



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4367

DATE FILMED 4-28-97 CAMERA NO. 1

CAMERAMAN JMW

97043792258

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 20 2 15 PM '96

Law Offices of
STEPHEN M. De LUCA, ESQ.
Attorney and Counsellor-at-Law

Admitted:
New Jersey
New York
United States Court of
International Trade

350 Lexington Ave.
Mt. Kisco, NY 10549
(914) 666-9200

485 Main St.
Hackensack, NJ 07105-8155
(201) 342-9300

Fax#: (914) 666-9203
Internet: sdeluca0@counsel.com

121 Night Owl Court
Longwood, FL 32779
(407) 862-8821

MUR 4367

May 13, 1996

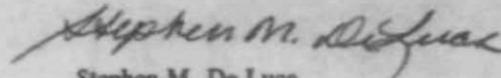
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **In the Matter of Vincent Tamagna, et al.**

Dear Sir/Madam:

Enclosed for filing please find an original and two (2) copies of a complaint by my client, Joseph J. DioGuardi, a candidate for Federal office, against several named respondents for violations of federal election law and regulations. If you have any questions, please contact me at the office of People for DioGuardi, (914) 762-5530.

Respectfully,


Stephen M. De Luca

Enclosure

97043792259

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 20 2 15 PM '96

In the Matter of

VINCENT TAMAGNA, PHILIPSTOWN REPUBLICAN
PARTY, PUTNAM COUNTY REPUBLICAN PARTY,
SUE KELLY, AND SUE KELLY FOR CONGRESS,

Respondents.

TO: General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

The complainant, Joseph J. DioGuardi, as and for his complaint against the respondents, under oath and penalty of perjury, alleges the following:

THE PARTIES

1. Mr. DioGuardi is a candidate for Representative to the U.S. House of Representatives from the 19th Congressional District of New York State, a federal office as defined under 11 CFR section 100.3(a), and as such he is a candidate as defined under 11 CFR section 100.3.

2. Respondent Vincent Tamagna is the Chairman of the Philipstown Republican Party and a member of the Executive Committee of the Putnam County Republican Party, both of the State of New York.

3. Respondent Philipstown Republican Party is a political party as defined under 11 CFR section 100.5(e)(4) and is not an authorized committee or affiliated committee of Sue Kelly and/or Sue Kelly for Congress as defined under 11 CFR section 100.5(f) and (g).

4. Respondent Putnam County Republican Party is a political party as defined under 11 CFR section 100.5(e)(4) and is not an authorized committee or affiliated committee of Sue Kelly and/or Sue Kelly for Congress as defined under 11 CFR section 100.5(f) and (g).

5. Respondent Sue Kelly is the current Representative to the U.S. House of Representatives from the 19th Congressional District of New York State and is a candidate for re-election to that office, a

97043792260

federal office as defined under 11 CFR section 100.3(a), and as such she is a candidate as defined under 11 CFR section 100.3.

6. Respondent Sue Kelly for Congress is Ms. Kelly's principal campaign committee as defined under 11 CFR section 100.5(e)(1) and is the only one authorized by Ms. Kelly under 11 CFR section 102.13 as her authorized committee as defined under 11 CFR section 100.5(f)(1).

THE FACTS

7. In a direct mail campaign letter dated March 22, 1996 Ms. Kelly sent a letter to Republican Party leaders in the 19th Congressional District of New York State. A copy of this letter is attached hereto as Exhibit 1.

8. In a direct mail campaign letter dated May 1, 1996, Mr. Tamagna sent a letter, which identifies himself as Chairman of the Philipstown Republican Party and a member of the Executive Committee of the Putnam County Republican Party, to over 100 Republican Party and Conservative Party leaders in the 19th Congressional District of New York State expressly advocating the election of Ms. Kelly and the defeat of Mr. DioGuardi, each of whom is clearly identified as defined under 11 CFR section 100.17. A copy of this letter is attached hereto as Exhibit 2.

COUNT ONE

9. The complainant repeats and realleges all the allegations of paragraphs 1 through 8 as if fully restated herein.

10. The May 1, 1996 letter does not include a disclaimer as defined under 11 CFR section 110.11, and thus fails to provide non-authorization notice as defined under 11 CFR section 109.3.

COUNT TWO

11. The complainant repeats and realleges paragraphs 1 through 10 as if fully set forth herein.

12. The issuance of said May 1, 1996 letter was made for the purpose of influencing an election for federal office and as such was a contribution under 11 CFR section 100.7(a)(1).

13. Under information and belief, the issuance of said April 11, 1996 letter was on behalf of Ms. Kelly and/or Sue Kelly for Congress and as such the Philipstown Republican Party and/or the Putnam

County Republican Party acted as an unauthorized committee of Ms. Kelly and/or Sue Kelly for Congress as defined under 11 CFR section 100.5(f)(2).

COUNT THREE

14. The complainant repeats and realleges paragraphs 1 through 13 as if fully set forth herein.

15. Under information and belief, Mr. Tamagna does not have mailing lists or mailing labels for the Republican Party and Conservative Party leaders in the 19th Congressional District of New York State and does not have the equipment and personnel necessary to generate such lists or labels that were used on envelopes to mail the said April 11, 1996 letter to said leaders.

16. The substance of the aforesaid May 1, 1996 letter is nearly identical to that of the aforesaid March 22, 1996 letter.

17. Under information and belief, said May 1, 1996 letter was made with the cooperation of, in consultation with, in concert with, or at the request of Ms. Kelly and/or Sue Kelly for Congress and as such was not an independent expenditure under 11 CFR section 100.16.

COUNT FOUR

18. The complainant repeats and realleges paragraphs 1 through 17 as if fully set forth herein.

19. By not stating in said April 11, 1996 letter who paid for it or whether Ms. Kelly or Sue Kelly for Congress authorized the letter and by stating his political offices thereon, Mr. Tamagna suggests that the letter was paid for and/or authorized by the Philipstown Republican Party and/or the Putnam County Republican Party.

20. Under information and belief, Mr. Tamagna made a contribution in the name of another person, a prohibited contribution as defined under 11 CFR section 110.4(b)(i).

COUNT FIVE

21. The complainant repeats and realleges paragraphs 1 through 20 as if fully set forth herein.

22. Under information and belief, the Philipstown Republican Party knowingly permitted its name to be used to effect a contribution made in its name by another person, a prohibited contribution as defined under 11 CFR section 110.4(b)(ii).

