



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4598

DATE FILMED 7-10-97 CAMERA NO. 2

CAMERAMAN JMN

97043823206

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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OCT 5 11 42 AM '94

ROGER M. WITTEN

DIRECT LINE (202)

663-6170

October 4, 1994

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

Pre-MUR 307

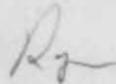
Re: Thomas Kramer

Dear Larry:

I am writing to follow up on our brief phone call last Friday. As I explained, we represent Thomas Kramer and wish to disclose voluntarily to the Commission Mr. Kramer's recent discovery that he may have inadvertently violated provisions of the Federal Election Campaign Act by making or causing contributions in connection with candidate elections notwithstanding his status as a foreign national. At the time Mr. Kramer made or caused these contributions, he was not aware that foreign nationals may not make contributions in connection with candidate elections in the United States. Mr. Kramer is willing to cooperate fully with the Commission and its staff in connection with this matter. We are reviewing Mr. Kramer's records to identify which contributions may raise questions under the FECA. We will promptly advise the Commission of any such contributions. If we conclude that any contributions were questionable, Mr. Kramer will promptly seek refunds of the contributions in question.

We would appreciate it if you would forward this letter to the appropriate person on your enforcement staff. Thank you for your cooperation.

Very truly yours,



Roger M. Witten

cc: Mr. Kramer

97043823207



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 15, 1994

Roger M. Witten, Esq.
Wilmer, Cutler and Pickering
2445 M Street, N.W.
Washington, DC 20037

RE: Pre-MUR 307

Dear Mr. Witten:

This is to acknowledge receipt of your letter dated October 4, 1994, notifying the Office of the General Counsel that your client, Thomas Kramer, may have violated provisions of the Federal Election Campaign Act (FECA) by "making or causing contributions in connection candidate elections notwithstanding his status as a foreign national." We have numbered this matter Pre-MUR 307. Please refer to this number in all future communications.

According to your letter, you were in the process of reviewing your client's contributions and will promptly advise the Commission of any contributions which may be in violation. To date, the Office of the General Counsel has not received any information regarding this review nor notification of remedial action taken by your client.

Please forward the additional information referred to in your letter to the Central Enforcement Docket, Office of the General Counsel. If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have attached a brief description of the Commission's procedures for matters such as this.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

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ROGER M. WITTEN
DIRECT LINE (202)
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November 21, 1994

BY FAX AND U.S. MAIL

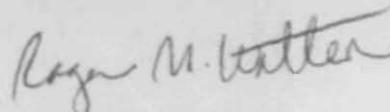
Mary Taksar, Esq.
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C.

Re: Pre-Mur 307

Dear Mary:

Thank you for your letter of November 15. We apologize for the delay in submitting information to you concerning Mr. Kramer's contributions. We have been working to get a complete list of the relevant contributions and the relevant facts pertaining to them. We thought this would be preferable to piecemeal submissions. We hope to submit something to the Commission staff during the week of November 28. I trust that will be satisfactory. Thank you for your cooperation.

Very truly yours,



Roger M. Witten

cc: Joan McEnery, Esq.

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MARIANNE K. SHYTHE
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BRUCE E. COOIJDE
JUANITA A. CROWLEY
JOHN PAYTON
WILLIAM J. WILKINS
ANDREA ANN TIMKO
ANDREW N. VOLLMER
THOMAS W. WHITE
BRUCE H. BERNAN
THOMAS F. CONNELL
CHARLES E. DAVIDOW
TERRILL A. HYDE
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BRYAN SLONE*
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ANDREW K. PARNELL*
ROGER W. TOERGES
LAURA B. AHEARN
MARK D. CAHN
ERIC R. MARKUS
RANDOLPH D. MOSS
PARTNERS

*NOT ADMITTED IN D. C.

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JOHN H. PICKERING
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SENIOR COUNSEL

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PAUL J. MOSE, JR.

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MANFRED BALZ*
RICHARD W. CASS
KENNETH W. GIDEON
WILLIAM J. KOLASKY, JR.
ARTHUR L. MARRIOTT*
A. STEPHEN HUT, JR.
JOHN WOUNSAVILLE, JR.
ROGER M. WITTEN
ROBERT C. CASSIDY, JR.

December 27, 1994

97043823210

Joan McEnery, Esq.
Mary L. Taksar, Esq.
Central Enforcement Docket
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Sixth Floor
Washington, D.C. 20463

Re: Pre-MUR 307

Dear Joan and Mary:

This letter follows my earlier communications regarding our client, Thomas Kramer, and his wish to disclose voluntarily to the Commission that he may have inadvertently violated provisions of the Federal Election Campaign Act by making or causing contributions in connection with candidate elections despite his status as a foreign national. We include Mr. Kramer's affidavit and a chart of his questionable contributions for your review. Although we believe we have investigated quite thoroughly, we will, of course, notify the Commission promptly of

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FEDERAL ELECTION
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OFFICE OF GENERAL
COUNSEL

any other contributions that we may learn of after this disclosure.

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national.

When Mr. Kramer learned as a result of a September 28, 1994 article in the Tampa Tribune (attached) that some of his contributions might violate the FECA, he immediately contacted legal counsel. Counsel promptly notified the FEC of the potential problem and of Mr. Kramer's intention to cooperate fully in gathering information on contributions he made or caused to be made, in seeking refunds of questionable contributions, and in making full disclosure to the Commission.

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As reflected on the enclosed chart, Mr. Kramer or his companies made or caused six contributions to candidates for federal office and numerous contributions to candidates on the state and local level. He also made several contributions to Democratic and Republican party committees, which are not clearly candidate-related but which we list in our effort to make full disclosure.

Mr. Kramer has requested refunds of all his personal and corporate contributions.^{1/} To date, he has received refunds from the Democratic National Committee, the Democratic Senatorial Campaign Committee, the Republican Senatorial Committee, Representative Ileana Ros-Lehtinen, and local candidates Gwen Margolis and Charles Dusseau. By letter of October 25, 1994, the Republican Party of Florida informed Mr. Kramer that it had directed the bulk of his donation to its state account for "non-campaign, non-Federal activities," and refunded the remaining \$5,000. Mr. Kramer asked for a further refund of the additional \$200,000 he contributed, but the Republican Party of Florida denied his request.^{2/} Many of the local candidates who received contributions from Mr. Kramer, particularly those who were unsuccessful in their bids for office, have indicated that they

^{1/} An exception is Mr. Kramer's \$1,000 contribution to Ms. Ileana Ros-Lehtinen, which the candidate refunded before Mr. Kramer made a request.

^{2/} The letters exchanged by the Republican Party of Florida and Mr. Kramer are attached.

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no longer have open campaign accounts or funds from which to refund his contributions.

In addition to his personal and corporate contributions, Mr. Kramer also made some contributions through other people. Of the contributions Mr. Kramer made on the federal level, two were made through another, his secretary, Terri Bradley. These are listed in the accompanying chart. We have reason to believe Mr. Kramer also made candidate-related contributions through others on the state and local level. We have included the information we have been able to gather in the enclosed chart. We did not want to further delay this submission to the Commission, and have noted "intermediary" as the contributor where we believe Mr. Kramer made a state or local campaign contribution through another.^{3/}

In sum, Mr. Kramer was, until recently, unaware that foreign nationals could not make candidate-related contributions.

Although he was solicited by numerous campaign fundraisers and is quite clearly of foreign origin, he was never asked about his citizenship or residency status. Mr.

^{3/} We were guided in our approach to this issue by the First General Counsel's Report in the Sports Shinko matter, dated June 4, 1993, in which the General Counsel took the position that violations of 2 U.S.C. § 441f involving contributions to state and local candidates were more properly the business of state authorities than the FEC. (Report at 17-18).

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Kramer voluntarily brought this matter to the Commission's attention, and he has cooperated fully in facilitating an investigation into his contributions.

We would appreciate an opportunity to meet with you regarding this matter at your convenience to explore the possibility of pre-probable cause conciliation. In the interim, please let us know if we may provide any further information.

Sincerely,

Roger M. Witten

Roger M. Witten
Margaret L. Ackerley

Enclosures

970438223214



Tom Slade
Chairman

Mel Sembler
Finance Chairman

Al Cardenas
Vice Chairman

Ida Jackson
Secretary

Jim Stelling
Treasurer

Ginny Dinkins
Assistant Secretary

John Renke
Assistant Treasurer

Mel Sembler
National Committeeman

Maryanne Morse
National Committeewoman

719 North Calhoun Street
Post Office Box 311
Tallahassee, Florida 32302
(904) 222-7920
FAX: (904) 681-0184

October 25, 1994

Mr. Thomas Kramer
43 Star Island
Miami Beach, Florida 33139

Dear Mr. Kramer:

Enclosed is a check from the Republican Party of Florida in the amount of \$5,000.00 payable to you. This represents a refund of the portion of the donation that you made to the Party which we designated to our Federal account at the time of receipt.

Because you are not a citizen of this country, a fact that was unknown to us when you contributed to the Party, we are prohibited by law from accepted donations to be used in political campaigns or to our Federal account. We are also prohibited from transferring moneys received from a non-U.S. citizen from our Federal to our state account.

The remainder of your generous donation was originally designated to our state account and can legally be utilized for certain non-campaign, non-Federal activities.

Thank you very much for your support.

Sincerely yours,

Ellen Darden
Ellen Darden
Chief of Staff



November 7, 1994

Mr. Tom Slade
Chairman
Republican Party of Florida
719 N. Calhoun Street
Tallahassee, FL 32303

Dear Mr. Slade,

I have recently learned that a foreign national like myself may not make contributions in connection with candidate elections in the United States. I was not aware of this prohibition at the time I contributed to the Republican Party of Florida, the Republican Party of Florida - Victory '94, and the Statesman's Dinner in the amounts on the dates set forth on the attached exhibit. While we acknowledge receipt of \$5,000 by the Republican Party of Florida under cover of a letter dated October 25, 1994 from Ellen Darden, Chief of Staff, I have been advised in the circumstances, I must ask you to promptly return the remainder of the contributions. I regret any inconvenience this may cause you.

Thank you for your cooperation.

Very truly yours,

Thomas Kramer

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December 13, 1994

Mr. Thomas Kramer
Portofino Group
446 Collins Avenue
Miami Beach, Florida 33139

Tom Slade
Chairman

Mel Sembler
Finance Chairman

Al Cardenas
Vice Chairman

Ida Jackson
Secretary

Jim Stelling
Treasurer

Ginny Dinkins
Assistant Secretary

John Renke
Assistant Treasurer

Mel Sembler
National Committeeman

Maryanne Morse
National Committeewoman

719 North Calhoun Street
Post Office Box 311
Tallahassee, Florida 32302
(904) 222-7920
FAX: (904) 681-0184

Dear Mr. Kramer:

I am in receipt of your letter regarding past contributions, and I apologize for the time that has transpired between your letter and my response. I am sure that you can appreciate how hectic it has been at Republican Party headquarters since the elections.

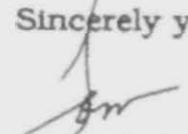
Regrettably, we cannot fulfill your request that all donations made by you personally and by the Portofino Group to the Republican Party of Florida, Victory 94 and Statesmans Dinner be returned to you.

The donations to the Party from the Portofino Group in the spring of 1993, as was the personal donation from you later in the year, were accepted in good faith and without any knowledge of your status as a foreign national. This money has been spent, and even if it were our practice to return any contribution upon demand, it is not available.

The personal contribution of \$100,000.00 that you made in the fall has already been partially returned to you because it had been deposited to our Federal account. The remainder has been deposited in our Redistricting Account. The Federal Election Commission permits foreign nationals to contribute to separate redistricting accounts, such as the one established by the Republican Party of Florida.

In advance, thank you very much for your understanding.

Sincerely yours,


Tom Slade

cc. Ben Ginsberg
Richard McFarlain
Bill Bryant

AFFIDAVIT OF THOMAS KRAMER

STATE OF FLORIDA)
)
COUNTY OF DADE)

1. My name is Thomas Kramer. I am a real estate investor living in Miami Beach, Florida. The donor companies listed in Attachment A hereto are all corporations incorporated under the laws of the state of Florida and are wholly owned by me.

2. I am a German citizen and am in the United States on an E-2 visa. I am not lawfully admitted in the United States for permanent residence.

3. I made candidate contributions personally and through my companies during a period of approximately a year and three-quarters, beginning in early 1993. I gave to state and local candidates, the Republican Party of Florida, and the national Democratic and Republican parties. I also personally made or caused contributions to four federal candidates.

4. Prior to and during this period, I was not knowledgeable about federal campaign finance laws, including 2 U.S.C. § 441e which I now understand bars contributions by foreign nationals to political candidates.

5. I speak English with a German accent, and I believe most people who know me realize I am German. Nevertheless, no one who solicited or accepted my candidate contributions ever asked me about my immigration status, advised

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me that it was illegal for me to contribute, or rejected my political contributions because of my citizenship.

6.

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7. On reading a September 28, 1994 article in the Tampa Tribune indicating that some of my contributions may be problematic, I was surprised and immediately consulted counsel. After consultation with counsel and investigation of my records, I requested refunds of all political contributions that I or my companies made that may be candidate-related.

8. I made two contributions at the federal level through my secretary, Ms. Terri Bradley. I have requested refunds of these contributions.

a. I reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993. I do not recall the circumstances surrounding this contribution or why the contribution was made in this way.

b. I also reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993. To the best of my recollection, I believe that I was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens. I do not recall what, if any, explanation may have been given. In any event, I did not understand at the time that I was being advised that it was unlawful for the DSCC (or any one else) to accept political contributions from foreign nationals. I proceeded as I did because, to the best of my recollection, I understood that the solicitor suggested (in the presence of myself and my secretary) that, since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on my behalf. I have no recollection of understanding that there was any legal issue involved.

9. To the best of my knowledge, the accompanying chart of contributions (Attachment B) accurately shows the

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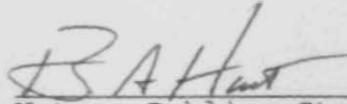
candidate-related and possibly candidate-related contributions I made directly or indirectly, and the status of my refund requests.

I swear under the penalty of perjury that the foregoing statements are true and correct.



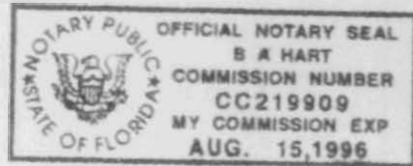
Thomas Kramer

The foregoing instrument was acknowledged before me this 27th day of December, 1994 by Thomas Kramer, who is personally known to me ~~or who has produced~~ _____ ~~as identification~~ and who did take an oath.



Notary Public, State of Florida
Print Name: BRIAN A. HART
Commission Number: _____
Commission Expires: _____

(SEAL)



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ATTACHMENT A

Azure Coast Development, Ltd.
Beachwalk Development Corp.
New Fiesta, Inc.
Olympus Holding Corp.
Playa Del Sol, Ltd.
Portofino Group, Inc.
Sandpoint Financial, Ltd.
Santorini Isle, Inc.
SBE, Inc.
Seagull Development Corp.
South Beach Creative Group
St. Tropez R/E Fund, Ltd.
Sun & Fun, Inc.
2 Star Island, Inc.
5 Star Island, Inc.
7th & 5th Deco Corp.
35 Star Island, Inc.

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ATTACHMENT B

Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
35 Star Island, Inc.	Democratic National Committee	3/04/94	60,000.00	Yes	\$60,000.00 on 10/28/94
Portofino Group, Inc.	Democratic National Committee	3/15/94	40,000.00	Yes	\$40,000.00 on 11/7/94
Portofino Group	Democratic National Committee (Grand Bay dinner for VP Gore)	Sometime during March-April 1993	25,000.00	Yes	\$25,000.00 on 10/28/94
Terri Bradley	DSCC	4/28/93	20,000.00	Yes	
Thomas Kramer	The DSCC Senate Majority Dinner	9/17/93	3,000.00	Yes	\$3,000.00 on 9/29/94
Portofino Group, Inc.	Republican Senatorial Committee	6/04/93	25,000.00	Yes	\$25,000.00 on 11/30/94
Portofino Group, Inc.	Republican Party of Florida-Victory '94	6/04/93	100,000.00	Yes	
Portofino Group, Inc.	Statesman's Dinner	6/04/93	5,000.00	Yes	
Thomas Kramer	Republican Party of Florida	3/03/94	100,000.00	Yes	\$5,000.00 on 10/25/94
Thomas Kramer	Robert Kerry for U.S. Senator	12/02/93	1,000.00	Yes	
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000.00	Refund preceded request	\$1,000.00 on 9/30/94
Thomas Kramer	Friends of Connie Mack	11/13/93	500.00	Yes	
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500.00	Yes	
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500.00	Yes	
Terri Bradley	George Mitchell	3/20/93	1,000.00	Yes	
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	500.00	Yes	
Olympus	Stuart Blumberg Campaign Fund	1/29/93	500.00	Yes	
Portofino Group, Inc.	Stacy Breen	7/20/93	500.00	Cannot locate recipient	
Sun & Fun	Bretos Campaign	4/14/93	500.00	Cannot locate recipient	

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Playa	Conchi Bretos	4/14/93	500.00	Cannot locate recipient	
Thomas Kramer	James Burke Campaign Fund	12/15/93	500.00	Yes	
Olympus	Jeb Bush Gubernatorial Campaign	9/27/94	100.00	Yes	
Olympus	Jeb Bush Gubernatorial Campaign	9/27/94	100.00	Yes	
New Fiesta	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Playa	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Olympus	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
St. Tropez R/E Fund	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
New Fiesta	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
Sun & Fun	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
Playa	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
Beachwalk	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
Olympus	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
Santorini	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
7th & 5th Deco	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unrelated to request)
Sandpoint Financial, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
New Fiesta	Maurice Ferre Campaign	4/14/93	500.00	Yes	
Olympus	Maurice Ferre Campaign	4/14/93	500.00	Yes	
Portofino Group, Inc.	Larry Hawkins	9/01/94	500.00	Yes	

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
St. Tropez R/E Fund Ltd.	Larry Hawkins	9/01/94	500.00	Yes	
Santorini	Larry Hawkins	9/01/94	500.00	Yes	
New Fiesta	Bruce Kaplan Campaign	4/14/93	500.00	Yes	
Olympus	Bruce Kaplan Campaign	4/14/93	500.00	Yes	
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500.00	Yes	
St. Tropez R/E Fund Ltd.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
New Fiesta Inc.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Sun & Fun Inc.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Playa Del Sol Ltd.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Beachwalk	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Olympus	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Santorini	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
7th & 5th Deco Corp.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Sandpoint Financial Ltd.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
SBE Inc.	Mike Karpel Campaign Fund	10/19/93	500.00	Yes	
Intermediary	Mike Karpel Campaign Fund	10/20/93	500.00 (reimbursed cash)		
Intermediary	Mike Karpel Campaign Fund	10/21/93	500.00 (reimbursed cash)		
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500.00	Yes	\$155.00 on 10/13/93 (refunded because candidate unopposed)
Intermediaries	Neisen Kasdin	April '93	Exact Amount Unknown		

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
St. Tropez R/E Fund	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Sandpoint Financial, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
New Fiesta	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Sun & Fun	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Playa	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Beachwalk	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Olympus	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Santorini	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
7th & 5th Deco	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
New Fiesta Inc.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Sun & Fun Inc.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Playa Del Sol Ltd.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Beachwalk	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Olympus	Gerald Lewis Campaign	12/08/93	500.00	Yes	\$125.00 (unrelated to request)
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500.00	Yes	
South Beach Creative Group	Gerald Lewis Campaign	12/08/93	500.00	Yes	
Olympus	Gwen Margolis Campaign Fund	7/29/94	100.00	Yes	\$100.00 on 11/21/94

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Santorini	Gwen Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
5 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
2 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
SBE Inc.	Gwen Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
St. Tropez R/E Fund Ltd.	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
New Fiesta Inc.	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Playa Del Sol Ltd.	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Olympus	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Santorini	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Seagull Development Corp.	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Azure Coast Ltd.	Campaign for Commissioner for Javier Souto	3/03/94	500.00	Yes	
Playa Del Sol	State Senate President Pat Thomas "Victory in '94"	8/26/94	500.00	Yes	

Developer's donations questioned

Federal law prohibits politicians from accepting money from foreign nationals.

By LOUIS LAVERLE
 Tribune Staff Writer

TALLAHASSEE — A flamboyant German developer has contributed at least \$4,000 to three congressional candidates in possible violation of a federal election law that bans political contributions by foreign nationals.

That money represents a small portion of the political generosity of Tom Kramer, who has contributed more than \$500,000 in apparently legal donations to Democratic and Republican campaign coffers and a Florida campaign to legalize casinos.

Legal or not, politicians from Tallahas-

see in Washington are now scrambling to evaluate the situation, and possibly return more than \$100,000 of the cash.

Kramer came to the United States from Germany about two years ago on a non-immigrant visa that expires in May. Since then, he bought nearly \$50 million in South Miami Beach real estate and inked a deal with Mirage Resorts of Las Vegas to build a \$500 million hotel-casino there if voters approve casinos Nov. 8.

According to federal law, foreign nationals — including anyone, such as Kramer, who is not a citizen and who is not admitted to the United States for permanent residence with a green card — cannot contribute to federal, state or local election campaigns.

The question of whether foreign nationals can contribute to political parties that give money to candidates — or to ballot initiatives such as Proposition for Limited

Casinos that have made contributions to the parties — has never been resolved by the Federal Election Commission (FEC), the agency charged with enforcing the ban.

But the Florida Republican Party believes the connection is too close for comfort.

Notified of Kramer's immigration status by The Tampa Tribune, GOP spokesman Brewster Brown said the party will investigate. If he is a foreign national, the party will either return the \$100,000 Kramer donated this year, give it to charity or retain it in a special fund for non-election activities.

"We were under the impression he had a green card. If he didn't have a green card, we'll immediately get in compliance with the law," Brown said. "We have to comply with the law to the penny."

