Davis:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

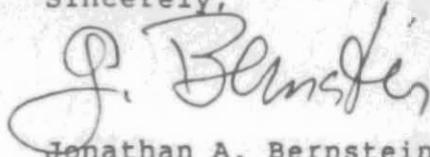
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992798

Magda Montiel Davis
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040992799



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

November 9, 1992

Barry Imber, Treasurer
Magda Montiel Davis for Congress
2650 SW 27th Ave.
Miami, FL 33133

RE: MUR 3695

Dear Mr. Imber:

The Federal Election Commission received a complaint which indicates that Magda Montiel Davis for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

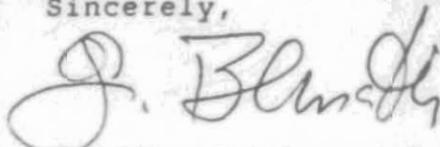
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992800

Barry Imber, Treasurer
Magda Montiel Davis for Congress
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040992801



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 9, 1992

Steven Weinger
12000 SW 90 Ave.
Miami, FL 33176

RE: MUR 3695

Dear Mr. Weinger:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

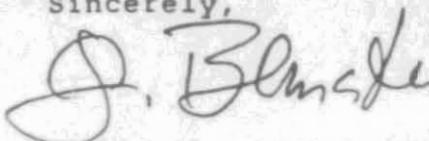
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040992802

Steven Weinger
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

93040992803



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Kurzban, Kurzban, and Weinger, P.A.
Marvin Kurzban, President
2650 SW 27th Ave.
Miami, FL 33133

RE: MUR 3695

Dear Mr. Kurzban:

The Federal Election Commission received a complaint which indicates that Kurzban, Kurzban, and Weinger, P.A. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3695. Please refer to this number in all future correspondence.

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

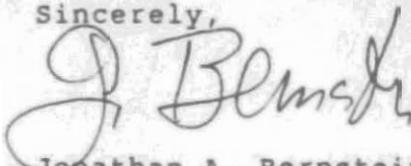
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

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Kurzban, Kurzban, and Weinger, P.A.
Marvin Kurzban, President
Page 2

If you have any questions, please contact Helen Kim, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

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LAW OFFICES

ROSS & HARDIES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

888 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006-4103
202-296-8600

TELECOPIER
202-296-8791

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 20 10 50 AM '92

150 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-7867
312-556-1000

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022-3219
212-421-5555

580 HOWARD AVENUE
SOMERSET, NEW JERSEY 08875-6739
908-563-2700

November 18, 1992

Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3695

Dear Ms. Kim:

This letter is to confirm our telephone conversation in which I requested on behalf of Barry Imber and the Magda Montiel Davis for Congress Committee, Ira Kurzban, Marvin Kurzban and Steven Weinger (collectively, the "Respondents") an extension of time to file a responsive brief in the above referenced matter.

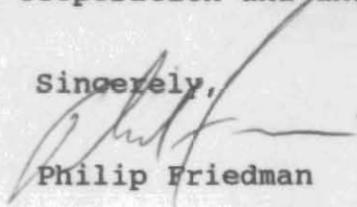
As the allegations concern events that took place in Florida several weeks ago and the individuals with the most knowledge of the events described in the complaint are winding up the campaign and/or preparing for the Thanksgiving holiday, the Respondents need additional time to inspect their records and to interview appropriate campaign and/or law firm personnel.

Accordingly, the Committee requests an additional 20 days over the 15 days in which the Respondents are required to file a responsive brief. We respectfully request an extension of time to December 22, 1992.

A Statement of Designation of Counsel will be forwarded to you under separate cover.

Thank you for your cooperation and understanding in granting this extension.

