FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 3834

DATE FILMED 9-13-94 CAMERA NO. 2

CAMERAMAN JMH

9404356052443

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 4, 1993

ANALYST: Pat Sheppard

I. COMMITTEE: Hirschfeld for Congress Citizens Committee (C00274209)
Rosemary Singer, Treasurer
415 Seventh Avenue Suite 142
New York, New York 10001

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File Forty-Eight Hour Notifications

The Hirschfeld for Congress Citizens Committee ("the Committee") has failed to file three (3) 48-Hour Notifications ("48 Hour Notices") for candidate contributions totaling $225,000. This represents 100% of the candidate contributions received prior to the 1992 Primary Election requiring 48 Hour Notices. In addition, the Committee has failed to file two (2) for candidate contributions totaling $85,000. This represents 100% of the candidate contributions received prior to the 1992 General Election requiring 48-Hour Notices.

The candidate was involved in both the Primary Election held on September 15, 1992 and the General Election held on November 4, 1992. Prior Notices were sent to the Committee on August 17, 1992 and September 28, 1992, respectively (Attachments 2 and 3). The Notices include a section titled "48 Hour Notices on Contributions". The section in the Primary notice reads "Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of $1,000 or more, during the period of August 27 through September 12. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

2404356022

The section in the General notice reads "Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of $1,000 or more, during the period of October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule A of the 1992 October Quarterly Report indicates that the Committee failed to file three (3) 48-Hour Notices for candidate contributions received during the aforementioned Primary period. Schedule A of the 1992 30 Day Post-General Report indicates that the Committee failed to file two (2) 48-Hour Notices for candidate contributions received during the aforementioned General period. (Attachments 4 and 5). The following is a list of the contributions for which no 48-Hour Notices were filed:

Contributor Name	Date	Amount
Abraham Hirschfeld	09/03/1992	$ 75,000
Abraham Hirschfeld	09/04/1992	$ 50,000
Abraham Hirschfeld	09/09/1992	$100,000
Abraham Hirschfeld	10/22/1992	$ 35,000
Abraham Hirschfeld	10/29/1992	$ 50,000

On April 16, 1993 an Informational Notice referencing the October Quarterly Report was sent to the Committee (Attachment 6). On April 20, 1993, a Request for Additional Information ("RFAI") referencing the 30 Day Post-General Report was sent to the Committee (Attachment 7). The Committee is notified on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of $1,000 or more. The notices request the Committee to review their procedures for checking contributions received during the aforementioned time periods. In addition, the notices state that although the Commission may take legal steps, any response would be taken into consideration.

On May 21, 1993, a representative of the Committee called a Reports Analysis Division analyst (Attachment 8). The individual called to discuss the negative cash problem. He gave no mention to the omitted 48 Hour Notices. He did however state that since the treasurer is in Australia it would take about a month to respond to the letters.

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ATTACHMENT 1

FEDERAL ELECTION COMMISSION
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 4JUN93

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		
HIRSCHFELD, ABRAHAM	HOUSE 14	DEMOCRATIC PARTY				NEW YORK	1992 ELECTION	ID# H2NY14045	
1. STATEMENT OF CANDIDATE									
1992 STATEMENT OF CANDIDATE							8AUG92	1	92HSE/463/4757
STATEMENT OF CANDIDATE - AMENDMENT							3SEP92	1	92HSE/466/0726
STATEMENT OF CANDIDATE - AMENDMENT							5OCT92	1	92HSE/467/5244
STATEMENT OF CANDIDATE - AMENDMENT							2NOV92	1	92HSE/482/2170
STATEMENT OF CANDIDATE							3DEC92	1	92HSE/486/4081
2. PRINCIPAL CAMPAIGN COMMITTEE									
HIRSCHFELD FOR CONGRESS CITIZENS COMMITTEE							ID #C00274209 HOUSE		
1992 STATEMENT OF ORGANIZATION							8AUG92	1	92HSE/463/4758
STATEMENT OF ORGANIZATION - AMENDMENT							3SEP92	1	92HSE/466/0725
STATEMENT OF ORGANIZATION - AMENDMENT							5OCT92	1	92HSE/467/5243
STATEMENT OF ORGANIZATION - AMENDMENT							2NOV92	1	92HSE/482/2171
STATEMENT OF ORGANIZATION							3DEC92	1	92HSE/486/4086
PRE-PRIMARY			100,000		70,768		1JUL92 -26AUG92	9	92HSE/466/0919
REQUEST FOR ADDITIONAL INFORMATION							1JUL92 -26AUG92	1	92FEC/785/2893
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL92 -26AUG92	2	92FEC/802/0640
REQUEST FOR ADDITIONAL INFORMATION							1JUL92 -26AUG92	2	93FEC/836/1030
REQUEST FOR ADDITIONAL INFORMATION 2ND							1JUL92 -26AUG92	3	93FEC/839/2010
OCTOBER QUARTERLY - AMENDMENT			-			-	27JUL92 -30SEP92	1	92HSE/483/0886
OCTOBER QUARTERLY				270,500		292,765	27AUG92 -26SEP92	22	92HSE/467/5077
OCTOBER QUARTERLY				-			-27JUL92 -30SEP92	29	92HSE/471/0396
1'ST LETTER INFORMATIONAL NOTICE							27AUG92 -26SEP92	1	93FEC/834/4928
PRE-GENERAL				-			-26SEP92 -26OCT92	4	92HSE/480/3594
PRE-GENERAL				55,000		72,070	26SEP92 -26OCT92	7	92HSE/482/2363
PRE-GENERAL - AMENDMENT				-			-26SEP92 -26OCT92	2	93HSE/495/0074
REQUEST FOR ADDITIONAL INFORMATION							26SEP92 -26OCT92	2	93FEC/836/1024
REQUEST FOR ADDITIONAL INFORMATION 2ND							26SEP92 -26OCT92	3	93FEC/839/2007
POST-GENERAL				110,490		136,633	15OCT92 -23NOV92	9	92HSE/485/3046
REQUEST FOR ADDITIONAL INFORMATION							15OCT92 -23NOV92	2	93FEC/836/1027
REQUEST FOR ADDITIONAL INFORMATION 2ND							15OCT92 -23NOV92	3	93FEC/839/2004
YEAR-END				0		0	24NOV92 -31DEC92	3	93HSE/490/3435
TOTAL			100,000	435,990	70,768	501,468		110	TOTAL PAGES

3. AUTHORIZED COMMITTEES
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed.
Ending cash-on-hand as of 12/31/92: $8,213
Outstanding debts owed by the committee as of 12/31/92: $0

9404355246

Attachment #2

PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

NEW YORK
Congressional Committees

August 17, 1992

FOR COMMITTEES INVOLVED IN THE PRIMARY (09/15):

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	07/01/92 - 08/26/92**	08/31/92	09/03/92
48 Hour Notices	----See Below----		
October Quarterly	08/27/92 - 09/30/92	10/15/92	10/15/92

WHO MUST FILE
Principal campaign committees of congressional candidates (including unopposed candidates) who seek nomination in the primary must file the above reports and notices. If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

48 HOUR NOTICES ON CONTRIBUTIONS
Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of $1,000 or more, during the period of August 27 through September 12. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL
Affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE
TREASURERS ARE RESPONSIBLE FOR FILING ALL REPORTS AND 48 HOUR NOTICES ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES USING NON-FEC FORMS FOR REPORTS OR FILING ILLEGIBLE REPORTS OR NOTICES WILL BE REQUIRED TO REFILE.

*Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

**The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

2404356 5247

Attachment #3

GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL

September 28, 1992

1992 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT. MAILING DATE**	FILING DATE
Pre-General	10/01/92 - 10/14/92	10/19/92	10/22/92
Post-General	10/15/92 - 11/23/92	12/03/92	12/03/92

WHO MUST FILE
All 1992 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 3, 1992 General Election must file the Pre- and Post-General Election Reports.

WHO NEED NOT FILE
Principal campaign committees of candidates not active in the 1992 elections (i.e., committees active in past or future elections) and 1992 campaign committees not participating in the general election do not file the Pre- and Post-General Reports.

48 HOUR NOTICES ON CONTRIBUTIONS
Notices are required if the committee receives contributions (including contributions and loans from the candidate's personal funds; and endorsements or guarantees of bank loans) of $1,000 or more, during the period of October 15 through October 31. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s).

LABEL
Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

COMPLIANCE
TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

**Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, Call: 800/424-9530 or 202/219-3420

24043565248

1992 October Quarterly Report
Attachment # 4

SCHEDULE A

ITEMIZED RECEIPTS

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)
Hirschfeld For Congress Citizens Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
ABRAHAM HIRSCHFELD 415 Seventh Ave Suite 150 New York, NY 10001 Receipt For: [x] Primary [ ] General [ ] Other (specify):	Candidate Aggregate Year-to-Date > $	9/3/92 9/4/92 9/9/92	75,000.00 50,000.00 100.000.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
ABRAHAM HIRSCHFELD sam e as above Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Candidate Aggregate Year-to-Date > $	9/15/92 9/26/92	25,000.00 20,500.000
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Aggregate Year-to-Date > $		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Aggregate Year-to-Date > $		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: [ ] Primary [ ] General [ ] Other (specify):	Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional) 20,500.00

TOTAL This Period (last page this line number only) 20,500.00

9201487 5079

19[illegible] 30 Day Post-General Report
Attachment # 5

SCHEDULE A — ITEMIZED RECEIPTS

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)