State GOP leaders weren't the only ones who gladly accepted Kramer's money.

Last September, he gave \$2,000 to the

Democratic Senatorial Campaign Committee, chaired by U.S. Sen. Bob Graham, D-Miami Lakes. The contribution, which will filter down to Democratic senate candidates, apparently falls into a legal gray area since the FEC has never issued an advisory opinion specifically banning such donations.

SHI, Ken Klein, a spokesman for the committee, said the contribution will be returned if Kramer's immigration status is confirmed.

Between October 1991 and January, Kramer also gave \$1,000 to U.S. Rep. Illeana Ros-Lehtinen, R-Miami; \$1,000 to U.S. Sen. Bob Kerry, D-Meb.; and \$2,000 to U.S. Sen. Connie Mack, R-Cape Coral — all in apparent violation of the ban.

Kramer's spokesman, Bruce Rubin, said he was "looking into the matter," but declined further comment.

See CONTRIBUTIONS, Page 4

Contributions raise questions

From Page 1

A spokesman for Kerrey did not return calls, but Ros-Lehtinen and Mitch Balowol, a spokesman for the black campaign, said they did not knowingly accept campaign contributions from a foreign national and vowed to give the money back.

"I did not know he was a foreign national, so we will return that money right now," Ros-Lehtinen said.

"Our understanding is that he was a green card," Balowol said. "If he does not, and we have to return the contribution, we'll do so."

The questionable campaign contributions are just the latest chapter in Kramer's Florida odyssey.

The 26-year-old German-born Kramer — described as "handsome and arrogant" by Forbes magazine — has been buying up Miami Beach real estate at a furious pace since blowing into town. He paid top dollar — in cash — for 28 oceanfront apartments, two parcels on Indian Creek Island and five residential properties on exclusive Star Island, where his neighbors include singer Gloria Estefan and rap star Vanilla Ice.

In many ways, he's the man Miami Beach loves to hate. At a 1992 Halloween-night bash at his night-

club, Bell, he harried homosexuals, who protested by plastering Nazi emblems on his car. Meanwhile, patrons dipped strawberries into melted chocolate cupped in the abdomen of a naked woman. When cash ran short in 1992, he closed the club and fired 68 employees.

Now, he wants to build a \$250 million luxury apartment complex, along with the planned hotel-casino project.

In addition to the contributions to congressional candidates and party campaign coffers, Kramer — individually and through four development companies he operates out of his Miami Beach office — contributed \$417,500 to the casino legislation campaign.

In 1989, the FEC ruled that foreign nationals could make contributions to influence ballot issues, but not those that coordinated their efforts with a candidate's election campaign.

Limited Casinos has contributed \$5,000 each to the Democratic and Republican parties. But a spokesman for the FEC said the agency has never ruled on whether such contributions disqualify ballot initiatives from accepting money from foreign nationals.

Randy Lewis, a spokesman for Limited Casinos, said the 1985 advi-

sory opinion cleared the way for foreign nationals to contribute to ballot initiatives, regardless of any political contributions the ballot initiative might have made.

"We believe this is legal," he said. "Mr. Kramer is making a donation to us and we are a political issue."

If the FEC decides to pursue any of the cases, the penalties could be serious for both givers and recipients. For unwitting violations, the penalties range up to \$5,000 in fines or 100 percent of the contributions. For "knowing and willful" violations, they can be as high as \$10,000 in fines or 200 percent of the contributions.

And the FEC takes such violations seriously.

In August, following a five-year investigation, the commission fined 26 foreign nationals — mostly Japanese businessmen and individuals — more than \$162,000 for illegal contributions to candidates for governor, mayor and state legislator in Hawaii.

Twenty-three other contributors received letters of admonishment, as did 106 recipients, who were ordered to refund the money.

Tribune Staff Writer Michael Szabaderman contributed to this report.

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FEDERAL ELECTION COMMISSION
JUN 10 10 04 AM '96

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Pre-MUR #307
DATE COMPLAINT RECEIVED
BY OGC: 10/05/94
DATE ACTIVATED: 2/16/95
DATE TRANSFERRED: 3/1/96

STAFF MEMBER: Jose M. Rodriguez

COMPLAINANT: Sua Sponte
RESPONDENTS: Thomas Kramer
Catherine Burda Kramer
Terri Bradley

35 Star Island, Inc.
Portofino Group, Inc.
Olympus Holding Corporation
Sun & Fun, Inc.
Playa Del Sol Ltd.
New Fiesta, Inc.
St. Tropez R/E Fund, Ltd.
Beachwalk Development Corporation
Santorini Isle, Inc.
7th & 5th Deco Corporation
Sandpoint Financial, Ltd.
SBE, Inc.
South Beach Creative Group, Inc.
5 Star Island, Inc.
2 Star Island, Inc.
Seagull Development Corporation
Azure Coast Development, Ltd.
DNC Services Corporation/Democratic National Committee
and R. Scott Pastrick, as treasurer
Democratic Senatorial Campaign Committee and Donald J.
Foley, as treasurer
National Republican Senatorial Committee and Stan
Huckaby, as treasurer
Republican Party of Florida (federal/non-federal
accounts) and James H. Stelling, as treasurer
Kerrey for U.S. Senate Committee and Jim Weaver, as
treasurer
Ros-Lehtinen for Congress and Antonio L. Argiz,
as treasurer

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Friends of Connie Mack and Robert I. Watkins, as treasurer
 Mitchell for Senate and Barbara Keefe, as treasurer
 Stuart Blumberg Campaign Fund
 Stacy Breen
 Bretos Campaign
 Conchi Bretos
 James Burke Campaign Fund
 Jeb Bush Gubernatorial Campaign
 Charles Dusseau Campaign
 Sy Eisenberg Campaign Fund
 Maurice Ferre Campaign
 Larry Hawkins
 Bruce Kaplan Campaign
 Mike Karpel Campaign Fund
 Neisen Kasdin Campaign Fund
 Neisen Kasdin
 Nancy Leibman Campaign Fund
 Gerald Lewis Campaign
 Gwen Margolis Campaign Fund
 Campaign for Commissioner for Javier Souto
 State Senate President Pat Thomas "Victory in '94"

RELEVANT STATUTES: 2 U.S.C. § 441e
 2 U.S.C. § 441f

RELEVANT REGULATIONS: 11 C.F.R. § 110.4(a)(3)

INTERNAL REPORTS CHECKED: FEC Indices/Disclosure Reports

FEDERAL AGENCIES CHECKED: Immigration and Naturalization Service

I. GENERATION OF MATTER

This matter was generated by a sua sponte submission filed by counsel representing Thomas Kramer. (Attachment 1.) According to the submission, Mr. Kramer, a German foreign national, made numerous contributions to local, state and federal political committees during the 1993-1994 election cycle. It appears that Mr. Kramer made several of these contributions through corporations of which he was director and majority shareholder.¹

1. This Office attempted to determine whether any of Mr. Kramer's corporations qualify as subchapter s corporations, but was unable to do so. During the course of this matter, this Office will make further attempts to ascertain the status of these corporations.

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In addition, Mr. Kramer reimbursed his secretary, Terri Bradley, for contributions she made to a national party committee and a federal candidate committee. Based upon the sua sponte submission, it appears that Mr. Kramer made contributions, either personally, through other individuals or through his companies, to local, state, and federal political committees in excess of \$400,000, in violation of 2 U.S.C. §§ 441e and 441f.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

1. Section 441e

The basis of this sua sponte submission is the Act's prohibition on contributions from foreign nationals found at 2 U.S.C. § 441e. This provision states:

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with any election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

The prohibition is further detailed in the Commission's Regulations at 11 C.F.R. § 110.4(a)(3):

A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, labor organization, or political committee, with regard to such person's Federal or non-federal election-related activities, such as decisions concerning the making of contributions or expenditures in connection with elections

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for any local, State, or Federal office or decisions concerning the administration of a political committee.

The term "foreign national" is defined at 2 U.S.C.

§ 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes:

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

It is clear that the Act prohibits contributions from persons, including corporations, that are foreign nationals. 2 U.S.C. § 441e. The Commission has also addressed the issue of whether a corporation that is not a foreign national, but is a domestic subsidiary of a foreign national parent, may make contributions in connection with state and local campaigns for political office. In addressing this issue, the Commission has looked to two factors: the source of the funds used to make the contributions and the nationality status of the decision makers. Regarding the source of funds, the Commission has not permitted such contributions by a domestic corporation where the source of funds is from a foreign national, reasoning that this essentially permits the foreign national to make contributions indirectly when

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it could not do so directly. See, e.g., A.O.s 1989-20, 1985-3 and 1981-36. See also, A.O. 1992-16.

Even if the funds in question are from a domestic corporation, however, the Commission also looks at the nationality status of the decision makers. See A.O.s 1985-3 and 1982-10. The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no director or officer of the company or its parent, or any other person who is a foreign national may participate in any way in the decision-making process regarding the contributions. This prohibition has been codified at 11 C.F.R. § 110.4(a)(3), as noted above.

2. Section 441f

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. The Act defines person to include a corporation. 2 U.S.C. § 431(11).

3. Knowing and Willful Violations

Further, the Act addresses knowing and willful violations. 2 U.S.C. §§ 437g(a)(5)(C) and 437g(d). The phrase "knowing and willful" indicates that "actions [were] taken with full knowledge of all of the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976.) The knowing and willful standard requires knowledge that one is violating the law. Federal Election Comm'n v. John A. Dramesi for

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Congress Committee, 640 F. Supp. 985 (D.N.J. 1986). A knowing and willful violation may be established by "proof that the defendant acted deliberately and with knowledge that the representation was false." United States v. Hopkins, 916 F.2d 207, 214-215 (5th Cir. 1990). An inference of a knowing and willful violation may be drawn "from the defendants' elaborate scheme for disguising" their actions and their "deliberate convey[ance of] information they knew to be false to the Federal Election Commission."

B. The Sua Sponte Submission

In an Affidavit accompanying the sua sponte submission, Thomas Kramer avers that he is a German citizen and that he is "not lawfully admitted in the United States for permanent residence." (Attachment 1, at 12.) He further states:

I made candidate contributions personally and through my companies during a period of approximately a year and three-quarters, beginning in early 1993. I gave to state and local candidates, the Republican Party of Florida, and the national Democratic and Republican parties. I also personally made or caused contributions to four federal candidates.

(Id.)

According to the chart attached to Mr. Kramer's Affidavit, he made contributions to "federal political committees" during the 1993-1994 election cycle. (Id. at 17.) As is apparent below, Mr. Kramer assertedly made these contributions directly; through

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his secretary, Terri Bradley; or through corporations which he controlled.

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte.- Non-federal account ³	3-4/93 ²	25,000
Terri Bradley	Democratic Senatorial Campaign Committee	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee ⁴ - Non-federal account	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida ⁵	6/04/93	100,000 ⁶

2. Mr. Kramer does not remember the exact date of this contribution, but states that it occurred between "March and April 1993" and was given for the "Grand Bay Dinner for VP Gore." (Attachment 1, at 17.)

3. In his Affidavit, Mr. Kramer does not explain whether the contributions to the national political committees (viz. the DNC, the DSCC, and the NRSC) were designated for the federal or non-federal accounts of these committees. Based on a review of the public record, it appears that all contributions made by Mr. Kramer through his companies to national political committees were deposited into the committees' non-federal accounts.

4. Mr. Kramer states that this contribution was given to the "Republican Senatorial Committee." The Commission's records indicate that the only such committee is the "National Republican Senatorial Committee."

5. Mr. Kramer made contributions totaling \$205,000 to the Republican Party of Florida. As the chart demonstrates, Mr. Kramer asserts that he made two contributions totaling \$105,000 on June 4, 1993 through his corporation the Portofino Group, Inc., and one direct contribution in his name of \$100,000 on March 3, 1994. It is not clear from Mr. Kramer's Affidavit whether these contributions were designated for the state party's federal account or state account. See infra p. 8 nn.6 & 7.

However, a review of the state party's federal and state reports clarifies that the two contributions from the Portofino Group, Inc. (totaling \$105,000) were deposited into the Republican Party of Florida's state account, as was \$95,000 of Mr. Kramer's direct \$100,000 contribution. The remaining \$5,000 of Mr. Kramer's direct contribution was deposited into the state

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Portofino Group, Inc.	Republican Party of Florida	6/04/93	5,000 ⁷
Thomas Kramer	Democratic Senatorial Campaign Committee	9/17/93	3,000 ⁸
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/13/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500
Thomas Kramer	Republican Party of Florida	3/03/94	100,000 ⁹
35 Star Island, Inc.	Democratic National Cmte.- Non-federal account	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte.- Non-federal account	3/15/94	<u>40,000</u>
			Total: \$384,500

(Footnote 5 continued from previous page)
 party's federal account. Consequently, the total amount contributed by Mr. Kramer, personally and through his corporation, was \$200,000 to the Republican Party of Florida's state account, and \$5,000 to its federal account.

6. Mr. Kramer states that he gave this contribution to Republican Party of Florida Victory '94 which appears to be a project of the Republican Party of Florida Federation Campaign Committee (the state party's federal account). However, as noted above, this contribution was reported as received by the Republican Party of Florida's state account.

7. The chart provided by Mr. Kramer indicates only that this contribution was for the "Statesman's Dinner." (Attachment 1, at 17.) As noted above, this contribution was reported as received by the Republican Party of Florida's state account.

8. Mr. Kramer states that this contribution was given for the "DSCC Senate Majority Dinner." (Attachment 1, at 17.)

9. As noted above, \$5,000 of this contribution was deposited in the state party's federal account, with the remaining \$95,000 going to the state account.

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In addition, Mr. Kramer asserts that he made the following contributions to local and state candidates during the 1993-1994 election cycle. (Attachment 1, at 17-21.)

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	\$500
Olympus Holding Corporation	Stuart Blumberg Campaign Fund	1/29/93	500
Sun & Fun, Inc.	Bretos Campaign	4/14/93	500
Playa Del Sol, Ltd.	Conchi Bretos	4/14/93	500
New Fiesta, Inc.	Charles Dusseau Campaign	4/14/93	100
Playa Del Sol, Ltd.	Charles Dusseau Campaign	4/14/93	100
Olympus Holding Corporation	Charles Dusseau Campaign	4/14/93	100
New Fiesta, Inc.	Maurice Ferre Campaign	4/14/93	500
Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500
Intermediaries	Neisen Kasdin	April 1993	? ¹⁰
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
St. Tropez R/E Fund, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500

10. Mr. Kramer states that he does not recall the exact date or amount of this contribution. He also does not identify through whom he made this contribution. Mr. Kramer notes "intermediary" as the contributor where he believes he "made a state or local campaign contribution through another." (Attachment 1, at 6.)

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New Fiesta, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Sun & Fun, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Playa Del Sol, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Beachwalk Development Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Olympus Holding Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Santorini Isle, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
7th & 5th Deco Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
St. Tropez R/E Fund, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
New Fiesta, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Sun & Fun, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Playa Del Sol, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
Beachwalk Development Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Olympus Holding Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Santorini Isle, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
7th & 5th Deco Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Sandpoint Financial, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Portofino Group, Inc.	Stacy Breen	7/20/93	500
St. Tropez R/E Fund, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
New Fiesta, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Sun & Fun, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Play Del Sol, Ltd.	Mike Karpel Campaign Fund	10/19/93	500

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Beachwalk Development Corporation	Mike Karpel Campaign Fund	10/19/93	500
Olympus Holding Corporation	Mike Karpel Campaign Fund	10/19/93	500
Santorini Isle, Inc.	Mike Karpel Campaign Fund	10/19/93	500
7th & 5th Deco Corp.	Mike Karpel Campaign Fund	10/19/93	500
Sandpoint Financial, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
SBE, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Intermediary	Mike Karpel Campaign Fund	10/20/93	500
Intermediary	Mike Karpel Campaign Fund	10/21/93	500
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500
New Fiesta, Inc.	Gerald Lewis Campaign	12/08/93	500
Sun & Fun, Inc.	Gerald Lewis Campaign	12/08/93	500
Playa Del Sol, Ltd.	Gerald Lewis Campaign	12/08/93	500
Beachwalk Development Corporation	Gerald Lewis Campaign	12/08/93	500
Olympus Holding Corporation	Gerald Lewis Campaign	12/08/93	500
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500
Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500
South Beach Creative Group, Inc.	Gerald Lewis Campaign	12/08/93	500
Thomas Kramer	James Burke Campaign Fund	12/15/93	500
St. Tropez R/E Fund, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
New Fiesta, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500

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Playa Del Sol, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Olympus Holding Corporation	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Seagull Development Corp.	Campaign for Commissioner Javier Souto	3/03/94	500
Azure Coast Development Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
5 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
2 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
SBE, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
Olympus Holding Corporation	Gwen Margolis Campaign Fund	7/29/94	100
Playa Del Sol, Ltd.	State Senate President Pat Thomas "Victory in '94"	8/26/94	500
Portofino Group, Inc.	Larry Hawkins	9/01/94	500
St. Tropez R/E Fund, Ltd.	Larry Hawkins	9/01/94	500
Santorini Isle, Inc.	Larry Hawkins	9/01/94	500
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	100
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	<u>100</u>
		Total:	\$34,600

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Thus, according to Mr. Kramer's admission, he made local, state, and federal political contributions totaling \$419,100 during the 1993-1994 election cycle.¹¹ According to counsel, Mr. Kramer has requested refunds of all his personal and corporate contributions. (Attachment 1, at 5 and 13.) To date, Mr. Kramer reports receiving refunds totaling only \$162,555 -- from the Democratic National Committee (\$125,000); Democratic Senatorial Campaign Committee (\$3,000); National Republican Senatorial Committee (\$25,000); Republican Party of Florida (federal account) (\$5,000);¹² Ros-Lehtinen for Congress (\$1,000); Charles Dusseau Campaign (\$300); Sy Eisenberg Campaign Fund (\$875); Neisen Kasdin Campaign Fund (\$155); Gerald Lewis Campaign (\$125); and the Gwen Margolis Campaign Fund (\$2,100). (Id. at 17-21.)

As shown above, Mr. Kramer admits that he made a portion of his contributions through 17 corporations listed above (\$287,600), and through 3 unnamed "intermediaries" (\$1,000 +). (See Attachment 1.) Mr. Kramer does not reveal the total amount of the contributions made through "intermediaries," noting only that two of the "intermediaries" contributed \$500 apiece, but failing to

11. Mr. Kramer overstates the total of his contributions by \$500. See infra n.16 and pp. 21-23. Consequently, the total in fact contributed by Mr. Kramer is \$418,600. This corrected amount is used for the remainder of the analysis.

12. Of note, Mr. Kramer twice requested refunds from the Republican Party of Florida for his contributions totaling \$205,000. In response, the state party refunded only the \$5,000 deposited in its federal account, arguing in part that the remaining \$200,000 was lawfully deposited into its non-federal account and used for non-campaign related redistricting purposes, exempt from the foreign national prohibition. For a complete discussion of these transactions, see discussion infra at pp. 26-28.

list any amount for the third. However, because Florida law limits contribution amounts to \$500 from any individual or corporation, the total amount of these "intermediary" contributions appears not to exceed \$1,500. (Fla. Stat. Ann. § 106.08(1) (West 1992)). Consequently, because of the de minimus amount involved in these unspecified contributions, this Office will not seek further information concerning these contributions.

Mr. Kramer also admits that he "made two contributions at the federal level" through his secretary, Terri Bradley. Specifically, he states that he "reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993." (Attachment 1, at 14.) Additionally, he "reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993." (Id.) He further states in his Affidavit:

I believe that I was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens. I do not recall what, if any, explanation may have been given. In any event, I did not understand at the time that I was being advised that it was unlawful for the DSCC (or any one else) to accept political contributions from foreign nationals. I proceeded as I did because, to the best of my recollection, I understood that the solicitor suggested (in the presence of myself and my secretary) that, since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on my behalf.

(Id.)

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Mr. Kramer's attorney explains the circumstances surrounding these contributions as follows:

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national.

(Id. at 4.) In addition, counsel states:

Although he was solicited by numerous campaign fundraisers and is quite clearly of foreign origin, he was never asked about his citizenship or residency status. Mr. Kramer voluntarily brought this matter to the Commission's attention, and he has cooperated fully in facilitating an investigation into his contributions.

(Id. at 6-7.) Further, counsel represents that when Mr. Kramer learned through a September 28, 1994 article in the Tampa Tribune¹⁴ that some of his contributions might have been illegal, he immediately contacted legal counsel, who promptly notified the FEC of the situation. (Id. at 4.) Finally, counsel expresses an interest in entering into pre-probable cause conciliation. (Id. at 7.)

14. The Tampa Tribune newspaper article is part of Attachment 1, at pages 22-23.

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C. Analysis

There is no question that Thomas Kramer is a foreign national who made impermissible contributions -- personally, through corporations he owned and directed, and through his secretary -- to local, state, and federal candidates in violation of 2 U.S.C. §§ 441e and 441f. Correspondingly, political committees and candidates at the local, state and federal levels received impermissible contributions from Mr. Kramer, in violation of 2 U.S.C. §§ 441e and 441f.

1. Contributions by Kramer personally, through Terri Bradley and through Kramer's corporations

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Thomas Kramer is a German citizen¹⁵ and fits squarely within the definition of a foreign national. Accordingly, he is prohibited from making contributions to local, state or federal candidates or political committees. 2 U.S.C. § 441e and 11 C.F.R. § 110.4(a)(3). As discussed above, Mr. Kramer admits that he made political contributions in his own name totaling \$109,500 during the 1993-1994 election cycle, in violation of 2 U.S.C. § 441e.¹⁶ This figure does not take into account funds Mr. Kramer

15. Mr. Kramer states that he lives in the United States on an E-2 visa. According to the United States Immigration and Naturalization Service, an individual holding an E-2 visa is a dependent of an individual who holds an E-1 visa. (The dependent relationship can be that of spouse, child, or in-law.) An E-1 visa is known as a "treaty trader," that is, the individual is permitted to enter the United States to invest money in this country.