Sincerely,



Philip Friedman

Enclosure

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92 NOV 20 PM 3:36

FEDERAL ELECTION COMMISSION

LAW OFFICES

ROSS & HARDIES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

888 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006-4103

202-296-8600

TELECOPIER
202-296-8791

TELEX
2795 46

150 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-7567
312-558-1000

529 FIFTH AVENUE
NEW YORK, NEW YORK 10017-4608
212-949-7075

580 HOWARD AVENUE
SOMERSET, NEW JERSEY 08873
908-563-2700

December 17, 1992

Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

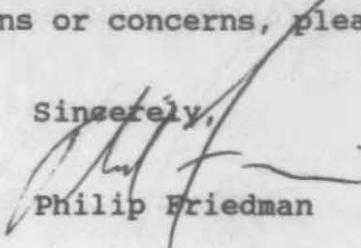
Re: MUR 3695

Dear Ms. Kim:

Enclosed please find an original and two copies of the Response of Magda Montiel Davis for Congress, Barry Imber, as treasurer, and Ira Kurzban, Marvin Kurzban and Steven Weinger to MUR 3695

If you have any questions or concerns, please give me a call.

Sincerely,


Philip Friedman

Enclosures

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MAGDA MONTIEL
DAVIS FOR CONGRESS, IRA KURZBAN,
MARVIN KURZBAN AND STEVEN WEINGER,
et al.

MUR 3695

RESPONSE OF MAGDA MONTIEL DAVIS FOR CONGRESS,
BARRY IMBER AS TREASURER, IRA KURZBAN,
MARVIN KURZBAN AND STEVEN WEINGER

On November 2, 1992, Robert T. Kelly, Jr. filed a complaint with the Federal Election Commission ("FEC") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereafter "FECA" or "Act") by Magda Montiel Davis for Congress (hereafter the "Committee") and Barry Imber, as treasurer, as well as by Ira Kurzban, Marvin Kurzban and Steven Weinger (collectively, the "Respondents").

Pursuant to 11 CFR § 111.6, this memorandum sets forth the factual and legal basis upon which the FEC should find no reason to believe that the any of the Respondents violated the Act.

DISCUSSION

The complainant alleges that Ira Kurzban, Marvin Kurzban and Steven Weinger each made excessive individual contributions to the Committee by permitting their law firm partnership, Kurzban, Kurzban and Weinger, to pay the postage costs of Committee mailings after each individual had already made the maximum contribution to the Committee. The allegation is patently false.

As the attached affidavit of Ira Kurzban attests, Kurzban, Kurzban and Weinger, P.A. is a full service law firm located in a building where other companies and law firms also maintain

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offices. Kurzban, Kurzban and Weinger is organized as a professional corporation, rather than as a law firm partnership.

As a courtesy to building tenants, Kurzban, Kurzban and Weinger, P.A. permits other building tenants to use the facilities and services of the firm, including fax machines, copy machines, delivery services, secretarial assistance and other legal and nonlegal services. In exchange for this privilege, Kurzban, Kurzban and Weinger, P.A. charges these business the normal and usual charge for the facilities used. See 11 CFR 100.7(a)(1)(iii)(B). Businesses are customarily sent an invoice of charges incurred on a commercially routine basis. See Affidavit of Ira Kurzban, attached hereto as Exhibit A.

In this instance, Kurzban, Kurzban and Weinger, P.A. submitted an advance bill of costs to the Committee. See invoice attached to Affidavit of Ira Kurzban. This October 2, 1992 bill for \$1,500 was intended to cover the costs the Committee anticipated incurring through the use of the law firm's facilities. Consistent with the payment of other bills submitted to businesses who used the facilities and services of the law firm, the Committee paid its bill within a commercially reasonable time on October 30, 1992. See 11 CFR § 116.3(b). A copy of the relevant post-election report reflects this itemized disbursement and is attached hereto as Exhibit B.¹ At the conclusion of the campaign, Kurzban, Kurzban and Weinger, P.A.

¹It should be noted that the Committee paid the \$1,500 bill prior to the filing of this complaint.

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submitted a final bill to the Committee. This final invoice was paid in full on November 13, 1992.

As the facts unambiguously demonstrate, Kurzban, Kurzban and Weinger, P.A. never made a direct or indirect contribution to the Committee. All costs of postage, facilities or supplies originating from the offices of Kurzban, Kurzban and Weinger, P.A. were incurred solely by the Committee. As a result, the Committee did not receive, nor did Messrs. Kurzban, Kurzban or Weinger make any excessive individual contributions to the Committee.²

For the foregoing reasons, the Commission should find no reason to believe that any of the Respondents violated the Act.

