



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

THIS IS THE BEGINNING OF MUR # 395B

DATE FILMED 7/27/95 CAMERA NO. 1

CAMERAMAN EES

95043661695

OGC 1057



Levy for Congress Committee

Post Office Box 323, Lynbrook, New York 11563

April 18, 1994

APR 21 9 24 AM '94

FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL

Mr. Lawrence M. Noble
General Council
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

MUR 3958

Dear Mr. Noble:

I hereby request the Commission's immediate attention to a fundraising package (enclosed) being circulated in my district by the Dan Frisa for Congress committee. As the letter states, the committee is soliciting individual contributions to support a run for Congress in New York's fourth district.

The package does not contain a statement indicating the source of funds used to produce the mailing as required by 2 U.S.C. 441(d) and 11 CFR 110.11(a)(1).

I am a candidate for reelection to the United States House of Representatives, and I have filed a statement of candidacy with the Commission. To my knowledge, Frisa for Congress has not filed any documents with the Commission for the purpose of establishing a federal campaign committee or for reporting contributions used in a federal campaign, as required by 2 U.S.C. 432, 433, and 434.

I respectfully ask that the Commission investigate the package, and that appropriate enforcement actions be instituted to require compliance with The Federal Election Campaign Act.

Respectfully Submitted,

David A. Levy
Member of Congress

95043661696

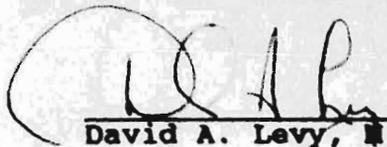
Paid for by Levy for Congress Committee.

Contributions to Levy for Congress Committee are not deductible as charitable contributions for federal income tax purposes.

Page Two
Mr. Lawrence M. Noble

STATE OF NEW YORK, COUNTY OF NASSAU

The contents of this complaint are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.



David A. Levy, N.C.

4/18/94
Date

Sworn to me on April 18, 1994.

X Robert Barra

My commission expires on July 31, 1995.

ROBERT D. BARRA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01BA4845411
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES: 7-31-95

95043661697

Daniel Frisa

I'VE GOT SOME GOOD NEWS AND SOME BAD NEWS!

- BAD NEWS: INCOME TAX DAY IS NEAR - A SAD REMINDER THAT WASHINGTON TAKES TOO MUCH AND CONGRESS DOES TOO LITTLE.
- GOOD NEWS: IT DOESN'T HAVE TO BE THIS WAY. WE CAN DO BETTER.

BUT IT ALL COMES DOWN TO DOING WHAT'S RIGHT - WHICH IS EXACTLY WHAT YOU OR I WOULD DO IN CONGRESS.

AND THAT'S WHY I'D LIKE TO BE OUR CONGRESSMAN: TO BE OUR VOICE IN WASHINGTON - WORKING FOR US AGAIN, LIKE I DID IN ALBANY.

I'LL SHAKE THINGS UP AND I'LL FIGHT FOR US - BUT I WON'T GET LOST IN THE CROWD OF POLITICAL INSIDERS.

WE DID IT BEFORE BECAUSE YOU SUPPORTED ME, AND I KNEW WE CAN DO IT AGAIN!

SO LET'S PUT OURSELVES IN CONGRESS. AND LET'S START NOW, ESPECIALLY WITH TAX DAY - APRIL 15TH - RIGHT AROUND THE CORNER.

I KNOW WE CAN DO BETTER. SO LET'S GET TOGETHER SUN. APRIL 17TH. HOW ABOUT THE RISTORANTE GALLERIA ON POST AVE? THE FOOD IS GREAT!

PLEASE COME AND BRING YOUR FRIENDS. IT'LL BE FUN, SO MARK YOUR CALENDAR - I'LL SEND YOU MORE INFO SOON.

I LOOK FORWARD TO SEEING YOU!

ALL THE BEST,

Daniel Frisa

(P.S. - WE CAN DO BETTER - SAVE THE DATE: APRIL 17TH - THANKS!)

