



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

THIS IS THE BEGINNING OF MUR # 3696

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

93040992822

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

NOV 4 11 27 AM '52

- In re:
1. Marazul Charters, Inc.,
a Florida Corporation;
 2. Marazul Tours, Inc.,
a New York Corporation;
 3. Francisco Aruca, President,
Marazul Charters, Inc; and
 4. Hilda Diaz, President,
Marazul Tours, Inc.

MUR 3696

92 NOV -4 PM 3:56

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

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 activities of Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca, and Hilda Diaz, involving illegal corporate campaign contributions, as set forth below:

PARTIES

1. Marazul Charters, Inc. is a Florida corporation, doing business in Florida, with offices at 13889 South Dixie Highway, Miami, Florida, according to records of the Division of Corporations, Florida Department of State. (In certain previous civil litigation in Florida courts, Marazul Charters has been described as a New York corporation, doing business in Florida, but in any event it is clear that Marazul Charters is a corporation organized under the laws of a state of the United States.)

2. Francisco Aruca is President, Vice-president, and Director

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of Marazul Charters, Inc., according to records of the Division of Corporations, Florida Department of State.

3. Marazul Tours, Inc. is a New York Corporation, doing business in Florida, with offices at 200 Miracle Mile, Coral Gables, Florida, according to records of the Florida Department of State. (Marazul Charters, Inc. and Marazul Tours, Inc. may be referred to jointly herein as "Marazul".)

4. Hilda Diaz is President, Treasurer, and Director of Marazul Tours, Inc., according to records of the Division of Corporations, Florida Department of State.

5. 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. Barry Imber is the Treasurer of the Committee.

6. 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.

CORPORATE BUSINESS AND CORPORATE PROPERTY

7. Marazul Charters and Marazul Tours do business with the government of Cuba, headed by Fidel Castro, selling charter trips and accommodations to individuals travelling to Cuba from the United States. These corporations hold the exclusive contract with Cuba for such travel and accommodation arrangements. Therefore, individuals travelling to Cuba from the United States must use

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their corporate services. Such individuals must providing to these corporations private information, such as home addresses, birth dates, etc, as a condition of travelling to Cuba.

8. Accordingly, Marazul Charters and Marazul Tours, under the direction of Francisco Aruca and Hilda Diaz, respectively, maintain corporate records and mailing lists which are not otherwise available to the general public, which are things of value, and which are the property of the corporations.

CORPORATE CAMPAIGN CONTRIBUTIONS PROHIBITED

9. 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). [See Exhibit A.]

10. The provision of any good or thing of value is defined as a contribution under federal election laws. 2 USC 431 (8)(A). Mailing lists are specifically identified in publications of the Federal Election Commission as a good or thing of value, within the definition of a contribution. [See Exhibit A.]

ILLEGAL CORPORATE CONTRIBUTIONS

11. Despite the prohibition against contributions by corporations, and despite the definition of mailing lists and labels as things of value within the prohibition against corporate contribution, Marazul Charters and Marazul Tours, under the control of Francisco Aruca and Hilda Diaz, respectively, provided valuable

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corporate property, that is, mailing lists and labels (not otherwise available to the public) to Magda Montiel Davis for Congress. These corporate mailing lists and labels contained private information about individuals who at any time in the past had used the services of the corporations (including names and home addresses) to travel to Cuba. Such action constitutes illegal corporate campaign contributions and is in violation of the Federal Election Campaign Act of 1971.

12. Numerous individuals in the community have received campaign mailings from Magda Montiel Davis, using Marazul mailing labels. Many such individuals are quite upset that private information revealed to these corporations as a condition of travel and for this purpose only is now being used by the corporations for political purposes and in an attempt to influence an election.

13. The mailing labels are recognized by recipients as being produced by Marazul from Marazul corporate records and mailing lists for many reasons, including but not limited to:

(a) The labels contain the specific Marazul identification number in the upper left corner of the label;

(b) The distinctive label style and type is recognized as being Marazul based on prior Marazul mailings; and

(c) In some cases, the label refers to the recipient using a name variation which is associated with an identified period of the recipient's life when the recipient visited Cuba, but which is not used presently (such as a maiden name, not used on voting rolls or otherwise used presently).

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14. Specifically, Magda Montiel Davis made a mass mailing of campaign materials in late September or early October, 1992, using the distinctive Marazul mailing labels with the unique Marazul identification number. The mass mailing used the bulk rate mailing permit number of the Magda Montiel Davis for Congress Committee and the return address on the envelope was "Magda Montiel Davis for Congress". [See Exhibit B.]

CORPORATE KNOWLEDGE OF PROHIBITION

15. Campaign finance reports of Magda Montiel Davis for Congress reflect that several officers and employees of Marazul have contributed to Magda Montiel Davis for Congress, including Hilda Diaz, President, Marazul Tours in Miami, and two individuals associated with Marazul in New Jersey. Each of these contributions is in the name of the individual at the maximum permitted by law, not in the name of the corporation. These contribution patterns demonstrate the knowledge and awareness of Marazul and its officers of the federal campaign laws applicable to corporations and individuals. [See Exhibit C.]

