FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4145

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

9504369905

Thomas R. McCarthy
P.O. Box 5063
Bay Shore New York 11706
(516) 666-2511

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 7 12 03 PM '94

MUR 4145

November 2, 1994

Mary Taksar
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. ID # 164740 House ID
Matter # MUR 4087

Dear Ms. Taksar:

The purpose of this letter is file an additional complaint relative to the above-referenced congressional committee. Please be aware that a complaint is on file already, and has been assigned matter # MUR 4087. For a new complaint, please consider the following facts:

1 As of todays date, the Manfre campaign has yet to file the pre-general election report, due on October 27. This fits the pattern of abuse identified in our earlier complaint: The Manfre committee has filed at least 2 of its 1994 reports substantially late.

2 Enclosed please find an original of a piece of campaign literature printed on Mr. Manfre's behalf by the Sufolk County Democratic Committee. To date, there has been no reporting from the Manfre Campaign of this obvious in-kind contribution.

3 Further, the Manfre campaign operates a campaign office out of the Town of Babylon Democratic Headquarters. I know this of my own personal knowledge, as I have called that Headquarters, at (516) 956-1340, and talked with persons answering "Manfre for congress". Nowhere is this obvious in-kind contribution reported.

4 There are absolutely no in-kind contributions reported throughout the entire Manfre campaign. Further, there has never been a phone bill, or a power, or light bill paid by the Manfre

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campaign. Upon information and belief, these were provided by the town of Babylon Democrat committee, as in-kind contributions.

In addition, please let me draw your attention to the report the Manfre committee did file, on October 13, 1994.

Schedule A

1. On page 1, contributions from Friends of Steve Kretz, Friends of Locorriere, of $125, $100 each. These are state political committees. Are these contributions from permissable funds?

2. Page 7-- a $250 contribution from Gargiulo & Co. there is no indication whether the firm is a corporation or a partnership. If corporate, the contribution is unlawful. If the firm is a partnership, then there is no designation to a partner, and so the contributionn is unlawfuul.

3. Page 10. A contribution from Hubbard Power and Light Co. Again, this most certainly appears to be an unlawful Corporate contribution. If Partnership, it is not designated to a partner.

Schedule B

1. On page 1 of schedule B, there is a $200 entry for disbursement to Jennifer LA Mantra for "Matre 'De for affair". This is not adequately described in terms of a fundraiser. Which fundraiser, where held, etc.

Conclusion

For all of the reasons stated, it is hereby requested that the commision conduct an audit of the above-identified campaign commmittee

Sincerely,

Tom McCarthy

Sworn to and subscribed before me this 3rd day of November, 1994

PATRICK J O'FARRELL
Notary Public
State of New York County of Suffolk
Comm. Reg. # 01C 4625857
Exp. 3/30/96

9504369907

JIM MANFRE BELIEVES YOU DIDN'T GET THE CHANGE THAT YOU WANTED IN CONGRESS!

Catherine, Jim, Cornelia and Alec Manfre

JIM MANFRE

FOR

U.S. CONGRESS

2ND DISTRICT

"My opponent, the incumbent, stands for nothing, takes no positions and has no new ideas. Let's take action now on real issues affecting every American by putting a leader back in Congress."

– Jim Manfre

For more information, call Jim Manfre at 956-1340.
Campaign donations may be sent to: **Manfre for Congress**, P.O. Box 48, Babylon, NY 11702.

VOTE DEMOCRAT...VOTE ROW "A"

Printed by the Suffolk County Democratic Committee

Who is Jim Manfre?

✓ Babylon Deputy Town Attorney for Supervisors Rich Schaffer and Arthur Pitts. Manfre fought crime in the Suffolk County, Brooklyn and Bronx District Attorney's Offices.

✓ Member of the Suffolk County Bar Association, Babylon Rotary Club and a lifelong Suffolk County resident. Jim Manfre was raised in North Babylon and lives in Babylon Village with his wife Cornelia and two children.