Both E-1 and E-2 visas are held by non-immigrants, and the bearer retains the citizenship of their native country. These visas may be effective for up to ten years.

16. As discussed infra at pp. 22-23, Mr. Kramer overstates his contributions to Friends of Connie Mack by \$500. Accordingly, Mr. Kramer directly contributed a total of \$109,000.

contributed through his secretary (\$21,000), funds he contributed through his seventeen corporations (\$287,600), and funds contributed through unnamed "intermediaries" (at least \$1,000).

Moreover, despite counsel's assertions that "no fundraiser or candidate ever inquired into [Mr. Kramer's] immigration status or refused funds from him because he was a foreign national," it is clear that at least one recipient questioned his status as a contributor. (Attachment 1, at 4.) Specifically, Mr. Kramer avers that he "believe[s] that [he] was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens." (Id. at 14.) Mr. Kramer also states that Terri Bradley was present with him at the Democratic fundraiser where he was informed that he could not contribute because of his foreign national status. After being informed of this, Mr. Kramer's secretary, Terri Bradley, contributed \$20,000 to the DSCC, for which he subsequently reimbursed her. Mr. Kramer states that "[he] proceeded as [he] did because, to the best of [his] recollection, [he] understood that the solicitor suggested . . . that, since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on [his] behalf," but that he has "no recollection of understanding that there was any legal issue involved." (Id.) This contribution was made on April 28, 1993.

While the exact substance of the committee's message to Mr. Kramer concerning his contribution is not known, according to Mr. Kramer's Affidavit, he was on notice as early as April 1993 that political contributions by foreign nationals were

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problematic, at least with regard to the DSCC. Nonetheless, Mr. Kramer continued to make contributions without further inquiry.

Mr. Kramer not only made contributions in his own name and Ms. Bradley's, but he states that he made contributions through his companies.¹⁷ Specifically, Mr. Kramer states that the "donor companies . . . are all corporations incorporated under the laws of the state of Florida and are wholly owned by me."

(Attachment 1, at 12.) The public record reflects that Mr. Kramer is also the Chief Executive Officer of these corporations. In sum, Mr. Kramer made \$287,600 in contributions to 18 political committees through 17 corporations.

Under 22 U.S.C. § 611(b), a corporation organized under the laws of any state within the United States, with a principal place of business within the United States, is not a foreign principal and, accordingly, would not be a foreign national under 2 U.S.C. § 441e. See Advisory Opinion 1992-16. As discussed above, however, Section 441e also prohibits contributions by a foreign national "through any other person," including by definition a corporation. In addition, a foreign national cannot direct, control, or participate in the decision-making process of a

17. These contributions came from or through the following: Portofino Group, Inc. (\$198,000); 35 Star Island, Inc. (\$60,000); Olympus Holding Corporation (\$4,400); Sun & Fun, Inc. (\$2,500); Playa del Sol Ltd. (\$3,600); New Fiesta, Inc. (\$3,600); St. Tropez R/E Fund Ltd. (\$3,000); Sandpoint Financial, Inc. (\$2,000); Beachwalk Development Corporation (\$2,000); Santorini Isle, Inc. (\$3,000); 7th & 5th Deco Corporation (\$2,000); SBE, Inc. (\$1,000); South Beach Creative Group, Inc. (\$500); Seagull Development Corporation (\$500); Azure Coast Development Ltd. (\$500); 5 Star Island, Inc. (\$500); and 2 Star Island, Inc. (\$500).

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corporation with regard to decisions about the making of contributions. 11 C.F.R. § 110.4(a)(3). Based upon Mr. Kramer's Affidavit, as an officer he directed these corporate contributions and, as a result, he made additional prohibited foreign national contributions totaling \$287,600, in violation of 2 U.S.C. § 441e.

The majority of Mr. Kramer's contributions, specifically \$387,800.00¹⁸ of the \$418,600.00,¹⁹ occurred after he had been informed by the DSCC that it "would accept contributions only from U.S. citizens." (Attachment 1, at 14, ¶ 8b.) Thus, it appears that despite being on notice that contributions from a foreign national could be problematic, Mr. Kramer continued to make political contributions without inquiry as to their legality. While such action may not rise to the level of a knowing and willful violation because it is not clear whether Mr. Kramer had specific knowledge of the foreign national prohibition or the prohibition against making contributions in the name of another, it does aggravate the violation by demonstrating a disregard for the laws governing political contributions.²⁰ See Federal Election

18. This calculation includes the \$20,000 contribution to the DSCC made in the name of Terri Bradley.

19. This total does not include the contribution by Mr. Kramer through an unidentified "intermediary" Neisen Kasdin, in April 1993, for which there is no known amount.

20. Moreover, while the very making of contributions by a foreign national in the name of another -- non-foreign national -- individual, may in certain cases, allow for an inference that the Section 441e violations are knowing and willful (see United States v. Hopkins, 916 F.2d 207, 214-215 (5th Cir. 1990) (an inference of a knowing and willful violation may be drawn "from defendants' elaborate scheme for disguising" actions)), the contradictory evidence in the present matter militates against such an inference. Specifically, Mr. Kramer made contributions on March 20 and April 28, 1993 to Federal

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Comm'n v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986) (knowing and willful violation requires knowledge that one is violating the law).

Accordingly, this Office makes no knowing and willful recommendations, but instead recommends that the Commission find reason to believe that Thomas Kramer violated 2 U.S.C. § 441e. This Office further recommends that the Commission find reason to believe that Thomas Kramer made contributions totaling \$21,000 in the name of another, in violation of 2 U.S.C. § 441f, and that Terri Bradley permitted her name to be used to effect these contributions, also in violation of 2 U.S.C. § 441f. Last, this Office recommends that the Commission enter into conciliation with Mr. Kramer and Ms. Bradley prior to a finding probable cause to believe. (For discussion of the proposed conciliation agreements, see infra pp. 31-32.)

This Office makes no recommendations at this time concerning the Democratic Senatorial Campaign Committee. During the course

(Footnote 20 continued from previous page)
political committees in the name of his secretary, initially suggesting that he may have been attempting to hide the foreign national source of the funds. Yet, he subsequently made several contributions in his own name to other Federal political committees. It does not follow that if Mr. Kramer was attempting to hide the source of his contributions by funneling them through another individual, he would later make direct contributions in his own name. Further investigation may serve to clarify Mr. Kramer's intent in funneling a portion of his contributions through another. However, for the reasons cited in this report, this Office does not recommend conducting an investigation in this matter, but instead recommends entering into conciliation at this stage in the enforcement process.

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of the conciliation negotiations, this Office will seek information concerning the circumstances leading to Ms. Bradley's contribution and will make recommendations as warranted by any new information.

Further, this Office recommends that the Commission find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e concerning the \$1,000 contribution made in the name of Terri Bradley.²¹ In light of the amount at issue and in order to best utilize the Commission's resources, this Office also recommends that the Commission take no further action and close the file as to Mitchell for Senate and Barbara Keefe, as treasurer. If the Commission approves these recommendations, this Office will send an admonishment letter to Mitchell for Senate.²²

In addition, because Mr. Kramer exercised direction and control over the making of these contributions, and because he distinguishes these contributions from his "personal contributions," this Office recommends that the Commission find reason to believe that the following corporations and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e by making

21. It does not appear that Mitchell for Senate had any knowledge that the funds contributed in Ms. Bradley's name were not her own, or that they originated from a foreign national. Accordingly, consistent with Commission policy, this Office makes a recommendation concerning only a possible violation of 2 U.S.C. § 441e, which does not require a knowing acceptance, and makes no recommendation concerning a possible violation of 2 U.S.C. § 441f in connection with the same contribution, as this provision does require knowing acceptance.

22. In the admonishment letter to Mitchell for Senate, this Office will request that the Committee disgorge to the United States Treasury the unrefunded \$1,000 contribution at issue.

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contributions to federal committees and in connection with local and state elections: 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; and Azure Coast Development, Ltd. This Office recommends that the Commission also enter into pre-probable cause conciliation with these respondents.

2. Catherine Burda Kramer and Friends of Connie Mack

Based on the evidence presently in hand, the exact amount contributed by Thomas and Catherine Burda Kramer to the Friends of Connie Mack (the "Mack Committee") is unclear. In his Affidavit, Mr. Kramer states that he made contributions to the Mack Committee on November 13, 1993 (\$500) and December 10, 1993 (\$3,000). According to Mr. Kramer, the \$3,000 in contributions made in December, 1993 consisted of two \$1,500 contributions to the Mack Committee. Mr. Kramer states that he received no refunds of these contributions.

The Mack Committee reports that it received a total of \$3,000 in contributions from Mr. Kramer on November 12, 1993 (\$500), December 16, 1993 (\$1,500) and January 24, 1994 (\$1,000). The Mack Committee, however, reports refunding all of the contributions to him. The Mack Committee also reports receipt of a total of \$2,000 in contributions from Mr. Kramer's wife, Catherine Burda Kramer, on December 16, 1993 (\$1,500) and

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January 10, 1994 (\$500). The Mack Committee reports that it refunded the \$2,000 in contributions to Catherine Burda Kramer.

In his Affidavit, Mr. Kramer does not address any contributions made by Mrs. Kramer to the Mack Committee. According to Mr. Kramer, he made two \$1,500 contributions to this same committee in December; however, Friends of Connie Mack reported the contributions as \$1,500 from Thomas Kramer and \$1,500 from Catherine Kramer. In addition to the disputed \$1,500 contribution, it appears that Mrs. Kramer made at least one contribution to the Mack Committee; as reported by the Mack Committee, it received a \$500 contribution on January 10, 1994, from Catherine Burda Kramer. A review of the public record indicates that Mrs. Kramer may be a foreign national because it does not appear that she has a social security number. Thus, this Office recommends that the Commission find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e. Because of the apparent de minimis amount at issue, this Office also recommends that the Commission take no further action and close the file as to Mrs. Kramer.

Likewise, this Office recommends that the Commission find reason to believe the Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e. In light of the comparatively minor amount at issue with the Mack Committee and because they reported refunding all contributions received from Mr. and Mrs. Kramer, this Office also recommends that the Commission take no further action and close the file as to the Friends of Connie Mack. If the Commission approves these

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recommendations, this Office will send an admonishment letter to the Friends of Connie Mack and Mrs. Kramer.

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4. Recipient Political Committees

As a result of Mr. Kramer's contributions, several federal political committees received impermissible contributions totaling \$184,500. These federal political committees included the DNC Services Corporation/Democratic National Committee ("DNC"), the Democratic Senatorial Campaign Committee ("DSCC"), the National Republican Senatorial Committee ("NRSC"), Kerrey for U.S. Senate Committee, Ros-Lehtinen for Congress and the federal political committees previously discussed -- namely, the Republican Party of Florida (federal account), Friends of Connie Mack and Mitchell for Senate Committee. State and local political committees, including the Republican Party of Florida (non-federal account) received impermissible contributions totaling \$234,600. According to Mr. Kramer, these political committees and candidates received prohibited contributions from a foreign national, or from corporations owned and directed by a foreign national. The Act's prohibition against foreign national contributions does not contain a knowledge requirement. 2 U.S.C. § 441e. Thus, these recipient political committees violated 2 U.S.C. § 441e by their receipt of these prohibited political contributions.

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There are additional issues raised by the contributions received by the Republican Party of Florida (non-federal account) ("RPF"). Soon after the Tampa Tribune newspaper ran an article explaining that Mr. Kramer was a foreign national, RPF refunded \$5,000 of the \$205,000 contributed by Mr. Kramer and one of his companies. A review of RPF's campaign finance reports filed with the Commission indicates that this committee's federal account only reported a \$5,000 contribution from Mr. Kramer as received on March 4, 1994, but did not report any other contributions from him or Portofino Group, Inc. RPF also reported that it refunded \$5,000 to Mr. Kramer on October 13, 1994, from its federal account.

In an attempt to determine how and whether the remaining contributions were deposited, this Office recently obtained copies of RPF's state reports for the time period at issue. Examination of the voluminous state reports shows that the remaining \$200,000 in contributions were reported as deposited into RPF's non-federal account. According to these reports, on June 8, 1993, the Portofino Group, Inc. made two contributions to RPF totaling \$5,000 and \$100,000. In addition, the state reports show the receipt of a \$95,000 contribution from Thomas Kramer on March 4, 1994.

Mr. Kramer repeatedly requested the refund of these contributions. In an October 25, 1994 letter accompanying only Mr. Kramer's \$5,000 federal contribution refund, and in apparent response to Mr. Kramer's request for a full refund, Ellen Darden, RPF's Chief of Staff, states that "[t]his represents a

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refund of the portion of the donation that you made to the Party which we designated to our Federal account at the time of receipt." (Attachment 1, at 8.) While acknowledging that the state party is prohibited from accepting foreign national contributions and that it could not deposit such contributions into its federal account nor transfer such funds from its federal to its non-federal accounts, the letter explains that "the remainder of [Mr. Kramer's] generous donation was originally designated to our state account and can legally be utilized for certain non-campaign, non-federal activities." (Id.)

In a letter dated November 7, 1994, Mr. Kramer again requested that RPF refund all of his contributions. In a December 13, 1994 letter to Mr. Kramer, Tom Slade, RPF's Chairman, noting that the contributions were deposited into RPF's "redistricting account," explains that no further refunds could be made, and that the contributions made by Mr. Kramer and Portofino Group, Inc. had been received in good faith and spent, and, therefore, were not available for refund.²⁴ (Id. at 9-10.)

If these funds were in fact used only for non-campaign related reapportionment issues, they may be exempt from the foreign national prohibition. See 1982-14, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5655 (April 9, 1982) (funds to a segregated state party account for reapportionment-related expenses are not subject to the Act's prohibitions), see also, AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981) (foreign

24. In fact, as of December 31, 1994, the RPF's federal account alone had approximately \$230,000 cash-on-hand.

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24. In fact, as of December 31, 1994, the RPF's federal account alone had approximately \$230,000 cash-on-hand.

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national prohibition does not apply to committee engaged in lobby and litigation concerning reapportionment issues). Examination of RPF's non-federal reports shows a \$95,000 contribution to Floridians for Fair Redistricting on October 13, 1993, five months after Mr. Kramer's \$95,000 contribution to the RPF. Although incomplete, these reports also show other reapportionment disbursements, most significantly these reports show what may be a \$150,000 disbursement on May 19, 1993 for reapportionment matters.²⁵

Based upon this record, it appears that at least a portion of the \$205,000 contributed by Mr. Kramer to RPF may have in fact been used for permissible purposes. However, further information is necessary to conclusively make this determination and to ascertain what use was made of the balance of the contribution. Accordingly, to afford the state party an opportunity to clarify the record, this Office recommends that the Commission find reason to believe the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.

25. The exact nature of this transaction is not presently clear. Although reported in a disbursement report for the state account, the transaction is described as a "reapportionment reimbursement" concerning RPF's law firm. Consequently, it is not known if this entry represents the initial payment to the law firm, or a reimbursement from the law firm for services paid but not rendered.

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In addition to RPF, there are a large number of other local, state, and federal committees that apparently received prohibited political contributions. For the federal political committees that remain for which no recommendation has been made, this Office is recommending that the Commission make reason to believe findings against them, but take no further action. These recommendations take into consideration either the amount of the contributions or that they have been refunded.²⁷ Moreover, this Office believes that this is the most efficient allocation of Commission resources and will allow this Office to focus on the major players in this matter. Accordingly, this Office recommends that the Commission find reason to believe that: (1) the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer; (2) the National Republican Senatorial Committee and Stan Huckaby, as treasurer; (3) the Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer; and (4) Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents. If the Commission approves these

27. According to the Commission's records, the DNC received three contributions totaling \$125,000 from companies owned by Thomas Kramer. The DNC fully refunded all of these contributions. Similarly, the NRSC received a \$25,000 contribution from one of Mr. Kramer's companies. This contribution was also fully refunded. The two candidate committees - Ros-Lehtinen for Congress and the Kerrey for U.S. Senate Committee -- each received \$1,000 contributions from Thomas Kramer. The Ros-Lehtinen committee refunded its \$1,000 contribution to Mr. Kramer.

recommendations, this Office will send admonishment letters to these respondents.²⁸

Similarly, for the remaining local and state recipient committees that received prohibited contributions, this Office is recommending that the Commission find reason to believe that the committees violated the Act, but take no further action. This recommendation will apply to all local and state political committees that received prohibited contributions. If the Commission approves these recommendations, this Office will send admonishment letters to these respondents. Thus, this Office recommends that the Commission find reason to believe that: (5) the Stuart Blumberg Campaign Fund; (6) Stacy Breen; (7) the Bretos Campaign and Conchi Bretos; (8) the James Burke Campaign Fund; (9) the Jeb Bush Gubernatorial Campaign; (10) the Charles Dusseau Campaign; (11) the Maurice Ferre Campaign; (12) Larry Hawkins; (13) the Bruce Kaplan Campaign; (14) the Neisen Kasdin Campaign Fund and Neisen Kasdin; (15) the Gerald Lewis Campaign; (16) the Gwen Margolis Campaign Fund; (17) the Campaign for Commissioner for Javier Souto; (18) State Senate President Pat Thomas "Victory in '94"; (19) the Sy Eisenberg Campaign Fund; (20) the Mike Karpel Campaign Fund; and (21) the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

28. In the admonishment letter to the Kerrey for U.S. Senate Committee, this Office will request that the Committee disgorge to the United States Treasury the unrefunded \$1,000 contribution at issue.

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III. DISCUSSION OF CONCILIATION AGREEMENTS AND CIVIL PENALTIES

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IV. DISCUSSION OF ADMONISHMENTS AND DISGORGEMENT REQUESTS

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As discussed, this Office will admonish the various federal recipient committees -- where the Commission is taking no further action -- that receipt of any funds from a foreign national is a violation of 2 U.S.C § 441e. Those letters directed to the two federal committees that have not refunded the tainted contributions (Mitchell for Senate and Kerrey for U.S. Senate Committee) will also contain a request that committees disgorge to the United States Treasury the unrefunded contributions. Accompanying each letter will be a tailored version of the attached sample Factual and Legal Analyses informing the recipient committee of the basis for the Commission's findings. (Attachment 4.)³¹ This Office will also admonish Mrs. Kramer that the making

31. Attachment 4 consists of two sample Factual and Legal Analysis: a draft for those committees that accepted contributions from Mr. Kramer directly or through an intermediary, and a separate draft for those committees that accepted contributions from corporations controlled by Mr. Kramer. These sample documents will be used to notify all (local, State and Federal) recipients.

of contributions by a foreign national to local, State and Federal elections is prohibited.

Concerning the local and State committee recipients, this Office will also admonish these committees that the foreign national prohibition applies to local and State campaigns. This Office also intends to request that those committees which have not refunded the tainted contributions disgorge such funds to the United States Treasury, and that each committee inform the Commission when the disgorgement takes place. (As noted, these committees will also receive a tailored version of the sample Factual and Legal Analyses at attachment 4.)

V. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Thomas Kramer violated 2 U.S.C. §§ 441e and 441f, and enter into conciliation prior to a finding of probable cause to believe.
3. Find reason to believe that Terri Bradley violated 2 U.S.C. § 441f, and enter into conciliation prior to a finding of probable cause to believe.
4. Find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
5. Find reason to believe that 35 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
6. Find reason to believe that Portofino Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
7. Find reason to believe that Olympus Holding Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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8. Find reason to believe that Sun & Fun, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
9. Find reason to believe that Playa Del Sol Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
10. Find reason to believe that New Fiesta, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
11. Find reason to believe that St. Tropez R/E Fund, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
12. Find reason to believe that Beachwalk Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
13. Find reason to believe that Santorini Isle, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
14. Find reason to believe that 7th & 5th Deco Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
15. Find reason to believe that Sandpoint Financial, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
16. Find reason to believe that SBE, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
17. Find reason to believe that South Beach Creative Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
18. Find reason to believe that 5 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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19. Find reason to believe that 2 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
20. Find reason to believe that Seagull Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
21. Find reason to believe that Azure Coast Development, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
22. Find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
23. Find reason to believe that Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
- 24.
25. Find reason to believe that the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.
26. Find reason to believe that DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
27. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
28. Find reason to believe that Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
29. Find reason to believe that Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

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30. Find reason to believe that the Stuart Blumberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
31. Find reason to believe that Stacy Breen violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
32. Find reason to believe that the Bretos Campaign and Conchi Bretos violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
33. Find reason to believe that the James Burke Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
34. Find reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
35. Find reason to believe that the Charles Dusseau Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
36. Find reason to believe that the Maurice Ferre Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
37. Find reason to believe that Larry Hawkins violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
38. Find reason to believe that the Bruce Kaplan Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
39. Find reason to believe that Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
40. Find reason to believe that the Gerald Lewis Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
41. Find reason to believe that the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

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- 42. Find reason to believe that the Campaign for Commissioner for Javier Souto violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
- 43. Find reason to believe that State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
- 44. Find reason to believe that the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
- 45. Find reason to believe that the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
- 46. Find reason to believe that the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
- 47. Approve the attached Factual and Legal Analyses, attached Conciliation Agreements, and the appropriate letters.

Date 6/7/96

LM Noble (97)
Lawrence M. Noble
General Counsel

Attachments

- 1 - Sua Sponte Submission with attachments.
- 2 - Conciliation Agreement for Thomas Kramer.
- 3 - Conciliation Agreement for Terri Bradley.
- 4 - Sample Factual and Legal Analyses to recipient local, State and Federal committees where the Commission is taking no further action (2).
- 5 - Factual and Legal Analyses to all other respondents (5).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS 
COMMISSION SECRETARY

DATE: JUNE 13, 1996

SUBJECT: PRE-MUR 307 - FIRST GENERAL COUNSEL'S REPORT
DATED JUNE 7, 1996.