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 Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca, and Hilda Diaz be found in violation of the

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Federal Election Campaign Act of 1971 for making corporate campaign contributions;

B. That the proper fines be levied and other penalties be administered; 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.
8501 NW 8 Street
Miami, Florida 33126

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:

NOTARY PUBLIC STATE OF FLORIDA
BY COMMISSION EXPIRES APRIL 1994
COMM. NO. 920000000000000000

93040992828

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

COMPLAINT REGARDING CORPORATE 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, for accepting illegal corporate campaign contributions, as set forth below:

PARTIES

1. Marazul Charters, Inc. is a Florida corporation, doing business in Florida, with offices at 13889 South Dixie Highway, Miami, Florida, according to records of the Division of Corporations, Florida Department of State. (In certain previous civil litigation in Florida courts, Marazul Charters has been described as a New York corporation, doing business in Florida, but in any event it is clear that Marazul Charters is a corporation organized under the laws of a state of the United States.)

2. Francisco Aruca is President, Vice-president, and Director of Marazul Charters, Inc., according to records of the Division of

93040992829

Corporations, Florida Department of State.

3. Marazul Tours, Inc. is a New York Corporation, doing business in Florida, with offices at 200 Miracle Mile, Coral Gables, Florida, according to records of the Florida Department of State. (Marazul Charters, Inc. and Marazul Tours, Inc. may be referred to jointly herein as "Marazul".)

4. Hilda Diaz is President, Treasurer, and Director of Marazul Tours, Inc., according to records of the Division of Corporations, Florida Department of State.

5. 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, Barry Imber, Treasurer.

6. 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.

CORPORATE BUSINESS AND CORPORATE PROPERTY

7. Marazul Charters and Marazul Tours do business with the government of Cuba, headed by Fidel Castro, selling charter trips and accommodations to individuals travelling to Cuba from the United States. These corporations hold the exclusive contract with Cuba for such travel and accommodation arrangements. Therefore, individuals travelling to Cuba from the United States must use their corporate services. Such individuals must provide to these

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corporations private information, such as home addresses, birth dates, etc, as a condition of travelling to Cuba.

8. Accordingly, Marazul Charters and Marazul Tours, under the direction of Francisco Aruca and Hilda Diaz, respectively, maintain corporate records and mailing lists which are not otherwise available to the general public, which are things of value, and which are the property of the corporations.

CORPORATE CAMPAIGN CONTRIBUTIONS PROHIBITED

9. 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). [See Exhibit A.]

10. The provision of any good or thing of value is defined as a contribution under federal election laws. 2 USC 431 (8)(A). Mailing lists are specifically identified in publications of the Federal Election Commission as a good or thing of value, within the definition of a contribution. [See Exhibit A.]

ILLEGAL CORPORATE CONTRIBUTIONS

11. Despite the prohibition against contributions by corporations, and despite the definition of mailing lists and labels as things of value within the prohibition against corporate contribution, Magda Montiel Davis has illegally accepted corporate campaign contributions from Marazul Charters and Marazul Tours, under the control of Francisco Aruca and Hilda Diaz, respectively.

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Marazul has provided, and Davis, her Committee and her Treasurer have accepted, valuable corporate property, that is, mailing lists and labels (not otherwise available to the public) to Magda Montiel Davis for Congress. These corporate mailing lists and labels contained private information about individuals who at any time in the past had used the services of the corporations (including names and home addresses) to travel to Cuba. Such action constitutes illegal corporate campaign contributions and is in violation of the Federal Election Campaign Act of 1971.

12. Numerous individuals in the community have received campaign mailings from Magda Montiel Davis, using Marazul mailing labels. Many such individuals are quite upset that private information revealed to these corporations as a condition of travel and for this purpose only is now being used by the corporations for political purposes and in an attempt to influence an election.

13. The mailing labels are recognized by recipients as being produced by Marazul from Marazul corporate records and mailing lists for many reasons, including but not limited to:

(a) The labels contain the specific Marazul identification number in the upper left corner of the label;

(b) The distinctive label style and type is recognized as being Marazul based on prior Marazul mailings; and

(c) In some cases, the label refers to the recipient using a name variation which is associated with an identified period of the recipient's life when the recipient visited Cuba, but which is not used presently (such as a maiden name, not used on

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voting rolls or otherwise used presently).

14. Specifically, Magda Montiel Davis made a mass mailing of campaign materials in late September or early October, 1992, using the distinctive Marazul mailing labels with the unique Marazul identification number. The mass mailing used the bulk rate mailing permit number of the Magda Montiel Davis for Congress Committee and the return address on the envelope was "Magda Montiel Davis for Congress". [See Exhibit B.]

CORPORATE KNOWLEDGE OF PROHIBITION

15. Campaign finance reports of Magda Montiel Davis for Congress reflect that several officers and employees of Marazul have contributed to Magda Montiel Davis for Congress, including Hilda Diaz, President, Marazul Tours in Miami, and a Marazul employee in New Jersey. Each of these contributions is in the name of the individual at the maximum permitted by law, not in the name of the corporation. These contribution patterns demonstrate the knowledge and awareness of Magda Montiel Davis, her Committee, her Treasurer, Marazul and its officers of the federal campaign laws applicable to corporations and individuals. [See Exhibit C.]

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

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Federal Election Campaign Act of 1971 for illegally accepting corporate campaign contributions;

B. That the proper fines be levied and other penalties be administered; 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
My commission expires:

[Signature]

Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES AUG. 28, 1994
EXEMPT FROM SEVERAL STAT. UNCL.

