FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3954

DATE FILMED 5-3-95 CAMERA NO. 4

CAMERAMAN S.E.G

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 1994

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: COMMITTEE TO RE-ELECT SUSAN MOLINARI - MATTERS REFERRAL TO THE OFFICE OF GENERAL COUNSEL

On March 16, 1994, the Commissioners approved the final audit report on the Committee to Re-Elect Susan Molinari (the Committee). The report contained the attached finding regarding the receipt of excessive contributions (see Attachment A). The dollar value of the excessive portions of the contributions meets the threshold for referral to your office.

Also attached is a schedule containing the names and addresses of the contributors along with the contribution amounts (see Attachment B). Subsequent to the approval of the final audit report the Committee provided one additional copy of a canceled refund check which brings the documented refund total to $19,691. As additional check copies are provided by the Committee we will forward them to your office. If necessary, copies of the contributor checks and canceled refund checks are available for your review.

Should you have any questions regarding this matter please contact Rhonda Simmons or Ray Lisi at 219-3720.

Attachments as stated

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Apparent Excessive Contributions

Section 441a(a)(1)(A) of Title 2 of the United States Code states that no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000.

Section 110.1(b)(2) of Title 11 of the Code of Federal Regulations states, in part, for purposes of this section, with respect to any election means in the case of a contribution not designated in writing by the contributor for a particular election, the next election for Federal office after the contribution is made.

Section 431(11) of Title 2 of the United States Code defines the term person to include among others a partnership or committee.

Section 100.5(e)(3) of Title 11 of the Code of Federal Regulations defines a multi-candidate committee as a political committee which (i) has been registered with the Commission, Clerk of the House or Secretary of the Senate for at least 6 months; (ii) has received contributions for Federal elections from more than 50 persons; and (iii) (except for any State political party organization) has made contributions to 5 or more Federal candidates.

Section §103.3(b)(3) of Title 11 of the Code of Federal Regulations states, in part, that contributions which on their face exceed the contribution limitations set forth in 11 C.F.R. 110.1 or 110.2, and contributions which do not appear to be excessive on their face but which exceed the contribution limits set forth in 11 C.F.R. 110.1 or 110.2 when aggregated with other contributions from the same contributor may be either deposited into a campaign depository under 11 C.F.R. 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer may request a written redesignation or re-attribution of the contribution in accordance with 11 C.F.R. §110.1(b), 110.1(k) or 110.2(b). If a redesignation or re-attribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

1. Contributions from Individuals

A review of the committee's records relating to contributions, identified 22 individuals and one partnership who exceeded their contribution limitations by a total of $22,974. The Committee's records contained a letter from one contributor whose contribution was excessive in the primary election which re-attributed $50 to the general election, however the letter was dated 94 days after the contribution was deposited. The Committee also refunded $3,316 to 4 contributors, however the refunds were

all made on June 11, 1993, well outside the 60 day period provided by regulation. The final result is $19,608 in unresolved excessive contributions ($22,974 - $50 - $3,316 = $19,608) and $3,366 in untimely resolved excessive contributions.

The Committee supplied a number of solicitation devices which had primary and general election designations handwritten on them. A Committee representative informed the Audit staff that generally when contributions were received without designations, the contributors were phoned and asked how the contributions were to be designated. A Committee representative then added the designations to the solicitations.

It is the opinion of the Audit staff that the designations do not satisfy the requirements of 11 C.F.R. §110.1(b) since they were not signed by the contributors.

2. Contributions Received From Political Committees

The review also identified 4 contributions totaling $3,400 made with respect to the primary election from the Republican Pro-Choice PAC. According to information supplied by the Commission's Reports Analysis Division, the Republican Pro-Choice PAC did not qualify for multi-candidate status until June 2, 1992. All of the contributions were received prior to the Republican Pro-Choice PAC meeting the qualifications for multi-candidate committee status. Since Republican Pro-Choice PAC did not satisfy the multi-candidate requirements under 11 C.F.R. §100.5(e)(3), it was limited to $1,000 in contributions per election.

The Committee refunded $1,500 on August 10, 1992 in response to a letter from the Republican Pro-Choice PAC dated August 7, 1992; however, the refund was made well outside the sixty day period provided by regulation.

Committee representatives were provided with a list of the apparent excessive contributions at the completion of fieldwork.

In the interim audit report, the Audit staff recommended that the Committee provide evidence that the $20,508 of unresolved contributions noted above were not excessive. Absent such evidence, it was recommended that the contributions be refunded to the contributors and that copies of the front and back of the canceled refund checks be provided to the Audit staff.