✓ Graduate of Fordham University and St. John's Universtity School of Law.

JIM MANFRE

What does he stand for?

Jim Manfre is a taxpayer like you who, unlike the incumbent, understands the struggle of Long Island's middle class. He will fight for you on health care, crime, tax relief, women's rights and jobs.

Jim Manfre knows that the future of Long Island depends on tough decisions and real action... now!

FOR

U.S.CONGRESS

ON NOVEMBER 8TH... VOTE ROW "A"

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1994

Thomas R. McCarthy
P.O. Box 5063
Bay Shore, NY 11706

RE: MUR 4145

Dear Mr. McCarthy:

This letter acknowledges receipt on November 7, 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 4145. 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

95043693009

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1994

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

RE: MUR 4145

Dear Mr. Mercurio:

The Federal Election Commission received a complaint which indicates that Manfre for Congress Committee ("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 4145. 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.

9504369910

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

cc: James Manfre

95043369911

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1994

President
Gargiulo & Co.
70 George Street
Babylon, NY 11702

RE: MUR 4145

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Gargiulo & Co. 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 4145. 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 Gargiulo & Co. 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.

9504369912

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

9504369391 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1994

President
Hubbard Power & Light Co.
1983 Marcus Avenue
Lake Success, NY 11042

RE: MUR 4145

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Hubbard Power & Light Co. 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 4145. 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 Hubbard Power & Light Co. 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.

9504369914

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

95043693915

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 16 12 17 PM '94

Thomas McCarthy
P.O. Box 5063
Bay Shore, New York 11703
(516) 666-2511

November 12, 1994

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

RE: Manfre for Congress P. O. Box 48 Babylon NY 11702
F. E. C. ID # 164740 House ID
Matter # MUR ~~4087~~ 4145 + 4142

Dear Ms. Taksar

Please direct any and all future correspondence in reply to our complaints against the above-entitled congressional campaign committee as follows

Mr. Michael Moriarty, Esq.
C/O Windells, Marx, et al
156 West 56th Street
New York, New York 10019

Sincerely,

Tom McCarthy

95043693916

GARGIULO & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS

RECEIVED
FEDERAL ELECTION
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MAIL ROOM
DEC 5 11 30 AM '94

November 30, 1994

DEC 5 12 28 PM '94
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Federal Election Commission
Washington, D.C. 20463

Re: MUR 4145

Mary L. Taksar:

In response to your letter of November 18, 1994 I am requesting an extension of time to January 15, 1995 to reply.

I have requested a copy of the Federal Election Campaign Act of 1971 and the regulations. It is necessary that I have a knowledge of the law to properly respond.

Your co-operation in granting the extension of time in this matter is appreciated.

Michael L. Gargiulo

Michael L. Gargiulo CPA

95043369917

70 GEORGE STREET, BABYLON, N.Y. 11702
(516) 669-2321 FAX (516) 669-2375

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1994

Michael L. Gargle, CPA
Gargiulo & Company
70 George Street
Babylon, NY 11702

RE: MUR 4145
Gargiulo & Company

Dear Mr. Gargiulo:

This is in response to your letter dated November 30, 1994, and your conversation with Joan McEnery of this office on December 1, 1994, requesting an extension until January 12, 1994 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on January 12, 1994.

If you have any questions, please contact Joan McEnery at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

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GARGIULO & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
DEC 12 3 57 PM '94

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
DEC 13 9 24 AM '94

December 6, 1994

Federal Election Commission
Washington, D.C.
Mary L. Taksar, Attorney
Central Enforcement Docket

Re: Mur 4145

Mary L. Taksar:

In response to your letter of November 18, 1994 please review the following information.

The $250.00 check of Gargiulo & CO. Certified Public Accountants, was to attend a cocktail party and buffet at John Anthony's in Babylon, a fund raiser for Manfre for congress. The funds are allocated to Michael L. Gargiulo CPA $125.00 , and Christopher Gargiulo CPA $125.00 who are partners in the firm and attended the function. The firm is a partnership, It is clear that the title of the firm states that it is not a corporation.

