FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4087

DATE FILMED 7/28/95 CAMERA NO. 1

CAMERAMAN EES

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 17 12 34 PM '94

Thomas R. McCarthy
142 Main Street
Bay Shore, N. Y. 11706
(516) 666-9574

MUR 4087

October 15, 1994

Mr. Lawrence Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Mr. Noble:

The purpose of this letter is to file a complaint with the Federal Election Commission against the following Campaign Committee and individual:

Manfre for Congress P.O. Box 48 Babylon NY 11702
FEC I.D. # NY-2nd Congressional District; Darrell J. Conway, Treasurer

It is our understanding that F. E. C. Reports are due on the due date, and that there is no provision/ grace period for late filings. I would call your attention to the report filed by the Democrat candidate for congress in NY2, Jim Manfre, on September 9 1994. This report was due on September 1, and thus was 8 days late. Will there be fines, penalties, or sanctions levied? Or should we assume that a grace period now exists for all congressional candidates?

In addition, please allow us to call your attention to the following specifics of thhe September 9 report.

1 Please cross-reference Mr. Manfre's June 30 report with the September 9 filing. In the June report at page 12, both Breskel Associates and Calrob Associates had made contributions as of June 30. In the September 9 report, at page 1 they are each listed again as having contributed again on July 7. However, the year-to-date blocks do not reflect the earlier contributions.

2 A separate schedule A is required for each line item. Manfre's September 9 report includes at least 4 separate schedule A items on the same page.

3 The September report was faxed by the firm of Conway and Cheriello. The fax itself appears to be an in-kind contriburion. The contribution is not reported, and there is no indication

9504366312 8

of whether the Conway firm is a corporation or partnership.

4. Contributions on the September report from partnerships are not attributed to any specific partners. See the contribution reported for Garrick-Aug. and associates, Reilly, Like, et al, Law firm, Calrob Asociates and Breskel associates on page 1 of Schedule A.

5. On schedule B there is no address for the disbursement to Andrew Black.

6. Schedule B, page 1 contains disbursemments to campaign worker Morsoff for $2101.60; and $1527.76 as a reimbursements for" expenses' and "campaign Literature" These nonspecific descriptions are violations.

Further, upon information and belief, it appears that the Manfre campaign has been recieving in-kind contributions that have gone unreported. We are enclosing a copy of newspaper clippings that clearly indicates that Manfre has been given space at the democratic town headquarters for use as his campaign headquarters building.

The September report lists a $200 expenditure on schedule B for a fundraiser at John Anthoney's, a first-class restaurant. Upon information and belief, a function at John Anthoney's most certainly costs more that $ 200. Either the the cost of the function is significantly under-reported, or a large portion of the function was an in-kind contribution from a probable Corporate donor.

Further there are absolutely no travel expenses reported, and no in-kind contributions reported at all. The accompanying newspaper report shows that Mr. Manfre has been keeping an office at the Town of Babylon Democratic headquarters. It certainly appears that the office, along with telephone lines, etc. constitutes in-kind orm of telephones, telephone lines, and posters, bumper stickers, and others.

Sincerely,

Thomas McCarthy

Sworn to and subscribed before me this 15th day of October, 1994

Notary Public

DAVID A. GREENE
Notary Public, State of New York
No. 5[illegible]
Qualified in Suffolk County
Commission Expires Sept. 30, 19[illegible]96

CC State Board of elections

9 5 0 4 3 6 6 3 1 2 9

Manfre Campaign HQ To Open

Beacon 10-6-94

Congressional Candidate Jim Manfre opened a new campaign headquarters located at 146 West Main Street, Bay Shore. A grand opening of the storefront office will be held Saturday, Oct. 8 from 1-4 pm open to the public.

"Nearly one-half of the Second Congressional District is comprised of the Town of Islip," Manfre said. Opening an office on Bay Shore's Main Street is my small contribution to helping the local economy. As a Congressman, I will work to provide as much federal assistance as possible to restore this downtown area and others like it on Long Island to their former economic health."

Manfre will continue to keep part of his campaign staff at 288 North Wellwood Avenue in Lindenhurst, where he and other Babylon Town-based candidates are sharing a large storefront office. The 2nd Congressional District includes the Towns of Islip and Babylon, Huntington Station, Dix Hills and a portion of southern Smithtown.