HIRSCHFELD FOR CONGRESS CITIZENS COMMITTEE

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. MILLER ADVERTISING 71 Fifth Ave New York, NY 10023 Receipt For: [X] Primary [ ] General [ ] Other (specify):	refund Occupation: Aggregate Year-to-Date > $	10.16.92	154.40
B. AMERICAN PRESORT 601 W 26 St New York, NY 10001 Receipt For: [X] Primary [ ] General [ ] Other (specify):	refund Occupation: Aggregate Year-to-Date > $	10.16.92	209.87
C. ABRAHAM HIRSCHFELD 415 7th Ave New York, NY 10001 Receipt For: [ ] Primary [X] General [ ] Other (specify):	candidate Occupation: Aggregate Year-to-Date > $	10.22.92	35,000.00
D. ABRAHAM HIRSCHFELD same as above Receipt For: [ ] Primary [X] General [ ] Other (specify):	candidate Occupation: Aggregate Year-to-Date > $	10.29.92	50,000.00
E. AMERICAN PRESORT same as above Receipt For: [ ] Primary [X] General [ ] Other (specify):	refund Occupation: Aggregate Year-to-Date > $	10.30.92	126.25
F. ABRAHAM HIRSCHFELD same as above Receipt For: [ ] Primary [X] General [ ] Other (specify):	candidate Occupation: Aggregate Year-to-Date > $	11/2/92	5,000.00
G. ABRAHAM HIRSCHFELD same as above Receipt For: [ ] Primary [ ] General [ ] Other (specify):	candidate Occupation: Aggregate Year-to-Date > $	11/12/92	20,000.00

SUBTOTAL of Receipts This Page (optional) 110,490.52

TOTAL This Period (last page this line number only) 110,490.52

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Attachment #6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

APR 16 1993

Rosemary Singer, Treasurer
Hirschfeld For Congress Citizens
Committee
415 Seventh Avenue, Suite #142
New York, NY 10001

Identification Number: C00274209

Reference: October Quarterly Report (8/27/92-9/26/92)

Dear Ms. Singer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of $1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of $1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Pat Sheppard

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

Attachment #7

(2 Pages)

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

Rosemary Singer, Treasurer
Hirschfeld For Congress Citizens
Committee
415 Seventh Avenue, Suite 0142
New York, NY 10001

Identification Number: C00274209

Reference: 30 Day Post-General Report (10/15/92-11/23/92)

Dear Ms. Singer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Your report contains financial activity already disclosed on another report. Overlapping coverage dates create difficulties in accounting for cash flow from one report to another. Amend this report to include only the financial transactions which occurred between October 27, 1992 and November 23, 1992. (2 U.S.C. §434(b))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of $1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of $1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office

Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Pat Sheppard

Pat Sheppard
Senior Reports Analyst
Reports Analysis Division

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ATTACHMENT # 8
PAGE 1 OF 1

MEMORANDUM TO FILES:
XX Telecon
Visit

DATE: May 21, 1993

NAME OF THE COMMITTEE: Hirschfeld for Congress Citizens Committee

SUBJECT: April RFAIs

FEC REP: Pat Sheppard

COMMITTEE REP: Mr. Postell (212) 695-0386

Mr. Postell called to ask how to amend the 12 Day Pre-General Report to show that the negative cash balance has been corrected. He stated that as soon as a negative balance shows up, the bank calls the candidate and the candidate puts funds in the account to cover the amount overdrawn. I told him that it appeared that it was corrected however, since the next report starts with $35K cash on hand there seems to be a large discrepancy. After checking with someone he called back to say that there appears to be a missing report. Mr. Postell stated that the treasurer was in Australia and that it would take a month to get a response back to the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

SEPTEMBER 28, 1993

Rosemary Singer, Treasurer
Hirschfeld for Congress
Citizens Committee
415 Seventh Avenue, Suite 142
New York, NY 10001

RE: Hirschfeld for Congress
Citizens Committee and Rosemary
Singer, as treasurer

Dear Ms. Singer:

On July 23, 1993, you filed a Termination Report with the Federal Election Commission as a request to permit the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. The Reports Analysis Division has referred the Committee to the Office of General Counsel for possible enforcement action. Therefore, your termination request has been denied.

The Committee must continue to file all the required reports with the Commission until this matter has been resolved. The Commission will notify you when your request to terminate has been granted and the Committee is no longer required to file reports with the Commission. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tamara Kapper

Tamara Kapper
Paralegal

cc: Reports Analysis Division

9404356525

RECEIVED
F.E.C.
SECRETARIAT
93 OCT 20 AM 9:42

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: #93L-40
STAFF MEMBER: Tamara Kapper

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

RESPONDENTS: Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on June 4, 1993. Attachment 1. The basis for the attached referral is the failure of the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, ("Hirschfeld Committee") to file five (5) forty-eight hour notifications ("48 Hour Notices") for contributions from the candidate, Abraham Hirschfeld, totaling $310,000. Specifically, the Hirschfeld Committee failed to file three (3) 48 Hour Notices for contributions, totaling $225,000, in connection with the 1992 Primary Election and two (2) 48 Hour Notices for contributions, totaling $85,000, in connection with the 1992 General Election.

Abraham Hirschfeld lost the 1992 Primary Election campaigning under the Democratic Party in the Fourteenth Congressional District in the State of New York with

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twenty-three percent (23%) of the vote. In addition, Mr. Hirschfeld also lost the the 1992 General Election campaigning under the Better Eastside Party with one point five percent (1.5%) of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

2 4 0 2 4 3 5 5 6 5 2 5 5 7

IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

10-19-93
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments:
1. Referral Materials
2. Factual and Legal Analysis
3. Proposed Conciliation Agreement

9404356552568

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS
COMMISSION SECRETARY

DATE: OCTOBER 25, 1993

SUBJECT: RAD REFERRAL #93L-40 - FIRST GENERAL COUNSEL'S REPORT DATED OCTOBER 19, 1993.

The above-captioned document was circulated to the Commission on Wednesday, October 20, 1993 at 11:00.

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

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

This matter will be placed on the meeting agenda for Tuesday, November 2, 1993.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	RAD Referral
Hirschfeld for Congress Citizens	)	#93L-40
Committee and Rosemary Singer, as	)	(MUR 3834)
treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on November 16, 1993, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions with respect to RAD Referral #93L-40:

1. Open a MUR.

2. Find reason to believe that the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the Factual and Legal Analysis, proposed conciliation agreement and the appropriate letter as recommended in the General Counsel's report dated October 19, 1993.

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

Attest:

11-17-93
Date

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

9404355520

FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

NOVEMBER 24, 1993

Rosemary Singer, Treasurer
Hirschfeld for Congress
Citizens Committee
415 Seventh Avenue, Suite 142
New York, NY 10001

RE: MUR 3834
Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer

Dear Ms. Singer:

On November 16, 1993, the Federal Election Commission found that there is reason to believe the Hirschfeld for Congress Citizens Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

9404355622611

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

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Tamara Kapper, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Abraham Hirschfeld

9404356502

FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

RESPONDENTS: Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer

MUR: 3834

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended, ("the Act") requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate, office sought, the date of receipt, the amount of the contribution and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

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The Act defines a "contribution" as any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(a). Further, the Act defines a "person" as an individual, partnership, committee, association, corporation, labor organization, any other organization or group of persons. 2 U.S.C. § 431(11).

The Primary Election in the state of New York was held on September 15, 1992. Pursuant to the Act, Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, ("Hirschfeld Committee") was required to notify the Commission, in writing, of all contributions of $1,000 or more received from August 27 through September 12, 1992, within 48 hours of their receipt. A review of the Hirschfeld Committee's 1992 October Quarterly Report identified three (3) contributions of $1,000 or more from the candidate: a $75,000 contribution received on September 3, 1992, a $50,000 contribution received on September 4, 1992, and a $100,000 contribution received on September 9, 1992, for a total of $225,000. The Hirschfeld Committee did not submit 48 Hour Notices for these contributions.

The General Election was held on November 3, 1992. Pursuant to the Act, the Hirschfeld Committee was required to notify the Commission, in writing, of all contributions of $1,000 or more received from October 15 through October 31, 1992, within 48 hours of their receipt. A review of the Hirschfeld Committee's 1992 30 Day Post-General Report

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identified two (2) contributions of $1,000 or more from the candidate: a $35,000 contribution received on October 22, 1992, and a $50,000 contribution received on October 29, 1992, for a total of $85,000. The Hirschfeld Committee did not submit 48 Hour Notices for these contributions. Therefore, there is reason to believe that the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report, within 48 hours of their receipt, campaign contributions of $1,000 or more which were received after the 20th day, but more than 48 hours before the primary and general elections.

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OGC 0559

Ira Postel
15 Penn Plaza
415 7th Avenue
Suite 150
New York, New York 10001
(212) 695-0386 Phone
(212) 695-0898 Fax

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December 2, 1993

Ms. Tamara Kapper
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Re: MUR 3834
Hirschfeld for Congress Citizens Committee
and Rosemary Singer, as treasurer

Dear Ms. Kapper:

Thank you for faxing to me the material attached to Chairman Thomas' letter of November 24, 1993.

I will be in touch with you next week after I have had an opportunity to review the material, as well as the records of the Hirschfeld Citizens Committee. To give you an idea of pressures under which the campaign was operating I am enclosing a copy of the decision of the United States Court of Appeals for the Second Circuit in the case of "Abraham Hirschfeld v. The Board of Elections of New York City", which more eloquently than I details the organized harassment Mr. Hirschfeld was subjected to.

I look forward to speaking with you soon.

Sincerely,

Ira Postel

Ira Postel

IP/lc

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1/25/93

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term, 1992

(Argued October 30, 1992 Decided October 30, 1992

Opinion Filed January 21, 1993)

Docket No. 92-9190

ABRAHAM J. HIRSCHFELD and WILLIAM M. VAN LUVENDER,

Plaintiffs-Appellees,

v.

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK AND KATHLEEN M. WAGNER, JEANNETTE GADSON, VINCENT J. CUTTITA, MARIA ECHAVESTE, FERDINAND C. MARCHI, ALICE SACHS, ANTHONY SADOWSKI, GEORGE M. SPANAKOS, GERTRUDE STROHM, VINCENT J. VELELLA, AS COMMISSIONERS OF THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK, AS MEMBERS OF, AND CONSTITUTING THE SAID BOARD OF ELECTIONS,

Defendants-Appellants.

B e f o r e: MESKILL, Chief Judge, WINTER, Circuit Judge, and RESTANI,* Judge.

Motion for a stay pending appeal and an expedited appeal of the order of the United States District Court for the Southern District of New York, Knapp, J., directing that the

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* Honorable Jane A. Restani of the United States Court of International Trade, sitting by designation.

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independent nominating petitions of plaintiff-appellee Abraham J. Hirschfeld be deemed valid.