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Exhibit # A

93040992835

- (8) (A) The term "contribution" includes—
 - (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

§ 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any

(iii) (A) For purposes of 11 CFR 100.7(a)(1), the term anything of value includes all in-kind contributions. Unless specifically exempted under 11 CFR 100.7(b), the provision of any goods or services without charge or at

§ 100.7

a charge which is less than the usual and normal charge for such goods or services is a contribution. Examples of such goods or services include, but are not limited to: securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.

In-Kind Contributions

Definition

The donation of goods offered free or at less than the usual charge is called an in-kind contribution. Similarly, when a person pays for services on the committee's behalf, the payment is considered an in-kind contribution. An expenditure made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate's campaign is also considered an in-kind contribution to the candidate. 2 U.S.C. §141a(a)(7)(B)(i).

Limits

The value of an in-kind contribution—the usual and normal charge—counts against the same contribution limit as a gift of money. 100.7(a)(1)(iii) and (a)(3).

Value

- **Goods** (such as facilities, equipment, supplies and mailing lists) are valued at the price the item or facility would cost if purchased or rented at the time the contribution is made. For example, if someone donates a personal computer to the campaign, the contribution equals the ordinary market price of the computer at the time of the contribution.
- **Services** (such as advertising, printing or consultant services) are valued at the prevailing commercial rate at the time the services are rendered.

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Exhibit # B

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9 3 0 4 0 9 9 2 8 3 8

MAGDA MONTIEL DAVIS
FOR CONGRESS
2921 CORAL WAY, #100
MIAMI, FLORIDA 33145.

Non-Profit Org.
BUSINESS REPLY MAIL
U.S. POSTAGE
PAID
Permit No. 5639
Miami, Florida

ID: 14 [REDACTED] Seq: 7434

[REDACTED]
[REDACTED]

MIAMI FL [REDACTED]



9 3 0 4 0 9 9 2 8 4 0

MAGDA MONTIEL DAVIS
FOR CONGRESS

2921 CORAL WAY, #100
MIAMI, FLORIDA 33145.

BULK RATE
U.S. Postage
PAID
Permit No. 6507
Miami, Florida

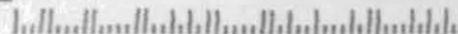


ID: 2

Seq: 6

[REDACTED]

MIAMI FL 331



93040992841

Exhibit # C

MODULE A

ITEMIZED RECEIPTS

Use separate statements for each category of the Standard Business Form

Form No. 1041-81
11(1)(1)

Information copied from such reports and statements may not be used or sold by any person for the purpose of soliciting contributions or the nomination of persons other than using the name and address of any political committee to which such reports have been furnished.

Committee (in Full)
MALDA MONTIEL DAVIS FOR CONGRESS

CO0272708

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A. Full Name, Mailing Address and ZIP Code
Mirta Rojas
115 Woodcreek Lane
Kiv Biscayne, FL 33149

Name of Employer
Miami Senior High School

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$1,000.00

Receipt For: Primary General Other (specify)

Occupation
Professor

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

B. Full Name, Mailing Address and ZIP Code
Benjamin Glin
15 East 91 Street
New York, NY 10128

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$ 100.00

Receipt For: Primary General Other (specify)

Occupation

Aggregate Year-to-Date > \$ 100.00

C. Full Name, Mailing Address and ZIP Code
Sheldon Gottlieb
10720 Carribeean Blvd #485
Miami, FL 33189

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$ 100.00

Receipt For: Primary General Other (specify)

Occupation

Aggregate Year-to-Date > \$ 100.00

D. Full Name, Mailing Address and ZIP Code
Harvey Kaplan
114 State Street #300
Boston, MA 02109

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$ 100.00

Receipt For: Primary General Other (specify)

Occupation

Aggregate Year-to-Date > \$ 100.00

E. Full Name, Mailing Address and ZIP Code
Albor Ruiz
31-20 54 Street #5A
Woodside, NY 11377

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$1,000.00

Receipt For: Primary General Other (specify)

Occupation
Senior Editor

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

F. Full Name, Mailing Address and ZIP Code
Margaret Ratner
13 Gay Street
New York, NY 10014

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$1,000.00

Receipt For: Primary General Other (specify)

Occupation
Self employed

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

G. Full Name, Mailing Address and ZIP Code
Hilda Diaz
6715 SW 32 Terrace
Miami, FL 33155

Name of Employer

Date (month, day, year)
8/3/92

Amount of Each Receipt this Period
\$1,000.00

Receipt For: Primary General Other (specify)

Occupation
President

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

MARAZUL TOURS, INC.

TOTAL of Receipts This Page (optional)

ALL This Period (last page this line number only)

\$4,300.00

SCHEDULE A

ITEMIZED RECEIPTS

See instructions on page 11 for details regarding the foreign country page.

11
11
11

Any information received from this receipt and attachments may not be used or used by any person for the purpose of obtaining credit or for any other purpose other than using the name and address of any political committee to solicit contributions from such contributor.