The phone number at the Manfre for Congress Campaign Headquarters in Bay Shore is 666-4583. The Lindenhurst number is 956-1340.

Beacon 10-6-94

Film star and Long Island native William Baldwin, made a special guest appearance at a cocktail reception at John Anthony's On the Water and endorsed Congressional Candidate Jim Manfre for election.

L-R, Mr. Baldwin with Jim Manfre, his wife Cornelia and children Catherine and Alec Manfre.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Thomas R. McMarthy
142 Main St.
Bay Shore, NY 11706

RE: MUR 4087

Dear Mr. McMarthy:

This letter acknowledges receipt on October 17, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4087. 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

9504336631

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 24, 1994

Darrell J. Conway, Treasurer
Manfre for Congress Committee
84 Washington Ave.
Babylon, NY 11702

RE: MUR 4087

Dear Mr. Conway:

The Federal Election Commission received a complaint which indicates that Manfre 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 4087. Please refer to this number in all future correspondence.

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

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

9504366313 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

95043663153

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

Mr. James Manfre
84 Washington Ave.
Babylon, NY 11702

RE: MUR 4087

Dear Mr. Manfre:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4087. 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.

9504366313 4

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

9504366315

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1994

President
Conway & Ceriello Inc.
425 Broad Hollow Rd.
Mellville, NY 11747

RE: MUR 4087

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Conway & Ceriello 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 4087. 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 Conway & Ceriello 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.

9504366316

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

95043663137

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 24, 1994

President
John Anthoney's Pizzeria Inc.
54 Old River Rd.
Hampton Bays, NY 11946

RE: MUR 4087

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that John Anthoney's Pizzeria 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 4087. 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 John Anthoney's Pizzeria 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.

9504366318

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

9504366313 9

Conway & Ceriello, P.C.
Attorneys at Law
425 Broad Hollow Road
Melville, New York 11747-4701

Lawrence A. Ceriello
Darrell J. Conway

(516) 753-0050
Fax (516) 753-0071

November 3, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 11 12 16 PM '94

Federal Election Commission
Washington, D. C. 20463

Attention: Mary L. Taksar, Attorney
Central Enforcement Docket

Re: MUR 4087

Dear Ms. Taksar:

This is to acknowledge receipt of your letter dated October 24, 1994 concerning the above-mentioned complaint.

I want to explain the reason why my office's facsimile machine was used to transmit the Pre-Primary Report to the Federal Election Commission ("FEC"). I am confident your records reflect that I was the Treasurer for the Manfre for Congress Committee. Unfortunately, I misinterpreted the regulations of the FEC concerning the Committee's filing of a Pre-Primary Report. I was under the impression that since Mr. Manfre was not in a primary for his party's designation, a Pre-Primary Report was not necessary. I learned on September 9 that in fact the report was required by the FEC. Therefore, on that date we transmitted a Pre-Primary Report to the Commission. Because of the requirement that it be in your office by Friday evening at 5:00 P.M., I transmitted same by way of our office facsimile machine.

I am an attorney duly admitted to practice in the State of New York and the federal courts. We maintain our office at 425 Broad Hollow Road, Melville, New York. The firm is duly incorporated and filed with the State of New York as a professional corporation. I am a shareholder and officer in the corporation.

I am awaiting a copy of the long-distance telephone bill from AT&T. Upon receipt of same, we will seek reimbursement from the Committee for the expense of transmitting the report by facsimile to your office. I am confident that said charge will total a maximum amount of $4.00 to $5.00.

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I hope this responds to your inquiries concerning the use of our facsimile machine for that one transmission on September 9, 1994.

If you have any further questions please contact the undersigned either by letter or telephone.

Thank you for your cooperation.

Very truly yours,

CONWAY & CERIELLO, P.C.

Darrell J. Conway

Darrell J. Conway

DJC:eld

9504366314 1

MANFRE FOR CONGRESS
P. O. Box 48
Babylon, New York 11702

December 6, 1994

DEC 9 12 25 PM '94
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

Attention: Mary L. Taksar, Esq.
Central Enforcement Docket

Re: Manfre for Congress
Federal ID No. 164740 House ID
MUR 4087

Dear Ms. Taksar:

This is in response to Thomas R. McCarthy's letter dated October 15, 1994. I would like to respond to each allegation as presented in that letter.