Motions denied with double costs and $500 attorney's fees imposed upon defendant-appellant The Board of Elections in the City of New York.

FRED KOLIKOFF, Assistant Corporation Counsel, City of New York, New York City (O. Peter Sherwood, Corporation Counsel, Paul Marks, Assistant Corporation Counsel, City of New York, of counsel), for Appellants.

HERBERT RUBIN, New York City (Herzfeld & Rubin, New York City, of counsel), for Appellees.

MESKILL, Chief Judge:

This case involves motions for a stay and for an expedited appeal of an order and judgment of the United States District Court for the Southern District of New York, Knapp, J., directing defendant-appellant Board of Elections in the City of New York (Board of Elections) to deem valid the independent nominating petitions of plaintiff-appellee Abraham J. Hirschfeld, a candidate for the House of Representatives of the United States Congress. Hirschfeld claimed in the district court that the Board of Elections, by invalidating his nominating petitions and refusing to put his name on the ballot, had violated his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments to the United States Constitution. William M. Van

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Luvender, who had signed Hirschfeld's nominating petition, similarly claimed a violation of his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments. The district court granted Hirschfeld's requested relief on September 21, 1992, and judgment was entered on September 30, 1992. On October 28, 1992, six days before election day, the Board of Elections filed its notice of appeal and motions for a stay of the order pending appeal and for an expedited appeal. On October 30, 1992, we denied both motions by summary order and now sanction defendant-appellant Board of Elections for misuse of the judicial process.

BACKGROUND

On August 27, 1992, at approximately 11:40 p.m., Hirschfeld filed independent nominating petitions for his candidacy for United States Representative from the 14th Congressional District in the November 3, 1992 General Election. Before leaving the Board of Elections office, Hirschfeld asked the accepting clerk whether there were any further formalities expected of him, and he was told that there were none. On August 28, 1992, the Board of Elections mailed Hirschfeld a notice informing him that the last day to accept or decline the nomination was August 31, 1992. New York Election Law § 6-144 requires that Boards of Elections notify a candidate by mail forthwith of the last day to decline a nomination. New York

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Election Law § 1-106(1) provides that a candidate's failure to file timely a nomination acceptance is a "fatal defect." On September 1, 1992, Hirschfeld received the letter from the Board of Elections and on September 2, 1992, he filed an acceptance certificate.

The Board of Elections immediately ruled that Hirschfeld's nominating petitions were invalid because of his failure to file timely an acceptance. On September 4, 1992, Hirschfeld commenced a suit in the United States District Court for the Southern District of New York against the Board of Elections claiming that his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments to the United States Constitution had been violated by the Board of Elections' invalidation of his petitions. The Board of Elections moved on September 15, 1992 to dismiss the complaint for failure to state a claim upon which relief could be granted.

On September 21, 1992, the district court denied the motion to dismiss, conducted an evidentiary hearing, and granted the relief sought in Hirschfeld's complaint, directing the Board of Elections to place Hirschfeld on the November 3, 1992 ballot. The district court held that the application in this instance of the New York Election Law requirement of a certificate of acceptance for independent nominations for office was an unconstitutional burden on Hirschfeld's access to the ballot

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because he was not given an appropriate opportunity to file the certificate of acceptance. Hirschfeld v. Board of Elections, 799 F.Supp. 394, 395 (S.D.N.Y. 1992). Judgment was entered by the district court on September 30, 1992.

For the next four weeks, Hirschfeld spent money and time moving forward with his campaign, and the Board of Elections corresponded by letter with Hirschfeld concerning such matters as the spelling of his name on the ballot, all as if the September 30, 1992 judgment was to be the final disposition of the matter. On October 8, 1992, Hirschfeld's attorneys mailed a letter to the Board of Elections granting them permission to shorten Hirschfeld's name if necessary to fit it on the ballot. On October 9, 1992, Kathy King, general counsel to the Board of Elections, wrote back confirming the authorization to shorten Hirschfeld's name, stating:

> It is further acknowledged that, even though the Independent Nominating Petitions which placed Mr. Hirschfeld on the ballot were circulated under the name of "ABRAHAM J. HIRSCHFELD", Mr. Hirschfeld's petitions and/or candidacy will not be invalidated in the event that the name ABE HIRSCHFELD is used because of the aforementioned reasons.

On October 26, 1992, Hirschfeld's attorneys again corresponded with the Board of Elections, and in a letter dated October 27, 1992, the day before the Board of Elections filed its notice of appeal, King assured Hirschfeld's attorneys that "[t]he name of your client, Abraham J. Hirschfeld, will appear as 'ABRAHAM J. HIRSCHFELD' on the ballot for the General Election to be held on

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November 3, 1992, for the office of Representative in Congress from the 14th Congressional District."

On October 28, 1992, five weeks after the district court rendered its decision, nearly a month after the district court entered judgment and six days before the General Election, the Board of Elections filed a notice of appeal and a notice of motion seeking a stay of the order pending appeal and an expedited appeal.

Responding papers were received by us on October 29, 1992, and on October 30, 1992 we heard oral argument on the motions for stay and expedited appeal. After hearing from counsel for the Board of Elections, we denied the motions by summary order informing the parties that a published opinion would follow.

DISCUSSION

I

Rule 8(a) of the Federal Rules of Appellate Procedure specifies that an application for a stay of a judgment or order must generally be made first to the district court:

> Application for a stay of the judgment or order of a district court pending appeal . . . must ordinarily be made in the first instance in the district court. A motion for such relief may be made to the court of appeals or to a judge thereof, but the motion shall show that application to the district court for the relief sought is not practicable, or that the district court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the district court for its action.

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Fed. R. App. P. 8(a). The Board of Elections' motion papers give no explanation why the instant motion for a stay pending appeal was made in the first instance to this Court. No showing of impracticability of bringing such a motion in the district court was offered in briefs or oral argument. The Board of Elections has clearly made no effort to follow proper appellate procedure in their motion for a stay.

In addition to disregarding Rule 8, the Board of Elections waited until the Wednesday before the Tuesday of the General Election to file a notice of appeal, after having allowed the judgment below to stand for four weeks. This move was misleading at best. For a month the Board of Elections fostered Hirschfeld's expectation that the judgment would be the final determination of the matter by sending him letters confirming how his name would appear on the ballot, during which time Hirschfeld continued putting time and money into his campaign. At the time of the Board of Elections' motions, voting machines carrying Hirschfeld's name were being delivered or had already been delivered to the respective polling places, and absentee ballots had already been printed and distributed.

The Board of Elections' timing of the appeal and motion for a stay suggests that the Board was more interested in a delay that would keep Hirschfeld off the November 3 ballot than in a determination of the correctness of Judge Knapp's decision.[1] We received motion papers on Wednesday, October 28,

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received responding papers the next day, and heard argument on Friday, October 30. The General Election was two business days later. This is a misuse of the judicial process. Given the Board of Elections' willful disregard of Rule 8, the intervening communications of the parties and the misuse of the judicial process, the instant motions were denied without even examining this Court's standard for the granting of a stay. In the interest of completeness we will show why the Board of Elections was not entitled to a stay even if it had complied with Rule 8.

In this Circuit, four factors are considered before staying the actions of a lower court: (1) whether the movant will suffer irreparable injury absent a stay, (2) whether a party will suffer substantial injury if a stay is issued, (3) whether the movant has demonstrated "'a substantial possibility, although less than a likelihood, of success'" on appeal, and (4) the public interests that may be affected. Dubose v. Pierce, 761 F.2d 913, 920 (2d Cir. 1985) (citing Coleman v. Paccar, Inc., 424 U.S. 1301, 1305 (Rehnquist, Circuit Justice, 1976), and quoting Hayes v. City Univ. of New York, 503 F.Supp. 946, 963 (S.D.N.Y. 1980), aff'd on other grounds sub nom. Hayes v. Human Resources Admin., 648 F.2d 110 (2d Cir. 1981)), vacated on other grounds, 487 U.S. 1229 (1988); see also Hilton v. Braunskill, 481 U.S. 770, 776 (1987). Even if the Board of Elections had complied with Rule 8, a consideration of these factors clearly would weigh against the granting of the

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requested stay.

In Nassau Boulevard Shell Serv. Station v. Shell Oil Co., 869 F.2d 23 (2d Cir. 1989), we made clear, in the context of a franchisor/franchisee dispute, that we would not generally entertain willfully delayed eleventh hour motions for preliminary relief. "[P]reliminary relief should ordinarily not be granted in franchise disputes where the franchisee, having knowledge for weeks or months of the franchisor's intention to terminate, waits until the very eve of termination to seek such relief." Id. at 23. In Nassau Boulevard Shell the irreparable injury to the moving party which, in the absence of preliminary relief, would result, would be caused in large part by the moving party's own delay in bringing the action. In the case before us, the claimed irreparable injury to the Board of Elections if the stay was not granted was that Hirschfeld's name would appear on the November 3 ballot contrary to the decision of that Board.[2] The reason such alleged injury would be irreparable is the unlikelihood that there would be enough time for the appeal to be heard and decided before the General Election. Consequently, a decision on the motion for a stay would be the final decision of this Court before the underlying issue in dispute became moot. Thus the irreparability is a product of the moving party's own delay. "This is a delaying tactic that is inequitable to the [other party] and to the courts as well." Id. at 24; see also McNeil v. Springfield Park Dist., 656

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F.Supp. 1200 (C.D. Ill. 1987) (Motion for preliminary injunction seeking to enjoin Springfield Park District elections denied due to inexcusable delay. Original action was filed on January 20, 1987, however plaintiffs did not seek to enjoin the April 7, 1987 elections until March 9, 1987.). The Board of Elections' inexcusable delay in filing the motions here at issue severely undermines the Board's argument that absent a stay irreparable harm would result.

Had we issued the stay, the Board of Elections would have removed Hirschfeld's name from the ballots not already distributed and from the voting machines. Hirschfeld's name thus would not have appeared on all ballots, even though the validity of his candidacy almost certainly would have remained unresolved on election day. Given that Hirschfeld had a district court decision in his favor, he obviously would have been substantially injured by having his name removed from the ballot in advance of resolution of the appeal. Likewise, the public's interest in having Hirschfeld as an additional choice on the ballot clearly outweighed any interest the Board of Elections may have had in removing Hirschfeld's name two business days before the General Election.