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During the interim response period the Committee provided copies of canceled refund checks for 16 contributors and the partnership totaling $18,691.00. To date, canceled refund checks for the remaining 5 contributors and the Republican Pro-Choice PAC have not been provided.

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Committee to Re-Elect Susan Molinari
SCHEDULE OF POSSIBLE EXCESSIVE CONTRIBUTIONS

Check Date	Deposit Date	Contributor	Amount	Excessive Portion	Canceled Refund Check
3/20/91	3/22/91	Edward Dilks	$ 33.00		
3/23/92	3/30/92	295 Sprage Ave.	50.00		
6/8/92	6/17/92	Staten Island, NY 10307	100.00		
8/20/92	8/26/92		1,000.00	$ 183	
4/17/91	5/1/91	Chitoor Govindaraj	250.00		
6/10/91	6/18/91		150.00		
6/6/91	6/18/91		300.00		
10/28/91	11/8/91		500.00		
12/12/91	12/31/91		200.00		
4/8/92	4/17/92		250.00		
6/21/92	6/30/92		1,000.00	1,650**	$1,650
4/10/91	5/1/91	Richard A. Grace	250.00		
6/5/91	6/18/91	470 West St.	300.00		
10/10/91	10/28/91	Harrison, NY 10528	500.00****		
6/3/92	6/17/92		200.00	250	250
3/6/91	3/19/91	Madelin M.	66.00*		
4/16/91	5/1/91	Penachio-Koningsberg	1,000.00		
10/28/91	11/8/91		500.00		
5/13/92	5/20/92		125.00	691	691
7/9/92	7/23/92	Dorothy Giacobbe 111 Roy St. North Massapequa, NY 11758	2,000.00	1,000	1,000
7/13/92	7/23/92	Robert Caserta 378 Thomas St. Staten Island, NY 10306	2,000.00	1,000	1,000

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Check Date	Deposit Date	Contributor	Amount	Excessive Portion	Canceled Refund Check
7/10/92	7/23/92	Donald Banks 187 Adelaid Ave. Staten Island, NY 10306	2,000.00	1,000	$1000
7/13/92	7/23/92	David Gross	2,000.00	1,000	
7/13/92	7/23/92	Emily Mazzuoccola 371 Metropolitan Ave. Staten Island, NY 10301	2,000.00	1,000	1,000
7/10/92	7/23/92	Mary DiFiore 549 Valley View Place Staten Island, NY 10314	2,000.00	1,000	1,000
7/13/92	7/23/92	Terrence Tufaro 252 County Rd. W. Colts Neck, NJ 07722	2,000.00	1,000	1,000
7/13/92	7/23/92	Joseph Bonura	2,000.00	1,000	1,000
7/17/92	7/23/92	Thomas J. Gioia	2,000.00	1,000	
3/17/91	3/21/91	Candace L. Straight 518 East Passaic Ave. Bloomfield, NJ 07003	2,000.00	1,000	1,000
3/11/92	3/23/92	Robert F. O'Donnell 1 Montauk Place Staten Island, NY 10314	2,000.00	1,000	1,000
3/11/92 3/11/92 3/11/92	3/23/92 3/23/92 3/23/92	James S. Simpson 738 Todt Hill Rd. Staten Island, NY 10304	2,000.00 1,000.00 1,000.00	3,000***	2,000
4/9/92	4/15/92	Andrew J. Monnes 401 East 34th St. New York, NY 10016	2,000.00	1,000.00	1,000

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Check Date	Deposit Date	Contributor	Amount	Excessive Portion	Canceled Refund Check
4/9/92	4/15/92	Neil Crespi 420 E. 54th St. New York, NY	2,000	1,000	1,000
4/1/92	4/15/92	Joshua J. Vernaglia 64 Myopia Rd. Winchester, MA 01890	2,000	1,000	1,000
9/10/91	10/28/91	John R. Lakian	100		
4/7/92	4/15/92	4E 72nd St. New York, NY 10021	2,000	1,100	1,100
4/14/92	5/6/92	Bernard S. Margalt 4525 Henry Hudson Pky. Riverdale, NY 10471	2,000	1,000	1,000
10/2/92	10/9/92	A. Hassan Mohaideen, M.D.	100*	100	
10/18/92	10/22/92		1,000		
4/13/92	5/6/92	Fischbein, Badillo, Wagner (Richard Fischbein) Attorneys at Law 909 Third Ave., 17th floor New York, NY 19922	2,000	1,000	1,000
Total Contributions from Individual			$45,974	$22,974	$19,691
6/4/91		Republican Pro Choice PAC	300		
9/6/91		136 East 57th St.	600		
10/14/91		New York, New York 10022	1,000		
2/21/92			1,500*****	2,400	900