NAME OF CONTRIBUTOR (in full)
MARDA MONTIEL DAVIS FOR CONGRESS 00222108

A. Full Name, Mailing Address and ZIP Code
Robert Guild
146 St Nicholas Avenue
Englewood, NJ 07631

Name of Employer
Maraul Tours
Occupation
Travel agent
Date (month, day, year)
8/3/92
Amount of Each Receipt this Period
11,000.00
Aggregate Year to Date
11,000.00

Receipt For:
 Other (specify):
 Primary
 General

B. Full Name, Mailing Address and ZIP Code
Democratic Congressional Campaign Committee
430 South Capital Street
Washington, DC 20003

Name of Employer
Research
Occupation
Date (month, day, year)
7/21/92
Amount of Each Receipt this Period
\$ 150.00
Aggregate Year to Date
\$ 150.00

Receipt For:
 Other (specify):
 Primary
 General

C. Full Name, Mailing Address and ZIP Code
Democratic Congressional Campaign Committee
430 South Capital Street
Washington, DC 20003

Name of Employer
Research
Occupation
Date (month, day, year)
8/11/92
Amount of Each Receipt this Period
\$ 200.00
Aggregate Year to Date
\$ 350.00

Receipt For:
 Other (specify):
 Primary
 General

D. Full Name, Mailing Address and ZIP Code
Receipt For:
 Other (specify):
 Primary
 General

Name of Employer
Occupation
Date (month, day, year)
Aggregate Year to Date
\$

E. Full Name, Mailing Address and ZIP Code
Receipt For:
 Other (specify):
 Primary
 General

Name of Employer
Occupation
Date (month, day, year)
Aggregate Year to Date
\$

F. Full Name, Mailing Address and ZIP Code
Receipt For:
 Other (specify):
 Primary
 General

Name of Employer
Occupation
Date (month, day, year)
Aggregate Year to Date
\$

G. Full Name, Mailing Address and ZIP Code
Receipt For:
 Other (specify):
 Primary
 General

Name of Employer
Occupation
Date (month, day, year)
Aggregate Year to Date
\$

SUBTOTAL of Receipts This Page (optional)
TOTAL This Period (last page the line number only)
\$ 1,350.00
\$ 28,370.00

93040992843

SCHEDULE A

ITEMIZED RECEIPTS

This document is prepared for your benefit by the Secretary of the General Assembly

11/2/92

Any information obtained from such reports and documents may not be sold or used by any person for the purpose of making contributions or for any other purpose, other than using the name and address of any political candidate to solicit contributions from such contributors.

NAME OF COMMITTEE (in Full)
MAGDA MONTIEL DAVIS FOR CONGRESS C0027270P

A. Full Name, Mailing Address and ZIP Code
LOUIS M. JEREWAY, JR.
 19 W. FROGIER ST. #407
 MIAMI, FL 33130

Name of Employer
Jereway, P.A.
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$1,000-

Reason For:
 Other (specify):
 Primary
 General

Occupation
ATTORNEY
 Appropriate Year-to-Date
> 1,000

B. Full Name, Mailing Address and ZIP Code
RICHARD GINSBURG
 392 S. 9TH AVENUE
 CORVALLIS, OREGON 97331

Name of Employer
None
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$30-

Reason For:
 Other (specify):
 Primary
 General

Occupation
None
 Appropriate Year-to-Date
> 1,000

C. Full Name, Mailing Address and ZIP Code
GEORGE G. MOORE
 812 S. TIGARDS BLVD.
 103 S. NARDISSUS AVE
 W. PALM BEACH, FL 33401

Name of Employer
None
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$50-

Reason For:
 Other (specify):
 Primary
 General

Occupation
None
 Appropriate Year-to-Date
> 1,000

D. Full Name, Mailing Address and ZIP Code
HOWARD S. MYERS, III
 3500 PIPER JAFFRAY TOWER
 MINNEAPOLIS, MN 55402

Name of Employer
ROPERSON NORTH GANNON BERTH & SAUNDERS LTD.
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$500-

Reason For:
 Other (specify):
 Primary
 General

Occupation
None
 Appropriate Year-to-Date
> 1,000

E. Full Name, Mailing Address and ZIP Code
ROBERT J. GEISSIER, JR.
 673 BROAD STREET
 BLOOMFIELD, N.J. 07003

Name of Employer
MARZELI TOURS, INC.
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$1,000-

Reason For:
 Other (specify):
 Primary
 General

Occupation
TRAVEL AGENT
 Appropriate Year-to-Date
> 1,000

F. Full Name, Mailing Address and ZIP Code
ADAM GREEN
 931 MASSACHUSETTS AVE #270
 CAMBRIDGE, MA 02139

Name of Employer
Self-Employed
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$200-

Reason For:
 Other (specify):
 Primary
 General

Occupation
ATTORNEY
 Appropriate Year-to-Date
> 1,000

G. Full Name, Mailing Address and ZIP Code
SAYID HAKIM
 P.O. BOX 81801
 SAN DIEGO, CA 92138

Name of Employer
None
 Date (month, day, year)
9/9/92
 Amount of Each Payment this Period
\$50-

Reason For:
 Other (specify):
 Primary
 General

Occupation
None
 Appropriate Year-to-Date
> 1,000

SUBTOTAL of Receipts This Page (including)
 TOTAL This Page (this page and the number of it)
2,030-

93040992844
 117503

7
 11
 0

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In re: 1. Marazul Charters, Inc.
2. Marazul Tours, Inc.
3. Francisco Aruca
4. Hilda Diaz

and

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

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: Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca, and Hilda Diaz -- Complaint", and "In re: Magda Montiel Davis, Magda Montiel Davis for Congress Committee, and Barry Imber, Treasurer - - Complaint Regarding Corporate Contributions".

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.