The above-captioned document was circulated to the Commission
on: MONDAY, JUNE 10, 1996 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Aikens	<u> xxx </u>
Commissioner Elliott	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> xxx </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u> </u>

This matter will be placed on the meeting agenda for:
TUESDAY, JUNE 25, 1996

Please notify us who will represent your Division before the Commission
on this matter. Thank You!

97043823267

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Thomas Kramer;)
Catherine Burda Kramer;)
Terri Bradley;)

35 Star Island, Inc.;)
Portofino Group, Inc.;)
Olympus Holding Corporation;)
Sun & Fun, Inc.;)
Playa Del Sol Ltd.;)
New Fiesta, Inc.;)
St. Tropez R/E Fund, Ltd.;)
Beachwalk Development Corporation;)
Santorini Isle, Inc.;)
7th & 5th Deco Corporation;)
Sandpoint Financial, Ltd.;)
SBE, Inc.;)
South Beach Creative Group, Inc.;)
5 Star Island, Inc.;)
2 Star Island, Inc.;)
Seagull Development Corporation;)
Azure Coast Development, Ltd.;)
DNC Services Corporation/Democratic)
National Committee and R. Scott)
Pastrick, as treasurer;)
Democratic Senatorial Campaign)
Committee and Donald J. Foley,)
as treasurer;)
National Republican Senatorial)
Committee and Stan Huckaby, as)
treasurer;)
Republican Party of Florida (federal/)
non-federal accounts) and James H.)
Stelling, as treasurer;)
Kerrey for U.S. Senate Committee and)
Jim Weaver, as treasurer;)
Ros-Lehtinen for Congress and)
Antonio L. Argiz, as treasurer;)
Friends of Connie Mack and Robert I.)
Watkins, as treasurer;)
Mitchell for Senate and Barbara Keefe,)
as treasurer;)
Stuart Blumberg Campaign Fund;)

MUR 4398

Pre-MUR 307

(continued)

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Stacy Breen;)
Bretos Campaign;)
Conchi Bretos;)
James Burke Campaign Fund;)
Jeb Bush Gubernatorial Campaign;)
Charles Dusseau Campaign;)
Sy Eisenberg Campaign Fund;)
Maurice Ferre Campaign;)
Larry Hawkins;)
Bruce Kaplan Campaign;)
Mike Karpel Campaign Fund;)
Neisen Kasdin Campaign Fund;)
Neisen Kasdin;)
Nancy Leibman Campaign Fund;)
Gerald Lewis Campaign;)
Gwen Margolis Campaign Fund;)
Campaign for Commissioner for)
Javier Souto;)
State Senate President Pat Thomas)
"Victory in '94")

Pre-MUR 307

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 25, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to Pre-MUR 307:

1. Open a MUR.
2. Find reason to believe that Thomas Kramer violated 2 U.S.C. §§ 441e and 441f, and enter into conciliation prior to a finding of probable cause to believe.
3. Find reason to believe that Terri Bradley violated 2 U.S.C. § 441f, and enter into conciliation prior to a finding of probable cause to believe.

(continued)

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4. Find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
5. Find reason to believe that 35 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
6. Find reason to believe that Portofino Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
7. Find reason to believe that Olympus Holding Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
8. Find reason to believe that Sun & Fun, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
9. Find reason to believe that Playa Del Sol Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
10. Find reason to believe that New Fiesta, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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11. Find reason to believe that St. Tropez R/E Fund, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
12. Find reason to believe that Beachwalk Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
13. Find reason to believe that Santorini Isle, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
14. Find reason to believe that 7th & 5th Deco Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
15. Find reason to believe that Sandpoint Financial, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
16. Find reason to believe that SBE, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
17. Find reason to believe that South Beach Creative Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
18. Find reason to believe that 5 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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19. Find reason to believe that 2 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
20. Find reason to believe that Seagull Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
21. Find reason to believe that Azure Coast Development, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C § 441e, and enter into conciliation prior to a finding of probable cause to believe.
22. Find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
23. Find reason to believe that Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
- 24.
25. Find reason to believe that the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.
26. Find reason to believe that DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

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27. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
28. Find reason to believe that Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
29. Find reason to believe that Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
30. Find reason to believe that the Stuart Blumberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
31. Find reason to believe that Stacy Breen violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
32. Find reason to believe that the Bretos Campaign and Conchi Bretos violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
33. Find reason to believe that the James Burke Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
34. Find reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

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35. Find reason to believe that the Charles Dusseau Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 36. Find reason to believe that the Maurice Ferre Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 37. Find reason to believe that Larry Hawkins violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 38. Find reason to believe that the Bruce Kaplan Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 39. Find reason to believe that Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
 40. Find reason to believe that the Gerald Lewis Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 41. Find reason to believe that the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 42. Find reason to believe that the Campaign for Commissioner for Javier Souto violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 43. Find reason to believe that State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

(continued)

44. Find reason to believe that the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
45. Find reason to believe that the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
46. Find reason to believe that the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
47. Approve the Factual and Legal Analyses, Conciliation Agreements, and the appropriate letters, as recommended in the General Counsel's Report dated June 7, 1996.

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

Attest:

6-25-96
Date

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

97043823275



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1996

Terri E. Bradley
5151 Collins Avenue

Miami, FL. 33140

RE: MUR 4398

Dear Ms. Bradley:

On June 25, 1996, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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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 notification and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee-Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Terri Bradley

MUR 4398

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer, averring inter alia, that Mr. Kramer made two contributions, totaling \$21,000, in the name of his secretary Terri Bradley, with her knowledge and consent.

II. ANALYSIS

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution.

In an affidavit accompanying the sua sponte submission, Mr. Kramer admits that he "made two contributions at the federal level" through his secretary, Terri Bradley. (Affidavit of Thomas Kramer dated December 27, 1994, at ¶ 8.) Specifically, he states that he "reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993." (Id.) Additionally, he "reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993." (Id.)

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Concerning the \$20,000 contribution to the DSCC, Mr. Kramer specifically avers that he "believe[s] that [he] was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens." (Id.) Mr. Kramer also states that Terri Bradley was present with him at the Democratic fundraiser where he was informed that he could not contribute because of his foreign national status. After being informed of this, Mr. Kramer's secretary, Terri Bradley, contributed \$20,000 to the DSCC, for which he subsequently reimbursed her.

III. CONCLUSION

It is clear from the above that Terri Bradley allowed her name to be used to effect contributions by her employer. Therefore, there is reason to believe Terri Bradley violated 2 U.S.C. § 441f.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 2, 1996

Stan Huckaby, Treasurer
National Republican Senatorial
Committee
425 Second Street, NE
Washington, DC 20002

RE: MUR 4398

Dear Mr. Huckaby:

On June 25, 1996, the Federal Election Commission found reason to believe that the National Republican Senatorial Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local, State or Federal election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a)) You should take steps to ensure that this activity does not occur in the future.

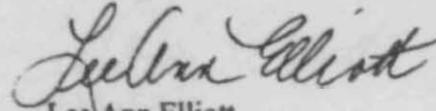
The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

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MUR 4398
Mr. Huckaby
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

97043823281

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: National Republican Senatorial MUR 4398
Committee and Stan Huckaby,
as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on June 4, 1993, he made a prohibited contribution through a corporation owned and controlled by him in the amount of \$25,000 to the National Republican Senatorial Committee.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct,

1 The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regards to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Portofino Group Inc. is a domestic corporation owned and controlled by Thomas Kramer. On June 4, 1993, at Mr. Kramer's direction, Portofino Group Inc. made, and the National Republican Senatorial Committee and Stan Huckaby, as treasurer, accepted, a contribution in the amount of \$25,000. Therefore, there is reason to believe the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 2, 1996

Antonio L. Argiz, Treasurer
Ros-Lehtinen for Congress
P.O. Box 52-2784
Miami, FL 33152

RE: MUR 4398

Dear Mr. Argiz:

On June 25, 1996, the Federal Election Commission found reason to believe that Ros-Lehtinen for Congress ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

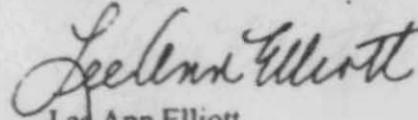
The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any Federal election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a)) You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

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If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

cc: The Honorable Ileana Ros-Lehtinen

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Ros-Lehtinen for Congress and MUR 4398
Antonio L. Argiz, as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on October 12, 1993, he made a prohibited contribution in the amount of \$1,000 to Ros-Lehtinen for Congress.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes both an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. On October 12, 1993, Thomas Kramer made, and Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, accepted, a contribution in the amount of \$1,000. Therefore, there is reason to believe Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 2, 1996

Robert I. Watkins, Treasurer
Friends of Connie Mack
1311 N. Westshore Boulevard
Suite 313
Tampa, FL 33607

RE: MUR 4398

Dear Mr. Watkins:

On June 25, 1996, the Federal Election Commission found reason to believe that Friends of Connie Mack ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any Federal election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a)) You should take steps to ensure that this activity does not occur in the future.

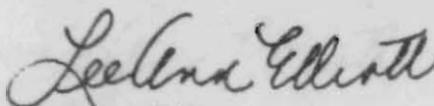
The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(2)(A) remain in effect with respect to all respondents still involved in this matter.

97043823288

MUR 4398
Mr Watkins
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

cc: The Honorable Connie Mack

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Friends of Connie Mack and MUR 4398
Robert I. Watkins, as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that during the 1993-94 election cycle he made several prohibited contributions to Friends of Connie Mack ("Committee"). Review of the Committee's Federal disclosure reports confirmed that Mr. Kramer made a total \$3,000 in contributions to the Committee and that his wife, Catherine Burda Kramer, separately made another \$2,000 in contributions to the Committee.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes both an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a

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citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹

Neither Thomas Kramer nor Catherine Burda Kramer are United States citizens, nor has either been accorded the privilege of residing permanently in the United States, and therefore fit squarely within the definition of a foreign national. On November 12, December 16, 1993 and January 1, 1994, Thomas Kramer made, and the Committee and Robert I. Watkins, as treasurer, accepted, contributions totaling \$500, \$1,500 and \$1,000, respectively. In addition, on December 12, 1993 and February 10, 1994, Catherine Burda Kramer made, and the Committee and Robert I. Watkins, as treasurer, accepted, contributions totaling \$1,500 and \$500, respectively. Therefore, there is reason to believe Friends of Connie Mack and, Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e.

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 2, 1996

Jim Weaver, Treasurer
Kerrey for U.S. Senate Committee
7602 Pacific Street, Lower level B
Omaha, NE 68114

RE: MUR 4398

Dear Mr. Weaver:

On June 25, 1996, the Federal Election Commission found reason to believe that the Kerrey for U.S. Senate Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any Federal election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a)) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contribution identified in the enclosed Factual and Legal Analysis, the Commission instructs you to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

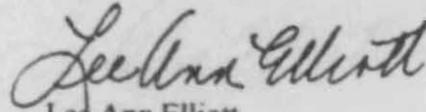
The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

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MUR 4398
Mr Weaver
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

cc: The Honorable J. Robert Kerrey

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Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. On December 2, 1993, Thomas Kramer made, and the Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, accepted, a contribution in the amount of \$1,000. Therefore, there is reason to believe the Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, violated 2 U.S.C. § 441e.

97043823295



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 2, 1996

R. Scott Pastrick, Treasurer
DNC Services Corporation/Democratic
National Committee
430 S. Capitol Street, S.E.
Washington, DC 20003

RE: MUR 4398

Dear Mr. Pastrick:

On June 25, 1996, the Federal Election Commission found reason to believe that the DNC Services Corporation/Democratic National Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Committee and you, as treasurer. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local, State or Federal election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a)) You should take steps to ensure that this activity does not occur in the future.

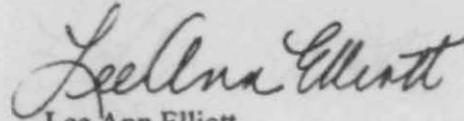
The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

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MUR 4398
Mr. Pastrick
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer MUR 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that during the 1993-94 election cycle he made prohibited contributions through corporations owned and controlled by him totaling \$125,000 to the DNC Services Corporation/Democratic National Committee.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct,

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regards to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Portofino Group, Inc., and 35 Star Island, Inc. are domestic corporations owned and controlled by Thomas Kramer. Sometime during March-April 1993, at Mr. Kramer's direction, Portofino Group, Inc. made, and the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, accepted, a contribution in the amount of \$25,000. On March 4, 1994, at Mr. Kramer's direction, 35 Star Island, Inc. made, and the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, accepted, a contribution in the amount of \$60,000, and on March 15, 1994, at Mr. Kramer's direction, Portofino Group, Inc. made, and the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, accepted, a contribution in the amount of \$40,000. Therefore, there is reason to believe the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, violated 2 U.S.C. § 441e.

97043823299



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 2, 1996

Catherine Burda Kramer
446 Collins Ave.
Miami Beach, FL. 33139

RE: MUR 4398

Dear Mrs. Kramer:

On June 25, 1996, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the making of contributions by a foreign national to local, State or Federal elections is a violation of 2 U.S.C. § 441e. You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lee Ann Elliott
Chairman

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Catherine Burda Kramer

MUR 4398

I. GENERATION OF MATTER

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This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer, averring inter alia, that Mr. Kramer made certain contributions to Friends of Connie Mack, a federal political committee, in violation of the foreign national prohibition. A review of those contributions disclosed that a number of the contributions were in fact attributable to Mr. Kramer's wife, Catherine Burda Kramer.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act") states that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value in connection with any election to any local, State or Federal political office. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is

defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes:

a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

The Mack Committee reports that it received a total of \$2,000 in contributions from Catherine Burda Kramer. According to the committee's reports, Mrs. Kramer made a \$1,500 contribution on December 16, 1993 and a separate \$500 contribution on January 10, 1994. The Mack Committee reports that it refunded the \$2,000 in contributions to Catherine Burda Kramer. A review of the public record indicates that Mrs. Kramer may be a foreign national because it does not appear that she has a social security number. Thus, there is reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1996

James H. Stelling, Treasurer
Republican Party of Florida
719 N. Calhoun St.
P.O. Box 311
Tallahassee, FL. 32303

RE: MUR 4398

Dear Mr. Stelling:

On June 25, 1996, the Federal Election Commission found that there is reason to believe the Republican Party of Florida (federal/non-federal accounts) and you, as treasurer, violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

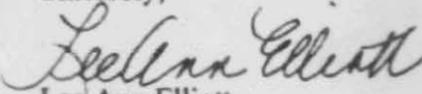
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219- 3690.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Republican Party of Florida MUR 4398
(federal/non federal accounts)
and James H. Stelling, as treasurer

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer, averring inter alia, that Mr. Kramer made \$205,000 in contributions both directly and through his corporation (Portofino Group, Inc.) to the Republican Party of Florida.

II. ANALYSIS

1. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value in connection with any election to any local, State or Federal political office; or for any person to solicit, accept, or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes a person outside the United States, unless

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it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States. The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

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The prohibition is further detailed in the Commission's Regulations at 11 C.F.R. § 110.4(a)(3). This provision states that a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, with regard to such person's Federal or nonfederal election-related activities, such as decisions concerning the making of contributions or expenditures in connection with elections for any local, State, or Federal office or decisions concerning the administration of a political committee.

In addressing this issue of whether a domestic subsidiary of a foreign national parent may make contributions in connection with state and local campaigns for political office, the Commission has looked to two factors: the source of the funds used to make the contributions and the nationality status of the decision makers. Regarding the source of funds, the Commission has not permitted such contributions by a domestic corporation where the source of funds is from a foreign national, reasoning that this essentially permits the foreign national to make

contributions indirectly when it could not do so directly. See, e.g., A.O.s 1989-20, 2 Fed. Election Camp. Guide (CCH) ¶ 5970 (Oct. 27, 1989); 1985-3, 2 Fed. Election Camp. Guide (CCH) ¶ 5809 (March 4, 1989); and 1981-36, 2 Fed. Election Camp. Guide (CCH) ¶ 5632 (Dec. 9, 1981). See also, A.O. 1992-16, 2 Fed. Election Camp. Guide (CCH) ¶ 6059 (June 26, 1992).

Even if the funds in question are from a domestic corporation, however, the Commission also looks at the nationality status of the decision makers. See A.O.s 1985-3 and 1982-10, 2 Fed. Election Camp. Guide (CCH) ¶ 5651 (March 29, 1982). The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no director or officer of the company or its parent, or any other person who is a foreign national may participate in any way in the decision-making process regarding the contributions. This prohibition has been codified at 11 C.F.R. § 110.4(a)(3), as noted above.

Accordingly, it is clear that Act prohibits contributions from foreign nationals, as well as contributions from domestic corporations where a foreign national is involved in the decision concerning the making of the contribution.

2. The Facts

Thomas Kramer avers that he is a German citizen and that he is "not lawfully admitted in the United States for permanent residence," and thus fits squarely within the definition of a

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foreign national.¹ As discussed above, Mr. Kramer admits that he made political contributions to the Republican Party of Florida ("RPF") in both his own name and through his company the Portofino Group, Inc., totaling \$205,000. Concerning the corporate contributions, Mr. Kramer states that the "donor companies . . . are all corporations incorporated under the laws of the state of Florida and are wholly owned by me." (Affidavit of Thomas Kramer dated December 27, 1994, at § 1.) The public record reflects that Mr. Kramer is also the Chief Executive Officer of these corporations. In sum, Mr. Kramer exercised direction and control over the contributions from the Portofino Group, Inc.

According to the public record, on June 8, 1993, RPF accepted two contributions from the Portofino Group, Inc. in the amount of \$5,000 and \$100,000. In addition, on March 4, 1994, RPF accepted a \$100,000 contribution directly from Mr. Kramer. This contribution was split between RPF's federal and non-federal accounts, with \$5,000 deposited into the federal account and the remaining \$95,000 deposited into the non-federal account.

As noted, a foreign national cannot directly make contributions, nor can a foreign national direct, control, or participate in the decision-making process of a corporation with

1. Mr. Kramer states that he lives in the United States on an E-2 visa. According to the United States Immigration and Naturalization Service, an individual holding an E-2 visa is a dependent of an individual who holds an E-1 visa. (The dependent relationship can be that of spouse, child, or in-law.) An E-1 visa is known as a "treaty trader," that is, the individual is permitted to enter the United States to invest money in this country.

Both E-1 and E-2 visas are held by non-immigrants, and the bearer retains the citizenship of their native country. These visas may be effective for up to ten years.

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regard to decisions about the making of contributions. 2 U.S.C. § 441e; 11 C.F.R. § 110.4(a)(3). Moreover, political committees are prohibited from accepting any contribution from a foreign national source. 2 U.S.C. § 441e. The Act's prohibition against foreign national contributions does not contain a knowledge requirement. See Id. Thus, RPF violated 2 U.S.C. § 441e by its receipt of these prohibited political contributions.

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According to public records, on October 13, 1994 RPF refunded to Mr. Kramer the \$5,000 deposited in its federal account. In an October 25, 1994 letter accompanying the \$5,000 federal contribution refund, and in apparent response to Mr. Kramer's request for a full refund, Ellen Darden, RPF's Chief of Staff, states that "[t]his represents a refund of the portion of the donation that you made to the Party which we designated to our Federal account at the time of receipt." (Letter from Ellen Darden to Thomas Kramer dated October 25, 1994.) While acknowledging that the state party is prohibited from accepting foreign national contributions and that it could not deposit such contributions into its federal account nor transfer such funds from its federal to its non-federal accounts, the letter explains that "the remainder of [Mr. Kramer's] generous donation was originally designated to our state account and can legally be utilized for certain non-campaign, non-federal activities." (Id.)

In a letter dated November 7, 1994, Mr. Kramer again requested that RPF refund all of his contributions. In a December 13, 1994 letter to Mr. Kramer, Tom Slade, RPF's Chairman,

noting that the contributions were deposited into RPF's "redistricting account," explains that no further refunds could be made, and that the contributions made by Mr. Kramer and Portofino Group, Inc. had been received in good faith and spent, and, therefore, were not available for refund.² (Letter from Tom Slade to Thomas Kramer dated December 13, 1994.)

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If these funds were in fact used only for non-campaign related reapportionment issues, they may be exempt from the foreign national prohibition. See 1982-14, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5655 (April 9, 1982) (funds to a segregated state party account for reapportionment-related expenses are not subject to the Act's prohibitions), see also, AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981) (foreign national prohibition does not apply to committee engaged in lobby and litigation concerning reapportionment issues). Examination of RPF's non-federal reports shows a \$95,000 contribution to Floridians for Fair Redistricting on October 13, 1993, five months after Mr. Kramer's \$95,000 contribution to the RPF. Although incomplete, these reports also show other reapportionment disbursements, most significantly these reports show what may be a \$150,000 disbursement on May 19, 1993 for reapportionment matters.

Based upon this record, it appears that at least a portion of the \$205,000 contributed by Mr. Kramer to RPF may have in fact been used for permissible purposes. However, there is

2. In fact, as of December 31, 1994, the RPF's federal account alone had approximately \$230,000 cash-on-hand.

insufficient information to conclusively make this determination or to ascertain what use was made of the balance of the contribution.

III. CONCLUSION

Therefore, there is reason to believe the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 2, 1996

Roger M. Witten, Esq.
Wilmer, Cutler & Pickering
2445 M. Street, N.W.
Washington, D.C. 20037-1420

RE: MUR 4398
Thomas Kramer
35 Star Island, Inc., Portofino Group, Inc.,
Olympus Holding Corporation, Sun & Fun,
Inc., Playa Del Sol, Ltd., New Fiesta, Inc.,
St. Tropez R/E Fund, Ltd., Beachwalk
Development Corporation, Santorini Isle,
Inc., 7th & 5th Deco Corporation,
Sandpoint Financial, Ltd., SBE, Inc., South
Beach Creative Group, Inc., 5 Star Island,
Inc., 2 Star Island, Inc., Seagull
Development Corporation, Azure Coast
Development, Ltd.