Because we denied the motions for a stay pending appeal and for an expedited appeal on grounds of misuse of the judicial process including willful disregard of Rule 8 of the Federal Rules of Appellate Procedure, we did not have to

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consider whether this Court's standard for staying the actions of a lower court had been met. Nevertheless, it is clear that we could have denied the stay for failure to meet our standard, even without having considered the probability of success on the merits.

II

We impose double costs and $500 attorney's fees on the Board of Elections by reason of its bad faith conduct in this litigation.

According to the "American Rule" in courts in the United States "the prevailing litigant is ordinarily not entitled to collect a reasonable attorneys' fee from the loser." Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240, 247 (1975). Under the courts' inherent power to supervise and control their own proceedings, however, an exception to the American Rule exists which permits courts to impose reasonable attorney's fees against a losing party "when the losing party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons.'" Oliveri v. Thompson, 803 F.2d 1265, 1272 (2d Cir. 1986) (quoting F.D. Rich Co. v. United States ex rel. Indus. Lumber Co., 417 U.S. 116, 129 (1974)), cert. denied sub nom. County of Suffolk v. Graseck, 480 U.S. 918 (1987). "An inherent power award may be imposed either for commencing or for continuing an action in bad faith, vexatiously, wantonly, or for oppressive reasons. '"[B]ad faith" may be found, not only in

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the actions that led to the lawsuit, but also in the conduct of the litigation.'" Oliveri, 803 F.2d at 1272 (quoting Hall v. Cole, 412 U.S. 1, 15 (1973)). Under the law of this Circuit, "[a]n action is brought in bad faith when the claim is entirely without color and has been asserted wantonly, for purposes of harassment or delay, or for other improper reasons." Browning Debenture Holders' Comm. v. DASA Corp., 560 F.2d 1078, 1088 (2d Cir. 1977). This standard applies to litigation in the court of appeals as well as in the district court. In re Cosmopolitan Aviation Corp., 763 F.2d 507, 517 (2d Cir.) ("[W]here a losing litigant has acted vexatiously or in bad faith, it is within [this Court's] inherent powers to award attorneys' fees."), cert. denied sub nom. Rothman v. New York State Department of Transportation, 474 U.S. 1032 (1985).

The Board of Elections filed its motion for a stay pending appeal in complete disregard for Rule 8 of the Federal Rules of Appellate Procedure. The Board of Elections timed the eleventh hour notice of appeal and motion for a stay so that, if we had granted the stay, Hirschfeld's name would have been off the ballot and the timing of the appeal, even if expedited, would not allow enough time to restore his name to the ballot if we affirmed the district court decision. Additionally, the Board of Elections' claim of irreparable injury was meritless because any injury in the absence of the stay would be self-inflicted. For these reasons, the motion for a stay was

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"entirely without color" and was clearly made for "improper reasons," thus meeting the Browning Debenture Holders' "bad faith" test.

The United States Supreme Court has cautioned that "[l]ike other sanctions, attorney's fees certainly should not be assessed lightly or without fair notice and an opportunity for a hearing on the record." Roadway Express, Inc. v. Piper, 447 U.S. 752, 767 (1980). In his responding papers, Hirschfeld put the Board of Elections on clear notice that attorney's fees were being sought: "The motion should be denied, and costs, including attorneys' fees, should be assessed against defendants in light of the failure to comply with Rule 8 of the Federal Rules of Appellate Procedure and in light of the absence of any excuse for the delay in seeking the relief herein." Judge Winter made clear at the start of oral argument that sanctions would be imposed against the Board of Elections. Questioning from the bench was primarily directed at ascertaining who was responsible for bringing the motions, why Rule 8 had been ignored and why the motions were brought a week before the General Election. No satisfactory reason was offered for the violation of Rule 8 or for the delay in filing the motions. Counsel for the Board of Elections, in response to a direct question, conceded that he had been "ordered" by the Board to seek the stay. At the conclusion of oral argument, counsel for the Board of Elections was asked if he had anything else to add, to which he responded

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in the negative. Thus, the notice and hearing requirement of Roadway Express has been satisfied.

CONCLUSION

We impose double costs and attorney's fees of $500 on defendant-appellant Board of Elections. Given that the Board of Elections' appellate counsel was instructed by the Board to bring these motions, the sanctions should be paid by the client, the Board of Elections.

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FOOTNOTES

1. At oral argument, the Board of Elections offered no explanation for its delay in filing the notice of appeal except that it was examining the merits of the appeal up until the time of filing. The Board of Elections adamantly states in its motion papers and oral argument, however, that precedent exists which is directly on point and which "clearly" establishes the merits of the appeal.

2. At oral argument, counsel for the Board of Elections stated that the Board of Elections would not itself be irreparably harmed but that "the Board's interests in a proper election" would be harmed.

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Ira Postel
45 Penn Plaza
445 7th Avenue
Suite 150
New York, New York 10001
(212) 695-0386 Phone
(212) 695-0898 Fax

December 10, 1993

RECEIVED
FEDERAL ELECTION COMMISSION
93 DEC 15 AM 9:45

Ms. Tamara Kapper
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3834
Hirschfeld for Congress Citizens Committee
and Rosemary Singer, as Treasurer

Dear Ms. Kapper:

Please be advised that the Hirschfeld for Congress Citizens Committee has moved. The new address is

415 Seventh Avenue
Suite 150
New York, New York 10001

Thank you for your courtesy and cooperation in this matter.

Sincerely,

Ira Postel

Ira Postel

IP/lc

Congress

CC: Rosemary Singer, Treasurer

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Ira Postel
15 Penn Plaza
415 7th Avenue
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(212) 695-0386 Phone
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December 16, 1993

Ms. Tamara Kapper
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Mur 3834
Hirschfeld for Congress Citizens Committee
and Rosemary Singer, as Treasurer

Dear Ms. Kapper:

In accordance with our telephone conversation of December 7, 1993 I am setting forth the facts and mitigating circumstances concerning the "Hirschfeld for Congress Citizens Committee" (the "Committee") failure to properly comply with the reporting provisions of the Federal Election Campaign Act of 1971, (the "Act") and, in particular Section 434 (a) (6) (a) of the Act.

To put this matter in its proper prospective I believe it is essential that I detail Mr. Hirschfeld's background.

Abe Hirschfeld was born in Poland in 1919. In 1934 his father foreseeing the impending Nazi Holocaust moved the family to Israel. Mr. Hirschfeld never finished sixth grade. While in Israel Mr. Hirschfeld worked in an orange grove, an automobile assembly plant, a brass and iron foundry, a lathe mill and tool workshop, and as a construction worker.

He then opened his own manufacturing plant making pots from wrecked airplanes and ammunition from steel rods. He also served in the Haganah, the forerunner of today's Israel Defense Forces.

In 1950 Mr. Hirschfeld, along with his wife and two children, moved to New York City and soon thereafter became naturalized American citizens.

Mr. Hirschfeld has been an active builder and real estate developer since 1956. Among his accomplishments have been the extensive rehabilitation of residential properties in historic New York neighborhoods suchas Murray Hill and Gramercy Park. He was the co-developer of the first large commercial office building constructed on Park Avenue in 1978 and the Chemical Bank Building at 277 Park Avenue. Mr. Hirschfeld is the originator of the open air parking garage and has built more than twenty such structures including the Yankee Stadium Parking Garage.

In the spring of 1992 Mr. Hirschfeld decided to run for Congress. From the outset all steps were taken by the political establishment to prevent Mr. Hirschfeld from getting on the ballot. The process for collecting signatures to obtain a place on the ballot, in New York State is, to say the least, archaic. Once a candidate obtains the requisite number of signatures and they are validated by the Board of Elections the ease with which the law permits a challenge to signatures is incredible.

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The purpose of a challenge to the signature is to cost the candidate money and divert his attention from the campaign. This is exactly what happended to Mr. Hirschfeld during his Congressional campaign.

The candidate supported by the regular democratic organization mounted a challenge to Mr. Hirschfeld's Petitions which necessitated a signature by signature inspection of each person signing a Hirschfeld nominating petition. This challenge while successfully defended lasted till right before the Primary Election.

While these challenges were being defended, a campaign was being conducted. It must be remembered that the Hirschfeld Campaign was a total in house operation. By that I mean, the entire campaign was directed, managed and run by Mr. Hirschfeld and the employees of Hirschfeld Realty. The campaign manager, Mr. Frank Ceo, was a former Hirschfeld business associate. The committee treasurer, Rosemary Singer is Mr. Hirschfeld's Executive Assistant, who devotes the majority of her time to the business of Hirschfeld Realty. The campaign was financed by Mr. Hirschfeld from his personal funds. The FEC filings required by the Act were prepared by the Hirschfeld Realty bookkeeping department.

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Mr. Ceo, while required to be familiar with the FEC and its requirements, had little actual experience and knowledge in complying with the Acts reporting provisions. It was under this structure that the violations to the Act occurred. Mr. Hirschfeld fully believed that he had the opportunity to be successful and he undertook to finance the Campaign. We at the campaign did not know that there was a 48 hour filing requirement. We knew of the regular filing requirement and those filings were always timely made. There was never a conscious program to avoid the 48 hour filing requirement of the Act so soon before the September primary.

The situation surrounding the FEC violations which occurred prior to the General Election is one of the most glaring examples of harasssment of candidate organized by the very State governmental agency charged with policing the electorial process. After losing the primary Mr. Hirschfeld attempted to gain a place on the Ballot as an independent candidate. To do so he had to once again obtain signatures for nominating petitions. Again, Mr. Hirschfeld obtained the requisite number of signatures. What happend thereafter and the perversion of the system is most eloquently depicted by the opion of the United States Court of Appeals for the Second Circuit in the matter of Abraham Hirschfeld v. The Board of Elections of New York City.

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A copy of the decision is being furnished to the commission because paraphrasing it would be an injustice. We are also enclosing a copy of a news acticle from the New York Times of December 16, 1993 concerning the activities of the New York City Board of Elections which we believe relevant to this matter.