* Refunded on 6/11/93
** Refunded $1,150 on 6/11/93
*** Refunded $2,000 on 6/11/93
**** Reattribution to general election dated 1/29/92 ($50.00)
***** Refunded $1,500 on 8/10/92

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3954
STAFF MEMBER: Andre G. Pineda

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

RESPONDENTS: The Committee to Re-Elect Susan Molinari, and Michael Petrides, Treasurer;

The Republican Pro-Choice Political Action Committee, and Robert M. Pennoyer, Treasurer;

Chitoor Govindaraj

James S. Simpson

John R. Lakian

RELEVANT STATUTES/REGULATIONS:

2 U.S.C. §§ 431(5) and (11)
2 U.S.C. § 434(b)(2)
2 U.S.C. § 438(b)
2 U.S.C. § 441a(a)(1)(A), (2) and (4)
2 U.S.C. § 441a(f)
11 C.F.R. § 100.5(e)(3)
11 C.F.R. § 100.10
11 C.F.R. § 103.3(b)(3)
11 C.F.R. § 110.1(b)(1) and (2)
11 C.F.R. § 110.1(b)(5)(ii)(A) and (B)
11 C.F.R. § 110.1(e)(1) and (2)
11 C.F.R. § 110.1(k)(1), (2) and (3)

INTERNAL REPORTS CHECKED: Audit Documents

FEDERAL AGENCIES CHECKED: None

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I. **GENERATION OF MATTER**

The Committee to Re-Elect Susan Molinari ("Committee") registered with the Clerk of the United States House of Representatives on August 9, 1990, as the principal campaign committee for Susan Molinari, a candidate for the United States House of Representatives, District 14, from the State of New York. This matter was generated by an audit of the Committee and Michael Petrides, as Treasurer, undertaken in accordance with 2 U.S.C. § 438(b). The audit covered the period from January 1, 1991 through December 31, 1992. The Audit Division's referral materials are attached. Attachment 1.

II. **FACTUAL AND LEGAL ANALYSIS**

A. Statutory and Regulatory Provisions

A person is prohibited from making contributions to candidates, their authorized committees or agents with respect to any election for federal office which, in the aggregate, exceed $1,000. 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1). "Person" is defined, in part, to include an individual and a partnership. 2 U.S.C. § 431(11); 11 C.F.R. § 100.10. Contributions by a partnership shall be attributed to the partnership and to each partner: (1) in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the political committee or candidate, or (2) by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and these partners' profits are reduced (or losses increased) in proportion

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to the contribution attributed to each of them. 11 C.F.R. §§ 110.1(e)(1) and (2).

No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations. 2 U.S.C. § 441a(f). No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures. Id.

Contributions which on their face exceed the contribution limitations, and those that do not appear to be excessive on their face but which exceed the contribution limits when aggregated with other contributions from the same contributor, may be either: (1) deposited into a campaign depository, or (2) returned to the contributor. 11 C.F.R. § 103.3(b)(3). If such a contribution is deposited, the committee treasurer may request a written redesignation or reattribution of the contribution. Id. If no written redesignation or reattribution is obtained, the committee treasurer shall, within 60 days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

B. Contributions from Individuals

The audit referral materials identify 22 individuals who exceeded their contribution limitations to the Committee by a combined total of $21,974. Attachment 2. On June 22, 1993, prior to its receipt of the Interim Audit Report, the Committee refunded portions of the excessive contributions to four individuals. Attachment 2. The Committee resolved the remaining excessive

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contributions after it received the Interim Audit Report. The Committee refunded the excessive portion owed to all of the individuals and the Committee made a payment to the United States Treasury for a refund check that was not cashed by a contributor. Id. However, the treasurer did not refund the contributions or obtain a written redesignation or reattribution within 60 days from the Committee's receipt of the contributions.1/ 11 C.F.R. §§ 110.1(b)(5)(ii)(A) and (B), and 103.3(b)(3).