Dear Mr. Witten:

On June 25, 1996, the Federal Election Commission found that there is reason to believe your client Thomas Kramer in his individual capacity violated 2 U.S.C. §§ 441e and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). On the same date, the Commission separately found reason to believe the above listed corporations and Mr. Kramer in his corporate capacity as owner and CEO of these corporations violated 2 U.S.C. § 441e. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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97043823312

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

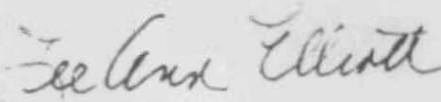
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

For our records, please return the enclosed Designation of Counsel Form, completed and signed by your client, Mr. Kramer (individually and in his corporate capacity), authorizing you (and all other counsel in this matter) to receive any notifications and other communications from the Commission concerning Mr. Kramer and the listed corporations.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation Counsel Form
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Thomas Kramer MUR 4398
Portofino Group, Inc.; 35 Star
Island, Inc.; Olympus Holding
Corporation; Sun & Fun, Inc.;
Playa del Sol Ltd.; New Fiesta,
Inc.; St. Tropez R/E Fund, Ltd.;
Sandpoint Financial, Ltd.;
Beachwalk Development Corporation;
Santorini Isle, Inc.; 7th & 5th Deco
Corporation; SBE, Inc.; South Beach
Creative Group, Inc.; Seagull
Development Corporation; Azure Coast
Development Ltd; 5 Star Island, Inc.;
2 Star Island, Inc.

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer. According to the submission, Mr. Kramer, a German foreign national, made numerous contributions to local, State and Federal political committees during the 1993-1994 election cycle. It appears that Mr. Kramer made several of these contributions through corporations of which he was director and majority shareholder. In addition, Mr. Kramer reimbursed his secretary, Terri Bradley, for contributions she made to a national party committee and a federal candidate committee. Based upon the sua sponte submission, it appears that Mr. Kramer made contributions, either personally, through other individuals or through his

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companies, to local, State, and Federal political committees in excess of \$400,000, in violation of 2 U.S.C. §§ 441e and 441f.

II. ANALYSIS

A. The Law

1. Section 441e

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value in connection with any election to any local, State or Federal political office; or for any person to solicit, accept, or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States. The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2). The prohibition is further detailed in the Commission's Regulations at 11 C.F.R. § 110.4(a)(3). This provision states that a foreign national shall not direct, dictate, control, or directly or indirectly

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participate in the decision-making process of any person, such as a corporation, with regard to such person's Federal or non-federal election-related activities, such as decisions concerning the making of contributions or expenditures in connection with elections for any local, State, or Federal office or decisions concerning the administration of a political committee.

In addressing this issue of whether a domestic subsidiary of a foreign national parent may make contributions in connection with local, State or Federal campaigns for political office, the Commission has looked to two factors: the source of the funds used to make the contributions and the nationality status of the decision makers. Regarding the source of funds, the Commission has not permitted such contributions by a domestic corporation where the source of funds is from a foreign national, reasoning that this essentially permits the foreign national to make contributions indirectly when it could not do so directly. See, e.g., A.O.s 1989-20, 2 Fed. Election Camp. Guide (CCH) ¶ 5970 (Oct. 27, 1989); 1985-3, 2 Fed. Election Camp. Guide (CCH) ¶ 5809 (March 4, 1989); and 1981-36, 2 Fed. Election Camp. Guide (CCH) ¶ 5632 (Dec. 9, 1981). See also, A.O. 1992-16, 2 Fed. Election Camp. Guide (CCH) ¶ 6059 (June 26, 1992).

Even if the funds in question are from a domestic corporation, however, the Commission also looks at the nationality status of the decision makers. See A.O.s 1985-3 and 1982-10, 2 Fed. Election Camp. Guide (CCH) ¶ 5651 (March 29, 1982). The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no

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director or officer of the company or its parent, or any other person who is a foreign national may participate in any way in the decision-making process regarding the contributions. This prohibition has been codified at 11 C.F.R. § 110.4(a)(3), as noted above.

Accordingly, it is clear that Act prohibits contributions from foreign nationals, as well as contributions from domestic corporations where a foreign national is involved in the decision concerning the making of the contribution.

2. Section 441f

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. The Act defines person to include a corporation. 2 U.S.C. § 431(11).

B. The Sua Sponte Submission

In an Affidavit accompanying the sua sponte submission, Thomas Kramer avers that he is a German citizen and that he is "not lawfully admitted in the United States for permanent residence."

(Affidavit of Thomas Kramer at ¶ 2.) He further states:

I made candidate contributions personally and through my companies during a period of approximately a year and three-quarters, beginning in early 1993. I gave to state and local candidates, the Republican Party of Florida, and the national Democratic and Republican parties. I also personally made or caused contributions to four federal candidates.

(Id. ¶ 3.)

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According to the chart attached to Mr. Kramer's Affidavit, he made contributions to "federal political committees" during the 1993-1994 election cycle. (Id. at Attachment B.) As is apparent below, Mr. Kramer assertedly made these contributions directly; through his secretary, Terri Bradley; or through corporations which he controlled.

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte. - Non-federal account ²	3-4/93 ¹	25,000
Terri Bradley	Democratic Senatorial Campaign Committee	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee ³ - Non-federal account	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida ⁴	6/04/93	100,000 ⁵

1. Mr. Kramer does not remember the exact date of this contribution, but states that it occurred between "March and April 1993" and was given for the "Grand Bay Dinner for VP Gore." (Kramer Aff. Att. B.)

2. In his Affidavit, Mr. Kramer does not explain whether the contributions to the national political committees (viz. the DNC, the DSCC, and the NRSC) were designated for the federal or non-federal accounts of these committees. Based on a review of the public record, it appears that all contributions made by Mr. Kramer through his companies to national political committees were deposited into the committees' non-federal accounts.

3. Mr. Kramer states that this contribution was given to the "Republican Senatorial Committee." The Commission's records indicate that the only such committee is the "National Republican Senatorial Committee."

4. Mr. Kramer made contributions totaling \$205,000 to the Republican Party of Florida. As the chart demonstrates, Mr. Kramer asserts that he made two contributions totaling \$105,000 on June 4, 1993 through his corporation the Portofino Group, Inc., and one direct contribution in his name of \$100,000 on March 3, 1994. It is not clear from Mr. Kramer's Affidavit whether these contributions were designated for the state

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Portofino Group, Inc.	Republican Party of Florida	6/04/93	5,000 ⁶
Thomas Kramer	Democratic Senatorial Campaign Committee	9/17/93	3,000 ⁷
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/13/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500 ⁸

(Footnote 4 continued from previous page)
 party's federal account or state account. See infra nn.6 & 7.

However, a review of the state party's federal and state reports clarifies that the two contributions from the Portofino Group, Inc. (totaling \$105,000) were deposited into the Republican Party of Florida's state account, as was \$95,000 of Mr. Kramer's direct \$100,000 contribution. The remaining \$5,000 of Mr. Kramer's direct contribution was deposited into the state party's federal account. Consequently, the total amount contributed by Mr. Kramer, personally and through his corporation, was \$200,000 to the Republican Party of Florida's state account, and \$5,000 to its federal account.

5. Mr. Kramer states that he gave this contribution to Republican Party of Florida Victory '94 which appears to be a project of the Republican Party of Florida Federation Campaign Committee (the state party's federal account). However, as noted above, this contribution was reported as received by the Republican Party of Florida's state account.

6. The chart provided by Mr. Kramer indicates only that this contribution was for the "Statesman's Dinner." (Kramer Aff. Att. B.) As noted above, this contribution was reported as received by the Republican Party of Florida's state account.

7. Mr. Kramer states that this contribution was given for the "DSCC Senate Majority Dinner." (Id. Att. B.)

8. Mr. Kramer overstates his contributions to Friends of Connie Mack by \$500. Accordingly, Mr. Kramer contributed a total of \$3,000 to this committee, not \$3,500 as suggested in the submission.

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Thomas Kramer	Republican Party of Florida	3/03/94	100,000 ⁹
35 Star Island, Inc.	Democratic National Cmte.- Non-federal account	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte.- Non-federal account	3/15/94	<u>40,000</u>
			Total: \$384,500

In addition, Mr. Kramer asserts that he made the following contributions to local and state candidates during the 1993-1994 election cycle.

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	\$500
Olympus Holding Corporation	Stuart Blumberg Campaign Fund	1/29/93	500
Sun & Fun, Inc.	Bretos Campaign	4/14/93	500
Playa Del Sol, Ltd.	Conchi Bretos	4/14/93	500
New Fiesta, Inc.	Charles Dusseau Campaign	4/14/93	100
Playa Del Sol, Ltd.	Charles Dusseau Campaign	4/14/93	100
Olympus Holding Corporation	Charles Dusseau Campaign	4/14/93	100
New Fiesta, Inc.	Maurice Ferre Campaign	4/14/93	500
Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500

9. As noted above, \$5,000 of this contribution was deposited in the state party's federal account, with the remaining \$95,000 going to the state account.

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Intermediaries	Neisen Kasdin	April 1993	? ¹⁰
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
St. Tropez R/E Fund, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
New Fiesta, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Sun & Fun, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Playa Del Sol, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Beachwalk Development Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Olympus Holding Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Santorini Isle, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
7th & 5th Deco Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
St. Tropez R/E Fund, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
New Fiesta, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Sun & Fun, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Playa Del Sol, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
Beachwalk Development Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Olympus Holding Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Santorini Isle, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500

10. Mr. Kramer states that he does not recall the exact date or amount of this contribution. He also does not identify through whom he made this contribution. Mr. Kramer notes "intermediary" as the contributor where he believes he "made a state or local campaign contribution through another." (See Sua Sponte submission at 4 and Kramer Aff. Att. B.)

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7th & 5th Deco Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Sandpoint Financial, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Portofino Group, Inc.	Stacy Breen	7/20/93	500
St. Tropez R/E Fund, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
New Fiesta, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Sun & Fun, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Play Del Sol, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
Beachwalk Development Corporation	Mike Karpel Campaign Fund	10/19/93	500
Olympus Holding Corporation	Mike Karpel Campaign Fund	10/19/93	500
Santorini Isle, Inc.	Mike Karpel Campaign Fund	10/19/93	500
7th & 5th Deco Corp.	Mike Karpel Campaign Fund	10/19/93	500
Sandpoint Financial, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
SBE, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Intermediary	Mike Karpel Campaign Fund	10/20/93	500
Intermediary	Mike Karpel Campaign Fund	10/21/93	500
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500
New Fiesta, Inc.	Gerald Lewis Campaign	12/08/93	500
Sun & Fun, Inc.	Gerald Lewis Campaign	12/08/93	500
Playa Del Sol, Ltd.	Gerald Lewis Campaign	12/08/93	500
Beachwalk Development Corporation	Gerald Lewis Campaign	12/08/93	500
Olympus Holding Corporation	Gerald Lewis Campaign	12/08/93	500
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500

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Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500
South Beach Creative Group, Inc.	Gerald Lewis Campaign	12/08/93	500
Thomas Kramer	James Burke Campaign Fund	12/15/93	500
St. Tropez R/E Fund, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
New Fiesta, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Playa Del Sol, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Olympus Holding Corporation	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Seagull Development Corp.	Campaign for Commissioner Javier Souto	3/03/94	500
Azure Coast Development Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
5 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
2 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
SBE, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
Olympus Holding Corporation	Gwen Margolis Campaign Fund	7/29/94	100
Playa Del Sol, Ltd.	State Senate President Pat Thomas "Victory in '94"	8/26/94	500
Portofino Group, Inc.	Larry Hawkins	9/01/94	500
St. Tropez R/E Fund, Ltd.	Larry Hawkins	9/01/94	500
Santorini Isle, Inc.	Larry Hawkins	9/01/94	500

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Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	100
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	<u>100</u>
			Total: \$34,600

Thus, according to Mr. Kramer's admission, he made local, State, and Federal political contributions totaling \$419,100 during the 1993-1994 election cycle.¹¹ According to counsel, Mr. Kramer has requested refunds of all his personal and corporate contributions. (Sua Sponte submission at 3 and Kramer Aff. ¶ 7.) To date, Mr. Kramer reports receiving refunds totaling only \$162,555 -- from the Democratic National Committee (\$125,000); Democratic Senatorial Campaign Committee (\$3,000); National Republican Senatorial Committee (\$25,000); Republican Party of Florida (federal account) (\$5,000);¹² Ros-Lehtinen for Congress (\$1,000); Charles Dusseau Campaign (\$300); Sy Eisenberg Campaign Fund (\$875); Neisen Kasdin Campaign Fund (\$155); Gerald Lewis Campaign (\$125); and the Gwen Margolis Campaign Fund (\$2,100). (Kramer Aff. Att. B.)

11. Mr. Kramer overstates the total of his contributions by \$500. See infra n.15. Consequently, the total in fact contributed by Mr. Kramer is \$418,600. This corrected amount is used for the remainder of the analysis.

12. Of note, Mr. Kramer twice requested refunds from the Republican Party of Florida for his contributions totaling \$205,000. In response, the state party refunded only the \$5,000 deposited in its federal account, arguing in part that the remaining \$200,000 was lawfully deposited into its non-federal account and used for non-campaign related redistricting purposes, exempt from the foreign national prohibition.

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As shown above, Mr. Kramer admits that he made a portion of his contributions through 17 corporations listed above (\$287,600), and through 3 unnamed "intermediaries" (\$1,000 +). Mr. Kramer does not reveal the total amount of the contributions made through "intermediaries," noting only that two of the "intermediaries" contributed \$500 apiece, but failing to list any amount for the third. However, because Florida law limits contribution amounts to \$500 from any individual or corporation, the total amount of these "intermediary" contributions appears not to exceed \$1,500. (Fla. Stat. Ann. § 106.08(1) (West 1992)).

Mr. Kramer also admits that he "made two contributions at the federal level" through his secretary, Terri Bradley. Specifically, he states that he "reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993." (Kramer Aff. ¶ 8.) Additionally, he "reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993." (Id.) Concerning this contribution, Mr. Kramer specifically avers that he "believe[s] that [he] was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens." (Id.) After being informed of this, Mr. Kramer asked his secretary Terri Bradley (who was also present for this conversation) to contribute \$20,000 to the DSCC in her name, for which he would subsequently reimburse her.

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Last, counsel represents that when Mr. Kramer learned through a September 28, 1994 article in the Tampa Tribune¹³ that some of his contributions might have been illegal, he immediately contacted legal counsel, who promptly notified the FEC of the situation. (Sua Sponte submission at 2.)

C. Analysis

Thomas Kramer is a German citizen¹⁴ and fits squarely within the definition of a foreign national. Accordingly, he is prohibited from making contributions to local, State or Federal candidates or political committees. 2 U.S.C. § 441e and 11 C.F.R. § 110.4(a)(3). As discussed above, Mr. Kramer admits that he made political contributions in his own name totaling \$109,500 during the 1993-1994 election cycle, in violation of 2 U.S.C. § 441e.¹⁵ Mr. Kramer further admits that he made two contributions in the name of his secretary, Terri Bradley, totaling \$21,000 and three contributions through unnamed "intermediaries" totaling at least \$1,000. As noted, it is unlawful for a foreign national to make a

13. The Tampa Tribune newspaper article is part of Attachment 1, at pages 22-23.

14. Mr. Kramer states that he lives in the United States on an E-2 visa. According to the United States Immigration and Naturalization Service, an individual holding an E-2 visa is a dependent of an individual who holds an E-1 visa. (The dependent relationship can be that of spouse, child, or in-law.) An E-1 visa is known as a "treaty trader," that is, the individual is permitted to enter the United States to invest money in this country.

Both E-1 and E-2 visas are held by non-immigrants, and the bearer retains the citizenship of their native country. These visas may be effective for up to ten years.

15. As discussed supra at n.8, Mr. Kramer overstates his contributions to Friends of Connie Mack by \$500. Accordingly, Mr. Kramer directly contributed a total of \$109,000.

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contribution through any other person, or for any person to make a contribution in the name of another person. 2 U.S.C. §§ 441e and 441f.

Mr. Kramer not only admits to making contributions in his own name and Ms. Bradley's, but he states that he made contributions through his companies, in further violation of 2 U.S.C. § 441e.¹⁶ Specifically, Mr. Kramer states that the "donor companies . . . are all corporations incorporated under the laws of the state of Florida and are wholly owned by me." (Kramer Aff. ¶ 1.) The public record reflects that Mr. Kramer is also the Chief Executive Officer of these corporations. In sum, Mr. Kramer made \$287,600 in contributions to 18 political committees through 17 corporations.

Under 22 U.S.C. § 611(b), a corporation organized under the laws of any state within the United States, with a principal place of business within the United States, is not a foreign principal and, accordingly, would not be a foreign national under 2 U.S.C. § 441e. See A.O. 1992-16. As discussed above, however, Section 441e also prohibits contributions by a foreign national "through any other person," including by definition a corporation. In addition, a foreign national cannot direct, control, or

16. These contributions came from or through the following: Portofino Group, Inc. (\$198,000); 35 Star Island, Inc. (\$60,000); Olympus Holding Corporation (\$4,400); Sun & Fun, Inc. (\$2,500); Playa del Sol Ltd. (\$3,600); New Fiesta, Inc. (\$3,600); St. Tropez R/E Fund Ltd. (\$3,000); Sandpoint Financial, Inc. (\$2,000); Beachwalk Development Corporation (\$2,000); Santorini Isle, Inc. (\$3,000); 7th & 5th Deco Corporation (\$2,000); SBE, Inc. (\$1,000); South Beach Creative Group, Inc. (\$500); Seagull Development Corporation (\$500); Azure Coast Development Ltd. (\$500); 5 Star Island, Inc. (\$500); and 2 Star Island, Inc. (\$500).

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participate in the decision-making process of a corporation with regard to decisions about the making of contributions. 11 C.F.R. § 110.4(a)(3). Based upon Mr. Kramer's Affidavit, as an officer he directed these corporate contributions and, as a result, he made additional prohibited foreign national contributions totaling \$287,600, in violation of 2 U.S.C. § 441e.

III. CONCLUSION

Accordingly, there is reason to believe that Thomas Kramer violated 2 U.S.C. § 441e. There is also reason to believe that Thomas Kramer made contributions totaling \$21,000 in the name of another, in violation of 2 U.S.C. § 441f.

In addition, because Mr. Kramer exercised direction and control over the making of the corporate contributions, and because he distinguishes these contributions from his "personal contributions," there is reason to believe that the following corporations and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e by making contributions to federal committees and in connection with local and State elections: 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; and Azure Coast Development, Ltd.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 11, 1996

Nancy Watkins, Assistant Treasurer
Friends of Connie Mack
1311 N. Westshore Boulevard
Suite 313
Tampa, FL 33607

RE: MUR 4398

Dear Ms. Watkins:

This is to follow-up on our conversation of yesterday concerning Friends of Connie Mack's receipt of impermissible foreign national contributions from Mr. Thomas Kramer and his wife, Catherine Burda Kramer. During our conversation you noted that two of the contributions cited in the Commission's Factual and Legal Analysis (*viz.*, Mr. Kramer's \$1,000 contribution on January 1, 1994 and Mrs. Kramer's \$500 contribution on February 10, 1994) were not in fact separate contributions, but rather redesignated portions of prior contributions. Moreover, you noted that the cited receipt dates for these redesignated amounts were incorrect.

A review of our internal disclosure database, as well as the committee's reports on file with Commission, confirms your explanation that the two above noted contributions were not separate contributions, but rather redesignated portions of prior contributions. The redesignations were as follows: \$1,000 of Mr. Kramer's \$1,500 December 16, 1993 primary election contribution was redesignated for the general election, effective January 24, 1994; and \$500 of Mrs. Kramer's \$1,500 December 16, 1993 primary election contribution was redesignated for the general election, effective January 10, 1994. Accordingly, Mr. Kramer contributed a total \$2,000, and Mrs. Kramer contributed a total \$1,500, to Friends of Connie Mack during the 1993-94 election cycle, all of which has been refunded.

Should you have any further questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4398

NAME OF COUNSEL: Benjamin L. Ginsberg

ADDRESS: Patton Boggs L.L.P.

2550 M Street NW

Washington, DC 20037

TELEPHONE: 202/457-6405

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COMMISSION
OFFICE OF GENERAL
COUNSEL
JUL 12 10 47 AM '96

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.

July 11, 1996
Date

James H. Stelling
Signature

RESPONDENT'S NAME: James H. Stelling

ADDRESS: Republican Party of Florida

719 N. Calhoun St.

Tallahassee, Florida 32303

HOME PHONE: 407/830-1971

BUSINESS PHONE: 407/331-0015

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Bob Kerrey

FOR UNITED STATES SENATE

7602 Pacific Street • Lower Level B
Omaha, NE 68114

July 9, 1996

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COMMISSION
OFFICE OF GENERAL
COUNSEL
JUL 15 2 35 PM '96

Mr. Jose M. Rodriguez
Federal Election Commission
Washington DC 29463

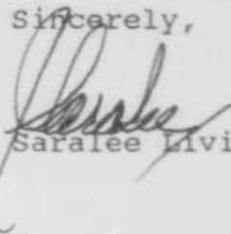
RE: MUR 4398

Dear Mr. Rodriguez:

Pursuant to our phone conversation this morning, I have enclosed a copy of the front and back of our check #2860 made payable to Thomas Kramer dated September 28, 1994 in the sum of \$1,000.00. I have also enclosed a copy of the Page 2 of Schedule B (for Line 20) of our FEC report for the period of July 1, 1994 through September 30, 1994 which reported the refund to Mr. Kramer.

Thank you for your help in this matter. Please let me know if you need anything further from our office.

Sincerely,



Saralee Livingston

sl/encl.