Concerning the untimely filing of the Pre-Primary Report. I was not aware that such a report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party's designation as a congressional candidate. It was his understanding that such a report was only necessary if there was a contested primary. Once our requirement to file was determined by speaking with representatives of the Federal Election Commission, a report was filed immediately on September 9, 1994.

Concerning Paragraph 1 of Mr. McCarthy's letter. He notes that there were two (2) references to a donation from Breskel Associates and Calrob Associates. In fact, upon review of our records it appears that this was a duplication of the contributions. Our records indicate that Breskel Associates and Calrob Associates made only the contribution as noted on the June 30 report. Accordingly, the year-to-date reflects the proper amount of the contribution.

In response to Paragraph 2 of Mr. McCarthy's letter, I am not certain of what he is requiring. He indicates he is requesting a separate Schedule A for each line item. I do not understand his request.

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In response to Paragraph 3 of Mr. McCarthy's letter, the transmission of the September 9 report by Conway & Ceriello was previously dealt with by me by direct communication with this Commission.

Paragraph 4 of Mr. McCarthy's letter requests names of specific partners. Upon contacting them, the identity is as follows:

Garrick - Aug. - Charlie Aug
Reilly, Like, Schneider & Tenety - Vincent Tenety
Calrob Associates - Cal Kleinman
Breskel Associates - Wilbur Breslin

In response to Paragraph 5 of Mr. McCarthy's letter, Andrew Black's address is 418 Sunrise Avenue, Sayville, New York.

Concerning Paragraph 6 of Mr. McCarthy's letter, the initial disbursement to Mr. Morsoff for $1,527.76 is for reimbursement of the following items:

Pip Printing - Palm Cards	-	$ 119.29
Pip Printing - Fund raising invitations	-	716.94
Pip Printing - Palm Cards	-	87.56
U.S. Post Office - 2000 stamps	-	579.42
Finance charge on cash advance to pay the above-mentioned charges	-	11.59
Staples - 150 copies	-	4.88
Ace Hardware - Hardware	-	1.83
AT&T long distance calls	-	6.25
		$1,527.76

Concerning the reimbursement for $2,101.60, they are for the following charges:

G&G Silk Screening - Campaign T-Shirts	-	$ 607.27
Pip Printing - 15000 flyers	-	341.07
Ross Industries - Buttons & Magnets	-	1,125.13
Staples - Paper and Supplies	-	13.56
Finance charge on cash advance to pay the above-mentioned charges	-	12.15
Long distance calls	-	2.42
		$2,101.60

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The next paragraph of Mr. McCarthy's letter addresses an alleged in-kind contribution from the Town of Babylon Democratic Committee for use of the campaign headquarters. Please be advised there was no designated space at the Town of Babylon Democratic Committee Headquarters and therefore it certainly does not represent an in-kind contribution. Any and all telephone lines were paid for from the campaign as indicated in our Schedule B Disbursement Sheets previously submitted to the Commission. Further, the Town did not contribute any money for posters and/or bumper stickers.

Mr. McCarthy also questions the expenditure for a fund raiser at John Anthony's. Please be advised that we are awaiting the bill from John Anthony's for the fund raiser at which time same will be paid and reported to the Commission. At this time, we do not have an approximate cost of same.

I hope that this addresses Mr. McCarthy's concerns as well as the Commission's concerns. It is obvious that there is no intentional violation of the rules and certainly no intent to defraud any Commission or the public.

If any further information is necessary, please contact the undersigned.

Very truly yours,

Darrell Conway

Darrell J. Conway

DJC:eld

9504366314 4

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MANFRE FOR CONGRESS
P. O. Box 48
Babylon, New York 11702

DEC 9 12 35 PM '94

December 6, 1994

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

Attention: Mary L. Taksar, Esq.
Central Enforcement Docket

Re: Manfre for Congress
Federal ID No. 164740 House ID
MUR 4087

Dear Ms. Taksar:

This is in response to Thomas R. McCarthy's letter dated November 2, 1994 addressed to your attention. Please note that Mr. McCarthy is a staff worker for our opponent, Rick Lazio. This is indicated merely to assist you in understanding why Mr. McCarthy continues to make these trivial complaints. As previously done in responding to his complaints, we would like to address each complaint as noted in his letter.