97043792262

97043792263

COUNT SIX

24. The complainant repeats and realleges paragraphs 1 through 22 as if fully set forth herein.

25. Under information and belief, the Putnam County Republican Party knowingly permitted its name to be used to effect a contribution made in its name by another person, a prohibited contribution as defined under 11 CFR section 110.4(b)(ii).

COUNT SEVEN

26. The complainant repeats and realleges paragraphs 1 through 25 as if fully set forth herein.

27. Under information and belief, Ms. Kelly knowingly accepted a contribution made by one person in the name of another, a prohibited contribution as defined under 11 CFR section 110.4(b)(iv).

COUNT EIGHT

28. The complainant repeats and realleges paragraphs 1 through 27 as if fully set forth herein.

28. Under information and belief, Sue Kelly for Congress knowingly accepted a contribution made by one person in the name of another, a prohibited contribution as defined under 11 CFR section 110.4(b)(iv).

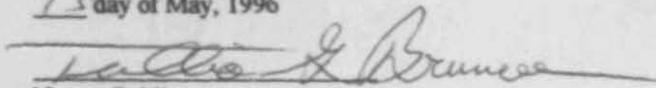
Dated: May 13, 1996

Respectfully submitted,



Joseph J. DiGuardi
2 Croton Avenue
Ossining, New York 10562
(914) 762-5530

Sworn to before me this
13 day of May, 1996


Notary Public

TULLIO G. BRUNO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4662594
COMMISSION IN WESTCHESTER COUNTY
COMMISSION EXPIRES 6-19-97

SUE KELLY

March 22, 1996

Mr. Richard J. Romano
11 Cheddar Lane
New Windsor, N.Y. 12553

Dear Richard:

Certainly I was a bit surprised to learn on March 14 that the New Windsor Republican Committee voted to endorse the candidacy of Joe DioGuardi.

I respect the committee's decision, but would like to take this opportunity to correct some of the assertions made at the meeting.

Item: Mr. DioGuardi contends that I am pro-abortion because of a vote I cast pertaining to late term abortions.

The Truth: Most late term abortions (450 of approximately 1.6 million annually) involve severely deformed or damaged fetuses and are done to protect the health or save the life of the mother. The bill to which Mr. DioGuardi referred would have imposed criminal penalties on doctors who perform late term abortions to save the mother's health. I believe this difficult decision is between a woman, her doctor, her husband and her God; not her God and the federal government.

Item: Mr. DioGuardi contends that I favor gay marriages.

The Truth: I am not a proponent of gay marriage. The amendment Mr. DioGuardi referenced in his presentation was also opposed by other conservative Republicans from New York, including Congressman Gilman, to whom Mr. DioGuardi recently contributed.

Item: Mr. DioGuardi contends that I favor federal funding of pornographic art.

The Truth: I supported successful efforts to prohibit federal funding of pornographic art. I am the mother of four children, have been married to the same man for 36 years and believe in family values. I am not in the business of spreading pornographic filth or funding it with federal tax dollars.

Item: It was alleged that I closed a Congressional office in Orange County.

The Truth: The 19th District Congressional office in Orange County was closed by Congressman Fish in the early 1990's. My federal staff allocation precludes having an office in each of the four counties I represent. However, upon taking office in 1995 I relocated Congressman Fish's Dutchess County office to a location much more convenient to those who live in New Windsor, hired a staff assistant from New Windsor and two others from neighboring Orange County towns. In addition, my Mobile Office held office hours on four different occasions in New Windsor between May and November.

P.O. BOX 599 KATONAH, NEW YORK 10536-0599 TEL 914/ 232-5940 FAX 914/ 232-7403
Real for by Sue Kelly for Congress



97043792264

Item: it was alleged that I have ignored New Windsor.

The Truth: I have visited New Windsor 17 times since taking office. One of the first of 35 town meetings I held last year was in New Windsor. Shortly after the 104th Congress convened, I sponsored a special meeting for town Supervisors from the Hudson Valley, to which Supervisor Meyers was invited. I have and continue to confer frequently with Senator Larkin and Assemblywoman Calhoun and receive regular briefings from my staff on local problems in New Windsor.

When I addressed the Committee a month ago, the subject of Mr. DioGuardi was not raised and I thus did not feel compelled to discuss his candidacy. However, now that he has directly challenged my veracity, I do feel you are entitled to know the full story in advance of the Orange County Convention.

Mr. DioGuardi is a former Congressman who represented Southern Westchester in the 20th Congressional district in the 1980's. He was defeated in 1988 because of a money laundering scandal involving his campaign committee. His chief fund raiser was arrested, indicted and convicted. During the trial, he testified that Mr. DioGuardi had masterminded the scheme. In 1992, Mr. DioGuardi ran for Congress in the 18th Congressional district and was soundly defeated. In 1994, he moved to the 19th Congressional District two weeks before the primary and lost again. Although I defeated Mr. DioGuardi in the Republican primary, he continued to campaign actively on the conservative line in the general election, telling associates he hoped to secure enough votes to deny me a victory. In the general election, I defeated Mr. DioGuardi 52% to 10%. My Democratic opponent received 36%.

In Congress, Mr. DioGuardi was not the career conservative he would have you believe. He voted with Democrats more than 40% of the time and took four pay raises in four years. Not a single one of the 76 bills he sponsored ever became law.

Certainly I cannot please everyone and there will always be those who contend they could have done the job better. I will continue to represent you to the best of my ability and in a manner that I hope you will find consistent with strong family values and sound, conservative Republican principles.

Should you have questions regarding my voting record or wish to speak with me directly, I encourage you to call. My number in Washington is 202-225-5441. You can also reach me through the Fishkill office by calling 897-5200.

Sincerely,



97043792265

Vincent M. Tamagna
405 Winston Lane
Peekskill, New York 10566

May 1, 1996

Dear Friend:

On April 15, former Congressman Joe DioGuardi addressed the Executive Committee of the Putnam County Republican Committee. During his 60 minute presentation Mr. DioGuardi said some things that raise serious questions about his veracity - things I believe you should know in the event that he repeats these prevarications in the future.