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SCHEDULE B

ITEMIZED DISBURSEMENTS

separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 2 OF 12
FOR LINE NUMBER 20

Information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Kerrey for U. S. Senate Campaign Committee

97043823332

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Russell Mason 45 Alhambra Portola Valley CA 94028	Refund Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/29/94	\$ 20.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Thomas Kramer 43 Star Island Miami Beach FL 33139	Refund Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/28/94	\$1000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Webb & Co., Inc.	Refund Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/1/94	\$ 10.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
William Orr 201 South 46th Street Omaha NE 68132	Refund Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	9/19/94	\$ 300.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

\$3,935.00

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DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
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ENDORSE HERE



KERRY FOR US SENATE CAMPAIGN COMMITTEE
PH-402-931-1890
7802 PACIFIC ST STE L NORTH B
OMAHA, NE 68114

THOMAS KRAMER

one thousand dollars 10/100

2860
28 Sept 94
\$1000.00

American National Bank

Refund

100028801 110400008541509 132

100000100000001

9704382333

WILMER, CUTLER & PICKERING

2445 M STREET NW
WASHINGTON, D.C. 20037-1420

TELEPHONE (202) 663-6000
FACSIMILE (202) 663-6363

4 CARLTON GARDENS
LONDON SW1Y 5AA
TELEPHONE 011 441711 839-4466
FACSIMILE 011 441711 839-3537

RUE DE LA LOI 15 WETSTRAAT
B-1040 BRUSSELS
TELEPHONE 011 3221 231-0903
FACSIMILE 011 3221 230-4322

FRIEDRICHSTRASSE 96
BRIEFKASTEN 29
D-10117 BERLIN
TELEPHONE 011 4930 2022-6400
FACSIMILE 011 4930 2022-6500

DENNIS M. FLANNERY
DIRECT LINE (202)
663-6150

July 15, 1996

By Hand and First Class Mail

Jose M. Rodriguez, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4398

Dear Mr. Rodriguez:

We write in response to the Federal Election Commission's July 2, 1996 letter regarding our clients^{1/}, Thomas Kramer, and 35 Star Island, Inc., Portofino Group, Inc., Olympus Holding Corporation, Sun & Fun, Inc., Playa Del Sol, Ltd., New Fiesta, Inc., St. Tropez R/E Fund, Ltd., Beachwalk Development Corporation, Santorini Isle, Inc., 7th & 5th Deco Corporation, Sandpoint Financial, Ltd., SBE, Inc., South Beach Creative Group, Inc., 5 Star Island, Inc., 2 Star Island, Inc., Seagull Development Corporation, Azure Coast Development, Ltd. ("Respondents").

Respondents accept the Commission's offer to enter into a conciliation agreement in settlement of the matter prior to a finding of probable cause to believe.

^{1/} Respondents' completed forms designating the undersigned as counsel are enclosed.

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JUL 15 3 24 PM '96
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

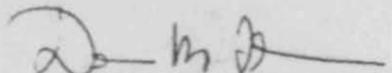
When Mr. Kramer made disclosure to the Commission in 1994, he voluntarily disclosed all contributions that may have been in violation of the Federal Election Campaign Act ("FECA"). Since that time, Mr. Kramer has learned that at least \$95,000 of his contributions were not in violation of the FECA. Specifically, \$95,000 of the \$100,000 Mr. Kramer personally contributed to the Republican Party of Florida in June 1993 was deposited into a segregated redistricting account. (See attached letter dated November 27, 1995, from Benjamin L. Ginsburg, Counsel to the Republican Party of Florida). Although 2 U.S.C. §441e prohibits foreign nationals from making contributions "in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office," the \$95,000 contribution was not in connection with an election and, therefore, is not prohibited. The FEC has said specifically that the FECA's limitations and prohibitions do not apply to a party committee's separate redistricting account. FEC Record, August 1991 at 12.

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We appreciate your consideration of the foregoing. Our clients look forward to prompt resolution of this matter.

Sincerely,



Dennis M. Flannery
Margaret L. Ackerley

Counsel for Thomas Kramer and
35 Star Island, Inc.,
Portofino Group, Inc., Olympus
Holding Corporation, Sun &
Fun, Inc., Playa Del Sol,
Ltd., New Fiesta, Inc., St.
Tropez R/E Fund, Ltd.,
Beachwalk Development
Corporation, Santorini Isle,
Inc., 7th & 5th Deco
Corporation, Sandpoint
Financial, Ltd., SBE, Inc.,
South Beach Creative Group,
Inc., 5 Star Island, Inc., 2

Star Island, Inc., Seagull
Development Corporation, Azure
Coast Development, Ltd.

Enclosures

cc: Roger M. Witten

97043823337

97043823337

PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000
FACSIMILE: (202) 457-6315

WRITER'S DIRECT DIAL
(202) 457-6405

November 27, 1995

Brian A. Hart, Esquire
Thomson Muraro Razook & Hart, P.A.
One Southeast Third Avenue
17th Floor
Miami, Florida 33131

Re: Portofino Group, Inc./Thomas Kramer

Dear Mr. Hart:

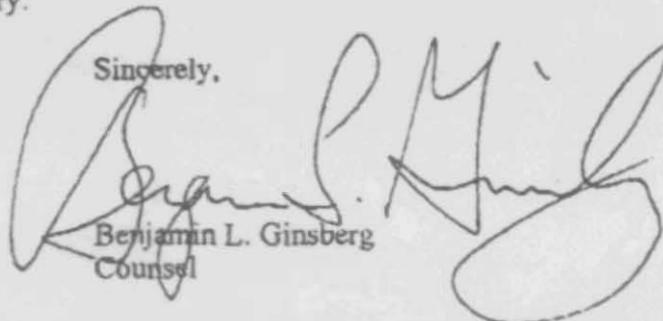
As counsel to the Republican Party of Florida, I am in receipt of your letter concerning the contributions of the Portofino Group, Inc. and Thomas Kramer, as well as Mr. Kramer's request for refunds of these contributions. The Party appreciates your bringing to its attention the fact that Mr. Kramer is a foreign national and that he is the sole owner of the Portofino Group, Inc. At the time the Party received this notice, it had already spent \$105,000 of the funds and had deposited another \$95,000 in its segregated redistricting account. A \$5,000 contribution by Mr. Kramer to the 1994 Stateman's Dinner has already been refunded.

It is the policy of the Republican Party of Florida to comply with all federal and state election laws. It is also the Party's policy not to refund contributions made that comply with federal and state laws.

Accordingly, enclosed is a check for \$105,000 representing a refund of the Portofino Group's contribution that had already been spent in Florida state elections prior to his notification. However, after careful consideration, the Party will not refund the \$95,000 from Mr. Kramer deposited into its segregated redistricting account. As the enclosed article from the Federal Election Commission's ("FEC") Record shows, the Federal Election Commission has stated that money from foreign nationals may be deposited into a separate account used for redistricting purposes since those activities are not directly involved in elections. See also FEC Advisory Opinion 1981-35, note 3; FEC Record, Aug. 1991 at 12.

I trust this answers your inquiry.

Sincerely,



Benjamin L. Ginsberg
Counsel

Enclosure

97043823338

800 LINE

REDISTRICTING

This article discusses how the Federal Election Campaign Act (the Act) and FEC regulations apply to redistricting: the process of drawing new Congressional districts after reapportionment.¹ To obtain copies of the advisory opinions (AOs) cited in the article, contact the FEC's Public Records Office at 800/424-9530 or 202/376-3140.

Efforts to Influence Redistricting Not Subject to the Act

The U.S. Constitution mandates the reapportionment of Congressional seats based on the results of the census. The Commission views the mandatory reapportionment process—and the related state decisions on redistricting—as separate and distinct from the process of influencing the election of individuals to federal office. AO 1981-35. See also AOs 1990-23, 1982-37 and 1982-14. Consequently, the following redistricting activities, although political in nature, are not subject to the Act or FEC regulations:

- o Conducting research, such as population studies and map drawing;
- o Lobbying a state legislature; and
- o Challenging state redistricting plans in the courts. AOs 1982-37, 1982-14, 1981-58 and 1981-35.

Candidate's Involvement in Redistricting

Paid with Campaign Funds. A candidate may use the funds of his or her authorized committee to pay for redistricting activities. Payments for these activities must be reported by the committee as "other disbursements" on Line 21 of FEC Form 3. AO 1981-58. See also 2 U.S.C. §434(b)(4)(G); 11 CFR 104.3(b)(4)(vi).

Paid by Separate Committee. As another alternative, a candidate or a group of candidates may establish a separate committee used solely to raise and spend funds for redistricting activity. Unlike an authorized committee, a separate redistricting committee is not subject to the

Act's contribution limits, prohibitions or reporting requirements. AOs 1990-23, 1982-37 and 1981-35. Therefore, it may accept donations from:

- o Corporations,
- o Labor organizations,
- o Federal contractors,
- o National banks and
- o Foreign nationals. AO 1981-35, note 3.

Please note that, to operate outside the Act's restrictions, a separate redistricting committee must be independent of the candidate's campaign; it may not be established as a separate account of the candidate's authorized committee. AO 1990-23.

Moreover, in order to remain outside the Act's jurisdiction, a redistricting committee must not:

- o Engage in activities that could be construed as election influencing (for example, making references to the individual's candidacy for federal office—see AO 1990-23, note 4);
- o Donate services or computer data to any federal political committee; or
- o Transfer prohibited funds to any federal political committee. AO 1981-35.

Party Involvement in Redistricting

A party committee may establish a separate account to raise and spend funds to influence redistricting. A party committee's redistricting account is not subject to the Act's limitations, prohibitions or reporting requirements as long as the committee refrains from using the account for federal election activity. This means that funds in a redistricting account may not be:

- o Transferred to a federal account of the party committee;
- o Used to pay for any services or computer data donated to a federal candidate or federal political committee; or
- o Used to finance any federal election advocacy. AO 1982-14.

Effect of Redistricting on Candidate's Campaign

As a result of redistricting, a candidate may switch his or her campaign to another Congressional district. In such cases, campaign activity in the two districts is considered to be activity for the same election. The Commission has taken this view because redistricting does not change the office that the candidate is running for: U.S. Representative from his or her state. AO 1982-22.

Reporting Requirements after Redistricting. When candidates change districts

¹Reapportionment is the reallocation of Congressional districts among the states based on census results announced by the Census Bureau.

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in mid-campaign, they do not have to designate a new campaign committee. Rather, they may continue to use the committee originally designated on the Statement of Candidacy (FEC Form 2). AO 1982-22.

After changing districts, however, a candidate must file an amended Statement of Organization (FEC Form 1), or a letter, identifying the new district. The amendment must be filed, within 10 days of the change in district, with both the Clerk of the House and the appropriate state office. 11 CFR 102.2(a)(2); see AO 1980-30.

Effect on Contribution Limits. Contributions received before and after a candidate changes districts are considered to be for the same election (unless the contributor has designated them for another election). One contribution limit applies to the election. In order to be sure that contributors do not exceed their per-election contribution limits, an authorized committee must aggregate contributions made by one source before and after the candidate changes Congressional districts. AO 1982-22.

CLEARINGHOUSE

CLEARINGHOUSE PUBLICATIONS OF INTEREST TO COMMITTEES

The FEC's Clearinghouse on Election Administration has published several reports that may be helpful to candidates, political parties and political committees. These volumes are available at most federal depository libraries (state, university and major metropolitan libraries). They may also be purchased from the Government Printing Office. To order the reports described below, list the title and stock number, enclose a check payable to the Superintendent of Documents and mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

For further information on any publication, call the Clearinghouse: 800/424-9530 (ask for the Clearinghouse) or 202/376-5670. Please note that the Clearinghouse cannot handle orders, which must be made through the Government Printing Office, as explained above.

Ballot Access (Autumn 1988)

This series addresses the process by which parties and candidates come to appear on the ballot.

- o **Volume 1: Issues and Options**
052-006-00042-2, \$ 4.50
Designed primarily for state policymakers, Volume 1 is a comprehensive study of current issues and trends in ballot access law throughout the U.S.
- o **Volume 2: For Congressional Candidates**
052-006-00046-5, \$10.00
- o **Volume 3: For Presidential Candidates**
052-006-00047-3, \$ 9.00
Volumes 2 and 3 describe, for each state, the ballot access requirements in both primary and general elections for U.S. House, Senate and Presidential candidates.
- o **Volume 4: For Political Parties**
052-006-00048-1, \$ 3.75
Volume 4 describes the rules in each state for the formation and ballot access of political parties.

Campaign Finance Law 90: A Summary of State Campaign Finance Laws with Quick Reference Charts (March 1990)
052-006-00045-7, \$23.00

This volume provides state-by-state summaries of campaign finance laws and regulations including contribution and expenditure limits, solicitation rules, reporting requirements and public financing.

Election Case Law 89: A Summary of Judicial Precedent on Election Issues Other Than Campaign Financing (February 1990)
052-006-00043-1, \$18.00

This volume surveys the judicial treatment of election-related issues, among them reapportionment, ballot access and voter registration. The volume also serves as a reference tool and starting point for attorneys conducting research on a specific election issue.

Contested Elections and Recounts (Autumn 1990)

- o **Volume 1: Issues and Options in Resolving Disputed Federal Elections**
052-006-00049-0, \$ 4.25
Volume 1 in this series, designed primarily for state policymakers, provides a legal background and explains procedures for handling contested elections.
- o **Volume 2: A Summary of State Procedures for Resolving Disputed Federal Elections**
052-006-00050-3, \$9.00
Volume 2 describes the procedures followed in each state, discussing such areas as requisite conditions and filing forms. Please note that candidates and other parties interested in contesting an election should consult the state authority.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4398

NAME OF COUNSEL: Margaret Ackerly, Roger Witten, Dennis Flannery

ADDRESS: Wilmer Cutler & Pickering
2445 M St. NW
Washington, DC 20037

TELEPHONE: (202) 663-6000

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.

7/10/96
Date

[Handwritten Signature]
Signature

RESPONDENT'S NAME: Thomas Kramer

ADDRESS: 5 Star Island
Miami Beach, FL 33139

HOME PHONE: (305) 538-3100

BUSINESS PHONE: (305) 538-4422

97043823341

Azure Coast Development, Ltd.
Beachwalk Development Corp.
New Fiesta, Inc.
Olympus Holding Corp.
Playa Del Sol, Ltd.
Portofino Group, Inc.
Sandpoint Financial, Ltd.
Santorini Isle, Inc.
SBE, Inc.
Seagull Development Corp.
South Beach Creative Group
St. Tropez R/E Fund, Ltd.
Sun & Fun, Inc.
2 Star Island, Inc.
5 Star Island, Inc.
7th & 5th Deco Corp.
35 Star Island, Inc.

97043823343



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 1996

Saralee Livingston
Kerrey for U.S. Senate
7602 Pacific Street, Lower Level B
Omaha, NE 68114

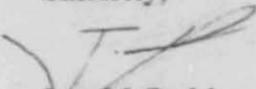
RE: MUR 4398

Dear Ms. Livingston:

We are in receipt of your letter dated July 9, 1996, and the enclosed check copy evidencing that Kerrey for U.S. Senate refunded Mr. Kramer's \$1,000 contribution on September 28, 1994. Accordingly, the Commission no longer instructs the committee to disgorge an amount equivalent to the contribution, to the United States Treasury.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

97043823344

SIMMONS, HART & SHEEHY

A FRATERNITY OF PROFESSIONAL ASSOCIATIONS

ATTORNEYS AT LAW

ONE BRISQAYNE TOWER - SUITE 1804

2 SOUTH BRISQAYNE BOULEVARD

MIAMI, FLORIDA 33131

(305) 379-3885

FAX (305) 379-8404

BRUCE W. ACKERMAN
DANIEL A. AMAT
JOHN B. FULLER
STEVEN H. QUAY
TIM HAINES
KARL V. HART
PHILIP J. SHEEHY
YOUNG J. SIMMONS
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DEBRA M. LIEBER
JEFFREY SHAYES

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OCALA OFFICE

125 N. E. FRET AVENUE, SUITE 1
OCALA, FLORIDA 34470

MARLINO ANDREWS

POST OFFICE BOX 3310
OCALA, FLORIDA 34478
TELEPHONE (352) 732-8822
FAX (352) 398-2889

July 17, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 17 12 15 PM '96

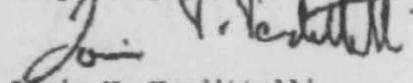
VIA FACSIMILE (202) 219-3923

Mr. Jose M. Rodriguez
Federal Election Commission
General Counsel Office
999 E Street, Suite 657
Washington, D.C. 20463

Dear Mr. Rodriguez:

Please be advised that the undersigned represents Terri E. Bradley in the matter currently pending before the Federal Election Commission.

Very truly yours,



Louis V. Vendittelli

cc: Terri E. Bradley

LVV\ir

spectar\l-rodriq.718

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PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 487-6000
FACSIMILE (202) 487-6315

WRITER'S DIRECT DIAL

(202) 457-6405

July 22, 1996

VIA FACSIMILE TO (202) 219-3923

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Jose M. Rodriguez, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4398 -- Republican Party of Florida (federal/non federal accounts)
and James H. Stelling, as treasurer

Dear Mr. Rodriguez:

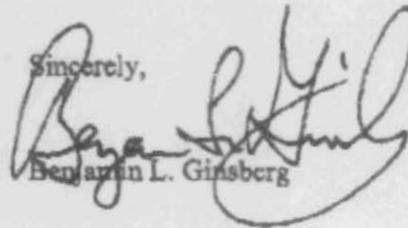
I have recently been retained by the Republican Party of Florida and James H. Stelling, as treasurer, to represent them in the above captioned matter. Please consider this letter a formal request for a 20-day extension to respond until August 20, 1996.

We request this extension because I have been unavailable since the Party received the complaint and the additional time is needed to prepare the response. The Party received the complaint on July 8, so that its 15 days plus the 20 day extension mentioned in Chairman Elliott's letter would put the response date at August 20, 1996. Respondents in no way wish to prolong this matter and believe that the information provided will lead to the prompt and proper dismissal of this matter.

Accordingly, respondents respectfully request an extension until August 20, 1996 to respond in this matter.

Thank you for your attention.

Sincerely,


Benjamin L. Ginsberg

97043823346



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 1996

Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M. Street, N.W.
Washington, D.C. 20037-1350

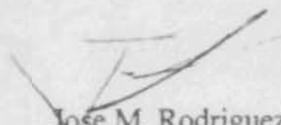
RE: MUR 4398
Republican Party of Florida (federal/non-federal
accounts) and James H. Stelling as treasurer

Dear Mr. Ginsberg:

This is in response to your letter dated July 22, 1996, which we received on the same date, requesting an extension of twenty days to respond to the Commission's Reason to Believe finding. 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 August 20, 1996.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

97043823347



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Jeb Bush
12751 Old Cutler Road
Miami, FL 33130

RE: MUR 4398
Jeb Bush Gubernatorial
Campaign

Dear Mr. Bush:

On June 25, 1996, the Federal Election Commission found reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Jeb Bush Gubernatorial Campaign. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Jeb Bush Gubernatorial Campaign to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

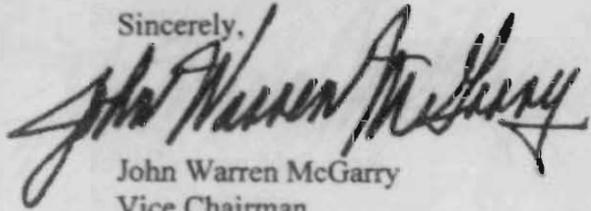
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823348

Mr. Bush
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Warren McGarry".

John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823349

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Jeb Bush Gubernatorial Campaign

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on September 27, 1994, he made two prohibited contributions through a corporation totaling \$200 to the Jeb Bush Gubernatorial Campaign.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct,

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

97043823350

dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Olympus Holding Corporation is a domestic corporation owned and controlled by Thomas Kramer. On September 27, 1994, at Mr. Kramer's direction, Olympus Holding Corporation made, and the Jeb Bush Gubernatorial Campaign accepted, two separate contributions in the amount of \$100. Therefore, there is reason to believe the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

The Honorable Sy Eisenberg
Office of the Mayor
1700 Convention Center Drive
Miami Beach, FL 33139

RE: MUR 4398
Sy Eisenberg Campaign Fund

Dear Mayor Eisenberg:

On June 25, 1996, the Federal Election Commission found reason to believe that the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Sy Eisenberg Campaign Fund. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

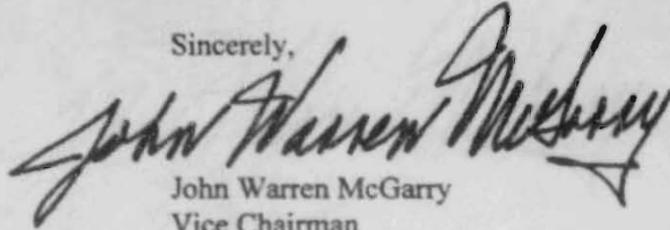
The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Sy Eisenberg Campaign Fund to disgorge an amount equal to the remaining unrefunded portion of the contributions, to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

97043823352

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823353

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Sy Eisenberg Campaign Fund

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on June 22, 1993, he made prohibited contributions through various corporations totaling \$5,000 to the Sy Eisenberg Campaign Fund.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

97043823354

corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Portofino Group, Inc., St. Tropez R/E Fund, Ltd., Sandpoint Financial, Ltd., New Fiesta, Inc., Sun & Fun, Inc., Playa Del Sol, Ltd., Beachwalk Development Corporation, Olympus Holding Corporation, Santorini Isle, Inc. and 7th and 5th Deco Corporation are domestic corporations owned and controlled by Thomas Kramer. On June 22, 1993, at Mr. Kramer's direction, the above listed corporations each made, and the Sy Eisenberg Campaign Fund accepted, a separate contribution in the amount of \$500. Therefore, there is reason to believe the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e.