Date: December 17, 1992

Respectfully submitted



Philip S. Friedman

Attorney for Respondents

²Even if Kurzban, Kurzban and Weinger, P.A. had provided in-kind contributions to the Committee (which it did not), Messrs. Kurzban, Kurzban and Weinger could not have made an excessive individual contribution through such activities. The law firm is not a partnership through which contributions could be attributed to the individual partners.

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EXHIBIT A

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTIONS COMMISSION

IN THE MATTER OF:)

MAGDA MONTIEL DAVIS,)
et al.,)
_____)

CASE NO. MUR 3695

BEFORE ME, the undersigned authority, appeared Ira J. Kurzban, who being duly sworn, deposes and states as follows:

1. I am a partner in the law firm of Kurzban, Kurzban and Weinger, P.A. of Miami, Florida.

2. Kurzban, Kurzban and Weinger, P.A. is a full service law firm that represents individuals and corporations in a variety of matters before State and Federal courts. The law firm is located in a building where other companies and law firms maintain offices. Over the years, Kurzban, Kurzban and Weinger, P.A. has provided services to other companies and law firms in our building, including Magda Montiel Davis, P.A. These services include the use of faxes, copies, deliveries, secretarial and other legal and nonlegal services. Kurzban, Kurzban and Weinger, P.A. historically has charged these businesses for these services at a reasonably commercial rate.

3. On October 2, 1992 Kurzban, Kurzban and Weinger, P.A. submitted a bill for advance costs that Magda Montiel Davis for Congress campaign is going to incur through the use of services of Kurzban, Kurzban and Weinger, P.A. This bill was paid on October 30, 1992, within a commercially reasonable time and consistent with payment of other bills for services that Kurzban, Kurzban and

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Weinger, P.A. has provided other entities. A copy of the bill is attached hereto.

4. At the conclusion of the campaign, Kurzban, Kurzban and Weinger, P.A. presented a final bill, which was paid on November 13, 1992. Kurzban, Kurzban and Weinger, P.A. has never made a contribution to the campaign.

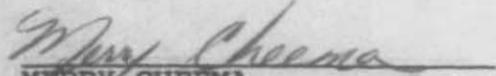
FURTHER AFFIANT SAYETH NAUGHT.



IRA J. KURZBAN, ESQ.

STATE OF FLORIDA)
 : ss
COUNTY OF DADE)

BEFORE ME this 16th day of November, 1992, personally appeared Ira J. Kurzban, who is personally known to me and who took an oath.



MERRY CHEEMA
Notary Public

OFFICIAL NOTARY SEAL
MERRY CHEEMA
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC 206156
MY COMMISSION EXP. JUNE 2, 1995

93040992813

LAW OFFICES OF
KURZBAN KURZBAN AND WEINGER P.A.

PLAZA 2650
2650 S.W. 27th AVENUE
SECOND FLOOR
MIAMI, FLORIDA 33133

TELEPHONE (305) 444-0060

TELECOPIER
(305) 444-3503

MAGDA MONTIEL DAVIS FOR CONGRESS
2921 Coral Way
Miami, Florida

October 5, 1992

FOR PROFESSIONAL SERVICES RENDERED:

Postage, Secretarial Time,
stationary, envelopes, and computer time

\$1500

*Per - 10/21/92
check #1183
1,500 -*

9 3 0 4 0 9 9 2 8 1 4

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EXHIBIT B

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) **MAGDA MONTIEL DAVIS FOR CONGRESS** C00272708

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Miami Herald 1111 Biscayne Blvd Miami, FL 33132	Advertisement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	3563.30
Sidhan Sheer 1411 Wellington Trace Wellington, FL 33414	Independent Contractor (Salary) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	500-
Kinkos Copy Center 1307 SW 197 Ave Miami, FL 33165	Copies Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	54.84
Sidhan Sheer 1411 Wellington Trace Wellington, FL 33414	Reimbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	26.09
K. J. S. Avenue 900 W. Avenue Miami Beach, FL 33139	Rally Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	200
Kurzban Kurzbard Weinger 2650 SW 27 Ave 2nd Floor Miami 33135	Reimbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	1,500-
MAGDA MONTIEL DAVIS PA 2650 SW 27 Ave 2nd Floor Miami, FL 33135	Reimbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	1000
MARAZUL 13889 South Dixie Hwy Miami, FL 33176	LABELS Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	250
Copy Mills 150 SE 2nd Ave #907 Miami, FL 33131	Copies Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/02	4,131.40

SUBTOTAL of Disbursements This Page (optional) 11225.63

TOTAL This Period (last page this line number only)

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

93 FEB 19 PM 4:16

MUR 3695

NAME OF COUNSEL: Phil Friedman, Esq.