Mr. DioGuardi was asked about the money laundering scandal that cost him his seat when he represented the 20th Congressional district in Southern Westchester. He responded that he "barely knew the man." I have enclosed a copy of the New York Times article which indicates otherwise. According to the article, his fundraiser (who was arrested, indicted and convicted of violating federal election law) testified to a Federal Judge that Mr. DioGuardi masterminded the scheme to funnel illegal contributions to his campaign committee.

Mr. DioGuardi spoke at length about his prowess as a CPA -- asserting that his accounting background equips him to tame a 1.6 trillion dollar federal budget. Yet Mr. DioGuardi also asserted he "failed to notice" a one day deposit of \$50,000 in dirty money to his campaign account.

Mr. DioGuardi portrayed his campaign as the mission of a "principled conservative." You be the judge:

* According to Congressional Quarterly, Mr. DioGuardi voted with Democrats more than 40% of the time when he served in Congress. (By comparison, Congresswoman Kelly has voted with Republicans more than 80% of the time)

* The National Taxpayers Union gave him ratings of 54%, 44%, 49%, and 31% during the 1985-1988 period. (By comparison, Congresswoman Kelly just received an 80% rating)

* During his tenure, Mr. DioGuardi accepted three salary increases in four years and increases in his Congressional pension. (Mrs. Kelly voted to cut her own pension and staff budget)

* As a Congressman, Mr. DioGuardi accepted more than \$22,000 in speaking fees from special interest groups and allowed Beltway lobbyists to indulge him trips to Istanbul, Dublin, Rome, Miami, Nassau, Denver, Houston, and Aspen.

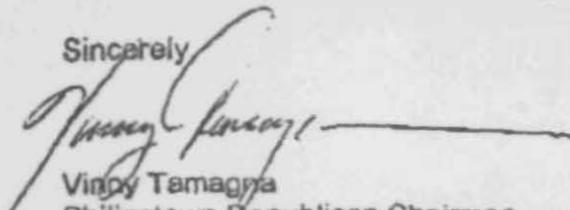
9 7 0 4 3 7 9 2 2 6 6

Frankly, I find nothing principled or conservative about Mr. DioGuardi's record or his filthy campaign. There is a reason I use that word "filthy." Mr. DioGuardi spent most of his 60 minutes in front of the Putnam Executive Committee calling Mrs. Kelly names. It was artful character assassination. He portrayed Mrs. Kelly as a welfare queen, a pornographer, a traitorous subversive and a threat to America's social fabric.

I know Mrs. Kelly. She is the mother of four children and a former elementary school teacher. She sings in her church Choir. She's been married to the same man for 36 years and is a respected businesswoman. I've been through difficult campaigns, but never have I seen such slanderous terms used to describe a political opponent. I deeply resented Mr. DioGuardi's hysterical name-calling and his ridicule of a woman that I have come to know and respect.

At the conclusion of his presentation, Mr. DioGuardi asked that we endorse him. We didn't. We endorsed Congresswoman Kelly for reelection. Mr. DioGuardi did not receive a single vote. Should he appear in a forum requesting your support, I hope you will vote as we did in Putnam County.

Sincerely



Vinny Tamagna
Philipstown Republican Chairman
Member, Executive Committee, Putnam County Republican Party

97043792267

LEVEL 1 - 1 OF 10 STORIES

Copyright 1992 The New York Times Company
The New York Times

October 25, 1992, Sunday, Late Edition - Final

SECTION: Section 13WC; Page 1; Column 1; Westchester Weekly Desk

LENGTH: 1897 words

HEADLINE: The Lowey-DioGuardi Rematch

BYLINE: By JAMES FERON

BODY:

LIKE a quarreling couple reworking old disputes at a dinner party, Joseph J. DioGuardi and Nita M. Lowey are moving from political debate to political debate these days, puzzling and annoying their audiences while trying to inform and sway them.

Both candidates are seeking re-election. Mr. DioGuardi, a Republican-Conservative, won Westchester's 20th Congressional District seat in 1984 in his first run for public office. He held on to the seat in 1986, but then lost it two years later to Mrs. Lowey, a Democrat, in her first election bid. She was the only woman in the United States that year to beat an incumbent Congressman.

Now they are at it again, struggling against a familiar backdrop. Mr. DioGuardi, the challenger, has been taking the fight to his opponent, often devoting his entire opening statement to attacking Mrs. Lowey. She then spends most of the time allotted to her initial remarks to answering him.

The negative campaigning technique pursued by Mr. DioGuardi is evident even in the voters guide published by the League of Women Voters. Asked to respond to three questions, Mr. DioGuardi devotes his entire 90-word statement to characterizing and criticizing Mrs. Lowey's record.

Their positions on issues emerge, but often indistinctly or in enigmatic shorthand. Mr. DioGuardi makes no excuses for the attack mode he has employed. "She started it in 1988 when she stole the election by smearing me in the final days," he said. "It won't happen again. This time I'm not going to wait to respond. I have to be responding before she attacks."

He was referring to an incident that surfaced just before the 1988 election when Joseph Crabtree, a member of Mr. DioGuardi's campaign finance committee, funneled more than \$50,000 in illegal contributions through his automobile dealership by reimbursing employee contributions. Mr. Crabtree paid a \$10,000 fine and testified that Mr. DioGuardi masterminded the plan, the candidate has denied it.

No More Bullhorns

Mrs. Lowey capitalized on the disclosure with radio and television

97043792268

9 7 0 4 3 7 9 2 2 6 9

Vincent M. Tamsogna
405 Winston Lane
Peekskill, New York 10566



Michael Snyder
93 Tate Avenue
Buchanan, New York 10511





FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

Joseph J. DioGuardi
2 Croton Avenue
Ossining, NY 10562

RE: MUR 4367

Dear Mr. DioGuardi:

This letter acknowledges receipt on May 20, 1996, 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 4367. 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,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

9704379227C



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

George Sanossian, Treasurer
Sue Kelly for Congress Committee
700 White Plains Road, Suite 325
Scarsdale, New York 10583

RE: MUR 4367

Dear Mr. Sanossian:

The Federal Election Commission received a complaint which indicates that Sue Kelly 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 4367. Please refer to this number in all future correspondence.

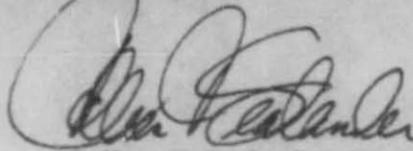
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

9 7 0 4 3 7 9 2 2 7 1

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792272



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

The Honorable Sue W. Kelly
U.S. House of Representatives
1037 Longworth Office Building
Washington, DC 20515

RE: MUR 4367

Dear Ms. Kelly:

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 4367. Please refer to this number in all future correspondence.