9 5 0 4 3 6 6 1 6 9 8

DAN FRISA FOR CONGRESS

23 Canyon Lane
Westbury, New York 11590

BECAUSE WE CAN DO BETTER!

Dan Frisa for Congress

Sunday, April 17, 1994

2PM - 5PM

GALLERIA

• RISTORANTE •

238 Post Avenue • Westbury, NY

Galleria Special \$35.00 per person

- includes -

Hors D'oeuvres • Fine Italian Cuisine • Cocktails

RESPONSE CARD

Enclosed please find \$ _____ for _____ people.

I cannot attend, but enclosed please find my contribution of \$ _____ in support of Dan.

NAME: _____

ADDRESS: _____

PHONE: _____

Please R.S.V.P. by April 7th. Checks may be payable to:

DAN FRISA FOR CONGRESS

Thank You!

6 6 9 1 9 9 8 4 0 5 6



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 28, 1994

The Honorable David A. Levy
Levy for Congress Committee
P.O. Box 323
Lynbrook, N.Y. 11563

RE: MUR 3958

Dear Mr. Levy:

This letter acknowledges receipt on April 21, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3958. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043661700



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

April 28, 1994

Treasurer
Dan Frisa for Congress
23 Canyon Lane
Westbury, N.Y 11590

RE: MUR 3958

Dear Sir:

The Federal Election Commission received a complaint which indicates that the Dan Frisa for Congress Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3958. Please refer to this number in all future correspondence.

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

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

95043661701

**Treasurer
Dan Frisa for Congress
Page 2**

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043661702

OGC 1368

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION

STEVEN G. LEVENTHAL, P.C.
ATTORNEYS AT LAW
15 REMSEN AVENUE
ROSLYN, NEW YORK 11576

May 16 12 10 PM '94

STEVEN G. LEVENTHAL (N.Y. N.J.)
ELLEN GONG (N.J.)
♦ CERTIFIED PUBLIC ACCOUNTANT (N.Y.)

19 LINDSAY DRIVE
MORGANVILLE N.J. 07751

TELEPHONE: (516) 484-5700
TELECOPIKE: (516) 484-2710

PLEASE RESPOND TO NEW YORK ADDRESS

May 10, 1994

BY CERTIFIED MAIL, R.R.R.

Mary L. Taksar, Esq.
Central Enforcement Docket
Federal Election Commission
999 E Street, NW
Washington, DC 20463

May 16 3 30 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Dan Frisa for Congress
MUR 3958

Dear Ms. Taksar:

This is in response to your letter of April 28, 1994. Enclosed is a Statement of Designation of Counsel, authorizing this firm to receive any notifications and other communications from the Commission.

We note that your letter was addressed to "Treasurer, Dan Frisa for Congress." However, for the reasons that follow, no committee by that name (or any other name) has been organized by Mr. Frisa or his supporters, and no treasurer has been appointed. Nevertheless, we wish to assist the Commission's analysis of the complaint by submitting this letter, and the enclosed the affidavit of Daniel Frisa dated May 10, 1994.

This "matter under review" was initiated by the letter of David A. Levy, dated April 18, 1994. In his letter, Mr. Levy alleged that certain materials distributed by Mr. Frisa did not contain a statement indicating the source of funds used to produce the materials, as required by 2 U.S.C. 441(d) and 11 CFR 110.11(a)(1). Mr. Levy further alleged that Mr. Frisa had not filed documents with the Commission establishing a federal campaign committee and reporting contributions used in a federal campaign, as required by 2 U.S.C. 432, 433 and 434.

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Mary L. Taksar, Esq.