It was during this fight for survival depicted by the Court that Mr. Hirschfeld made the final advances to the campaign that resulted in the second violation of the Act.

As we stated above, there was never an intent on behalf of the Committee to violate the Act or withhold proper filing from the Commission. Indeed, the commission discovered the violations from any investigations of the Committee, but, on the contrary, from the reports filed by the Committee in the ordinary course of business. In actuality, these are minor violations of the Act.

Under the circumstances set forth in this submission, it is respectfully suggested that the fine herein be waived, or, the Committee be assessed with a nominal fine.

Very truly yours,

Ira Postel

Ira Postel

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1/25/93

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term, 1992

(Argued October 30, 1992 Decided October 30, 1992

Opinion Filed January 21, 1993)

Docket No. 92-9190

ABRAHAM J. HIRSCHFELD and WILLIAM M. VAN LUVENDER,

Plaintiffs-Appellees,

v.

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK AND KATHLEEN M. WAGNER, JEANNETTE GADSON, VINCENT J. CUTTITA, MARIA ECHAVESTE, FERDINAND C. MARCHI, ALICE SACHS, ANTHONY SADOWSKI, GEORGE M. SPANAKOS, GERTRUDE STROHM, VINCENT J. VELELLA, AS COMMISSIONERS OF THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK, AS MEMBERS OF, AND CONSTITUTING THE SAID BOARD OF ELECTIONS,

Defendants-Appellants.

B e f o r e: MESKILL, Chief Judge, WINTER, Circuit Judge, and RESTANI,* Judge.

Motion for a stay pending appeal and an expedited appeal of the order of the United States District Court for the Southern District of New York, Knapp, J., directing that the

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* Honorable Jane A. Restani of the United States Court of International Trade, sitting by designation.

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independent nominating petitions of plaintiff-appellee Abraham J. Hirschfeld be deemed valid.

Motions denied with double costs and $500 attorney's fees imposed upon defendant-appellant The Board of Elections in the City of New York.

FRED KOLIKOFF, Assistant Corporation Counsel, City of New York, New York City (O. Peter Sherwood, Corporation Counsel, Paul Marks, Assistant Corporation Counsel, City of New York, of counsel), for Appellants.

HERBERT RUBIN, New York City (Herzfeld & Rubin, New York City, of counsel), for Appellees.

MESKILL, Chief Judge:

This case involves motions for a stay and for an expedited appeal of an order and judgment of the United States District Court for the Southern District of New York, Knapp, J., directing defendant-appellant Board of Elections in the City of New York (Board of Elections) to deem valid the independent nominating petitions of plaintiff-appellee Abraham J. Hirschfeld, a candidate for the House of Representatives of the United States Congress. Hirschfeld claimed in the district court that the Board of Elections, by invalidating his nominating petitions and refusing to put his name on the ballot, had violated his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments to the United States Constitution. William M. Van

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Luvender, who had signed Hirschfeld's nominating petition, similarly claimed a violation of his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments. The district court granted Hirschfeld's requested relief on September 21, 1992, and judgment was entered on September 30, 1992. On October 28, 1992, six days before election day, the Board of Elections filed its notice of appeal and motions for a stay of the order pending appeal and for an expedited appeal. On October 30, 1992, we denied both motions by summary order and now sanction defendant-appellant Board of Elections for misuse of the judicial process.

BACKGROUND

On August 27, 1992, at approximately 11:40 p.m., Hirschfeld filed independent nominating petitions for his candidacy for United States Representative from the 14th Congressional District in the November 3, 1992 General Election. Before leaving the Board of Elections office, Hirschfeld asked the accepting clerk whether there were any further formalities expected of him, and he was told that there were none. On August 28, 1992, the Board of Elections mailed Hirschfeld a notice informing him that the last day to accept or decline the nomination was August 31, 1992. New York Election Law § 6-144 requires that Boards of Elections notify a candidate by mail forthwith of the last day to decline a nomination. New York

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Election Law § 1-106(1) provides that a candidate's failure to file timely a nomination acceptance is a "fatal defect." On September 1, 1992, Hirschfeld received the letter from the Board of Elections and on September 2, 1992, he filed an acceptance certificate.

The Board of Elections immediately ruled that Hirschfeld's nominating petitions were invalid because of his failure to file timely an acceptance. On September 4, 1992, Hirschfeld commenced a suit in the United States District Court for the Southern District of New York against the Board of Elections claiming that his civil rights under 42 U.S.C. § 1983 and his rights to due process and equal protection under the First and Fourteenth Amendments to the United States Constitution had been violated by the Board of Elections' invalidation of his petitions. The Board of Elections moved on September 15, 1992 to dismiss the complaint for failure to state a claim upon which relief could be granted.

On September 21, 1992, the district court denied the motion to dismiss, conducted an evidentiary hearing, and granted the relief sought in Hirschfeld's complaint, directing the Board of Elections to place Hirschfeld on the November 3, 1992 ballot. The district court held that the application in this instance of the New York Election Law requirement of a certificate of acceptance for independent nominations for office was an unconstitutional burden on Hirschfeld's access to the ballot

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because he was not given an appropriate opportunity to file the certificate of acceptance. Hirschfeld v. Board of Elections, 799 F.Supp. 394, 395 (S.D.N.Y. 1992). Judgment was entered by the district court on September 30, 1992.

For the next four weeks, Hirschfeld spent money and time moving forward with his campaign, and the Board of Elections corresponded by letter with Hirschfeld concerning such matters as the spelling of his name on the ballot, all as if the September 30, 1992 judgment was to be the final disposition of the matter. On October 8, 1992, Hirschfeld's attorneys mailed a letter to the Board of Elections granting them permission to shorten Hirschfeld's name if necessary to fit it on the ballot. On October 9, 1992, Kathy King, general counsel to the Board of Elections, wrote back confirming the authorization to shorten Hirschfeld's name, stating:

> It is further acknowledged that, even though the Independent Nominating Petitions which placed Mr. Hirschfeld on the ballot were circulated under the name of "ABRAHAM J. HIRSCHFELD", Mr. Hirschfeld's petitions and/or candidacy will not be invalidated in the event that the name ABE HIRSCHFELD is used because of the aforementioned reasons.

On October 26, 1992, Hirschfeld's attorneys again corresponded with the Board of Elections, and in a letter dated October 27, 1992, the day before the Board of Elections filed its notice of appeal, King assured Hirschfeld's attorneys that "[t]he name of your client, Abraham J. Hirschfeld, will appear as 'ABRAHAM J. HIRSCHFELD' on the ballot for the General Election to be held on

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November 3, 1992, for the office of Representative in Congress from the 14th Congressional District."

On October 28, 1992, five weeks after the district court rendered its decision, nearly a month after the district court entered judgment and six days before the General Election, the Board of Elections filed a notice of appeal and a notice of motion seeking a stay of the order pending appeal and an expedited appeal.

Responding papers were received by us on October 29, 1992, and on October 30, 1992 we heard oral argument on the motions for stay and expedited appeal. After hearing from counsel for the Board of Elections, we denied the motions by summary order informing the parties that a published opinion would follow.

DISCUSSION

I

Rule 8(a) of the Federal Rules of Appellate Procedure specifies that an application for a stay of a judgment or order must generally be made first to the district court:

> Application for a stay of the judgment or order of a district court pending appeal . . . must ordinarily be made in the first instance in the district court. A motion for such relief may be made to the court of appeals or to a judge thereof, but the motion shall show that application to the district court for the relief sought is not practicable, or that the district court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the district court for its action.

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Fed. R. App. P. 8(a). The Board of Elections' motion papers give no explanation why the instant motion for a stay pending appeal was made in the first instance to this Court. No showing of impracticability of bringing such a motion in the district court was offered in briefs or oral argument. The Board of Elections has clearly made no effort to follow proper appellate procedure in their motion for a stay.

In addition to disregarding Rule 8, the Board of Elections waited until the Wednesday before the Tuesday of the General Election to file a notice of appeal, after having allowed the judgment below to stand for four weeks. This move was misleading at best. For a month the Board of Elections fostered Hirschfeld's expectation that the judgment would be the final determination of the matter by sending him letters confirming how his name would appear on the ballot, during which time Hirschfeld continued putting time and money into his campaign. At the time of the Board of Elections' motions, voting machines carrying Hirschfeld's name were being delivered or had already been delivered to the respective polling places, and absentee ballots had already been printed and distributed.

The Board of Elections' timing of the appeal and motion for a stay suggests that the Board was more interested in a delay that would keep Hirschfeld off the November 3 ballot than in a determination of the correctness of Judge Knapp's decision.[1] We received motion papers on Wednesday, October 28,

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received responding papers the next day, and heard argument on Friday, October 30. The General Election was two business days later. This is a misuse of the judicial process. Given the Board of Elections' willful disregard of Rule 8, the intervening communications of the parties and the misuse of the judicial process, the instant motions were denied without even examining this Court's standard for the granting of a stay. In the interest of completeness we will show why the Board of Elections was not entitled to a stay even if it had complied with Rule 8.

In this Circuit, four factors are considered before staying the actions of a lower court: (1) whether the movant will suffer irreparable injury absent a stay, (2) whether a party will suffer substantial injury if a stay is issued, (3) whether the movant has demonstrated "'a substantial possibility, although less than a likelihood, of success'" on appeal, and (4) the public interests that may be affected. Dubose v. Pierce, 761 F.2d 913, 920 (2d Cir. 1985) (citing Coleman v. Paccar, Inc., 424 U.S. 1301, 1305 (Rehnquist, Circuit Justice, 1976), and quoting Hayes v. City Univ. of New York, 503 F.Supp. 946, 963 (S.D.N.Y. 1980), aff'd on other grounds sub nom. Hayes v. Human Resources Admin., 648 F.2d 110 (2d Cir. 1981)), vacated on other grounds, 487 U.S. 1229 (1988); see also Hilton v. Braunskill, 481 U.S. 770, 776 (1987). Even if the Board of Elections had complied with Rule 8, a consideration of these factors clearly would weigh against the granting of the

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requested stay.