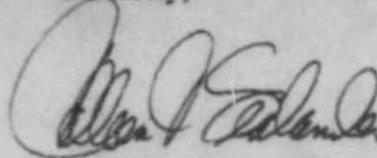
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792273

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792274



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

The Honorable Sue W. Kelly
187 Jay Street
Katonah, New York 10536

RE: MUR 4367

Dear Ms. Kelly:

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 4367. Please refer to this number in all future correspondence.

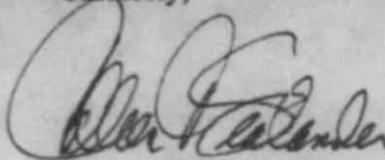
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792275

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

9 7 0 4 3 7 9 2 2 7 6



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

Vincent Tamagna, Chairman
Philipstown Republican Party
405 Winston Lane
Peekskill, New York 10566

RE: MUR 4367

Dear Mr. Tamagna:

The Federal Election Commission received a complaint which indicates that the Philipstown Republican Party and you, as chairman 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 4367. Please refer to this number in all future correspondence.

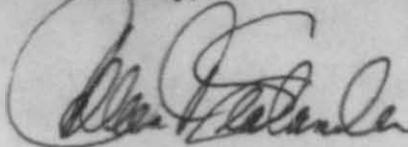
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Philipstown Republican Party and you, as chairman in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where 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.

97043792277

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792278



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 28, 1996

The Honorable George Bucci
Putnam County Republican Party
P.O. Box 203
Carmel, NY 10512-0203

RE: MUR 4367

Dear Mr. Bucci:

The Federal Election Commission received a complaint which indicates that the Putnam County Republican Party 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 4367. Please refer to this number in all future correspondence.

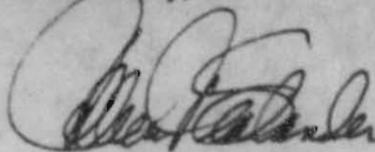
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Putnam County Republican Party in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

97043792279

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

9 7 0 4 3 7 9 2 2 8 C

TWOHY, KELLEHER & GALLAGHER, LLP

Attorneys at Law

188 Montague Street, 9th Floor
Brooklyn, New York 11201-3609

718-875-2021 • FAX 718-802-9360

Terence L. Kelleher
Michael P. King*
Robert Allan Muir, Jr.
John P. Twohy
Denis P. Kelleher*

Freddy Jacobs*
Ilsa Beltran
Andra Zane

*NY and NJ Bars

James F. Twohy (1931-1992)
Edward F. Kelleher (1933-1988)

J. Vincent Gallagher
Of Counsel

June 13, 1996

JUN 13 2 27 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Fax No. 202-219-3923

Federal Election Commission
Washington, DC 20463

Att: Ms. Clinett Short
C.E.D. Department

Re: MUR 4367

Dear Ms. Short:

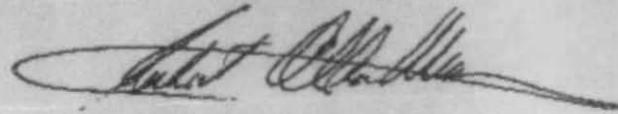
This will confirm our phone conversation of this date wherein I advised that this office has been retained to represent the respondents in the aforementioned matter under review.

Request is hereby made for an extension to and including July 1, 1996 to permit proper investigation and response to the aforementioned allegations.

Thanking you in advance for your anticipated cooperation.

I remain,

Very truly yours,



Robert Allan Muir, Jr.

RAM:ap

muir@federal.civ

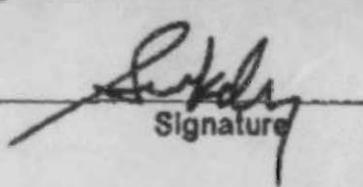
97043792281

MUR 4367NAME OF COUNSEL: ROBERT ALLAN MUIRFIRM: TUGHY, KELLEHER & GALLAGHERADDRESS: 188 MONTAGUE AVE
BROOKLYN, NY 11201TELEPHONE: (718) 975-2021FAX: (718) 902-9360

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6.4.96

Date


SignatureRESPONDENT'S NAME: SUE W. KELLYADDRESS: 1037 LHO3
WASH DC 20515TELEPHONE: HOME (914) 232-3744BUSINESS (202) 225-5444

97043792282



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 17, 1996

Rober A. Muir, Jr.
Twohy, Kelleher & Gallagher, LLP
188 Montague Street, 9th Floor
Brooklyn, New York 11201-3609

RE: MUR 4367
Sue W. Kelly

Dear Mr. Muir:

This is in response to your letter dated June 13, 1996, requesting an extension to respond on your client's behalf 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, the response is due by the close of business on July 1, 1996.

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

Sincerely,

Clinett Short, Paralegal
Central Enforcement Docket

97043792283

CLEMENT VAN ROSS

ATTORNEY AT LAW
MORRISSEY DRIVE
POST OFFICE BOX 134
PUTNAM VALLEY, NY 10579

(914) 526-3568

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

JUL 1 11 42 AM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUL 1 3 25 PM '96

June 17, 1996

97043792284

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

Attn: Clinette Short

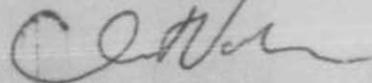
Re: MUR 4367

Dear Ms. Short:

As per our telephone conversation of today I am requesting an extension of time on behalf of the Putnam County Republican Party for the submission of the enclosed verified answer to the complaint under MUR 4367.

Thank you for your cooperation.

Yours very truly,



CLEMENT VAN ROSS

Fax (202) 219-3923

FEDERAL ELECTIONS COMMISSION

In the Matter of

X

The complaint of Joseph DioGuardi
against Vincent Tamagna, et. al.

MUR 4367
VERIFIED ANSWER

X

GEORGE BUCCI, individually and as chairman of the PUTNAM COUNTY
REPUBLICAN COMMITTEE, does hereby answer the complaint of Joseph J.
DioGuardi as follows:

1. Respondents deny sufficient information to form a belief as to the facts
alleged in paragraphs 1, 3, 6, 7, 8, as well as 9 & 10 (COUNT ONE), 11 thru 13
(COUNT TWO), except as hereinafter provided, 14 thru 17 (COUNT THREE), 18
thru 20 (COUNT FOUR), except as hereinafter provided, 21 & 22 (COUNT FIVE),
26, & 27 (COUNT SEVEN), as well as both paragraphs numbered 28.