Concerning Paragraph 1 of Mr. McCarthy's letter. He indicates that the Pre-General Election Report was not filed in a timely manner. He characterizes the untimely filing as being substantially late. The prior Pre-Primary Election Report was eight (8) days late for which a prior explanation was given to the Commission. The Pre-General Election Report was filed late because of the change in the Treasurer. Darrell J. Conway resigned and I became the new Treasurer in October. The delay in transferring the financial records and familiarizing myself with the Commission's regulations caused the late filing, but same, in fact, has been filed.

Paragraph 2 of Mr. McCarthy's letter discusses a piece of campaign literature which was printed by the Suffolk County Democratic Committee. This, in fact, was printed by the Suffolk County Democratic Committee. To date, we have not received a bill for the printing but once it is received, it will be paid and reported to the Commission.

9504366145

Paragraphs 3 and 4 of Mr. McCarthy's letter refer to a telephone line that is located at the Town of Babylon Democratic Committee Headquarters in Lindenhurst. This line, in fact, was paid for by the Manfre for Congress Committee and not by the Town Democratic Committee. As previously recited in our letter, the Town does not dedicate any specific space for the headquarters and therefore, is not an in-kind contribution.

Please note in our subsequent reports filed with the Commission that, in fact, the Committee has paid for telephone costs. It should also be noted that Mr. McCarthy continually refers to the Town of Babylon Democratic Committee Headquarters, insinuating that this is our only headquarters. As noted in the Pre-Election Report, we, in fact, did rent space for a headquarters which was strictly operated by the Manfre for Congress Committee and paid for by Manfre for Congress Committee.

Mr. McCarthy in the second page of his letter discusses questions concerning Schedule A of the third quarter report, which is timely filed with the commission. Paragraph 1 questions contributions from Friends of Steve Kretz and Friends of Locorriere for $125.00 and $100.00, respectively. These are local committees for that respective candidate and certainly do not appear to be impermissible sources under the statute.

Paragraph 2 questions a contribution from Gargiulo & Co. Gargiulo & Co. is an accounting firm operated by Mike Gargiulo as the sole accountant. It is not a corporation.

Paragraph 3 questions a contribution from Hubbard Power and Light co. This is not a corporation. In fact, it is a partnership and Jim Salano is the partner.

On Schedule B there is a reference made to a disbursement for Jennifer LaMantra. The fund raiser was for a matter held on August 27, 1994 at John Anthony's. I believe same satisfactorily responds to any questions Mr. McCarthy may have concerning our expenditures.

If there are further questions, do not hesitate to contact the undersigned.

Very truly yours,

Michael Mercurio

MM:eld

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MICHAEL P. MERCURIO
ATTORNEY AT LAW
462 ANN STREET
BABYLON, NEW YORK 11702
(516) 587-6517

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dec 12 12 22 PM '94

December 9, 1994

Mary Taksar, Esq.
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Manfre for Congress
P.O. Box 48, Babylon, NY 11702
F.E.C. I.D. #164740
House I.D. Matter #MUR4087

Dear Ms. Taksar:

I am writing to you in reply to the letter of Mr. Thomas McCarthy dated November 11, 1994 in which he continues to assert what is nothing more than trivial allegations.

Notwithstanding this, please be advised as follows:

1. The flyer referred to in paragraph "1" of said letter was paid for by "Manfre for Congress";

2. As previously stated, the failure to file the report due October 27, 1994 was due to the change in Treasurer from Darrell Conway to myself and my unfamiliarity with the FEC's rules. The information which would have been contained in that report has since been reported. Additionally, since then all reports have been timely filed;

3. Mr. Manfre, and "Manfre for Congress" did not pay for, consent to, know prior to its publication, nor request that the advertisement be placed in Suffolk Life. Upon information and belief, the publication of the advertisement was arranged independently by Thomas McHugh;

4. The furniture, fixtures and equipment contained in campaign headquarters are all the personal property of Mr. Manfre;

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5. The telephone bill has been paid and reported, the other utilities were included in the rent for campaign headquarters.

I trust you will find this information helpful and sufficient to bring this matter to a close.

Thank you for your attention to this matter.

Very truly yours,

Michael P. Mercurio
Treasurer

MPM:cdm

95043663148

Robin H. Carle
Clerk

Linda G. Haas
Deputy Clerk

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

March 21, 1995

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Mar 22 11 21 AM '95

TO: Lawrence J. Noble, General Counsel
Office of General Counsel
Federal Election Commission

FROM: Robert Templeton, Acting Director
Office of Records and Registration

Bob T.