93040992845

92 NOV -4 PM 3:31
RECEIVED
FEDERAL ELECTION COMMISSION

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 22 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.

93040992846

MAGDA MONTIEL DAVIS
DEMOCRATIC CANDIDATE
FLORIDA 18TH CONGRESSIONAL DISTRICT
U.S. HOUSE OF REPRESENTATIVES

15 de octubre de 1992

Estimado(a) amigo(a):

Usted y yo tenemos algo muy importante en común: los dos opinamos que tenemos el derecho de viajar a Cuba para visitar a nuestros seres queridos y ayudar a fomentar la democracia en la isla.

Inclusive, esa es una de las razones por las cuales estoy aspirando al Congreso.

Pero para tener éxito, necesito su ayuda.

Ante todo, agradecería su voto el 3 de noviembre. Su apoyo puede significar la diferencia para obtener un escaño que muchos creen que será muy difícil lograr.

Para llegar a este objeto pido su contribución a mi campaña para continuar mi lucha contra los intereses ricos y poderosos que controlan a mi contrincante, la sra. Ros-Lehtinen.

Les ruego que hagan lo más que puedan, lo antes posible.

Ha llegado el momento para el cambio en el Congreso de los Estados Unidos y en Cuba. Las ideas viejas y cansadas ya no funcionan. Las hemos probado durante las últimas dos administraciones en la Casa Blanca durante doce años. Pero Fidel Castro sigue en el poder en nuestra tierra.

Tenemos que intentar algo nuevo ... algo práctico. Y eso es lo que yo propongo llevar al Congreso de los Estados Unidos.

Muchísimas gracias.


MAGDA MONTIEL DAVIS

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MI PUNTO DE VISTA CON RESPECTO A CUBA

Mi punto de vista con respecto a Cuba es claro: Castro tiene que ser destituido, la democracia tiene que ser restaurada, y la libertad una vez mas, surgir sobre los Cubanos que han sufrido tanto durante la dictadura de Fidel Castro.

Recientemente hemos sido testigos de la influencia de ideas occidentales de democracia a traves de intercambios culturales, facilidad de viajar, y libertad de comunicacion. De hecho, estos principios fueron cruciales en la eliminacion de la guerra fria y el comunismo en Europa Oriental.

Ya es hora que reconozamos que el aislamiento y las sanciones no van a finalizar el regimen comunista en Cuba. El aislamiento por si solo atrincherara la dictadura de Castro, mientras nuestros familiares y amistades permanecen bajo su puno dictatorial.

Como resultado de esto, yo apoyo las facilidades de viajar libremente de los Estados Unidos a Cuba, el perfeccionamiento de llamadas telefonicas a Cuba y la restauracion de servicios de correo a Cuba. Aunque favorezco que la comunicacion con Cuba sea aumentada, debemos mantenernos firmes en el embargo con Cuba hasta que veamos acciones dirigidas al establecimiento de la democracia. El Acta Democrata Cubano es el primer paso importante para sancionar a paises y corporaciones que hacen negocios con Cuba. Por lo tanto, yo apoyo el Acto Democrata Cubano y el embargo contra Cuba, con ciertas reservas. A diferencia de mi oponente, yo pienso que debemos permitir ayuda humanitaria en forma de comida y medicamentos para que asi nuestros familiares no sean castigados inutilmente.

Desafortunadamente, mi oponente apoyo la eliminacion de clausulas en el Acta Democrata Cubano para la proteccion de derechos basicos. Ella esta de acuerdo con que una persona en los Estados Unidos que enviara comida o medicamentos a los ninos o personas mayores fueran multados sin permitir recurso administrativo. Esto es injusto.

En la batalla contra Castro debemos ser fieles a nuestras principios democratas. Una vez que el aislamiento sea eliminado el pueblo cubano sera testigo del cambio y encontrara nuevas esperanzas y aliento para un futuro sin Castro. La retorica y la intimidacion de Castro no pueden competir con la realidad de la democracia y la libertad.

93040992848



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

November 9, 1992

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

RE: MUR 3696

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 Magda Montiel Davis, Magda Montiel Davis for Congress and Barry Imber, as treasurer, Marazul Charters, Inc., Francisco Aruca, Marazul Tours, Inc. and Hilda Diaz. 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 3696. 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

93040992849



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 9, 1992

Magda Montiel Davis
300 Pacific Rd.
Miami, FL 33149

RE: MUR 3696

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 3696. Please refer to this number in all future correspondence.

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

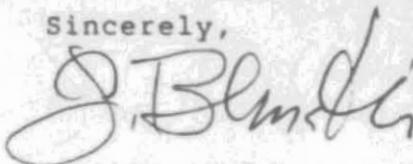
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

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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

93040992851



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 9, 1992

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

RE: MUR 3696

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 3696. 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.

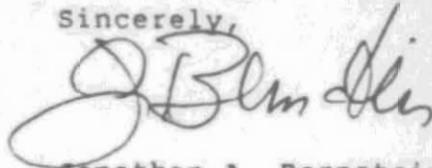
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

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Magda Montiel Davis for Congress
Barry Imber, Treasurer
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

93040992853



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Francisco Aruca, President
Marazul Charters, Inc.
13889 South Dixie Highway
Miami, FL 33176

RE: MUR 3696

Dear Mr. Aruca:

The Federal Election Commission received a complaint which indicates that Marazul Charters, Inc. and you, as President, 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 3696. 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 Marazul Charters, Inc. and you, as President 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.