2. Respondents deny the allegations in paragraphs 13, 19, 20, and 25 as
they relate to any conduct allegedly engaged in by the respondent BUCCI and the
respondent PUTNAM COUNTY REPUBLICAN COMMITTEE.

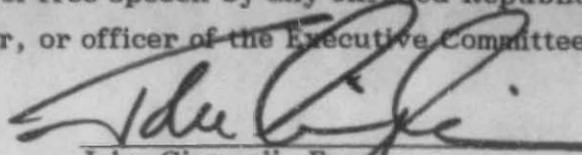
Respondents affirmatively allege as follows:

3. The Putnam County Republican Committee is a County Committee of the
Republican Party of the State of New York organized pursuant to the laws of said
state for the purpose of conducting party affairs within the County of Putnam.
The County committee consists of more than 250 elected committeemen.
Respondent GEORGE BUCCI is the elected chairman of the said COUNTY
Committee.

4. Neither the Putnam County Republican Committee or Respondent Bucci
had any role whatsoever in the production or dissemination of the alleged mailings
that are the focus of the DioGuardi complaint.

97043792285

5. The Putnam County Republican Committee and its elected chairman have no power to control the exercise of free speech by any enrolled Republican, elected County Committee member, or officer of the Executive Committee thereof.



John Ciampoli, Esq.
GENTILE and CIAMPOLI, ESQ's
1461 Franklin Avenue
Garden City, New York 11530
516 739 2041

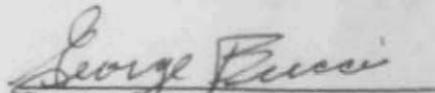
97043792286

STATE OF NEW YORK)
COUNTY OF PUTNAM) S.SS:

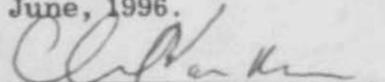
George Bucci, being duly sworn does hereby state under the penalties of perjury:

1. He is a named respondent in the above captioned complaint MUR 4367, and am chairman of the Putnam County Republican Committee, another respondent in MUR 4367.

2. I have read the contents of the answer herein and find same to be true to my personal knowledge, except as to matters alleged upon information and belief, which I believe to be true.


George Bucci

Sworn to before me
on this 14 day of
June, 1996.


NOTARY

CLEMENT VAN ROSS
Notary Public, State of New York
No. 4082400
Qualified in Putnam County
Term expires June 30, 1997

97043792287

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4367

NAME OF COUNSEL: John Ciampoli, Esq.

FIRM: Gentile and Ciampoli

ADDRESS: 1461 Franklin Ave.

Garden City, New York 11530

TELEPHONE: (516) 739-2041

FAX: (516) 739-3256

Of Counsel:

Clement Van Ross, Esq.
P.O. Box 134
Putnam Valley, N.Y. 10579
(914) 526-3568
(914) 526-2268 - Fax

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 14, 1996
Date

George Bucci
Signature

RESPONDENT'S NAME: Putnam County Republican Party

ADDRESS: c/o George H. Bucci

7 Purdy Road

Carmel, New York 10512

TELEPHONE: HOME (914) 225-7863

BUSINESS ()

97043792288



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1996

Clement Van Ross
Morrissey Drive
P.O. Box 134
Putham Valley, NY 10579

RE: MUR 4367

Dear Mr. Ross:

This is in response to your letter dated June 17, 1996 which we received on June 18, 1996 requesting an extension to respond on your client's behalf 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, the response is due by the close of business on July 5, 1996.

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

Sincerely,

Clinett Short, Paralegal
Central Enforcement Docket

97043792289

FEDERAL ELECTIONS COMMISSION

-----X

MUR 4367

In the Matter of

VERIFIED ANSWER

The complaint of Joseph DioGuardi
against Vincent Tamagna, et al.

-----X

SUE KELLY for Congress Committee, by its attorneys, Twohy, Kelleher & Gallagher, LLP, does hereby answer the complaint of Joseph J. DioGuardi as follows:

1. Respondent lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered 15 of the complaint and states that the contents of the two letters referenced therein speak for themselves.

2. The respondent denies allegations contained in paragraphs numbered 16, 19, 20, 22, 25, 27, 28.

3. Respondent denies the allegation contained in paragraph numbered 7 of the complaint except to state that such a letter was sent by Sue Kelly for Congress as is plainly apparent on the face thereof.

4. Respondent denies the allegation contained in paragraph numbered 10 of the complaint except acknowledges that said letter does not include a disclaimer.

5. Respondent denies the allegation contained in paragraph numbered 12 of the complaint except to the extent that respondent admits a letter was intended for the purposes of influencing internal party processing and designation of candidate for the 19th Congressional District, State of New York.

9704379229C

JUN 9 12 06 PM '96

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

6. The respondent denies each and every allegation contained in paragraph numbered 13 of the complaint and suggests there is no basis contained in the complaint for the conclusion contained in paragraph numbered 13.

7. Respondent denies the allegations contained in paragraph numbered 17 of the complaint except acknowledges the letter was sent in cooperation with Sue Kelly for Congress.

RESPONDENT AFFIRMATIVELY STATES AS FOLLOWS:

8. At no time has anyone on behalf of the committee accepted or knowingly participated in the acceptance or processing of any contribution which violates the letter or spirit of Federal Election Commission rule, regulation or statute.

9. The May 1, 1996 letter was sent by an individual in an attempt to influence internal party functioning as related to the primary in and for the 19th Congressional District of New York State.

10. The election law of the State of New York at Section 2-126 prohibits expenditures of any party funds in any primary election. Therefore, in order to avoid any question, postage and envelopes or paid for by Sue Kelly for Congress.

11. Respondent does not believe any action taken by this Committee to be in violation of the letter or spirit of the Federal Campaign financing and reporting structures.

97043792291

12. Respondent has instructed its counsel to seek opinion of the Federal Election Commission regarding parameters for inclusion of disclaimers on letters sent by private citizens.

WHEREFORE, it is respectfully suggested that the Commission dismiss this complaint in its entirety.