ADDRESS: ROSS & HARDIES

888 16th St. NW

Washington, DC 20006-4103

TELEPHONE: (202) 296-8600

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.

11/16/92
Date


Signature

RESPONDENT'S NAME: STEVEN WEINGER

ADDRESS: KURZBAN KURZBAN & WEINGER P.A.

2650 SW 27th Avenue, 2nd Floor

Miami, Florida 33133

TELEPHONE: HOME ()

BUSINESS (305) 444-0060

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
93 FEB 19 PM 12:16

MUR 3695

NAME OF COUNSEL: Phil Friedman, Esq.

ADDRESS: ROSS & HARDIES

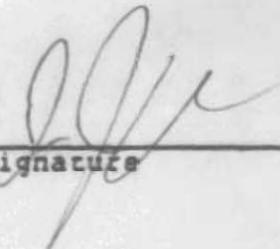
888 16th St. NW

Washington, DC 20006-4103

TELEPHONE: (202) 296-8600

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.

11/16/92
Date



Signature

RESPONDENT'S NAME: IRA KURZBAN

ADDRESS: KURZBAN KURZBAN & WEINGER P.A.

2650 SW 27th Avenue, 2nd Floor

Miami, Florida 33133

TELEPHONE: HOME (_____) _____

BUSINESS (305) 444-0060

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MUR # 3695

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THIS IS THE End of MUR# 3695

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992821



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

Microfilm
 Public Records
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3695.

12/10/93

23043543580

**THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE**

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

3043543581



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Kelly, Jr.
8501 NW 8th Street
Miami, FL 33126

RE: MUR 3695

Dear Mr. Kelly:

On November 4, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the following respondents: Steven Weinger; Marvin Kurzban; Ira Kurzban; Kurzban, Kurzban & Weinger; Magda Montiel Davis; and Magda Montiel Davis for Congress and Barry Imber, as treasurer. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Deborah L. Rice

Deborah L. Rice
Staff Member

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043543582

MUR 3695

Magda Montiel Davis for Congress, et. al.

This matter was initiated by a complaint filed by Robert T. Kelly. The complaint alleges that Kurzban, Kurzban & Weinger made an excessive contribution to Magda Montiel Davis for Congress ("Committee") because they paid the postage costs for a Committee mailing. The respondents claim that the Committee was billed and paid for the postage costs.

This matter involves no significant issues relative to the other issues pending before the Commission, and a limited amount of money. Furthermore, the activity had little or impact on the process.

2 3 0 4 3 5 4 3 5 8 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

DEC 10 1993

Phillip Friedman
Ross & Hardies
888 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 3695

Magda Montiel Davis; Magda Montiel Davis for Congress
and Barry Imber, as treasurer; Steven Weinger;
Marvin Kurzban; Ira Kurzban; and Kurzban, Kurzban &
Weinger, P.A.

Dear Mr. Friedman:

On November 9, 1992, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the following respondents: Magda Montiel Davis; Magda Montiel Davis for Congress and Barry Imber, as treasurer; Steven Weinger; Marvin Kurzban; Ira Kurzban; and Kurzban, Kurzban & Weinger, P.A.. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

23043543584

Phillip Friedman
Page 2

If you have any questions, please contact me at (202)
219-3690.

Sincerely,

Deborah L. Rice

Deborah L. Rice
Staff Member

Attachment
Narrative

Date the Commission voted to close the file: _____

DEC 09 1993

23043543585

MUR 3695

Magda Montiel Davis for Congress, et. al.

This matter was initiated by a complaint filed by Robert T. Kelly. The complaint alleges that Kurzban, Kurzban & Weinger made an excessive contribution to Magda Montiel Davis for Congress ("Committee") because they paid the postage costs for a Committee mailing. The respondents claim that the Committee was billed and paid for the postage costs.

This matter involves no significant issues relative to the other issues pending before the Commission, and a limited amount of money. Furthermore, the activity had little or impact on the process.

23043543586