In the event you need any additional information feel free to contact me.

Sincerely,

Michael L. Gargiulo

Michael L. Gargiulo CPA

9504369319

70 GEORGE STREET, BABYLON, N.Y. 11702
(516) 669-2321 FAX (516) 669-2375

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 9 12 26 PM '94

Hubbard Power & Light, Inc.

51 East Bethpage Road
Plainview, NY 11803
516-293-0600
FAX: 516-293-1406

December 7, 1994

Ms. Mary L. Taksar
Attorney - Central Enforcement Docket
Federal Election Commission
999 E. Street NW
Washington, D.C. 20463

RE: MUR4145

Dear Ms. Taksar:

It has come to our intention that a complaint was made against Hubbard Power & Light by which a violation may have occurred with the Federal Election Campaign Act of 1971.

We understand that the Federal Election Commission has taken no further action, however, we would like to request any additional information that is available to the Commission which may be relevant to these allegations.

If you should need to reach me, please feel free to call 516-293-0600. Thank you for your cooperation concerning this matter.

Sincerely,

Joseph E. Wold, Jr.
Vice President

kb

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 2 10 52 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) Enforcement Priority
)
)

GENERAL COUNSEL'S REPORT

SENSITIVE

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 34 cases which do not warrant further pursuit relative to the other pending cases.[1] A short description of

1. These matters are: FM 309 (Attachment 1); RAD 95L-12 (Attachment 2); MUR 4118 (Attachment 3); MUR 4119 (Attachment 4); MUR 4120 (Attachment 5); MUR 4122 (Attachment 6); MUR 4123 (Attachment 7); MUR 4124 (Attachment 8); MUR 4125 (Attachment 9); MUR 4126 (Attachment 10); MUR 4130 (Attachment 11); MUR 4133 (Attachment 12); MUR 4134 (Attachment 13); MUR 4135 (Attachment 14); MUR 4136 (Attachment 15); MUR 4137

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-34. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the matter referred by the Reports Analysis Division because this information was not previously circulated to the Commission. See Attachments 1-34.

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 11 cases that

do not

9504369392 2

(Footnote 1 continued from previous page)
(Attachment 16); MUR 4138 (Attachment 17); MUR 4140
(Attachment 18); MUR 4142 (Attachment 19); MUR 4143
(Attachment 20); MUR 4144 (Attachment 21); MUR 4145
(Attachment 22); MUR 4148 (Attachment 23); MUR 4149
(Attachment 24); MUR 4153 (Attachment 25); MUR 4155
(Attachment 26); MUR 4158 (Attachment 27); MUR 4163
(Attachment 28); MUR 4164 (Attachment 29); MUR 4169
(Attachment 30); MUR 4179 (Attachment 31); MUR 4195
(Attachment 32); MUR 4196 (Attachment 33); and MUR 4205
(Attachment 34).

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 findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report because this information was not previously circulated to the Commission. See Attachments 35-45. 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.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective October 16, 1995. By closing the cases effective October 16, 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.

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2. These matters are: PM 250 (Attachment 35); PM 272 (Attachment 36); MUR 3188 (Attachment 37); MUR 3554 (Attachment 38); MUR 3623 (Attachment 39); MUR 3988 (Attachment 40); MUR 3996 (Attachment 41); MUR 4001 (Attachment 42); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4008 (Attachment 44); and MUR 4018 (Attachment 45).