TWOHY, KELLEHER & GALLAGHER, LLP
188 Montague Street
Brooklyn, New York 11201
718-875-2021

Kelly'answer.2

97043792292

VERIFICATION

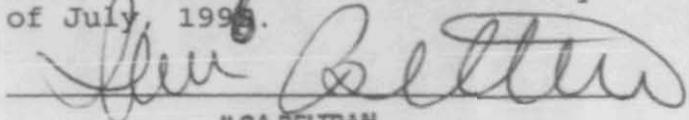
STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

ROBERT ALLAN MUIR, JR., being duly sworn, deposes and says that deponent is the attorney for the Respondent SUE KELLY for Congress Committee in this proceeding and has read the annexed Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true. The basis upon which this verification is made by me is that I maintain my law office in a different county than my client, SUE KELLY for Congress Committee resides.

9
7
0
4
3
7
9
2
2
9
3


ROBERT ALLAN MUIR, JR.

Sworn to before me this 5th day
of July, 1996.



ILSA BELTRAN
Notary Public, State of New York
No. 24-4977201
Qualified in Kings County
Commission Expires January 28, 1997

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4367

NAME OF COUNSEL: ROBERT MUIR, JR

FIRM: TWOHY, KELLEHER & GALLAGHER, LLP

ADDRESS: 188 MONTAGUE ST - 9th FL

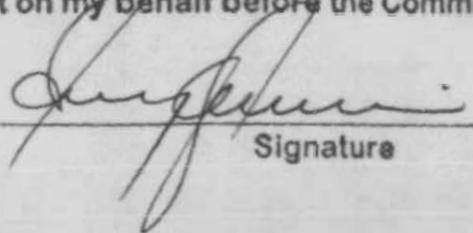
BROOKLYN NY 11201-3609

TELEPHONE: () _____

FAX: () _____

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/5/96
Date


Signature

RESPONDENT'S NAME: GEORGE SANOSSIAN

SHE KELLY FOR CONGRESS

ADDRESS: 700 WHITE PLAINS ROAD

SCARSDALE, NY 10583-5013

TELEPHONE: HOME () _____

BUSINESS (914) 765-9800

97043792294

FEDERAL ELECTIONS COMMISSION

-----X

MUR 4367

In the Matter of

VERIFIED ANSWER

The complaint of Joseph DioGuardi
against Vincent Tamagna, et al.

-----X

SUE KELLY, by her attorneys, Twohy, Kelleher & Gallagher, LLP,
does hereby answer the complaint of Joseph J. DioGuardi as follows:

1. Respondent lacks knowledge or information sufficient to
form a belief as to the allegations contained in paragraph numbered
15 of the complaint and states that the contents of the two letters
referenced therein speak for themselves.

2. The respondent denies allegations contained in paragraphs
numbered 16, 19, 20, 22, 25, 27, 28.

3. Respondent denies the allegation contained in paragraph
numbered 7 of the complaint except to state that such a letter was
sent by Sue Kelly for Congress as is plainly apparent on the face
thereof.

4. Respondent denies the allegation contained in paragraph
numbered 10 of the complaint except acknowledges that said letter
does not include a disclaimer.

5. Respondent denies the allegation contained in paragraph
numbered 12 of the complaint except to the extent that respondent
admits a letter was intended for the purposes of influencing
internal party processing and designation of candidate for the 19th
Congressional District, State of New York.

97043792295

6. The respondent denies each and every allegation contained in paragraph numbered 13 of the complaint and suggests there is no basis contained in the complaint for the conclusion contained in paragraph numbered 13.

7. Respondent denies the allegations contained in paragraph numbered 17 of the complaint except acknowledges the letter was sent in cooperation with Sue Kelly for Congress.

RESPONDENT AFFIRMATIVELY STATES AS FOLLOWS:

8. At no time has anyone on behalf of the committee accepted or knowingly participated in the acceptance or processing of any contribution which violates the letter or spirit of Federal Election Commission rule, regulation or statute.

9. The May 1, 1996 letter was sent by an individual in an attempt to influence internal party functioning as related to the primary in and for the 19th Congressional District of New York State.

10. The election law of the State of New York at Section 2-126 prohibits expenditures of any party funds in any primary election. Therefore, in order to avoid any question, postage and envelopes or paid for by Sue Kelly for Congress.

11. Respondent does not believe any action taken by this Committee to be in violation of the letter or spirit of the Federal Campaign financing and reporting structures.

97043792296

12. Respondent has instructed her counsel to seek opinion of the Federal Election Commission regarding parameters for inclusion of disclaimers on letters sent by private citizens.

WHEREFORE, it is respectfully suggested that the Commission dismiss this complaint in its entirety.

TWOHY, KELLEHER & GALLAGHER, LLP
188 Montague Street
Brooklyn, New York 11201
718-875-2021

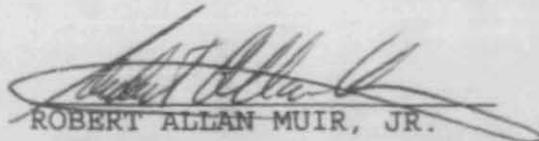
Kelly/answer

97043792297

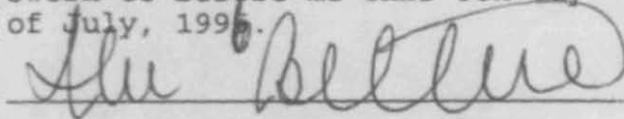
VERIFICATION

STATE OF NEW YORK)
COUNTY OF KINGS) ss.:

ROBERT ALLAN MUIR, JR., being duly sworn, deposes and says that deponent is the attorney for the Respondent SUE KELLY in this proceeding and has read the annexed Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true. The basis upon which this verification is made by me is that I maintain my law office in a different county than my client, SUE KELLY resides.


ROBERT ALLAN MUIR, JR.

Sworn to before me this 5th day
of July, 1996.