The Office of General Counsel recommends that the Commission find reason to believe that the Committee, and Michael Petrides, as treasurer, violated 2 U.S.C. § 441a(f). The Office of General Counsel also recommends that the Commission find reason to believe that Chitoor Govindaraj, James S. Simpson, and John R. Lakian violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Committee.2/ However, the Office of General Counsel further recommends that the Commission take no further action against the Committee, its treasurer, and these

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1/ The referral materials indicate that upon receipt of a contribution without a designation, the Committee would phone the contributors and ask them how they would like the contribution to be designated. Attachment 1. The Committee would then add the designation to the solicitation. Id. However, the Commission's regulations do not allow a committee to make verbal redesignations or reattributions of contributions. 11 C.F.R. § 110.1(b)(5)(ii).

2/ The other individuals who made excessive contributions include: Edward Dilks, Richard A. Grace, Madelin M. Penachio-Koningsberg, Dorothy Giacobbe, Robert Caserta, Donald Banks, David Gross, Emily Mazzuoccola, Mary DiFiore, Terrence Tufaro, Joseph Bonura, Thomas J. Gioia, Candace L. Straight, Robert F. O'Donnell, Andrew J. Monnes, Neil Crespi, Joshua J. Vernaglia, Bernard S. Margalt, and A. Hassan Mohaideen, M.D. Based on established Commission practice, this Office recommends no action against these individuals.

individuals. As previously stated, the Committee has refunded portions of the excessive contributions before and after its receipt of the Interim Audit Report. Attachment 2. Moreover, the Audit Division informed the Office of General Counsel that the Committee made diligent efforts to follow up with those individuals who had not yet cashed their respective refund checks, including efforts to locate two such individuals who were missing. Furthermore, the Committee disgorged to the United States Treasury the amount of the checks that were not cashed by the contributors.3/ Therefore, there are no unresolved excessive contributions. Based on the circumstances of this case and consistent with the proper ordering of the Commission's resources and priorities, the Office of General Counsel believes that no further action is appropriate. See Heckler v. Chaney, 470 U.S. 821 (1985); MUR 3959 (Commission found reason to believe that Committee violated 2 U.S.C. § 441a(f), but took no further action,

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3/ For example, on October 20, 1994, the Audit Division informed the Office of General Counsel that as a result of these efforts, the Committee refunded portions of the excessive contribution amounts to the following individuals for the amounts specified, and that these individuals cashed their respective checks: (a) David Gross ($1,000); (b) A. Hassan Mohaideen ($100); and (c) James S. Simpson ($1,000). On November 2, 1994, the Audit Division also informed the Office of General Counsel that a check made payable to Thomas J. Gioia ($1,000) had not been cashed, that the Committee was sending the Audit Division a check for this amount made payable to the United States Treasury, and that Edward Dilks cashed a Committee refund check ($100) made payable to him. On November 16, 1994, the Audit Division further informed the Office of General Counsel that it received a $1,000 check (representing Mr. Gioia's uncashed check amount) made payable to the United States Treasury. As of November 16, 1994, the Committee refunded or disgorged to the United States Treasury all of the excessive contributions made by individuals (the Committee refunded $20,974 to individuals and disgorged $1,000 to the United States Treasury).

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in part, because excessive and prohibited contributions were disgorged to the United States Treasury).

C. Contribution from Partnership

On April 13, 1992, Richard Fischbein gave the Committee a $2,000 check issued on the partnership account of Fischbein, Badillo, Wagner (Attorneys at Law) ("the FBW partnership"). Attachments 3 and 4. On July 16, 1992, the Committee reported this contribution as an individual contribution from Richard Fischbein. Attachment 4. On November 29, 1993, the Committee issued a $1,000 refund check to "Richard Fishbein" as an individual. Id.

Because the contribution check was drawn on a partnership account and signed by one of the partners, the contribution is from each partner and the partnership. 11 C.F.R. § 110.1(k)(1). However, the Committee did not properly report and attribute the above-stated contribution to the FBW partnership and its partners.4/ 2 U.S.C. § 434(b)(2) and 11 C.F.R. § 110.1(e). Although the Committee's treasurer deposited the excessive contribution in its campaign depository, the treasurer did not refund the contribution to the partnership or obtain a written

4/ The Committee did not attribute the contribution in direct proportion to the partnership share established by the FBW partnership and the FBW partnership did not provide the Committee with instructions as to how the above-stated contribution was to be attributed to its partners. Furthermore, the Committee itself did not determine the individual partners' share of the contribution. See 11 C.F.R. §§ 110.1(e)(1) and (2); see also MUR 2557 (Commission found reason to believe that committee violated 2 U.S.C. § 434(b)(2) and (3) by failing to attribute contribution to partners in direct proportion to partnership share) and Advisory Opinion 1980-67.