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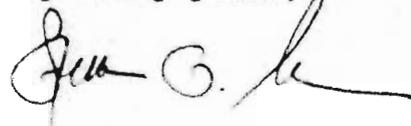
May 10, 1994

An individual becomes a candidate for federal office-and thus subject to the registration and reporting requirements of the Federal Election Campaign Act (the "Act")-when campaign contributions or expenditures exceed \$5,000.00. Even activities that constitute campaigning, and indicate clearly that an individual has decided to run for office (such as referring to oneself as a candidate; engaging in public political advertising publicizing an intention to campaign; and amassing seed money for use after candidacy is established), do not make the individual a candidate for registration and reporting purposes unless and until the individual reaches the \$5,000.00 threshold. Mr. Frisa has neither received nor expended the threshold amount of \$5,000.00 (see Mr. Frisa's affidavit, paragraph 3). Thus he is not a candidate under the Act, and is not subject to its registration and reporting requirements.

FEC regulation 110.11(a) requires a campaign to display an authorization notice in public political advertising it uses to solicit contributions or advocate the election or defeat of a clearly identified candidate. A campaign is defined in the FEC's 1993 Campaign Guide for Congressional Candidates and Committees as "a candidate for a federal office, his or her authorized agents, principal campaign committee and any other authorized committees." (See FEC Guide, page 70). Mr. Frisa, not having reached the threshold amount for contributions or expenditures, is not a candidate under the Act, and therefore is not engaged in a campaign as defined by the Act.

Therefore, for the reasons set forth above, the Commission should find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, the Commission should close its file in this matter.

Very truly yours,



cc: Daniel Frisa

Certified Mail No.: Z 783 466 745

95043661704

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 16 3 30 PM '94

FEDERAL ELECTION COMMISSION
CENTRAL ENFORCEMENT DOCKET

DAVID A. LEVY,

Complainant,

MUR 3958

-against-

DANIEL FRISA,

Respondent.

DANIEL FRISA, being duly sworn, deposes and says:

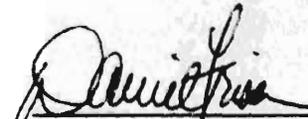
1. I am the respondent in this matter under review. I make this affidavit in opposition to the complaint. This affidavit is based on my personal knowledge.

2. I am preparing to be a candidate for election to the office of United States Representative from New York's Fourth Congressional District.

3. I have not received contributions in excess of \$5,000.00, nor made expenditures in excess of that amount.

WHEREFORE, it is requested that the Commission close its file in this matter.

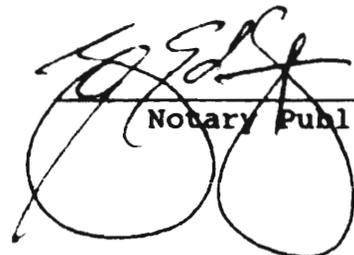
Dated: Roslyn, New York
May 10, 1994


Daniel Frisa

STATE OF NEW YORK COUNTY OF NASSAU ss.:

On May 10, 1994, before me personally came Daniel Frisa, to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

JEROME EDWARD LEVENTHAL
NOTARY PUBLIC, State of New York
No. 30-4743767
Qualified in Nassau County
Commission Expires March 30, 1996
FEB 28 1996


Notary Public

95043661705

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION

JUN 13 3 40 PM '95

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S MONTHLY REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 10 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each

1. These matters are: MUR 4087; MUR 4092; MUR 4093; MUR 4096; MUR 4097; MUR 4098; MUR 4100; MUR 4103; MUR 4106; and MUR 4114.

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case is attached to this report. See Attachments 1-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the internally-generated matter following the narrative. See Attachments 1-11.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 34 cases that

do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no

2. These matters are: MUR 2582; MUR 3109; MUR 3241; MUR 3426; MUR 3857; MUR 3858; MUR 3862; MUR 3866; MUR 3876; MUR 3879; MUR 3890; MUR 3893; MUR 3895; MUR 3896; MUR 3898; MUR 3902; MUR 3903; MUR 3904; MUR 3905; MUR 3907; MUR 3908; MUR 3912; MUR 3933; MUR 3958; MUR 3962; MUR 3978; MUR 3984; RAD 93L-19; RAD 94L-05; RAD 94L-11; RAD 94L-15; RAD 94L-21; RAD 94L-23; and RAD 94L-26.