ILSA BELTRAN
Notary Public, State of New York
No. 24-4977201
Qualified in Kings County
Commission Expires January 28, 19

97043792298

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4367

NAME OF COUNSEL: ROBERT ALLAN MUIR

FIRM: TWOHY, KELLEHER & GALLAGHER

ADDRESS: 188 MONTAGUE AVE
BROOKLYN, NY 11201

TELEPHONE: (718) 975-2021

FAX: (718) 802-9360

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6.4.96
Date

[Signature]
Signature

RESPONDENT'S NAME: SUE W. KELLY

ADDRESS: 1037 LHOBS
WASH DC 20515

TELEPHONE: HOME (914) 232-3744

BUSINESS (202) 225-5441

97043792299

FED. MAR 5 11 40 AM '97

In the Matter of)
)
)
)

ENFORCEMENT PRIORITY

SENSITIVE

MAR 11 1997

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

97043792300C

not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (*Bill Thomas Campaign Committee*); MUR 4347 (*Anonymous Respondent*); MUR 4354 (*Brian Steel for Congress*); MUR 4367 (*Philipstown Republicans*); MUR 4371 (*Employment Group*); MUR 4373 (*Cannon for Congress*); MUR 4374 (*Mark Stodola for Congress Primary Committee*); MUR 4375 (*Westchester County Conservative Party*); MUR 4377 (*Braxton for Congress*); MUR 4379 (*Teamsters Local Union No. 135*); MUR 4383 (*Pauken for Congress*); MUR 4384 (*Willie Colon for U.S. Congress*); MUR 4388 (*Bill Witt for Senate and Congress*); MUR 4390 (*Kolbe 96*); MUR 4391 (*Pat Roberts for Congress Committee*); MUR 4393 (*Cecil J. Banks*); MUR 4397 (*AFL-CIO*); MUR 4405 (*Katz for Congress Committee*); MUR 4411 (*First Evangelical Presbyterian Church*); MUR 4414 (*Turietta-Koury for Congress Committee*); MUR 4418 (*Bell Atlantic*); MUR 4421 (*Butler for Mayor*); MUR 4448 (*Friends for Jim Rapp*); Pre-MUR 334 (*Kinnamon for Congress*); and Pre-MUR 335 (*Davis for Congress*).

97043792301

We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

97043792302

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective April 1, 1997, and

approve the appropriate letters in the following matters:

- 1. Pre-MUR 322
- 2. Pre-MUR 334
- 3. Pre-MUR 335.

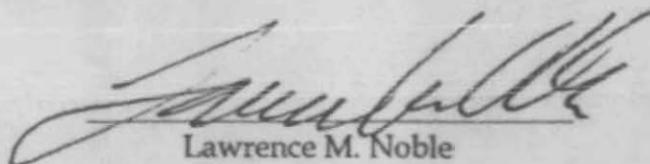
B. Take no action, close the file effective April 1, 1997, and approve the

appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

97043792303

3/5/97
Date


Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X97-16

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322;
2. Pre-Mur 334;
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

97043792304

Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

- | | | | |
|-----|-----------|-----|-----------|
| 19. | MUR 4375; | 27. | MUR 4393; |
| 20. | MUR 4377; | 28. | MUR 4397; |
| 21. | MUR 4379; | 29. | MUR 4405; |
| 22. | MUR 4383; | 30. | MUR 4411; |
| 23. | MUR 4384; | 31. | MUR 4414; |
| 24. | MUR 4388; | 32. | MUR 4418; |
| 25. | MUR 4390; | 33. | MUR 4421; |
| 26. | MUR 4391; | 34. | MUR 4448. |

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

Attest:

3-12-97
Date

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

97043792305



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph J. DioGuardi
2 Crofton Avenue
Ossining, NY 10562

RE: MUR 4367

Dear Mr. DioGuardi:

On May 20, 1996, 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 April 1, 1997. 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792306

MUR 4367
PHILIPSTOWN REPUBLICANS

Joseph J. DioGuardi, congressional candidate from New York's 19th congressional district, alleges that a letter sent by Vincent Tamagna to 100 Republican and Conservative Party leaders in the 19th district which favored his opponent, Sue Kelly, and opposed him. Though the document is on personal letterhead, the signature line for Mr. Tamagna identifies him as Chairman of the Philipstown Republicans and Member of the Executive Committee of the Putnam County Republican Party ("PCRPP"); the complainant maintains that this letter should have contained a disclaimer. Further, Mr. DioGuardi alleges that this letter expressly advocated the election of Sue Kelly and constituted a contribution to Ms. Kelly's campaign. He states that this was a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Tamagna letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Finally, he alleges that, by using his party titles and no disclaimer, Mr. Tamagna "suggests that the letter was paid for and/or authorized by the Philipstown Republican Party and/or" the PCRPP. This evidences, according to Mr. DioGuardi, that the two party organizations "knowingly permitted [their names] to be used to effect a contribution made in its name by another person;" that Ms. Kelly and the Sue Kelly for Congress committee (the "Committee") knowingly accepted a contribution made by one person in the name of another; and that Mr. Tamagna made that contribution. This complaint is substantially similar to that filed in MUR 4375 by the same complainant involving different respondents.

Respondent George Bucci, Chairman of the PCRPP, denies that the PCRPP had any role whatsoever in the Tamagna or Kelly letters, and that it knowingly permitted its name to be used to effect a contribution made in its name by another person. Mr. Bucci further noted that the PCRPP had no control over any other member's free speech.

Respondents Sue Kelly and Sue Kelly for Congress deny, separately, all but three allegations. They admit that the Committee sent the earlier letter; that there was no disclaimer on the May 1 letter; and that the letter "was intended for the purposes of influencing internal party processing and designation of candidate." The responses further indicate that, due to a New York election law prohibiting party expenditures in primary elections, Sue Kelly for Congress paid for postage and envelopes for the Tamagna letter, and admit that the Tamagna letter was sent in cooperation with Sue Kelly for Congress.