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective October 16, 1995 in the following matters:

1) PM 309
2) RAD 95L-12
3) PM 250
4) PM 272

B. Take no action, close the file effective October 16, 1995, and approve the appropriate letter in the following matters:

1) MUR 3554
2) MUR 3623
3) MUR 3988
4) MUR 3996
5) MUR 4001
6) MUR 4007
7) MUR 4008
8) MUR 4018
9) MUR 4118
10) MUR 4119
11) MUR 4120
12) MUR 4122
13) MUR 4123
14) MUR 4124
15) MUR 4125
16) MUR 4126
17) MUR 4130
18) MUR 4133
19) MUR 4134
20) MUR 4135
21) MUR 4136
22) MUR 4137
23) MUR 4138
24) MUR 4140
25) MUR 4142
26) MUR 4143
27) MUR 4144
28) MUR 4145
29) MUR 4148
30) MUR 4149

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31) MUR 4153
32) MUR 4155
33) MUR 4158
34) MUR 4163
35) MUR 4164
36) MUR 4169
37) MUR 4179
38) MUR 4195
39) MUR 4196
40) MUR 4205

C. Take no further action, close the file effective October 16, 1995 and approve the appropriate letter in MUR 3188.

9/29/95
Date

Lawrence M. Noble
General Counsel

9504369325

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document #X95-85
Enforcement Priority	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 17, 1995, do hereby certify that the Commission decided by votes of 5-0 to take the following actions:

A. Decline to open a MUR and close the file effective October 17, 1995 in the following matters:

1) PM 309
2) RAD 95L-12
3) PM 250
4) PM 272

B. Take no action, close the file effective October 17, 1995, and approve the appropriate letter in the following matters:

1) MUR 3554
2) MUR 3623
3) MUR 3988
4) MUR 3996
5) MUR 4001
6) MUR 4007
7) MUR 4008
8) MUR 4018
9) MUR 4118

(continued)

95043693926

10) MUR 4119
11) MUR 4120
12) MUR 4122
13) MUR 4123
14) MUR 4124
15) MUR 4125
16) MUR 4126
17) MUR 4130
18) MUR 4133
19) MUR 4134
20) MUR 4135
21) MUR 4136
22) MUR 4137
23) MUR 4138
24) MUR 4140
25) MUR 4142
26) MUR 4143
27) MUR 4144
28) MUR 4145
29) MUR 4148
30) MUR 4149
31) MUR 4153
32) MUR 4155
33) MUR 4158
34) MUR 4163
35) MUR 4164
36) MUR 4169
37) MUR 4179
38) MUR 4195
39) MUR 4196
40) MUR 4205

C. Take no further action, close the file effective October 17, 1995 and approve the appropriate letter in MUR 3188.

(continued)

9504369927

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for each of the decisions; Commissioner Potter was not present.

Attest:

10-20-95
Date

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

9504369928

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Thomas R. McCarthy
P. O. Box 5063
Bay Shore, NY 11706

RE: MUR 4145

Dear Mr. McCarthy:

On November 7, 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 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 October 17, 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

Attachment
Narrative

95043693929

MUR 4145
MANFRE FOR CONGRESS COMMITTEE

Thomas R. McCarthy filed a complaint alleging that the Manfre Committee failed to timely file its Pre-Election Report, failed to report in-kind contributions received from the Suffolk County Democratic Committee in the form of literature and from the Town of Babylon Democratic Committee for use of an office. The complaint also alleges that the Committee failed to report any in-kind contributions, received two corporate contributions, and failed to provide complete information for a fundraiser.

The Manfre for Congress Committee responds that the Pre-Election Report was filed eight days late because of a change in a treasurer and a delay in transferring the Committee's financial records to the new treasurer. The Committee states that it is awaiting an invoice for the literature printed by the Suffolk Democratic Committee and once received, the invoice will be paid and the disbursement reported to the Commission. According to the Committee, it maintained its own office for the Manfre for Congress Committee but also paid for the use of a telephone in the Town of Babylon Democratic Committee Headquarters. The Committee indicates that it appeared that the contributions received from two local candidate committees were from permissible funds and that the two alleged corporate contributions were actually received from partnerships. The Committee provided additional information regarding the fundraising expenditure.