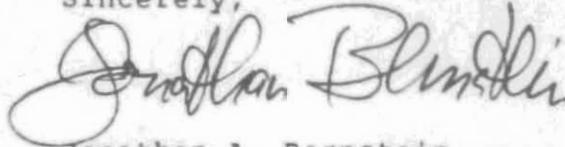
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Marazul Charters, Inc.
Franciso Aruca, 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

93040992855



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1992

Hilda Diaz, President
Marazul Tours, Inc.
200 Miracle Mile
Coral Gables, FL 33134

RE: MUR 3696

Dear Ms. Diaz:

The Federal Election Commission received a complaint which indicates that Marazul Tours, Inc. and you, as President, 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 3696. 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 Marazul Tours, Inc. and you, as President, 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.

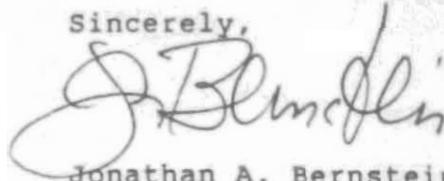
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Marazul Tours, Inc.
Hilda Diaz, 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

93040992857

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

150 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-7567
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 17, 1992

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

Re: MUR 3696

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 ("Committee") an extension of time to file a responsive brief in the above referenced matter.

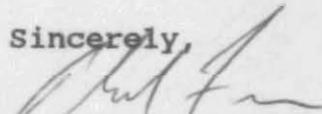
As the allegations concern events that took place in Florida several weeks ago and the individuals with the most knowledge of the events described in the complaint are winding up the campaign and/or preparing for the Thanksgiving holiday, the Committee and Mr. Imber need additional time to inspect their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

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

Enclosed please find a Statement of Designation of Counsel for your records.

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

Sincerely,


Philip Friedman

Enclosure

93040992858

STATEMENT OF DESIGNATION OF COUNSEL

NUMS 3696/3695

NAME OF COUNSEL: PHILIP FRIEDMAN

ADDRESS: ROSS - ANGES
888 16th STREET N.W SUITE 300
WASHINGTON, D.C 20006

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.

11/18/92
Date

[Signature]
Signature

RESPONDENT'S NAME: POLAR MONTIK GAVE FOR COLLIER
MARKY ZIMMER, AS TREASURER

ADDRESS:

TELEPHONE: HOME()
BUSINESS()

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 1, 1992

Philip Friedman
Ross & Hardies
888 Sixteenth Street, NW
Washington, D.C. 20006

RE: MUR 3696
Magda Montiel Davis for
Congress Committee and
Barry Imber, as treasurer

Dear Mr. Friedman:

This is in response to your letter dated November 17, 1992, which we received on November 20, 1992, requesting an extension until December 22, 1992 to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 22, 1992.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Helen J. Kim". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Helen J. Kim
Attorney

93040992860

LAW OFFICES

ROSS & HARDIES

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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

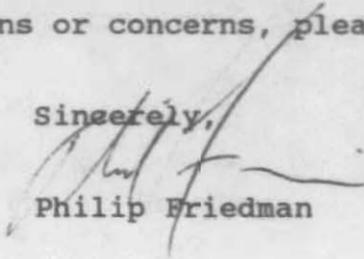
Re: MUR 3695 and MUR 3696

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 and an original and two copies of the Response of Magda Montiel Davis for Congress, Barry Imber, as treasurer, Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca and Hilda Diaz to MUR 3696.

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

Sincerely,


Philip Friedman

Enclosures

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01:40 / 12-16

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MARAZUL CHARTERS,
INC., et al., and MAGDA MONTIEL
DAVIS FOR CONGRESS

MUR 3696

RESPONSE OF MAGDA MONTIEL DAVIS FOR CONGRESS,
BARRY IMBER, TREASURER, MARAUZUL CHARTERS, INC.,
MARAZUL TOURS, INC., FRANCISCO ARUCA AND HILDA DIAZ

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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 Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca and Hilda Diaz (collectively, the "Respondents"). The complainant alleges that the Committee received impermissible corporate contributions.

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 any of the Respondents violated the Act.

DISCUSSION

The complainant alleges that the Committee accepted an impermissible corporate contribution from Marazul Charters, Inc. and Marazul Tours, Inc. in the form of corporate mailing lists and labels. The allegation is patently false.

As the attached affidavit from Hilda Diaz, the President of Marazul Tours, Inc. attests, Marazul Tours, Inc. did not provide, directly or indirectly, any corporate mailing labels or corporate

mailing lists to the Magda Montiel Davis, Barry Imber, the Committee, or its agents or representatives. See Affidavit of Hilda Diaz (attached hereto as Exhibit A). There is, in short, no truth to the complainants allegations with respect to Marazul Tours, Inc.

With respect to Marazul Charters, Inc., the affidavit of Carmen Diaz, the secretary of Marazul Charters, Inc. attests that Marazul Charters, Inc. sold the Committee labels for \$250. The Committee was not given anything; not a copy of any list, not a copy of any computer tape and not a packet of any labels. Rather, Marazul Charters, in the ordinary course of business, sold labels that could be used by the Committee in a single mailing. The \$250 price represented the usual and normal charge for the number, and type of labels requested by the Committee. See Affidavit of Carmen Diaz (attached hereto as Exhibit B).