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

97043792307



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Robert Muir, Jr., Esq.
Twohy, Kelleher & Gallagher, LLP
188 Montague Street, 9th Floor
Brooklyn, NY 11201-9390

RE: MUR 4367
The Honorable Sue W. Kelly
Kelly for Congress Committee, George Sanossian, Treasurer

Dear Mr. Muir:

On May 28, 1996, the Federal Election Commission notified your clients 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 your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792308

MUR 4367

PHILIPSTOWN REPUBLICANS

Joseph J. DioGuardi, congressional candidate from New York's 19th congressional district, alleges that a letter sent by Vincent Tamagna to 100 Republican and Conservative Party leaders in the 19th district which favored his opponent, Sue Kelly, and opposed him. Though the document is on personal letterhead, the signature line for Mr. Tamagna identifies him as Chairman of the Philipstown Republicans and Member of the Executive Committee of the Putnam County Republican Party ("PCRP"); the complainant maintains that this letter should have contained a disclaimer. Further, Mr. DioGuardi alleges that this letter expressly advocated the election of Sue Kelly and constituted a contribution to Ms. Kelly's campaign. He states that this was a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Tamagna letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Finally, he alleges that, by using his party titles and no disclaimer, Mr. Tamagna "suggests that the letter was paid for and/or authorized by the Philipstown Republican Party and/or the PCRP. This evidences, according to Mr. DioGuardi, that the two party organizations "knowingly permitted [their names] to be used to effect a contribution made in its name by another person;" that Ms. Kelly and the Sue Kelly for Congress committee (the "Committee") knowingly accepted a contribution made by one person in the name of another, and that Mr. Tamagna made that contribution. This complaint is substantially similar to that filed in MUR 4375 by the same complainant involving different respondents

Respondent George Bucci, Chairman of the PCRP, denies that the PCRP had any role whatsoever in the Tamagna or Kelly letters, and that it knowingly permitted its name to be used to effect a contribution made in its name by another person. Mr. Bucci further noted that the PCRC had no control over any other member's free speech.

Respondents Sue Kelly and Sue Kelly for Congress deny, separately, all but three allegations. They admit that the Committee sent the earlier letter; that there was no disclaimer on the May 1 letter; and that the letter "was intended for the purposes of influencing internal party processing and designation of candidate." The responses further indicate that, due to a New York election law prohibiting party expenditures in primary elections, Sue Kelly for Congress paid for postage and envelopes for the Tamagna letter, and admit that the Tamagna letter was sent in cooperation with Sue Kelly for Congress.

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

97043792309



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Clement Van Ross, Esq.
Morrissey Drive
Post Office Box 134
Putnam Valley, NY 10579

RE: MUR 4367
Putnam County Republican Party

Dear Mr. Van Ross:

On May 28, 1996, the Federal Election Commission notified your client 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 your client. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792310

MUR 4367

PHILIPSTOWN REPUBLICANS

Joseph J. DioGuardi, congressional candidate from New York's 19th congressional district, alleges that a letter sent by Vincent Tamagna to 100 Republican and Conservative Party leaders in the 19th district which favored his opponent, Sue Kelly, and opposed him. Though the document is on personal letterhead, the signature line for Mr. Tamagna identifies him as Chairman of the Philipstown Republicans and Member of the Executive Committee of the Putnam County Republican Party ("PCRP"); the complainant maintains that this letter should have contained a disclaimer. Further, Mr. DioGuardi alleges that this letter expressly advocated the election of Sue Kelly and constituted a contribution to Ms. Kelly's campaign. He states that this was a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Tamagna letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Finally, he alleges that, by using his party titles and no disclaimer, Mr. Tamagna "suggests that the letter was paid for and/or authorized by the Philipstown Republican Party and/or" the PCRP. This evidences, according to Mr. DioGuardi, that the two party organizations "knowingly permitted [their names] to be used to effect a contribution made in its name by another person," that Ms. Kelly and the Sue Kelly for Congress committee (the "Committee") knowingly accepted a contribution made by one person in the name of another, and that Mr. Tamagna made that contribution. This complaint is substantially similar to that filed in MUR 4375 by the same complainant involving different respondents.

Respondent George Bucci, Chairman of the PCRP, denies that the PCRP had any role whatsoever in the Tamagna or Kelly letters, and that it knowingly permitted its name to be used to effect a contribution made in its name by another person. Mr. Bucci further noted that the PCRC had no control over any other member's free speech.

Respondents Sue Kelly and Sue Kelly for Congress deny, separately, all but three allegations. They admit that the Committee sent the earlier letter; that there was no disclaimer on the May 1 letter; and that the letter "was intended for the purposes of influencing internal party processing and designation of candidate." The responses further indicate that, due to a New York election law prohibiting party expenditures in primary elections, Sue Kelly for Congress paid for postage and envelopes for the Tamagna letter, and admit that the Tamagna letter was sent in cooperation with Sue Kelly for Congress.

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

97043792311



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Vincent Tamagna, Chairman
Philipstown Republican Party
405 Winston Lane
Peekskill, NY 10566

RE: MUR 4367

Dear Mr. Tamagna:

On May 28, 1996, 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 Philipstown Republican Party and you. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792312

MUR 4367
PHILIPSTOWN REPUBLICANS

Joseph J. DioGuardi, congressional candidate from New York's 19th congressional district, alleges that a letter sent by Vincent Tamagna to 100 Republican and Conservative Party leaders in the 19th district which favored his opponent, Sue Kelly, and opposed him. Though the document is on personal letterhead, the signature line for Mr. Tamagna identifies him as Chairman of the Philipstown Republicans and Member of the Executive Committee of the Putnam County Republican Party ("PCRP"); the complainant maintains that this letter should have contained a disclaimer. Further, Mr. DioGuardi alleges that this letter expressly advocated the election of Sue Kelly and constituted a contribution to Ms. Kelly's campaign. He states that this was a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Tamagna letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Finally, he alleges that, by using his party titles and no disclaimer, Mr. Tamagna "suggests that the letter was paid for and/or authorized by the Philipstown Republican Party and/or" the PCRP. This evidences, according to Mr. DioGuardi, that the two party organizations "knowingly permitted [their names] to be used to effect a contribution made in its name by another person;" that Ms. Kelly and the Sue Kelly for Congress committee (the "Committee") knowingly accepted a contribution made by one person in the name of another; and that Mr. Tamagna made that contribution. This complaint is substantially similar to that filed in MUR 4375 by the same complainant involving different respondents.

Respondent George Bucci, Chairman of the PCRP, denies that the PCRP had any role whatsoever in the Tamagna or Kelly letters, and that it knowingly permitted its name to be used to effect a contribution made in its name by another person. Mr. Bucci further noted that the PCRC had no control over any other member's free speech.

Respondents Sue Kelly and Sue Kelly for Congress deny, separately, all but three allegations. They admit that the Committee sent the earlier letter, that there was no disclaimer on the May 1 letter; and that the letter "was intended for the purposes of influencing internal party processing and designation of candidate." The responses further indicate that, due to a New York election law prohibiting party expenditures in primary elections, Sue Kelly for Congress paid for postage and envelopes for the Tamagna letter, and admit that the Tamagna letter was sent in cooperation with Sue Kelly for Congress.

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

97043792313



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4367

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMD

97043792314