97043823355



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Conchi Bretos
Bretos Campaign
5208 Alton Road
Miami, FL 33140-2005

RE: MUR 4398
Conchi Bretos
Bretos Campaign

Dear Ms. Bretos:

On June 25, 1996, the Federal Election Commission found reason to believe that the Bretos Campaign and you violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Bretos Campaign and you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Bretos Campaign and you to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

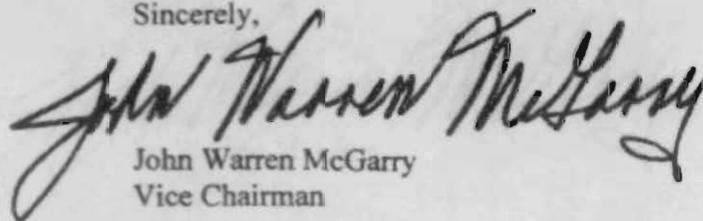
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823356

Ms. Bretos
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823357

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Conchi Bretos
Bretos Campaign

MUR: 4398

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This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on April 14, 1993, he made prohibited contributions through two corporations totaling \$1,000 to the Bretos Campaign and Conchi Bretos.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct,

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Sun & Fun, Inc. and Playa Del Sol, Ltd. are domestic corporations owned and controlled by Thomas Kramer. On April 14, 1993, at Mr. Kramer's direction, Sun & Fun, Inc. made, and the Bretos Campaign accepted, a contribution in the amount of \$500. Further, on the same date Playa Del Sol, Ltd., also at Mr. Kramer's direction, made a separate \$500 contribution directly to Conchi Bretos, which the candidate accepted. Therefore, there is reason to believe the Bretos Campaign and Conchi Bretos violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Javier D. Souto
2620 SW 115th Avenue
Miami, FL 33165-2127

RE: MUR 4398
Campaign for Commissioner
Javier Souto

Dear Mr. Souto:

On June 25, 1996, the Federal Election Commission found reason to believe that the Campaign for Commissioner Javier Souto violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Campaign for Commissioner Javier Souto. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Campaign for Commissioner Javier Souto to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

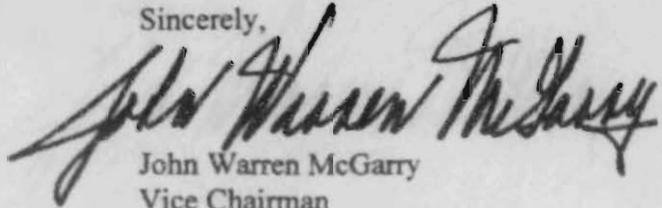
The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

97043823360

Mr. Souto
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823361

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Campaign for Commissioner Javier Souto

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on March 3, 1994, he made prohibited contributions through various corporations totaling \$3,500 to the Campaign for Commissioner Javier Souto.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. St. Tropez R/E Fund, Ltd., New Fiesta, Inc., Playa Del Sol, Ltd., Olympus Holding Corporation, Santorini Isle, Inc., Seagull Development Corporation, and Azure Coast Development, Ltd. are domestic corporations owned and controlled by Thomas Kramer. On March 3, 1994, at Mr. Kramer's direction, the above listed corporations each made, and the Campaign for Commissioner Javier Souto accepted, separate contributions in the amount of \$500. Therefore, there is reason to believe the Campaign for Commissioner Javier Souto violated 2 U.S.C. § 441e.

97043823363



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

The Honorable Pat Thomas
State Senator of District 3
220 Senate Office Building
Tallahassee, FL 32399-1100

RE: MUR 4398
State Senate President
Pat Thomas "Victory in '94"

Dear Mr. Thomas:

On June 25, 1996, the Federal Election Commission found reason to believe that State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to State Senate President Pat Thomas "Victory in '94." The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contribution identified in the enclosed Factual and Legal Analysis, the Commission instructs State Senate President Pat Thomas "Victory in '94" to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

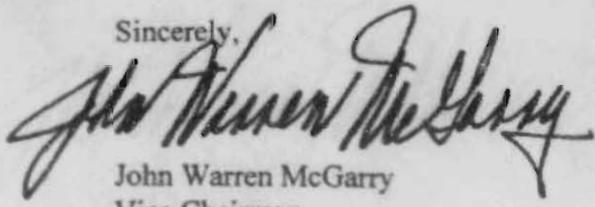
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823364

Honorable Pat Thomas
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

970438233365

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: State Senate President Pat Thomas
"Victory in '94"

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on August 26, 1994, he made a \$500 prohibited contribution through a corporation to State Senate President Pat Thomas "Victory in '94".

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct,

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Playa Del Sol, Ltd. is a domestic corporation owned and controlled by Thomas Kramer. On August 26, 1994, at Mr. Kramer's direction, Playa Del Sol, Ltd. made, and State Senate President Pat Thomas "Victory in '94" accepted, a \$500 contribution. Therefore, there is reason to believe State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e.

97043823367



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Bruce Kaplan
111 NW 1st Street, Suite 220
Miami, FL 33128-1902

RE: MUR 4398
Bruce Kaplan Campaign

Dear Mr. Kaplan:

On June 25, 1996, the Federal Election Commission found reason to believe that the Bruce Kaplan Campaign violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Bruce Kaplan Campaign. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Bruce Kaplan Campaign to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

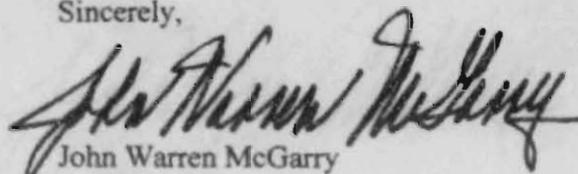
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823368

Mr. Kaplan
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823369

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Bruce Kaplan Campaign

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on April 14, 1993, he made prohibited contributions through two corporations totaling \$1,000 to the Bruce Kaplan Campaign.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. New Fiesta, Inc., and Olympus Holding Corporation are domestic corporations owned and controlled by Thomas Kramer. On April 14, 1993, at Mr. Kramer's direction, New Fiesta, Inc. and Olympus Holding Corporation each made, and the Bruce Kaplan Campaign accepted, a separate contribution in the amount of \$500. Therefore, there is reason to believe the Bruce Kaplan Campaign violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Mike Karpel
Karpel & Co. P.A.
1000 Brickell Avenue, Suite 900
Miami, FL 33131

RE: MUR 4398
Mike Karpel Campaign Fund

Dear Mr. Karpel:

On June 25, 1996, the Federal Election Commission found reason to believe that the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Mike Karpel Campaign Fund. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Mike Karpel Campaign Fund to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

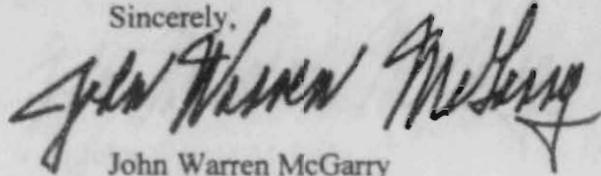
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823372

Mr. Karpel
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823373

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mike Karpel Campaign Fund

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that in October 1993, he made prohibited contributions through various corporations and two unnamed intermediaries totaling \$6,500 to the Mike Karpel Campaign Fund.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Portofino Group, Inc., St. Tropez R/E Fund, Ltd., Sandpoint Financial, Ltd., New Fiesta, Inc., Sun & Fun, Inc., Playa Del Sol, Ltd., Beachwalk Development Corporation, Olympus Holding Corporation, Santorini Isle, Inc., 7th and 5th Deco Corporation and SBE, Inc. are domestic corporations owned and controlled by Thomas Kramer. On October 19, 1993, at Mr. Kramer's direction, St. Tropez R/E Fund, Ltd., Sandpoint Financial, Ltd., New Fiesta, Inc., Sun & Fun, Inc., Playa Del Sol, Ltd., Beachwalk Development Corporation, Olympus Holding Corporation, Santorini Isle, Inc., 7th and 5th Deco Corporation and SBE, Inc. each made, and the Mike Karpel Campaign Fund accepted, a separate contribution in the amount of \$500. Additionally, on October 20, 1993, Mr. Kramer made, and the Mike Karpel Campaign Fund accepted, a \$500 contribution through an unnamed intermediary. Last, on October 21, 1993, Mr. Kramer made, and the Mike Karpel Campaign Fund accepted, a \$500 contribution through the Portofino Group, Inc. and a separate \$500 contribution through an unnamed intermediary. Therefore, there is reason to believe the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e.

97043823375



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Commissioner James C. Burke
Board of Commissioners, Suite 220
111 NW 1st Street,
Miami, FL 33128-1902

RE: MUR 4398
James Burke Campaign Fund

Dear Mr. Burke:

On June 25, 1996, the Federal Election Commission found reason to believe that the James Burke Campaign Fund violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the James Burke Campaign Fund. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contribution identified in the enclosed Factual and Legal Analysis, the Commission instructs the James Burke Campaign Fund to disgorge an equivalent amount to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

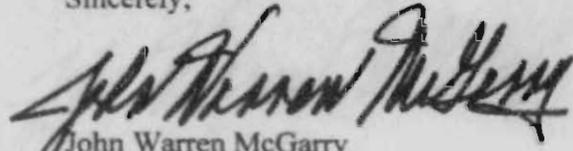
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823376

Commissioner Burke
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823377

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: James Burke Campaign Fund

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on December 15, 1993, he made a prohibited contribution in the amount of \$500 to the James Burke Campaign Fund.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes both an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

970438233/8

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. On December 15, 1993, Thomas Kramer made, and the James Burke Campaign Fund accepted, a contribution in the amount of \$500. Therefore, there is reason to believe the James Burke Campaign Fund violated 2 U.S.C. § 441e.

97043823379



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1996

Gerald A. Lewis, Esquire
Levine & Strivers
245 E. Virginia Street
Tallahassee, FL 32301-1263

RE: MUR 4398
Gerald Lewis Campaign

Dear Mr. Lewis:

On June 25, 1996, the Federal Election Commission found reason to believe that the Gerald Lewis Campaign violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Gerald Lewis Campaign. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Gerald Lewis Campaign to disgorge an amount equal to the remaining unrefunded portion of the contributions, to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

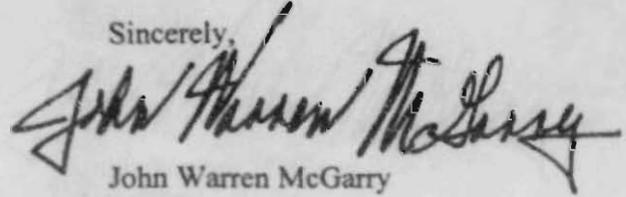
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823380

Mr. Lewis, Esq.
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823381

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Gwen Margolis Campaign Fund

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on April 26 and July 29, 1994, he made prohibited contributions through various corporations totaling \$2,100 to the Gwen Margolis Campaign Fund.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. Olympus Holding Corporation, Santorini Isle, Inc., 5 Star Island, Inc., 2 Star Island, Inc. and SBE, Inc. are domestic corporations owned and controlled by Thomas Kramer. On April 26, 1994, at Mr. Kramer's direction, Santorini Isle, Inc., 5 Star Island, Inc., 2 Star Island, Inc. and SBE, Inc. each made, and the Gwen Margolis Campaign Fund accepted, a separate contribution in the amount of \$500. Additionally, on July 29, 1994, also at Mr. Kramer's direction, Olympus Holding Corporation made, and the Gwen Margolis Campaign Fund accepted, a contribution in the amount of \$100. Therefore, there is reason to believe the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e.

97043823383



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Gwen Margolis
13899 Biscayne Blvd.
Miami, FL 33181-1600

RE: MUR 4398
Gwen Margolis Campaign Fund

Dear Ms. Margolis:

On June 25, 1996, the Federal Election Commission found reason to believe that the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Gwen Margolis Campaign Fund. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

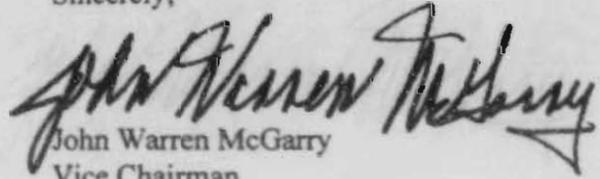
The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contributions identified in the enclosed Factual and Legal Analysis, the Commission instructs the Gwen Margolis Campaign Fund to disgorge an amount equal to the remaining unrefunded portion of the contributions, to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

97043823384

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823385

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Gerald Lewis Campaign

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on December 8, 1993, he made prohibited contributions through various corporations totaling \$4,500 to the Gerald Lewis Campaign.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. St. Tropez R/E Fund, Ltd., Sandpoint Financial, Ltd., New Fiesta, Inc., Sun & Fun, Inc., Playa Del Sol, Ltd., Beachwalk Development Corporation, Olympus Holding Corporation, 7th and 5th Deco Corporation and South Beach Creative Group, Inc. are domestic corporations owned and controlled by Thomas Kramer. On December 8, 1993, at Mr. Kramer's direction, the above listed corporations each made, and the Gerald Lewis Campaign accepted, a separate contribution in the amount of \$500. Therefore, there is reason to believe the Gerald Lewis Campaign violated 2 U.S.C. § 441e.

970438233387



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

The Honorable Charles Dusseau
Commerce Building
536 Collins Building
Tallahassee, FL 32399-2000

RE: MUR 4398
Charles Dusseau Campaign

Dear Mr. Secretary:

On June 25, 1996, the Federal Election Commission found reason to believe that the Charles Dusseau Campaign violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Charles Dusseau Campaign. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 20th Anniversary

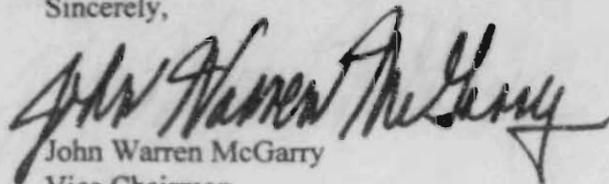
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823388

The Honorable Charles Dusseau
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823389

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Charles Dusseau Campaign

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on April 14, 1993, he made prohibited contributions through three corporations totaling \$300 to the Charles Dusseau Campaign.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹ Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a

¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

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corporation with regard to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. New Fiesta, Inc., Playa Del Sol, Ltd. and Olympus Holding Corporation are domestic corporations owned and controlled by Thomas Kramer. On April 14, 1993, at Mr. Kramer's direction, New Fiesta, Inc., Playa Del Sol, Ltd. and Olympus Holding Corporation each made, and the Charles Dusseau Campaign accepted, a separate contribution in the amount of \$100. Therefore, there is reason to believe the Charles Dusseau Campaign violated 2 U.S.C. § 441e.

97043823391



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1996

Neisen Kasdin, Esquire
Geiger, Kasdin, Hellers & Kuperstein, P.A.
1428 Brickell Avenue, Suite 600
Miami, FL 33131-3435

RE: MUR 4398
Neisen Kasdin
Neisen Kasdin Campaign Fund

Dear Mr. Kasdin:

On June 25, 1996, the Federal Election Commission found reason to believe that the Neisen Kasdin Campaign Fund and you violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to the Neisen Kasdin Campaign Fund and you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the receipt and acceptance of contributions from a foreign national in connection with any local or State election is a violation of 2 U.S.C. § 441e. (See 11 C.F.R. § 110.4(a).) You should take steps to ensure that this activity does not occur in the future. In light of the impermissible nature of the contribution identified in the enclosed Factual and Legal Analysis, the Commission instructs the Neisen Kasdin Campaign Fund to disgorge an amount equal to the remaining unrefunded portion of the April 23, 1993 contribution from Thomas Kramer, to the United States Treasury, care of the Federal Election Commission, within 30 days of receipt of this letter.

The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect with respect to all respondents still involved in this matter.

Celebrating the Commission's 25th Anniversary

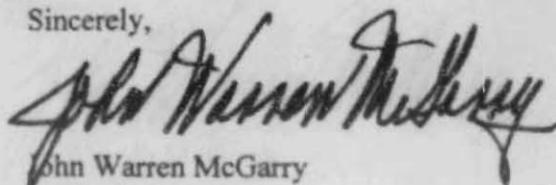
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823392

Mr. Kasdin, Esq.
Page 2

If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosure
Factual and Legal Analysis

97043823393

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Neisen Kasdin Campaign Fund
Neisen Kasdin

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on April 23, 1993, he made a prohibited contribution in the amount of \$500 to the Neisen Kasdin Campaign Fund, and a separate prohibited contribution during the same month directly to Mr. Kasdin, through an unnamed intermediary for an undisclosed amount.

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it is unlawful for a foreign national directly or through any other person to make any contribution of money or anything of value in connection with any election to any local, State or Federal political office; or for any person to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). For purposes of section 441e, the term person includes both an individual and a political committee. 2 U.S.C. § 431(11). A foreign national includes an individual who is not a

97043823394

citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8.¹

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. On April 23, 1993, Thomas Kramer made, and the Neisen Kasdin Campaign Fund accepted, a contribution in the amount of \$500. In the same month, Thomas Kramer made, and Neisen Kasdin directly accepted, an contribution through an unnamed intermediary for an undisclosed amount. Therefore, there is reason to believe the Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. § 441e.

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¹ The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

RECEIVED
FEDERAL ELECTION
COMMISSION

SIMMONS, HART & SHEEHE

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

ATTORNEYS AT LAW
ONE BISCAYNE TOWER - SUITE 1684
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
(305) 379-3515
FAX (305) 379-5404

JUL 24 9 22 AM '96

BRYCE W. ACKERMAN*
DANIEL A. AMAT
JOHN B. FULLER*
STEVEN H. GRAY
TIM HAINES
KARL V. HART
PHILLIP J. SHEEHE
YOUNG J. SIMMONS
MARTY SMITH
LOUIS V. VENDITTELLI**

DEBRA M. LEDER
JEFFREY SKATES

OCALA OFFICE
125 N.E. FIRST AVENUE, SUITE 1
OCALA, FLORIDA 34470

MAILING ADDRESS
POST OFFICE BOX 3310
OCALA, FLORIDA 34478
TELEPHONE (352) 732-8121
FAX (352) 368-2183

July 23, 1996

*BOARD CERTIFIED IN CIVIL TRIAL LAW
**BOARD CERTIFIED IN TAX LAW

VIA FEDERAL EXPRESS

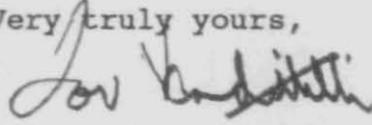
Mr. Jose M. Rodriguez
Federal Election Commission
General Counsel Office
999 E Street, Suite 657
Washington, D.C. 20463

Re: Terri E. Bradley

Dear Mr. Rodriguez:

Enclosed is the Conciliation Agreement originally executed by Terri Bradley. Also enclosed is my firm's trust account check in the amount of \$21,000 payable to the Federal Election Commission in payment of civil penalty imposed by the Commission on Ms. Bradley.

Please provide me with a signed copy of the Conciliation Agreement.

Very truly yours,

Louis V. Vendittelli

cc: Terri E. Bradley
(without enclosures)

LVV\ir
Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1996

Jul 25 9 47 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF CFITRAL
CEN

TWO WAY MEMORANDUM

TO: OGC Docket
FROM: Rosa E. Swinton Accounting Technician Leslie D. Brown *ldb* Disbursement Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from SIMMONS, HART & SHEPHE, check number 1033, dated 7-22-96, for the amount of \$ 21,000.00. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

=====

TO: Rosa E. Swinton Accounting Technician Leslie D. Brown Disbursement Technician
FROM: OGC Docket *By aa*
SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$ 21,000.00 the MUR/Case number is 4398 and in the name of Tern Bradley. Place this deposit in the account indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Anita Alexander
Signature

7-25-96
Date

97043823397



Board of County Commissioners
METROPOLITAN DADE COUNTY-FLORIDA

DISTRICT 10
111 N. W. FIRST STREET, SUITE 320
MIAMI, FLORIDA 33128-1963
(305) 375-4835
FAX (305) 375-4838

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 30 3 25 PM '96

SENATOR JAVIER SOUTO
COMMISSIONER

July 29, 1996

Mr. Jose M. Rodriguez
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4398

Dear Mr. Rodriguez:

I received Mr. John Warren McGarry's letter regarding a violation by the 1994 Campaign for Commissioner Javier Souto. I would like to explain several points on this issue and ask for your advise on how to proceed to resolve this unfortunate situation.

Your letter dated July 25, 1996, was the first communications that I received from the Federal Election Commission on this issue.

I have never met Mr. Kramer, I had no knowledge of Mr. Kramer's nationality, and I had no knowledge that these corporations belonged to Mr. Kramer. I assumed that all the checks were legal and from corporations that could contribute to my campaign

Your letter states that the Campaign account for Commissioner Javier Souto issue a check for the sum of \$3,500 to the United States Treasury, care of the Federal Elections Commission within 30 days. Unfortunately, the campaign account was closed on October 31, 1994 as required under Florida election laws. I was re-elected in October of 1994, so I chose to contribute the unexpended balance of contributions, approximately \$53,104, by donating them to charitable organizations within the South Florida community, as permitted under state law. I am attaching the final campaign report which shows the contributions to the non-profit organizations, as well as a zero balance remaining in the campaign account. Therefore, I cannot issue a campaign account check to the Federal Elections Commission. For me to pay the \$3,500 out of my personal funds would present an extreme hardship, since my total salary as a Commissioner consist of a \$5,000 annual salary. I am 56 years old and retired. Furthermore, I feel this would be an unjustified penalty

I was not even familiar with this law prior to receipt of your letter.

Please call me and let me know how to proceed with this, I do not want to be in further violation by allowing the 30 days to elapse.

Sincerely yours,

Javier Souto
JS/mg

enclosure

97043823398

November 1st, 1994

1- 2- 3-
4-

Dear 1- 3-:

I would like to take this opportunity to thank you for your support with my re-election campaign to The Metro Dade County Commission. Thanks to you, I had no opposition and was re-elected in October.

As you know, I am committed to serve the residents of Dade County and to keep improving the quality of life in our community.

The unused campaign funds have been donated to the following charitable organizations: Liga Contra el Cancer; University of Miami Microbiology Research; University of Miami Breast Cancer Research; University of Miami Multiple Sclerosis Research; University of Miami Parkinsons Research and Centro Mater.

Again, thank you for demonstrating your strong support and above all your friendship.