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redesignation or reattribution from the partnership within 60 days from the date that the Committee received the excessive contribution.5/ 11 C.F.R. §§ 110.1(b)(5)(ii)(A) and (B), and 103.3(b)(3).

The Office of General Counsel recommends that the Commission find reason to believe that the Committee, and Michael Petrides, as treasurer, violated 2 U.S.C. § 441a(f).6/ The Office of General Counsel also recommends that the Commission find reason to believe that the Committee, and Michael Petrides, as treasurer, violated 2 U.S.C. § 434(b)(2) and 11 C.F.R. § 110.1(e) by failing to attribute and report the amount at issue as a contribution from a partnership. However, based on the circumstances of this case and consistent with the proper ordering of the Commission's resources and priorities, the Office of General Counsel recommends that no further action be taken against the Committee, and its treasurer. See Heckler v. Chaney, 470 U.S. 821 (1985).

D. Contributions from Political Committees

The referral materials identify the following contributions made by the Republican Pro-Choice Political Action Committee ("Pro-Choice PAC") to the Committee which total $3,400 for the following specified amounts and dates: 1) $300 on June 4, 1991; 2) $600 on September 6, 1991; 3) $1,000 on October 14, 1991; and

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5/ Because the Committee failed to obtain the partnership allocation information pursuant to 11 C.F.R. § 110.1(e), it is unclear whether Richard Fischbein and the other partners also made excessive contributions to the Committee.

6/ Based on established Commission practice, this Office does not recommend pursuing the FBW partnership for its excessive contribution. See note 2;

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4) $1,500 on February 21, 1992. Attachment 2. At the time the Pro-Choice PAC made these contributions, it was not a multi-candidate committee.7/ Therefore, the Pro-Choice PAC had a contribution limit of $1,000. 2 U.S.C. § 441a(a)(1)(A). The Committee refunded $1,500 to the Pro-Choice PAC on August 10, 1992, approximately 170 days after the Committee's receipt of this contribution and prior to its receipt of the Interim Audit Report.8/ 11 C.F.R. § 103.3(b)(3). The Office of General Counsel recommends that the Commission find reason to believe that the Committee, and Michael Petrides, as treasurer, violated 2 U.S.C. § 441a(f). Similarly, the Office of General Counsel recommends that the Commission find reason to believe that the Republican Pro-Choice PAC, and Robert M. Pennoyer, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). However, the Office of General Counsel further recommends that the Commission take no further action against the Committee, its treasurer, and the Republican Pro-Choice PAC. As previously noted, the Committee refunded a portion of the excessive contribution before its receipt of the Interim Audit Report. Additionally, on November 16, 1994, the Audit Division informed the Office of General Counsel that because

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7/ On June 2, 1992, the Pro-Choice PAC satisfied the definition of "multi-candidate committee" stated at 11 C.F.R. § 100.5(e)(3) (i.e., (a) they were registered with the Commission for at least six months; (b) they received contributions for federal elections from more than 50 persons; and (c) they made contributions to five or more Federal candidates). Attachment 1.

8/ The Committee refunded this amount in response to a Pro-Choice PAC letter to the Committee dated August 7, 1992.

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the Republican Pro-Choice PAC had terminated,9/ it received a $900 check from the Committee made payable to the United States Treasury. This check represented the remaining excessive contribution amount from the Republican Pro-Choice PAC. Attachment 2. Based on the circumstances of this case and consistent with the proper ordering of the Commission's resources and priorities, the Office of General Counsel believes that no further action is appropriate. See Heckler v. Chaney, 470 U.S. 821 (1985); MUR 3959.