In Nassau Boulevard Shell Serv. Station v. Shell Oil Co., 869 F.2d 23 (2d Cir. 1989), we made clear, in the context of a franchisor/franchisee dispute, that we would not generally entertain willfully delayed eleventh hour motions for preliminary relief. "[P]reliminary relief should ordinarily not be granted in franchise disputes where the franchisee, having knowledge for weeks or months of the franchisor's intention to terminate, waits until the very eve of termination to seek such relief." Id. at 23. In Nassau Boulevard Shell the irreparable injury to the moving party which, in the absence of preliminary relief, would result, would be caused in large part by the moving party's own delay in bringing the action. In the case before us, the claimed irreparable injury to the Board of Elections if the stay was not granted was that Hirschfeld's name would appear on the November 3 ballot contrary to the decision of that Board.[2] The reason such alleged injury would be irreparable is the unlikelihood that there would be enough time for the appeal to be heard and decided before the General Election. Consequently, a decision on the motion for a stay would be the final decision of this Court before the underlying issue in dispute became moot. Thus the irreparability is a product of the moving party's own delay. "This is a delaying tactic that is inequitable to the [other party] and to the courts as well." Id. at 24; see also McNeil v. Springfield Park Dist., 656

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F.Supp. 1200 (C.D. Ill. 1987) (Motion for preliminary injunction seeking to enjoin Springfield Park District elections denied due to inexcusable delay. Original action was filed on January 20, 1987, however plaintiffs did not seek to enjoin the April 7, 1987 elections until March 9, 1987.). The Board of Elections' inexcusable delay in filing the motions here at issue severely undermines the Board's argument that absent a stay irreparable harm would result.

Had we issued the stay, the Board of Elections would have removed Hirschfeld's name from the ballots not already distributed and from the voting machines. Hirschfeld's name thus would not have appeared on all ballots, even though the validity of his candidacy almost certainly would have remained unresolved on election day. Given that Hirschfeld had a district court decision in his favor, he obviously would have been substantially injured by having his name removed from the ballot in advance of resolution of the appeal. Likewise, the public's interest in having Hirschfeld as an additional choice on the ballot clearly outweighed any interest the Board of Elections may have had in removing Hirschfeld's name two business days before the General Election.

Because we denied the motions for a stay pending appeal and for an expedited appeal on grounds of misuse of the judicial process including willful disregard of Rule 8 of the Federal Rules of Appellate Procedure, we did not have to

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consider whether this Court's standard for staying the actions of a lower court had been met. Nevertheless, it is clear that we could have denied the stay for failure to meet our standard, even without having considered the probability of success on the merits.

II

We impose double costs and $500 attorney's fees on the Board of Elections by reason of its bad faith conduct in this litigation.

According to the "American Rule" in courts in the United States "the prevailing litigant is ordinarily not entitled to collect a reasonable attorneys' fee from the loser." Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240, 247 (1975). Under the courts' inherent power to supervise and control their own proceedings, however, an exception to the American Rule exists which permits courts to impose reasonable attorney's fees against a losing party "when the losing party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons.'" Oliveri v. Thompson, 803 F.2d 1265, 1272 (2d Cir. 1986) (quoting F.D. Rich Co. v. United States ex rel. Indus. Lumber Co., 417 U.S. 116, 129 (1974)), cert. denied sub nom. County of Suffolk v. Graseck, 480 U.S. 918 (1987). "An inherent power award may be imposed either for commencing or for continuing an action in bad faith, vexatiously, wantonly, or for oppressive reasons. '"[B]ad faith" may be found, not only in

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the actions that led to the lawsuit, but also in the conduct of the litigation.'" Oliveri, 803 F.2d at 1272 (quoting Hall v. Cole, 412 U.S. 1, 15 (1973)). Under the law of this Circuit, "[a]n action is brought in bad faith when the claim is entirely without color and has been asserted wantonly, for purposes of harassment or delay, or for other improper reasons." Browning Debenture Holders' Comm. v. DASA Corp., 560 F.2d 1078, 1088 (2d Cir. 1977). This standard applies to litigation in the court of appeals as well as in the district court. In re Cosmopolitan Aviation Corp., 763 F.2d 507, 517 (2d Cir.) ("[W]here a losing litigant has acted vexatiously or in bad faith, it is within [this Court's] inherent powers to award attorneys' fees."), cert. denied sub nom. Rothman v. New York State Department of Transportation, 474 U.S. 1032 (1985).

The Board of Elections filed its motion for a stay pending appeal in complete disregard for Rule 8 of the Federal Rules of Appellate Procedure. The Board of Elections timed the eleventh hour notice of appeal and motion for a stay so that, if we had granted the stay, Hirschfeld's name would have been off the ballot and the timing of the appeal, even if expedited, would not allow enough time to restore his name to the ballot if we affirmed the district court decision. Additionally, the Board of Elections' claim of irreparable injury was meritless because any injury in the absence of the stay would be self-inflicted. For these reasons, the motion for a stay was

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"entirely without color" and was clearly made for "improper reasons," thus meeting the Browning Debenture Holders' "bad faith" test.

The United States Supreme Court has cautioned that "[l]ike other sanctions, attorney's fees certainly should not be assessed lightly or without fair notice and an opportunity for a hearing on the record." Roadway Express, Inc. v. Piper, 447 U.S. 752, 767 (1980). In his responding papers, Hirschfeld put the Board of Elections on clear notice that attorney's fees were being sought: "The motion should be denied, and costs, including attorneys' fees, should be assessed against defendants in light of the failure to comply with Rule 8 of the Federal Rules of Appellate Procedure and in light of the absence of any excuse for the delay in seeking the relief herein." Judge Winter made clear at the start of oral argument that sanctions would be imposed against the Board of Elections. Questioning from the bench was primarily directed at ascertaining who was responsible for bringing the motions, why Rule 8 had been ignored and why the motions were brought a week before the General Election. No satisfactory reason was offered for the violation of Rule 8 or for the delay in filing the motions. Counsel for the Board of Elections, in response to a direct question, conceded that he had been "ordered" by the Board to seek the stay. At the conclusion of oral argument, counsel for the Board of Elections was asked if he had anything else to add, to which he responded

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in the negative. Thus, the notice and hearing requirement of Roadway Express has been satisfied.

CONCLUSION

We impose double costs and attorney's fees of $500 on defendant-appellant Board of Elections. Given that the Board of Elections' appellate counsel was instructed by the Board to bring these motions, the sanctions should be paid by the client, the Board of Elections.

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FOOTNOTES

1. At oral argument, the Board of Elections offered no explanation for its delay in filing the notice of appeal except that it was examining the merits of the appeal up until the time of filing. The Board of Elections adamantly states in its motion papers and oral argument, however, that precedent exists which is directly on point and which "clearly" establishes the merits of the appeal.

2. At oral argument, counsel for the Board of Elections stated that the Board of Elections would not itself be irreparably harmed but that "the Board's interests in a proper election" would be harmed.

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NEW YORK TIMES **METRO** THURSDAY, DECEMBER 16, 1993

Report Assails Board of Elections on Schoo

By SAM DILLON

Announcing the results of a 10-month inquiry yesterday, the New York City school system's top investigator accused the Board of Elections of "gross mismanagement" of the city's community school board elections in May and called for a sweeping overhaul of the process.

Edward F. Stancik, special commissioner of investigation for the New York City school district, detailed several instances of petition fraud, political coercion exercised by school officials, and other campaign and Election Day wrongdoing, as well as one case of outright ballot-stuffing in the Bronx.

"We found widespread fraud and corruption as well as administrative mismanagement in many areas of the election process," Mr. Stancik said. "The problem is that the Board of Elections just does not treat these elections seriously."

In no case, however, did the investigation find that fraud or corruption had affected the outcome of an election, he said.

Report Is Disputed

Daniel DeFrancesco, executive director of the Board of Elections, disputed the report's findings. "The idea that we don't take these elections seriously is really unfounded," Mr. DeFrancesco said. "We pride ourselves on the conduct of any election we run. I think this report is based on hearsay and a lot of he-said and she-said kind of stuff."

Mr. Stancik turned over evidence of what he said were at least eight election-related crimes to Federal and state prosecutors, and he recommended that a Brooklyn principal, a Bronx school board member and a Bronx district administrator be removed from their posts. Schools Chancellor Ramon C. Cortines responded by immediately ordering local school boards to discipline the three educators.

"The behavior detailed in the report is extremely disturbing and cannot be tolerated," Mr. Cortines said in a statement. "I have directed the boards to take immediate disciplinary action and indicated to them that, if necessary, I am prepared to exercise my authority under the law."

Job Prospects as Motive

The three educators were Stuart Pessner, principal of Public School 100 in District 21 in Brooklyn, accused of coercing most of the school's teachers into participating in the campaign and of sexually harassing some of them; James Sullivan, director of pupil personnel for District 10 in the Bronx, accused of orchestrating a ballot-stuffing scheme, and Benjamin Ramos, a school board member in District 9 in the Bronx, accused of falsely claiming Bronx residency.

Mayor David N. Dinkins issued a statement yesterday calling Mr. Stancik's report "deeply disturbing."

At stake in the May 4 elections were the 288 seats on the city's 32 nine-member community school boards, whose members set policy for the city's 850 elementary and junior high schools. The major findings of fraud occurred in six districts, Bronx Districts 8, 9, 10 and 12, Brooklyn District 21 and Manhattan District 1. Mr. Stancik said the common motivation for the fraud appeared to be the prospects of local jobs in the districts, whose budgets range from $80 million to $125 million each, rather than differing philosophies about education.

Mr. Stancik's report also accused the Board of Elections of "gross mismanagement" for failing to plan properly for the elections, train election inspectors, mark sample ballots adequately and suppress polling site politicking on Election Day.

In perhaps the most egregious incident involving the Board of Elections leadership, Mr. Stancik's report quotes from a conversation taped by an undercover investigator that suggests that Vincent J. Velella, one of the board's 10 commissioners, intervened to restore four Bronx school board candidates to the ballot after they had been disqualified because they lacked the necessary 200 signatures on their nominating petitions. The report suggests that Mr. Velella acted after receiving a call on behalf of the candidates from his son, state Senator Guy J. Velella.