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findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report. See Attachments 16-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report. See Attachments 12-15.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective June 26, 1995. By closing the cases effective June 26, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record for these cases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective June 26, 1995 in the following matters:

- 1) RAD 93L-19
- 2) RAD 94L-05
- 3) RAD 94L-11
- 4) RAD 94L-15
- 5) RAD 94L-21
- 6) RAD 94L-23
- 7) RAD 94L-26

B. Take no action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 3857
- 2) MUR 3858
- 3) MUR 3862

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- 4) MUR 3866
- 5) MUR 3876
- 6) MUR 3879
- 7) MUR 3890
- 8) MUR 3893
- 9) MUR 3895
- 10) MUR 3896
- 11) MUR 3898
- 12) MUR 3902
- 13) MUR 3903
- 14) MUR 3904
- 15) MUR 3905
- 16) MUR 3907
- 17) MUR 3908
- 18) MUR 3912
- 19) MUR 3933
- 20) MUR 3958
- 21) MUR 3962
- 22) MUR 3978
- 23) MUR 3984
- 24) MUR 4087
- 25) MUR 4092
- 26) MUR 4093
- 27) MUR 4096
- 28) MUR 4097
- 29) MUR 4098
- 30) MUR 4100
- 31) MUR 4103
- 32) MUR 4106
- 33) MUR 4114

C. Take no further action, close the file effective June 26, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 2582
- 2) MUR 3109
- 3) MUR 3241
- 4) MUR 3426

Date

June 17, 1995

Lawrence M. Noble
General Counsel

95043661709

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document
#X95-52

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 on each of the matters listed below to take the actions hereinafter described:

A. Decline to open a MUR and close the file effective July 5, 1995 in the following matters:

- 1) RAD 93L-19
- 2) RAD 94L-05
- 3) RAD 94L-11
- 4) RAD 94L-15
- 5) RAD 94L-21
- 6) RAD 94L-23
- 7) RAD 94L-26

B. Take no action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 3857
- 2) MUR 3858
- 3) MUR 3862

(continued)

95043661710

Federal Election Commission
Certification: Enforcement Priority
June 27, 1995

Page 2

- 4) MUR 3866
- 5) MUR 3876
- 6) MUR 3879
- 7) MUR 3890
- 8) MUR 3893
- 9) MUR 3895
- 10) MUR 3896
- 11) MUR 3898
- 12) MUR 3902
- 13) MUR 3903
- 14) MUR 3904
- 15) MUR 3905
- 16) MUR 3907
- 17) MUR 3908
- 18) MUR 3912
- 19) MUR 3933
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- 25) MUR 4092
- 26) MUR 4093
- 27) MUR 4096
- 28) MUR 4097
- 29) MUR 4098
- 30) MUR 4100
- 31) MUR 4103
- 32) MUR 4106
- 33) MUR 4114

(continued)

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C. Take no further action, close the file effective July 5, 1995, and approve the appropriate letter in the following matters:

- 1) MUR 2582
- 2) MUR 3109
- 3) MUR 3241
- 4) MUR 3426

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision with respect to each of these actions.

Attest:

6-30-95
Date

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

95043661712



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

July 6, 1995

The Honorable David A. Levy
Levy for Congress Committee
P.O. Box 323
Lynbrook, NY 11563

RE: MUR 3958

Dear Mr. Levy:

On April 21, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995. This matter will become part of the public record within 30 days.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

95043661713



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 6, 1995

Patrick H. O'Sullivan, Treasurer
Dan Frisa for Congress
23 Canyon Lane
Westbury, NY 11590

RE: MUR 3958

Dear Mr. O'Sullivan:

On April 28, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against the Committee and you, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on July 5, 1995.

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

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

95043661714



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3958

DATE FILMED 7/27/75 CAMERA NO. 1

CAMERAMAN EES

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