RECOMMENDATIONS

1. Find reason to believe that the Committee to Re-Elect Susan Molinari, and Michael Petrides, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 441a(f) and 11 C.F.R. § 110.1(e), but take no further action;

2. Find reason to believe that Chitoor Govindaraj, James S. Simpson, John R. Lakian, and the Republican Pro-Choice PAC violated 2 U.S.C. § 441a(a)(1)(A), but take no further action;

3. Approve the appropriate letters;

4. Close the file.

Lawrence M. Noble
General Counsel

4/4/95
Date

By: Kim Bright-Coleman
Kim Bright-Coleman
Associate General Counsel

9/ On October 8, 1993, the Commission notified the Republican Pro-Choice PAC that it met the conditions for termination.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Committee to Re-Elect Susan Molinari and Michael Petrides, Treasurer;	)	MUR 3954
The Republican Pro-Choice Political Action Committee and Robert M. Pennoyer, Treasurer;	)	
Chitoor Govindaraj;	)	
James S. Simpson;	)	
John R. Lakian.	)	

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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 10, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 3954:

1. Find reason to believe that the Committee to Re-Elect Susan Molinari and Michael Petrides, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 441a(f) and 11 C.F.R. § 110.1(e), but take no further action.

2. Find reason to believe that Chitoor Govindaraj, James S. Simpson, John R. Lakian, and the Republican Pro-Choice PAC violated 2 U.S.C. § 441a(a)(1)(A), but take no further action.

(continued)

3. Approve the appropriate letters, as recommended in the General Counsel's Report dated April 4, 1995.

4. Close the file.

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

Attest:

4-10-95
Date

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

Received in the Secretariat: Tues, April 04, 1995 3:42 p.m.
Circulated to the Commission: Wed., April 05, 1995 11:00 a.m.
Deadline for vote: Mon., April 10, 1995 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1995

Michael Petrides, Treasurer
The Committee to Re-Elect
Susan Molinari
P.O. Box 060248
New Dorp Station
Staten Island, N.Y. 10306

RE: MUR 3954

Dear Mr. Petrides:

On April 10, 1995, the Federal Election Commission ("Commission") found reason to believe that the Committee to Re-Elect Susan Molinari ("the Committee"), and you, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 441a(f), provisions of the Federal Election Campaign Act of 1971 ("the Act"), and 11 C.F.R. § 110.1(e), a provision of the implementing regulations to the Act. However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee and you, as treasurer, and closed the file in this matter. The General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the acceptance and improper disposition of excessive contributions by the Committee and you, as treasurer, is a violation of 2 U.S.C. §§ 434(b)(2) and 441a(f) and 11 C.F.R. § 110.1(e). The Committee and you, as treasurer, should take steps to ensure that this activity does not occur in the future.

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 either the Committee or 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 additional materials, any permissible submissions will be added to the public record upon receipt.

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If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald

Danny L. McDonald
Chairman

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1995

Robert M. Pennoyer, Treasurer
Republican Pro-Choice PAC
136 East 57th Street
New York, N.Y. 10022

RE: MUR 3954

Dear Mr. Pennoyer:

On April 10, 1995, the Commission found that there was reason to believe that the Republican Pro-Choice Pac, and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission determined to take no further action against the Republican Pro-Choice PAC and you, as treasurer, and closed the file in this matter. The General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the excessive contributions to the Committee by the Republican Pro-Choice PAC and you, as treasurer, is a violation of 2 U.S.C. § 441a(a)(1)(A). The Republican Pro-Choice PAC and you, as treasurer, should take steps to ensure that this activity does not occur in the future.

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 either the Republican Pro-Choice PAC or 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 additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

Enclosure
General Counsel's Report

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

9504363502

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1995

Mr. Chitoor Govindaraj
141 Bertha Place
Staten Island, N.Y. 10301

RE: MUR 3954

Dear Mr. Govindaraj:

On April 10, 1995, the Commission found that there was reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission determined to take no further action against you, and closed the file in this matter. The General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your excessive contribution to the Committee is a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

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

If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1995

Mr. James S. Simpson
738 Todt Hill Road
Staten Island, N.Y. 10314

RE: MUR 3954

Dear Mr. Simpson:

On April 10, 1995, the Commission found that there was reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission determined to take no further action against you, and closed the file in this matter. The General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your excessive contribution to the Committee is a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

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

If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

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95043635044

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 20, 1995

Mr. John R. Lakian
4E 72nd Street
New York, N.Y. 10021

RE: MUR 3954

Dear Mr. Lakian:

On April 10, 1995, the Commission found that there was reason to believe that you violated 2 U.S.C. § 441a(a)(1)(A). However, after considering the circumstances of this matter, the Commission determined to take no further action against you, and closed the file in this matter. The General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that your excessive contribution to the Committee is a violation of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

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

If you have any questions, please contact Andre G. Pineda, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald
Chairman

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YESTERDAY, TODAY AND TOMORROW
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3954

DATE FILMED 5-3-95 CAMERA NO. 4

CAMERAMAN S.E.G

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