An inquiry finds no election result was affected by fraud.

The report acknowledges that Mr. Stancik's investigators were unable to prove any wrongdoing in the incident, but concludes "that the integrity of the entire process is suspect." Both Vincent J. Velella and his son, speaking yesterday in separate phone interviews, denied involvement in any wrongdoing.

"This guy Stancik is looking for publicity," Vincent J. Velella said. "He's a biased individual who's trying to crucify me because my son is a

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

7/22/94

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
JUL 25 10 06 AM '94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: **Rosa Swinton**
Accounting Technician

SUBJECt: **Account Determination for Funds Received**

We recently received a check from Abraham Hirschfeld, check number 6521, dated 7/20/94, and in the amount of $5,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

==========

TO: Rosa Swinton
Accounting Technician

FROM: OGC, Docket

In reference to the above check in the amount of $5000.00, the MUR number is 3534 and in the name of Hirschfeld for Congress. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Tom Stevenson
Signature

7-26-94
Date

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ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

6921

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7/20 19 94

PAY TO THE ORDER OF Federal Election Commission $ 5000 00/100

THE SUM 5000 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR

⑈006921⑈ ⑆021000089⑆ 400 3724180⑈

FEDERAL ELECTION COMMISSION
AUG 1 12 25 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3834
Hirschfeld for Congress	)	
Citizens Committee and	)	
Rosemary Singer, as treasurer	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On November 16, 1993, the Federal Election Commission ("Commission") found reason to believe that the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer ("Hirschfeld Committee") violated 2 U.S.C. § 434(a)(6)(A) for the failure to file forty-eight hour notifications ("48 Hour Notices") for five (5) contributions from the candidate, Abraham Hirschfeld, totaling $310,000. The Commission determined to enter into conciliation prior to a finding of probable cause to believe and approved a proposed conciliation agreement

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Therefore, in light of the particular circumstances of this case, this Office recommends that the Commission approve the attached counterproposal submitted by Respondents.

III. RECOMMENDATIONS

1. Approve the counterproposal submitted by the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer.

2. Close the file in this matter.

3. Send the appropriate letter.

Lawrence M. Noble
General Counsel

7/29/94
Date

BY: Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3834
Hirschfeld for Congress	)	
Citizens Committee and	)	
Rosemary Singer, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 9, 1994, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3834:

1. Approve the counterproposal submitted by the Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer.

2. Close the file in this matter.

3. Send the appropriate letter.

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

Attest:

8-10-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

AUGUST 16, 1994

Rosemary Singer, Treasurer
Hirschfeld for Congress Citizens
Committee
415 7th Avenue, Suite 150
New York, NY 10001

RE: MUR 3834
Hirschfeld for Congress Citizens
Committee and Rosemary Singer, as
treasurer

Dear Ms. Singer:

On August 9, 1994, the Federal Election Commission accepted the signed counterproposal that you submitted in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

However, in light of the unusual mitigating circumstances that you presented, the Federal Election Commission has accepted your counterproposal and closed the file in this matter.

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

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the first installment payment of the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Tamara Kapper

Tamara Kapper
Paralegal

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF
GC

Jul 28

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3834
Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Hirschfeld for Congress Citizens Committee and Rosemary Singer, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6)(A).

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

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

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

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

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

1. Hirschfeld for Congress Citizens Committee is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal campaign committee for Abraham Hirschfeld's 1992 congressional campaign.

2. Rosemary Singer is the treasurer of Hirschfeld for Congress Citizens Committee.

3. The Federal Election Campaign Act of 1971, as amended, ("the Act") requires principal campaign committees of candidates for federal office to notify, in writing, either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

4. Pursuant to 2 U.S.C. § 431(8)(a), a "contribution" is defined as any gift, subscription, loan, advance, or deposit of

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money or anything of value made by any person for the purpose of influencing any election for Federal office.

5. The Act defines a "person" as an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons. 2 U.S.C. § 431(11).

6. Pursuant to 2 U.S.C. § 431(13), the "identification" of an individual includes disclosing the name, mailing address and occupation of each individual, as well as the name of his or her employer; in the case of any other person, the full name and mailing address must be disclosed.

7. Respondents received three (3) contributions from the candidate, Abraham Hirschfeld, totaling $225,000 which were received after the 20th day, but more than 48 hours before the 1992 Primary Election.

8. Respondents received two (2) contributions from the candidate, Abraham Hirschfeld, totaling $85,000 which were received after the 20th day, but more than 48 hours before the 1992 General Election.

9. On the 1992 October Quarterly Report, Respondents disclosed the receipt on September 3, 1992, of a $75,000 contribution from the candidate, Abraham Hirschfeld. Respondents were required to file a 48 Hour Notice no later than September 5, 1992.

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10. On the 1992 October Quarterly Report, Respondents disclosed the receipt on September 4, 1992, of a $50,000 contribution from the candidate, Abraham Hirschfeld. Respondents were required to file a 48 Hour Notice no later than September 6, 1992.

11. On the 1992 October Quarterly Report, Respondents disclosed the receipt on September 9, 1992, of a $100,000 contribution from the candidate, Abraham Hirschfeld. Respondents were required to file a 48 Hour Notice no later than September 11, 1992.

12. On the 1992 30 Day Post-General Report, Respondents disclosed the receipt on October 22, 1992, of a $35,000 contribution from the candidate, Abraham Hirschfeld. Respondents were required to file a 48 Hour Notice no later than October 24, 1992.

13. On the 1992 30 Day Post-General Report, Respondents disclosed the receipt on October 29, 1992, of a $50,000 contribution from the candidate, Abraham Hirschfeld. Respondents were required to file a 48 Hour Notice no later than October 31, 1992.

14. Respondents did not submit 48 Hour Notices for any of the contributions described in section IV, paragraphs 9 through 13.

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15. None of the primary election contributions, listed in section IV, paragraphs 9 through 11 above, was disclosed until the Hirschfeld Committee filed its 1992 October Quarterly Report with the Commission on October 3, 1992.

16. Neither of the general election contributions, listed in section IV, paragraphs 12 and 13 above, was disclosed until the Hirschfeld Committee filed its 1992 30 Day Post-General Report with the Commission on December 3, 1992.

V. Respondents failed to report campaign contributions of $1,000 or more received after the 20th day, but more than 48 hours before the primary and general elections, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twenty thousand dollars ($20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. The initial payment of $5,000 shall be paid with the submission of Respondents' signed Conciliation Agreement;

2. Thereafter, beginning thirty (30) days after the date on which the Conciliation Agreement is fully executed, twelve (12) consecutive monthly installment payments of $1,250 each are due; and

3. Each such payment shall be paid no later than thirty (30) days after the due date of the previous payment.

9 4 0 4 3 5 6 5 3 1 6

4. In the event that any payment is not received by the Commission within five (5) days of the date it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no

9404355653317

other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: _____ 8/15/94
Lois G. Lerner
Associate General Counsel
Date

FOR THE RESPONDENTS:

Rosemary Frazier
(Name)
(Position) Treasurer

July 27, 1994
Date

2404656318

IRA POSTEL
15 PENN PLAZA - SUITE 150
NEW YORK, N.Y. 10001
Telephone (212) 695-3883
Fax (212) 695-0898

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 18 9 28 AM '94

August 15, 1994

Ms. Tamara K. Kapper
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MYR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, Treasurer

Dear Ms. Kapper:

Enclosed herewith please find Mr. Hirschfeld's check in the amount of $1,250.00 in payment of the first installment due on August 22, 1994.

Thank you for your courtesy and cooperation in this matter.

Sincerely,

Ira Postel

/lc
enc.

elect

9404356519

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

8/18/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 6965, dated 8/12/94, and in the amount of $ 1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfield for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

8-18-94
Date

9404356520

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

6965

1-8/210
937

8/12 1994

PAY TO THE ORDER OF Federal Election Commission $ 1250/00

THE SUM 1250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR Aug 94 - Payment

⑈006965⑈ ⑆021000089⑆ 400 3724680 6⑈

9 4 0 4 3 5 6 5 3 2 1

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 3834

DATE FILMED 9-13-94 CAMERA NO. 2

CAMERAMAN JMN

9404356532 2

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

Date: 9/15/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

94043585094

FEDERAL ELECTION COMMISSION
Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 202-219-4155 Toll Free 800-424-9530

9404358509 5

FOR IMMEDIATE RELEASE:
SEPTEMBER 15, 1994

CONTACT: KELLY HUFF
RON HARRIS
SHARON SNYDER
IAN STIRTON

FEC RELEASES FIVE COMPLIANCE CASES

WASHINGTON -- The Federal Election Commission has made public its final action on five matters previously under review (MURs). This release contains only summary information. Closed files should be thoroughly read for details, including the FEC's legal analysis of the case. (Please see footnote at the end of this release.) Closed MUR files are available in the Public Records Office. They are as follows:

MUR NO.