RE: MUR 4087

Enclosed is a copy of certain material received by this office.

This material has neither been microfilmed nor included in our computer index. Please advise this office whether the document has been handled in a manner consistent with Commission procedures.

Thank you for your attention to this matter.

AJS

95043663149

REGULAR MAIL

JAN - 3 1995

MICHAEL P. MERCURIO
ATTORNEY AT LAW
462 ANN STREET
BABYLON, NEW YORK 11702
(516) 587-6517

RECEIVED
RECORDS & F...
1995 JAN -6 AM 8 39
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

December 30, 1994

Copy

164740

Office of the Clerk
U.S. House of Representatives
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Re: Manfre for Congress
Federal I.D. No.: 164740
House I.D. No.: MUR 4087
Identification No.: C00295204

Dear Sir or Madam:

I am writing in reply to the letter dated December 16, 1994 received from Nick Federsiel relating to the above.

The report for the period of October 1, 1994 to November 15, 1994 was indeed inappropriately denoted as a "termination report". A subsequent report has been filed for the period of November 15, 1994 through December 7, 1994 followed by an amendment.

We expect to wind up the affairs of this committee shortly at which time a termination report will be filed. Thank you for your courtesy and cooperation.

Very truly yours,

Michael P. Mercurio
Treasurer

MPM:cdm

cc: Mr. Nick Federsiel
Reports Analyst
Reports Analysis Division
999 E. Street, N.W.
Washington, D.C. 20463

95043663150

FED

BEFORE THE 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

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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.

9504366312

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

95043663153

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

Jan 17, 1995
Date

Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document
Enforcement Priority	)	#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)

95043663155

4) MUR 3866
5) MUR 3876
6) MUR 3879
7) MUR 3890
8) MUR 3893
9) MUR 3895
10) MUR 3896
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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

95043663157

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Mr. Michael Moriarty, Esq.
c/o Windells, Marx, et al.
156 West 56th Street
New York, NY 10019

RE: MUR 4087
Thomas R. McCarthy

Dear Mr. Moriarty:

On October 17, 1994, the Federal Election Commission received a complaint from your client, alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents.

See attached narrative. Accordingly, the Commission closed 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

Attachment
Narrative

95043663158

MUR 4087
MANFRE FOR CONGRESS COMMITTEE

Thomas McCarthy filed a complaint alleging that the Manfre for Congress Committee made the following reporting errors: failure to file a separate Schedule A for four line items; failure to attribute contributions from three partnerships to specific partners; omission of an address for a disbursement to Andrew Black; inadequate description for disbursements for "expenses" and "campaign literature" to a campaign worker in the amounts of $2,101.60 and $1,527.76; and failure to disclose in-kind contributions for space provided to the campaign at the Democratic town headquarters. The complaint also alleges that the Committee received in-kind contributions which it failed to report when Conway & Cheriello faxed a disclosure report to the Commission and the Committee held a fundraiser at John Anthony's Pizzeria for which it disclosed $200 in expenditures, an amount which the complainant alleges is not sufficient to cover such an event.

In response to the complaint, the Committee states that it was not aware that a Pre-Primary Report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party designation. According to the Committee, it believed that such a report was required only when a primary is contested. Mr. Conway, the Committee's treasurer, states that when he learned on September 9, 1994 that a Pre-Primary Report was in fact required, he faxed a copy of the report to the Commission from his place of business, the law firm of Conway and Cheriello. In his response, Mr. Conway indicates that he was currently awaiting a copy of the long-distance telephone bill and that upon receipt of the bill, he would seek reimbursement from the Committee for the expense of transmitting the report by facsimile to the Commission. In its response to the complaint, the Committee provided the information which the complaint alleges is missing from its reports or inadequate. The Committee also states that there was no designated space at the Town of Babylon Democratic Headquarters for the Manfre Committee and thus, no in-kind contribution resulted. According to the Committee, it was awaiting the bill for the fundraiser at John Anthony's and when received, the bill would be paid and reported to the Commission.

This matter is less significant relative to other matters pending before the Commission and respondents have taken remedial action.