In accordance with its usual and normal business practices, Marazul Charters submitted an invoice to the Committee, a copy of which is attached to the affidavit of Ms. Diaz. The invoice was paid by the Committee within a commercially reasonable time on October 30, 1992.¹ A copy of the Committee's post election report reflects this itemized disbursement. See Exhibit C attached hereto.

As the facts clearly demonstrate the Committee did not receive any impermissible corporate contribution. The Committee paid Marazul Charters the usual and normal charge for a list of

¹It should be noted that the Committee paid the Marazul Charters, Inc. invoice prior to the filing of Mr. Kelly's complaint with the Commission.

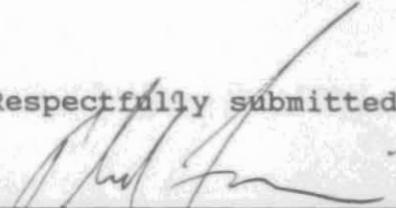
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labels. See 11 CFR 100.7(a)(1)(iii)(B). Moreover, Marazul Charters, in accordance with its regular billing procedures, billed the Committee and received full payment within a commercially reasonable time. See 11 CFR § 116.3(b).

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

Date: December 17, 1992

Respectfully submitted,



Philip S. Friedman
Attorney for Magda Montiel
Davis for Congress and Barry
Imber, as treasurer; Marazul
Charters, Inc.; Marazul Tours,
Inc.; Francisco Aruca and
Hilda Diaz

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EXHIBIT A

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MARAZUL CHARTERS,
INC., et al., and MAGDA MONTIEL
DAVIS FOR CONGRESS

MUR 3696

AFFIDAVIT OF HILDA DIAZ

HILDA DIAZ, BEING DULY SWORN, DEPOSES AND SAYS:

1. I am the President of Marazul Tours, Inc. and I submit this affidavit on behalf of Marazul Tours, Inc. and myself as respondents to an FEC complaint brought by Robert T. Kelly, Jr. in the above referenced matter.

2. Neither Marazul Tours, Inc. nor I, at any time supplied, directly or indirectly, any labels to any campaign for any election. Any statement contained in Mr. Kelly's sworn complaint to the contrary are completely and totally false. Similarly, his statement that Marazul Tours, INC. and Marazul Charters, Inc. have an exclusive contract for travel to Cuba is completely and totally false.

3. Neither Mr. Kelly nor anyone from the campaign of Ileana Ros-Lehtinen contacted me or my firm to verify whether any of the statements contained in Mr. Kelly's sworn statement were true.

4. Neither my company nor I on behalf of Marazul Tours, Inc. provided any labels to Magda Montiel Davis for Congress, to Magda Montiel Davis directly, to Barry Imber, Treasurer for Magda Montiel Davis for Congress or to the such persons' agents or

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representatives. As stated above, no labels were provided to anyone for any election, at any time.

I declare under the penalty of perjury that the foregoing is true and correct.

Hilda Diaz
HILDA DIAZ

STATE OF FLORIDA)
 : ss
COUNTY OF DADE)

Subscribed and sworn to me this 14 day of December, 1992. *by Hilda Diaz personally known to me + who took an oath -*
Merry Cheema

Notary Public
Merry Cheema

My Commission Expires:

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

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EXHIBIT B

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

IN THE MATTER OF MARAZUL CHARTERS,
INC., et al., and MAGDA MONTIEL
DAVIS FOR CONGRESS

MUR 3696

AFFIDAVIT OF CARMEN DIAZ

CARMEN DIAZ, BEING DULY SWORN, DEPOSES AND SAYS:

1. I am the Secretary of Marazul Charters, Inc. and I submit this affidavit on behalf of Marazul Charters, Inc. and myself as respondents to an FEC complaint brought by Robert T. Kelly, Jr. in the above referenced matter.

2. As an officer of Marazul Charters, Inc. I sold labels of Marazul Charters, Inc. to Magda Montiel Davis for Congress.

3. The labels sold to Magda Montiel Davis for Congress represented only a fraction of the names and labels maintained by Marazul Charters, Inc. These labels were sold in the ordinary course of business for the commercially reasonable rate of two hundred fifty dollars (\$250).

3. In the normal and usual course of business, Marazul Charters, Inc. invoiced Magda Montiel Davis for Congress. This invoice or bill, attached hereto, was paid within a commercially reasonable time on October 30, 1992.

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I declare under the penalty of perjury that the foregoing is true and correct.

Carmen Diaz
CARMEN DIAZ

STATE OF FLORIDA)
 : ss
COUNTY OF DADE)

Subscribed and sworn to me this _____ day of December, 1992. *Personally known to me & who took an oath.*

Merry Cheema
Notary Public

My Commission Expires:

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

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9 3 0 4 0 9 9 2 8 7 1

INVOICE



Marazul Charters Inc.