1. **MUR 3102**

RESPONDENTS:
(a) AIDS Coalition to Unleash Power (ACT UP/District of Columbia) (DC)
(b) AIDS Coalition to Unleash Power (ACT UP/San Francisco) (CA)
(c) Dallas Gay Alliance (TX)
(d) Tarrant County Gay Alliance (TX)
(e) Nancy Solomon (CA)
(f) Michael Petrelis (DC)
(g) Dallas Tavern Guild (TX)
(h) Human Rights Campaign Fund (DC)

COMPLAINANT: Conservative Campaign Fund, Peter T. Flaherty, Chairman (DC)

SUBJECT: Failure to register and report, failure to report independent expenditures, disclaimer, corporate expenditures

DISPOSITION:
(a-b) Reason to believe, but took no further action [re: failure to register and report, failure to report independent expenditures, disclaimer]*
(c-d) Reason to believe, but took no further action [re: corporate expenditures]*
(e-f) Took no action*
(g) Reason to believe, but took no further action [re: failure to report independent expenditures]*
(h) No reason to believe [re: corporate expenditures]*

2. **MUR 3204/3087/PRE-MUR 263**

RESPONDENTS:
(a) National Republican Senatorial Campaign Committee, Sonya M. Vasquez, treasurer (DC)
(b) Republican National Committee, William J. McManus, treasurer (DC)
(c) Montana Republican State Central Committee, Shirley J. Warehime, treasurer (MT)
(d) Conrad Burns/US Senate, Jim Swain, treasurer (MT)

-more-

(e) Gary Lawrence Company (CA)
(f) Colorado Republican Federal Campaign Committee, Douglas L. Jones, treasurer (CO)
(g) Bush-Quayle '88, J. Stanley Huckaby, treasurer (VA)
(h) Friends of Jim Fenlason for Congress (MT)
(i) Montanans for Marlenee, Douglas N. Wilson, III, treasurer (MT)

COMPLAINANTS: (a) Common Cause, Roger M. Witten, Counsel (DC) (3204)
(b) Kelly Addy, Speaker Pro Tempore of the Montana House of Representatives (MT) (3087)
(c) Dolores Colburg, Montana Commissioner of Political Practices (PRE-MUR 263)

SUBJECT: Excessive contributions, corporate contributions, excessive coordinated expenditures, failure to adequately disclose receipts and disbursements, disclaimer, failure to file reports with state election office

DISPOSITION: (a) Reason to believe but failed to pass motion of probable cause [re: excessive contributions, excessive coordinated expenditures, failure to adequately disclose receipts and disbursements, failure to file reports with the state election office.]*
(b) Reason to believe but failed to pass motion of probable cause [re: excessive contributions, failure to adequately disclose receipts and disbursements]*
(c) Reason to believe but failed to pass motion of probable cause [re: excessive contributions, excessive coordinated expenditures, disclaimer, failure to adequately disclose receipts and disbursements]*
(d) Reason to believe but failed to pass motion of probable cause [re: excessive contributions, failure to disclose contributions]*
(e-h) No reason to believe [re: any provision of FECA]*

3. **MUR 3834**

RESPONDENTS: Hirschfeld for Congress Citizens Committee, Rosemary Singer, treasurer (NY)
COMPLAINANT: FEC Initiated (RAD)
SUBJECT: Failure to file 48-hour reports (5 candidate contributions totalling $310,000)
DISPOSITION: Conciliation Agreement: $20,000 civil penalty*

4. **MUR 3839**

RESPONDENTS: Friends of Newt Gingrich - 1992, Briggs Goggans, treasurer (GA)
COMPLAINANT: FEC Initiated (RAD)
SUBJECT: Failure to file 48-hour reports
DISPOSITION: Conciliation Agreement: $3,800 civil penalty*

5. **MUR 3999**

RESPONDENTS: IMPACT, Joseph Turek, treasurer (IL)
COMPLAINANT: FEC Initiated (RAD)
SUBJECT: Excessive contributions
DISPOSITION: Conciliation Agreement: $2,500 civil penalty*

*There are four administrative stages to the FEC enforcement process:
1. Receipt of proper complaint
2. "Reason to believe" stage
3. "Probable cause" stage
4. Conciliation stage

It takes the votes of at least four of the six Commissioners to take any action. The FEC can close a case at any point after reviewing a complaint. If a violation is found and conciliation cannot be reached, then the FEC can institute a civil court action against a respondent.

###

9404358509 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 9/28/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

9404358513 3

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 23 1 06 PM '94

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

September 20, 1994

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

9 4 0 4 3 5 8 5 1 3 4

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

6985

1-8/210
937

9/8 19 94

PAY TO THE ORDER OF Federal Election Commission $ 1250 7/11

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
BOXT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR MUR 3834 - Hirschfeld for Congress -

⑈006985⑈ ⑆021000089⑆ 400 3724180 1⑈

9 4 0 4 3 5 8 5 1 3 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

9/26/94

SEP 27 9 42 AM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Hirschfeld For Congress Committee, check number 6985, dated 9/8/94, and in the amount of $1250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By AA

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

9-27-94
Date

9404358513 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 10/19/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

9404359153

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATION
OCT 14 11 45 AM '94

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

October 11, 1994

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

2404359159 4

9 4 0 4 3 5 9 1 5 8 5

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7017

1-8/210
937

10/3 19 94

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM 1250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 24 10
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR

[redacted]

File

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 17 12 40 PM '94

10/17/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 7017, dated 10/3/94, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

==========

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket

In reference to the above check in the amount of $1,250, the MUR number is 3834 and in the name of Hirschfield for Congress Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Signature

10/17/94
Date

9404359158 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 11/15/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

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RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

NOV 14 9 17 AM '94

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 15 10 02 AM '94

November 8, 1994

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Enc.

rs

9 4 0 4 3 5 9 . 1 2 4 6

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7060

1-8/210
937

11/2 1994

PAY TO THE ORDER OF Future Elections Commission $ 1250 4/in

THE SUM 1250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2010
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR Nov 94

⑈ 7060 ⑈ 021000937 ⑆ 2404359194 ⑈

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

11/14/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Hirschfeld for Congress Committee, check number 7060, dated 11/9/94, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By OA

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfield for Congress Citizens Group the account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

11-15-94
Date

94043591948

NOV 15 10 01 AM '94
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 12/14/94

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

40436010047

FEDERAL ELECTION
COMMISSION
MAIL ROOM

DEC 9 11 40 AM '94

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 12 12 34 PM '94

December 8, 1994

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Enc.

rs

40436011048

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7130

12/2 19 94

1-8/210
937

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR Dec 94

[redacted]

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

DEC 12 12 34 PM '94

12/12/94

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Hirschfeld For Congress Committee, check number 7180, dated 12/02/94, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

==========

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket AA 7140

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Signature

12/12/94
Date

40436010050

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 1/10/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

50436205928

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

January 6, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

50436205999

7176

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

1-8/210
937

1/4 19 95

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM 1250 DLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 3410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR Oct 95 MUR 3834

⑆021000089⑆ 0043562060 ⑈7176

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

JAN 10 12 40 PM '95

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

1/09/95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 7176, dated 11/4/95, and in the amount of $1250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

==========

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfield for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

1-10-95
Date

50436206011

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 2/21/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

95043625227

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

FEB 16 8 49 AM '95

FEB 17 10 28 AM '95

February 10, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

95043625223

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7245

1-8/210
937

Feb 19 95

PAY TO THE ORDER OF Federal Election Commission $1250 00/100

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR [redacted]

[redacted]

250436225229

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2/16/95

FEB 17 10 28 AM '95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 7245, dated 2/16/95, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

==========

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

2-17-95
Date

95043362520

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Date: 3/15/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

25043631716

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Mar 14 10 52 AM '95

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

Mar 15 9 08 AM '95
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

March 10, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

95043631717

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7265

1-8/210
937

3/2 1995

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR

[redacted]

>50436317 18

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

3/14/95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 7265, dated 3/2/95, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

3-15-95
Date

95043631719

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 4/10/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

95043633372

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

APR 7 1 14 PM '95

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

April 5, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 10 10 23 AM '95

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

95043633373

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7322

1-8/210
937

4/3 19 95

PAY TO THE ORDER OF Federal Elections Commission $1250 00/100

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 24110
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR April 95

[redacted]

250436333374

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

4/10/95

APR 10 10 23 AM '95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 17232, dated _____, and in the amount of $1250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte.. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

4-10-95
Date

95043633375

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 5/18/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

75043642072

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAY 15 9 20 AM '95

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

MAY 16 10 29 AM '95

May 10, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

95043642073

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7350

1-8/210
937

5/2 1995

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM I 250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR May 95

[redacted]

5 5 0 4 3 6 4 2 0 / 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

5/15/95

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 7350, dated 5/2/95, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfield for Congress. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

5-16-95
Date

95043642075

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 6/19/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

95043652502

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Abraham Hirschfeld, check number 9403, dated 6/11/95, and in the amount of $1,250.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,250.00, the MUR number is 3834 and in the name of Hirschfeld for Congress Citizens Cmte. The account into which it should be deposited is indicated below:

✓ Budget Clearing Account (OGC), 95F3875.16

__ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

6-19-95
Date

95043652583

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

June 9, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 19 8 18 AM '95

95044365258 4

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 150
NEW YORK, NY 10001

7403

1-8/210
937

6/1 19 95

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM 1250 DOLS 00 CTS DOLLARS

CITIBANK®
CITIBANK, N.A.
153 E. 53RD STREET
SORT NO. 3410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR

[redacted]

AMERICAN BANKERS ASSOCIATION DOLLARS AMERICAN BA

⑆ 021000089 ⑆ 0104365525

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 7/24/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3834

95043661947

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Jul 13 11 10 AM '95

SUITE 150
15 PENN PLAZA
NEW YORK, NEW YORK 10001

95043661918

July 10, 1995

Ms. Tamara K. Kapper
Federal Election Commission
Offices the General Counsel
999 E. Street, N. W.
Washington, D. C. 20463

Re: MUR 3834
Hirschfeld for Congress Committee
and Rosemary Singer, treasurer

Dear Ms. Kapper:

Enclosed herewith please find check in the amount of $1,250. as per conciliation agreement.

As per our conversation, and agreement this is our final payment.

Sincerely,

Rosemary Singer

Rosemary Singer

Enc.

rs

ABRAHAM HIRSCHFELD
15 PENN PLAZA
415 SEVENTH AVE., STE. 180
NEW YORK, NY 10001

7457

1-4/210
537

7/5 19 95

PAY TO THE ORDER OF Federal Election Commission $ 1250 00/100

THE SUM 1250 DOLS 00 CTS DOLLARS

CITIBANK
CITIBANK, N.A.
153 E. 53RD STREET
ISSUE NO. 2410
NEW YORK, N.Y. 10043

THE CITIBANK PRIVATE BANK

FOR Final payment - fined in full

[redacted]

950436619 49

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Andrew Hirschfeld, MUR 3834, check number 7457, dated July 5 1995, and in the amount of $1,350.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $1,850.00, the MUR number is 5834 and in the name of Hirschfeld for Congress Cmte. The account into which it should be deposited is indicated below:

__ Budget Clearing Account (OGC), 95F3875.16

✓ Civil Penalties Account, 95-1099.160

__ Other: _____

Anita Alexander
Signature

7-14-95
Date

9504366195 0