95043663159

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Michael P. Mercurio, Treasurer
Manfre for Congress Committee
84 Washington Avenue
Babylon, NY 11702

RE: MUR 4087

Dear Mr. Mercurio:

On October 24, 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 has determined to exercise its prosecutorial discretion and to take no action against the Manfre for Congress Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

9504366310

MUR 4087
MANFRE FOR CONGRESS COMMITTEE

Thomas McCarthy filed a complaint alleging that the Manfre for Congress Committee made the following reporting errors: failure to file a separate Schedule A for four line items; failure to attribute contributions from three partnerships to specific partners; omission of an address for a disbursement to Andrew Black; inadequate description for disbursements for "expenses" and "campaign literature" to a campaign worker in the amounts of $2,101.60 and $1,527.76; and failure to disclose in-kind contributions for space provided to the campaign at the Democratic town headquarters. The complaint also alleges that the Committee received in-kind contributions which it failed to report when Conway & Cheriello faxed a disclosure report to the Commission and the Committee held a fundraiser at John Anthony's Pizzeria for which it disclosed $200 in expenditures, an amount which the complainant alleges is not sufficient to cover such an event.

In response to the complaint, the Committee states that it was not aware that a Pre-Primary Report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party designation. According to the Committee, it believed that such a report was required only when a primary is contested. Mr. Conway, the Committee's treasurer, states that when he learned on September 9, 1994 that a Pre-Primary Report was in fact required, he faxed a copy of the report to the Commission from his place of business, the law firm of Conway and Cheriello. In his response, Mr. Conway indicates that he was currently awaiting a copy of the long-distance telephone bill and that upon receipt of the bill, he would seek reimbursement from the Committee for the expense of transmitting the report by facsimile to the Commission. In its response to the complaint, the Committee provided the information which the complaint alleges is missing from its reports or inadequate. The Committee also states that there was no designated space at the Town of Babylon Democratic Headquarters for the Manfre Committee and thus, no in-kind contribution resulted. According to the Committee, it was awaiting the bill for the fundraiser at John Anthony's and when received, the bill would be paid and reported to the Commission.

This matter is less significant relative to other matters pending before the Commission and respondents have taken remedial action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

Mr. James Manfre
84 Washington Ave
Babylon, NY 11702

RE: MUR 4087

Dear Mr. Manfre:

On October 24, 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 has determined to exercise its prosecutorial discretion and to take no action against and you. See attached narrative. Accordingly, the Commission closed 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

95043663162

MUR 4087
MANFRE FOR CONGRESS COMMITTEE

Thomas McCarthy filed a complaint alleging that the Manfre for Congress Committee made the following reporting errors: failure to file a separate Schedule A for four line items; failure to attribute contributions from three partnerships to specific partners; omission of an address for a disbursement to Andrew Black; inadequate description for disbursements for "expenses" and "campaign literature" to a campaign worker in the amounts of $2,101.60 and $1,527.76; and failure to disclose in-kind contributions for space provided to the campaign at the Democratic town headquarters. The complaint also alleges that the Committee received in-kind contributions which it failed to report when Conway & Cheriello faxed a disclosure report to the Commission and the Committee held a fundraiser at John Anthony's Pizzeria for which it disclosed $200 in expenditures, an amount which the complainant alleges is not sufficient to cover such an event.

In response to the complaint, the Committee states that it was not aware that a Pre-Primary Report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party designation. According to the Committee, it believed that such a report was required only when a primary is contested. Mr. Conway, the Committee's treasurer, states that when he learned on September 9, 1994 that a Pre-Primary Report was in fact required, he faxed a copy of the report to the Commission from his place of business, the law firm of Conway and Cheriello. In his response, Mr. Conway indicates that he was currently awaiting a copy of the long-distance telephone bill and that upon receipt of the bill, he would seek reimbursement from the Committee for the expense of transmitting the report by facsimile to the Commission. In its response to the complaint, the Committee provided the information which the complaint alleges is missing from its reports or inadequate. The Committee also states that there was no designated space at the Town of Babylon Democratic Headquarters for the Manfre Committee and thus, no in-kind contribution resulted. According to the Committee, it was awaiting the bill for the fundraiser at John Anthony's and when received, the bill would be paid and reported to the Commission.

This matter is less significant relative to other matters pending before the Commission and respondents have taken remedial action.