13889 SOUTH DIXIE HIGHWAY
MIAMI, FLORIDA 33176
PHONE: (305) 232-8157 • FAX: (305) 235-0924

TO: KURZBAN, KURZBAN AND WEINGER
2650 S.W. 27TH AVE.
2ND FLOOR
MIAMI, FL 33133

INVOICE

0892

DATE

AUGUST 31, 1992

TEL:

BOLETO/S #

VOUCHER/S #

MAGDA MONTIEL DAVIS
(For Congress)

\$250.00

=====

LABELS

10/30/92
PCJ - Check # 1185
\$250 -

93040992872

EXHIBIT C

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 10/30/92	Advertisement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/92	3563.30
Siddhan Sheen 1411 Wellington Trace Wellington, FL 33414	Contractor (Salary) Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/92	500-
Kinkos Copy Center 1307 SW 127 Ave Miami, FL 33165	Copies Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/92	54.84
Siddhan Sheen 1411 Wellington Trace Wellington, FL 33414	Reimbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/30/92	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)	10/30/92	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)	10/30/92	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)	10/30/92	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)	10/30/92	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)	10/30/92	4,131.40

SUBTOTAL of Disbursements This Page (optional)	11225.63
TOTAL This Period (last page this line number only)	

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ROSS & HARDIES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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

FEB 19 11 16 AM '93

TELECOPIER
202-296-8791
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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
908-583-2700

February 16, 1993

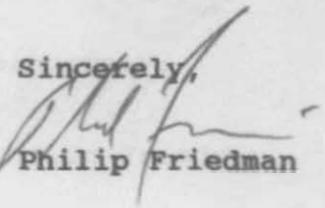
Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3696

Dear Ms. Kim:

Enclosed please find the original Statements of Designation of Counsel for Marazul Charters, Inc., Marazul Tours, Inc., Francisco Aruca and Hilda Diaz

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

Sincerely,

Philip Friedman

Enclosures

93040992874

93 FEB 19 PM 12:16

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OFFICE OF GENERAL COUNSEL

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OFFICE OF COUNSEL
93 FEB 19 PM 12:10

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3696

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.

11/18/92
Date

Hilda Diaz
Signature

RESPONDENT'S NAME: HILDA DIAZ and MARAZUL TOURS, INC.

ADDRESS: 220 Miracle Mile Suite 220
Coral Gables, FL 33130

TELEPHONE: HOME (305) 445-6111

BUSINESS (305) 582-9570
445-6111

93040992875

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LAW OFFICES

ROSS & HARDIES

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

TELECOPIER
202-296-8791

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

February 24, 1993

93 FEB 25 PM 3:00

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FEDERAL ELECTION COMMISSION

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

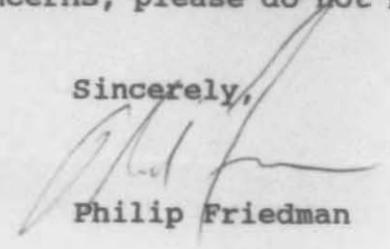
Re: MUR 3696

Dear Ms. Kim:

Enclosed please find a copy of the Statement of Designation of Counsel for Francisco Aruca and Marazul Charters, Inc. which was missing from my earlier correspondence with you. Please accept my apologies for this oversight.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Philip Friedman

93040992876

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 FEB 25 PM 3:00

MUR 3696

NAME OF COUNSEL: Phil Friedman, Esq.

ADDRESS: ROSS & HARDIES

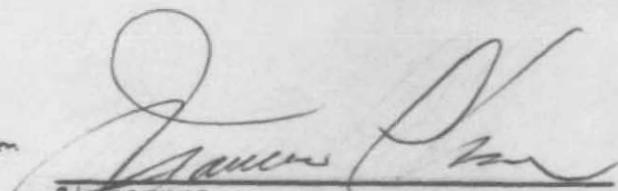
888 16th St. NW

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.

11/18/92
Date


Signature

RESPONDENT'S NAME: FRANCISCO ARUCA and MARAZUL CHARTERS, INC.

ADDRESS: 13889 S. Dixie Highway

Miami, Florida 33176

TELEPHONE: HOME ()

BUSINESS (305) 559-3616

93040992877

MUR # 3696

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# 3696

DATE FILMED 10/29/93 CAMERA NO. 2

CAMERAMAN MC

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

Microfilm
 Public Recs
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3696.

12/10/93

23043543587

**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.

23043543588



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 3696

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: Magda Montiel Davis; Magda Montiel Davis for Congress and Barry Imber, as treasurer; Marazul Charters, Inc. and Francisco Aruca, President; Marazul Tours, Inc. and Hilda Diaz, President. 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
Staff Member

Attachment
Narrative

Date the Commission voted to close the file: _____

DEC 09 1993

93043543589

MUR 3696

Magda Montiel Davis for Congress, et. al.

This complaint filed by Robert T. Kelly alleges that Magda Montiel Davis for Congress ("Committee") accepted a corporate contribution from Marazul Charters and Marazul Tours in the form of mailing lists. The respondents claim that the corporations sold the lists to the Committee in the normal course of its business.

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 no impact on the process.

23043543590



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

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

RE: MUR 3696

Magda Montiel Davis; Magda Montiel Davis for Congress
and Barry Imber, as treasurer; Marazul Charters, Inc.
and Francisco Aruca, President; Marazul Tours, Inc. and
Hilda Diaz, President.

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; Marazul Charters, Inc. and Francisco Aruca, President; Marazul Tours, Inc. and Hilda Diaz, President. 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.

23043543591

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

23043543592

MUR 3696

Magda Montiel Davis for Congress, et. al.

This complaint filed by Robert T. Kelly alleges that Magda Montiel Davis for Congress ("Committee") accepted a corporate contribution from Marazul Charters and Marazul Tours in the form of mailing lists. The respondents claim that the corporations sold the lists to the Committee in the normal course of its business.

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 no impact on the process.

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