This matter is less significant relative to other matters pending before the Commission.

95043693920

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Joseph E. Wold, Jr.
Hubbard Power & Light Co.
51 East Bethpage Road
Plainview, NY 11803

RE: MUR 4145

Dear Mr. Wold:

On November 18, 1994, the Federal Election Commission notified Hubbard Power & Light Co. 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 Hubbard Power & Light Co. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 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 Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

9504369391

MUR 4145
MANFRE FOR CONGRESS COMMITTEE

Thomas R. McCarthy filed a complaint alleging that the Manfre Committee failed to timely file its Pre-Election Report, failed to report in-kind contributions received from the Suffolk County Democratic Committee in the form of literature and from the Town of Babylon Democratic Committee for use of an office. The complaint also alleges that the Committee failed to report any in-kind contributions, received two corporate contributions, and failed to provide complete information for a fundraiser.

The Manfre for Congress Committee responds that the Pre-Election Report was filed eight days late because of a change in a treasurer and a delay in transferring the Committee's financial records to the new treasurer. The Committee states that it is awaiting an invoice for the literature printed by the Suffolk Democratic Committee and once received, the invoice will be paid and the disbursement reported to the Commission. According to the Committee, it maintained its own office for the Manfre for Congress Committee but also paid for the use of a telephone in the Town of Babylon Democratic Committee Headquarters. The Committee indicates that it appeared that the contributions received from two local candidate committees were from permissible funds and that the two alleged corporate contributions were actually received from partnerships. The Committee provided additional information regarding the fundraising expenditure.

This matter is less significant relative to other matters pending before the Commission.

95043693932

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

October 23, 1995

Michael L. Gargiulo
Gargiulo & Co.
70 George Street
Babylon, NY 11702

RE: MUR 4145

Dear Mr. Gargiulo:

On November 18, 1994, the Federal Election Commission notified Gargiulo & Co. 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 Gargiulo & Co. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 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 Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

9504369933

MUR 4145
MANFRE FOR CONGRESS COMMITTEE

Thomas R. McCarthy filed a complaint alleging that the Manfre Committee failed to timely file its Pre-Election Report, failed to report in-kind contributions received from the Suffolk County Democratic Committee in the form of literature and from the Town of Babylon Democratic Committee for use of an office. The complaint also alleges that the Committee failed to report any in-kind contributions, received two corporate contributions, and failed to provide complete information for a fundraiser.

The Manfre for Congress Committee responds that the Pre-Election Report was filed eight days late because of a change in a treasurer and a delay in transferring the Committee's financial records to the new treasurer. The Committee states that it is awaiting an invoice for the literature printed by the Suffolk Democratic Committee and once received, the invoice will be paid and the disbursement reported to the Commission. According to the Committee, it maintained its own office for the Manfre for Congress Committee but also paid for the use of a telephone in the Town of Babylon Democratic Committee Headquarters. The Committee indicates that it appeared that the contributions received from two local candidate committees were from permissible funds and that the two alleged corporate contributions were actually received from partnerships. The Committee provided additional information regarding the fundraising expenditure.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

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

RE: MUR 4145

Dear Mr. Mercurio:

On November 18, 1994, the Federal Election Commission notified the Manfre for Congress Committee and you, as treasurer, 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 October 17, 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 Central Enforcement Docket at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

9504369935

MUR 4145
MANFRE FOR CONGRESS COMMITTEE

Thomas R. McCarthy filed a complaint alleging that the Manfre Committee failed to timely file its Pre-Election Report, failed to report in-kind contributions received from the Suffolk County Democratic Committee in the form of literature and from the Town of Babylon Democratic Committee for use of an office. The complaint also alleges that the Committee failed to report any in-kind contributions, received two corporate contributions, and failed to provide complete information for a fundraiser.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4145

DATE FILMED 11/9/95 CAMERA NO. 3

CAMERAMAN EES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 12/18/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4145

9604370129

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.

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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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