95043663103

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 6, 1995

Darrell J. Conway
Conway & Ceriello, Inc.
425 Broad Hollow Rd.
Mellville, NY 11747

RE: MUR 4087

Dear Mr. Conway:

On October 24, 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 has determined to exercise its prosecutorial discretion and to take no action against Conway and Ceriello, Inc. See attached narrative. Accordingly, the Commission closed 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

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MUR 4087
MANFRE FOR CONGRESS COMMITTEE

Thomas McCarthy filed a complaint alleging that the Manfre for Congress Committee made the following reporting errors: failure to file a separate Schedule A for four line items; failure to attribute contributions from three partnerships to specific partners; omission of an address for a disbursement to Andrew Black; inadequate description for disbursements for "expenses" and "campaign literature" to a campaign worker in the amounts of $2,101.60 and $1,527.76; and failure to disclose in-kind contributions for space provided to the campaign at the Democratic town headquarters. The complaint also alleges that the Committee received in-kind contributions which it failed to report when Conway & Cheriello faxed a disclosure report to the Commission and the Committee held a fundraiser at John Anthony's Pizzeria for which it disclosed $200 in expenditures, an amount which the complainant alleges is not sufficient to cover such an event.

In response to the complaint, the Committee states that it was not aware that a Pre-Primary Report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party designation. According to the Committee, it believed that such a report was required only when a primary is contested. Mr. Conway, the Committee's treasurer, states that when he learned on September 9, 1994 that a Pre-Primary Report was in fact required, he faxed a copy of the report to the Commission from his place of business, the law firm of Conway and Cheriello. In his response, Mr. Conway indicates that he was currently awaiting a copy of the long-distance telephone bill and that upon receipt of the bill, he would seek reimbursement from the Committee for the expense of transmitting the report by facsimile to the Commission. In its response to the complaint, the Committee provided the information which the complaint alleges is missing from its reports or inadequate. The Committee also states that there was no designated space at the Town of Babylon Democratic Headquarters for the Manfre Committee and thus, no in-kind contribution resulted. According to the Committee, it was awaiting the bill for the fundraiser at John Anthony's and when received, the bill would be paid and reported to the Commission.

This matter is less significant relative to other matters pending before the Commission and respondents have taken remedial action.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1995

President
John Anthoney's Pizzeria, Inc.
54 Old River Rd.
Hampton Bays, NY 11946

RE: MUR 4087

Dear President:

On October 24, 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 has determined to exercise its prosecutorial discretion and to take no action against John Anthoney's Pizzeria, Inc. See attached narrative. Accordingly, the Commission closed 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

9504366311066

MUR 4087
MANFRE FOR CONGRESS COMMITTEE

Thomas McCarthy filed a complaint alleging that the Manfre for Congress Committee made the following reporting errors: failure to file a separate Schedule A for four line items; failure to attribute contributions from three partnerships to specific partners; omission of an address for a disbursement to Andrew Black; inadequate description for disbursements for "expenses" and "campaign literature" to a campaign worker in the amounts of $2,101.60 and $1,527.76; and failure to disclose in-kind contributions for space provided to the campaign at the Democratic town headquarters. The complaint also alleges that the Committee received in-kind contributions which it failed to report when Conway & Cheriello faxed a disclosure report to the Commission and the Committee held a fundraiser at John Anthony's Pizzeria for which it disclosed $200 in expenditures, an amount which the complainant alleges is not sufficient to cover such an event.

In response to the complaint, the Committee states that it was not aware that a Pre-Primary Report was required to be filed since Mr. Manfre was not involved in a primary for the Democratic Party designation. According to the Committee, it believed that such a report was required only when a primary is contested. Mr. Conway, the Committee's treasurer, states that when he learned on September 9, 1994 that a Pre-Primary Report was in fact required, he faxed a copy of the report to the Commission from his place of business, the law firm of Conway and Cheriello. In his response, Mr. Conway indicates that he was currently awaiting a copy of the long-distance telephone bill and that upon receipt of the bill, he would seek reimbursement from the Committee for the expense of transmitting the report by facsimile to the Commission. In its response to the complaint, the Committee provided the information which the complaint alleges is missing from its reports or inadequate. The Committee also states that there was no designated space at the Town of Babylon Democratic Headquarters for the Manfre Committee and thus, no in-kind contribution resulted. According to the Committee, it was awaiting the bill for the fundraiser at John Anthony's and when received, the bill would be paid and reported to the Commission.

This matter is less significant relative to other matters pending before the Commission and respondents have taken remedial action.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 4087

DATE FILMED 7/28/95 CAMERA NO. 1

CAMERAMAN EES

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