Sincerely,

Javier D. Souto
Dade County Commissioner
District 10

JDS/mcm

97043823399

Campaign Treasurer's Report

(Please Type)

Identification Number:

I. Santa Javier D.
 (Candidate's name by Last Name, First Name, Middle Initial or
 Name of Political Committee, Committee of Continuous Existence, or Party Name)
COMMISSIONER DISTRICT #10
 Office Sought (Include District, Circuit And Group Number) (Candidates Only)
2620 SW 14 Ave.
 Address (Number And Street)
Miami, Fla. 33165
 City, State And Zip Code

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee

Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.

Campaign depository or bank account number: _____

II. Type of Report (Check Appropriate Box)

January 10 April 10 July 10 ^{Amended} October 10

32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Second Primary
 4th day preceding Second Primary
 18th day preceding General Election
 4th day preceding General Election
 Special Election
 Termination Report (Candidates only)

This Report is An Amendment.

III. Covering Period of 9/30/94 through 10/31/94 ^{Amendment}

IV. CONTRIBUTIONS	Column 1 Cash & Checks	Column 2 Loans	Column 3 Total Monetary (Columns 1 + 2)	Column 4 In-Kind
A. Contributions Brought Forward From Previous Report, If Any	\$19,088.68		\$19,088.68	
B. Contributions This Report	0		0	
C. Total Contributions (Add Lines A & B)	\$19,088.68		\$19,088.68	

V. EXPENDITURES

A. Expenditures Brought Forward From Previous Report, If Any	\$119,076.25
B. Expenditures This Report (Excluding Transfers to Office Account)	12.43
C. Transfers to Office Account (Candidates Only)	
D. Total Expenditures (Add Lines A, B & C)	\$119,088.68

VI. BALANCE

A. Balance in Account at End of Prior Year (For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)	0
B. Total Monetary Contributions (from line C, Column 3 above)	\$19,088.68
C. Total Expenditures (from line D, Column 3 above)	\$119,088.68
D. ACCOUNT BALANCE (Line A + Line B - Line C)	0

VII. Amount of 1.5 percent assessment levied with this report:
 (For Political Committees, Committees of Continuous Existence
 and Party Executive Committees Only) 0

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE,
 CORRECT AND COMPLETE.
Laura L. Cepero
 TYPE OR PRINT NAME OF TREASURER
 RECEIVED

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE,
 CORRECT AND COMPLETE.
Santa Javier D.
 TYPE OR PRINT NAME OF CANDIDATE (CHAIRMAN FOR POLITICAL
 COMMITTEE OR PARTY EXECUTIVE COMMITTEE)

97043823400

Amendment to ITEMIZED CONTRIBUTIONS
Report Covering Period of 7/01/94 through 9/30/94 Page 1 of 1 Pages
Javier D. Sando County Commissioner Dist # 40
Name of Candidate, Political Committee or Committee of Continuous Existence

Transfer of Funds from Interest Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)
Name of Financial Institution | Nature of Account | Date of Transfer | Amount

Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Amount		
			Monetary -- Including Interest Earned	In-Kind	Description Of In-Kind
1.	<u>0</u>	<u>0</u>	<u>0</u>		
2.					
3.					

97043823401

COMMITTEES OF CONTINUOUS EXISTENCE ONLY -- ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS & SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

Amendment ITEMIZED EXPENDITURES

Report Covering Period of 9/01/94 through 9/30/94 Page 1 of 1 Pages

Name of Candidate, Political Committee or Committee of Continuous Existence
James D. Sauty, County Comm. Dist. #10

Total amount spent for Petty Cash purposes during the Reporting Period \$ 0

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
1.	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
9/30/94	Saint Brenda Church 87 Ave. + 32 nd St. Miami, Fla.	Donation	\$12.43
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

97043823402

Campaign Treasurer's Report

(Please Type)

Identification Number:

I. Santo, Javier D
(Candidate's name by Last Name, First Name, Middle Initial or Name of Political Committee, Committee of Continuous Existence, or Party Name)
COMMISSIONER DISTRICT # 10
Office Sought (include District, Circuit And Group Number) (Candidates Only)
2620 S.W. 115 Ave.
Address (Number And Street)
Miami, FL 33165
City, State And Zip Code

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee

Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.
 Campaign depository or bank account number: _____

II. Type of Report (Check Appropriate Box)

January 10 April 19 July 10 October 10

32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Second Primary
 4th day preceding Second Primary
 18th day preceding General Election
 4th day preceding General Election
 Special Election
 Termination Report (Candidates only)

This Report is An Amendment.

III. Covering Period of 7/01/94 through 9/30/94

IV. CONTRIBUTIONS	Column 1 Cash & Checks	Column 2 Loans	Column 3 Total Monetary (Columns 1 + 2)	Column 4 In-Kind
A. Contributions Brought Forward From Previous Report, if Any	111,588.68		111,588.68	
B. Contributions This Report	7500.00		7500.00	
C. Total Contributions <small>(Add Lines A & B)</small>	119,088.68		119,088.68	

V. EXPENDITURES	Column 3 Total Monetary (Columns 1 + 2)	Column 4 In-Kind
A. Expenditures Brought Forward From Previous Report, if Any	6,981.67	
B. Expenditures This Report (Excluding Transfers to Office Account)	112,094.58	
C. Transfers to Office Account (Candidates Only)	-	
D. Total Expenditures <small>(Add Lines A, B & C)</small>	119,076.25	

VI. BALANCE	Column 3 Total Monetary (Columns 1 + 2)
A. Balance in Account at End of Prior Year <small>(For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)</small>	0.00
B. Total Monetary Contributions (from line C, Column 3 above)	119,088.68
C. Total Expenditures (from line D, Column 3 above)	119,076.25
D. ACCOUNT BALANCE <small>(Line A + Line B - Line C)</small>	12.43

VII. Amount of 1.5 percent assessment remitted with this report:
(For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)

N/A

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Laura L. Lopez
TYPE OR PRINT NAME OF TREASURER

[Signature]
SIGNATURE

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Javier D. Santo
TYPE OR PRINT NAME OF CANDIDATE (CHAIRMAN FOR POLITICAL COMMITTEE OR PARTY EXECUTIVE COMMITTEE)

[Signature]
SIGNATURE

97043823403

FILED
OCT 11 1994
MIA

ITEMIZED CONTRIBUTIONS

Report Covering Period of 7/01/94 through 9/30/94 Page 1 of 3 Pages

Javier Sauts County Commissioner Dist #10

Name of Candidate, Political Committee or Committee of Continuous Existence

Transfer of Funds from Interest Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer		Amount
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description Of In-Kind
1. 7/17	Okelanta Corp. 316 Royal Poinciana Pl Palm Bch. Fl. 33480	SuperMall	\$ 500. ⁰⁰ -		
2. 7/19	Stephen P. Ross 24 Str Island H. Beach, Fl. 33139	Invest	500-		
3. 7/19	MGE Architects 2100 Pine de Leon Coral, Bch, Fl.	Archit	500-		
4. 7/19	Schiber, Lodon, Alvarez PA. 840 S. Duane Hwy. Miami, Fl. 33146	Archit	300-		
5. 7/19	South Miami Blue Print 6811 Sw. 8 th Terr Miami, Fl. 33143	Archit	200-		
6. 7/19	Abe Berkowitz 1401 Sw. 97 th Ave Miami, Fl. 33176	Realtor	100-		
7. 7/19	Asphic Cable Conn PO Box 4082 Princeton, NJ 08502	Comm serv.	500-		
8. 7/19	D + R. Towing 8375 Alibaha Ave Opal-Locke, Fl. 33024	Towing Co.	500-		
9. 7/19	G + E. Enterprises 3350 Sw 15 th St Deerfield Bch, Fl. 33442	Bus.	100-		
10. 7/19	Hiatt Trucking Inc 2063 Blount Rd. Pompano Bch, Fl.	Truck Co.	100-		
11. 7/19	Bynes Horticultural Serv. D/B/A Land Fitness 9130 Miles Road Coral Spring, Fl.	Serv. Co.	150-		

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9/11 OCT 11
P.M.

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

ITEMIZED CONTRIBUTIONS

Report Covering Period of 7/01/94 through 9/30/94 Page 2 of 2 Pages

Javier Sando County Comm Dist # 40

Name of Candidate, Political Committee or Committee of Continuous Existence

Transfer of Funds from Interest Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer		Amount
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary — Including Interest Earned	In-Kind	Description Of In-Kind
1. 7/17	Magnus Tank Serv. 12801 NE. 48th St Pompano, Fla. H.	Waste serv.	200.-		
2. 7/17	C + H Hydraulics 222 Tree Lane W. Palm Bch, Fl. 33413	Hydrcy Co.	250.-		
3. 7/17	Empiro Inc 70 Ave 2303 NW Miami, Fl. 33122	Waste Co	500.-		
4. 7/17	Nicholas D. Kipley 6000 SW. 13th Ave Miami, Fl. 33183		100.-		
5. 7/17	S + H. Dist. Inc. 7154 NW. 5th St Miami, Fl. 33166	Dist Co.	500.-		
6. 7/17	SST Tire Serv Inc. 2102 NW. 56th Ave Ft. St. Louis, Fl. 34986	Tire Co.	500.-		
7. 7/17	RGF Environmental Bus. Dev. Co. 2000 NW 55th St Fort. Lauderdale, Fl. 33309		500.-		
8. 7/17	Catalytic Waste - 10 Energy Corp. of Key West 3225 Aviation Ave Miami, Fl. 33133	Bus	500.-		
9. 7/17	Waste management of Dade County	Waste			
11.	660 SW. 34th Ave Miami, Fl. 33034	Co.	500.-		

97043823405

ELECTIONS DEPARTMENT
94 OCT 11 PM
REC'D

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY — ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

ITEMIZED CONTRIBUTIONS

Report Covering Period of 7/01/94 through 9/30/94 Page 3 of 3 Pages

Jamir D. Santa, County Comm. DIST #10
 Name of Candidate, Political Committee or Committee of Continuous Existence

Transfer of Funds from Interest Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer		Amount
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary — Including Interest Earned	In-Kind	Description Of In-Kind
7/17	Montenay Int'l Corp 3225 Aviation Ave Hialeah, Miami Fl. 33133	Sales Co.	500 ⁰⁰		
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
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97043823406

ELECTIONS DEPARTMENT
 04 OCT 11 AM '94
 MONTENAY

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY — ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/30/94 Page 4 of 6 Pages

Name of Candidate, Political Committee or Committee of Continuous Existence
Javier Sauto County Comm. District #40

Total amount spent for Petty Cash purposes during the Reporting Period 439.35

97043823407

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
1. <u>7/2/94</u>	<u>Happy Days 5792 SW. 8th St Miami, FL</u>	<u>Tables & chair for Picnic</u>	<u>\$ 134.19</u>
2. <u>7/2</u>	<u>EXPRESS DISTRIBUTORS Bird Road & 112 Ave Miami, FL</u>	<u>FOOD FOR Picnic</u>	<u>486.00</u>
3. <u>7/4</u>	<u>Blue Sky 127 Ave E Bird Road Miami, FL</u>	<u>FOOD FOR Picnic</u>	<u>52.66</u>
4. <u>7/4</u>	<u>Sedanos Supermkt. 97 Ave E Coral Way, Miami, FL 33174</u>	<u>Soda, Ice & Picnic</u>	<u>88.05</u>
5. <u>7/4</u>	<u>Sedanos Supermkt. 97 Ave E C. Way Miami</u>	<u>Soda & Ice & Picnic</u>	<u>134.21</u>
6. <u>7/4</u>	<u>Roberto Gonzalez DJ 7960 SW. 8th St. Miami, FL</u>	<u>MUSIC FOR Picnic</u>	<u>125.00</u>
7. <u>7/4</u>	<u>Marilyn Bakery 10640 SW. Coral Way Miami, FL</u>	<u>CAKE FOR Picnic</u>	<u>62.00</u>
8. <u>7/6</u>	<u>PERSONAL COMPUTER 1134 SO. Dixie Hwy. Miami, FL 33146</u>	<u>Computer's HARD/SOFTWARE</u>	<u>8,492.31</u>
9. <u>7/13</u>	<u>COTSCO WASTE 8300 Park Blvd. Miami, FL 33144</u>	<u>COMPUTER & office supplies</u>	<u>1,167.44</u>
10. <u>7/13</u>	<u>CASH - Petty Cash 2500 SW. 115 Ave Miami, FL 33165</u>	<u>Cleaning supplies.</u>	<u>88.61</u>
11. <u>7/11</u>	<u>CEPERO PROFESSIONAL 925 SW. 94th Ave Miami, FL 33174</u>	<u>Professional services</u>	<u>12,000.00</u>
12. <u>7/13</u>	<u>OFFICE DEPOT 8011 West Flagler Miami, FL 33144</u>	<u>Office supplies</u>	<u>712.75</u>

PH OCT 1994
PM 3:00
NFC CENTER

ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/30/94 Page 2 of 6 Pages

Jamie Santo County Comm. District #10

Name of Candidate, Political Committee or Committee of Continuous Existence

Total amount spent for Petty Cash purposes during the Reporting Period \$

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 7/22	Southern Bell P.O. Box 100100 Columbing, SC 29202	Phone Exp.	388.73
2. 7/6	PERSONAL Computers 1134 So. Dixie Hwy. Miami, FL 33146	Cable for Computers	25.00
3. 7/6	TENALO Station Bird Road & 109 Ave. Miami, FL	GAS	323.24
4. 7/6	Amoco Station Diagler & 87 Ave. Miami, FL	GAS	161.65
5. 7/6	Chevron S. 8790 W. Hagler St. Miami, FL	GAS	10.00
6. 7/6	AAC Coralway 9848 SW. Coralway Miami, FL 33165	Storage	310.56
7. 7/22	Anora Printing Co. 6218 SW. 8 St. Miami, FL 33144	Letter Head & Envelopes	260.78
8. 7/22	Anora Printing Co. 6218 SW. 8 St. Miami, FL	ART work	59.78
9. 7/22	Kendall Gazette 13831 SW. 59 St. Miami, FL 33183	Political Ad	239.42
10. 7/22	CEPERO PROF. SERV. 925 SW. 9th Ave. Miami, FL 33174	CONSULTING & Prof. Serv.	13,000.00
11. 7/22	ENA'S Picture FRAME 7360 SW. Coralway Miami, FL 33155	FRAMES	144.10
12. 7/22	FLORIDA Power & Light Gen. Maint Facility Miami, FL	Utilities	500.00

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OCT 10 11:10 AM '94
 THE CHIEF

ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/30/94 Page 3 of 6 pages

Name of Candidate, Political Committee or Committee of Continuous Existence
Javier Sauto County COMM. District # 10

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
1 7/01	Panorama P.O. Box 522001 Miami, Fl. 33152	Political Add	250. ⁰⁰
2 7/01	El Faro P.O. Box 650806 Miami, Fl. 33065	"	500. ⁰⁰
3 9/22	Iglesia Bautista Getsemani 107 Ave. N. 25 St. Miami, Fl.	Donation	300. ⁰⁰
4 7/04	Javier Gurot 8411 SW. 19 Ave. Miami, Fl. 33183	Supplies for Picnic	43. ⁷⁰
5 7/21	B+I Safe + Lock 18792 SW. 108 Ave. Miami, Fl.	Change Lock Campaign off.	71. ⁶³
6 7/21	Lima + Rios 8360 W. Flagler St. Miami, Fl. 33144	Rent Campaign off.	2400. ⁰⁰
7 6/30	Diario Las Americas 2900 NW. 39 St Miami, Fl.	Political Add	219. ²⁰
8 8/15	Ahora Printing Co. 6218 SW. 8 St. Miami, Fl.	Mailing Letter Printing	2,952. ¹⁰
9 9/20	La Actualidad P.O. Box 441776 Miami, Fl. 33144	Political Add	300. ⁰⁰
10 9/20	Editorial Libertad 922 E. 31 St. Hialeah, Fl. 33013	Political Add	100. ⁰⁰
11 9/20	The Gazette 4730 W. Flagler St. Miami, Fl. 33134	Political Add	300. ⁰⁰
12 9/20	Centro Mater 418 SW. 4th Ave. Miami, Fl. 33130	Donation	5,000. ⁰⁰

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ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/30/94 Page 4 of 6 Pages

Javier Sauto Dade County Commissioner DIST. #10

Name of Candidate, Political Committee or Committee of Continuous Existence

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1 7/22	Wissette Enrera 8961 SW 97th Miami, FL 33174	Typesetting	700. ⁰⁰
2 8/10	Fina Oil P.O. Box 219034 Dallas, TX 75201	GAS	10. ⁰⁰
3 8/10	Amoco P.O. Box 9014 Des Moines, IA 50318	GAS	37. ¹²
4 8/10	Petty Cash 2620 SW 115 Ave. Miami, FL 33165	Food Meeting Volunteers	439. ³⁵
5 9/02	Arne Enterprises P.O. Box 35-1382 Miami, FL 33135	Political ADD	475. ⁰⁰
6 9/02	La Voz de la Calle P.O. Box 3187 Miami, FL	4	300. ⁰⁰
7 9/02	Miami Beach Art Deco Publishers 169 Lincoln Rd M. Beach, FL 33339	4	200. ⁰⁰
8 9/02	Horizontes P.O. Box 52-6768 Miami, FL	4	200. ⁰⁰
9 9/02	Southern Bell P.O. Box 100100 Columbia, SC 29201	Phone	183. ⁴⁸
10 9/02	Sun Newspaper P.O. Box 880844 Miami	Political ADD	250. ⁰⁰
11 9/02	Los Tiempos P.O. Box 450661 Miami, FL	4	600. ⁰⁰
12 9/02	La Nacion P.O. Box 650006 Miami, FL	4	300. ⁰⁰

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ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/20/94 Page 5 of 6 Pages

Javier DeSanto County Comm. Dist # 10

Name of Candidate, Political Committee or Committee of Continuous Existence

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
1. 9/20	Liga Contra El Cancer 1895 SW 35 Ave. Miami, FL 33130	Donation	5,000. ⁰⁰
2. 9/20	INT'L Rett Syndrome Assoc. 9121 Piscataway Rd. ST. 2B Clinton, MD. 20735	Donation	1,000. ⁰⁰
3. 9/20	Universidad de Miami Microb. & Immunology Dept. 1600 NW 10th Ave. Miami, FL 33136	Donation	10,000. ⁰⁰
4. 9/20	Sylvester Comprehensive Cancer Center - Breast Cancer Research, 1475 NW Miami, FL	Donation	15,000. ⁰⁰
5. 9/20	U.M. Multiple Sclerosis Research Ctr.	Donation	10,000. ⁰⁰
6.	1501 NW 9th Ave Miami, FL 33136		
7. 9/20	U.M. Parkinson Found. Brain Endowment Resch. Parkinson Bldg. Miami, FL 33136	Donation	5,000. ⁰⁰
8. 9/23	Rebull Group 2600 Douglas Rd. Coral Gables, FL 33134	Consulting	6,000. ⁰⁰
9. 9/20	Glaciella Abad 9520 SW 8th St. Miami, FL 33174	Fund Bank	3,000. ⁰⁰
10. 9/28	Diario Las Americas P.O. Box 59377 Miami, FL	Political Ad	145. ⁰⁰
11. 9/28	Saborido Flowers 8253 SW 40th St Miami, FL 33156	Flowers for Campaign off.	34. ⁰⁰
12. 9/28	La Prensa de Miami P.O. Box 44-7040 Miami, FL 33144	Political Ad	300. ⁰⁰

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ELECTORAL
DIVISION
OCT 11 1994
11 34 PM '94

ITEMIZED EXPENDITURES

Report Covering Period of 7/01/94 through 9/30/94 Page 6 of 6 Pages

Javier Sauto County Comm. - DIST # 10

Name of Candidate, Political Committee or Committee of Continuous Existence

439.35

Total amount spent for Pay Cash purposes during the Reporting Period

Transfer of Funds to Interest Bearing Account or Certificate of Deposit from Campaign Account			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Use	Full Name, Mailing Address and Zip Code	Purpose or Expenditure	Amount
1. 9/26	His House 7000 NW. 33 RD . Miami, FL 33166	Donation	500. ⁰⁰
2. 9/28	St. Brendan Church 87 Ave SW. E 32 ST. Miami, FL	Donation	500. ⁰⁰
3. 9/30	Southern Bell P.O. Box 467624 Atlanta, GA 31146	Deposit Refund	(317.91)
4. 9/30	St. Jude Shrine 309 N. Paer St. Baltimore, MD 21201	Donation	100.00
5. 9/30	St. Agatha Church 107 Ave. SW. + 12 ST. Miami, FL	Donation	204.00
6. 9/30	Republic Natl BK Coral Way + 97 th Ave Miami, FL	Service Charge	23.50
7. 9/30	St. Joseph's Indian School Chamberlain, SD. 57326	Donation	50. ⁰⁰
8. 9/30	Miami Children's Hosp Fund 3000 SW. 62 nd Ave. Miami, FL 33155	Donation	450. ⁰⁰
9.			
10.			
11.			
12.			

97043823412

RECEIVED
9/14 OCT 11 PM 3:10
ELECTIONS DEPARTMENT

**GWEN MARGOLIS CAMPAIGN FUND
13899 BISCAYNE BOULEVARD
SUITE 103
NORTH MIAMI BEACH, FLORIDA 33181**

AUG 7 12 03 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

August 1, 1996

Jose M. Rodriguez, Attorney
Federal Election Commission
Washington, D.C. 20463

CERTIFIED MAIL
P 335 909 620

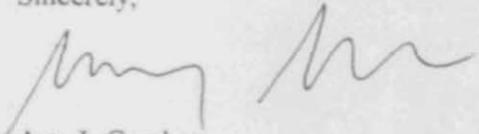
**RE: MUR 4398
Gwen Margolis Campaign Fund**

Dear Mr. Rodriguez,

I am in receipt of the July 25, 1996 letter written by John Warren McGarry, Vice Chairman in reference to the above matter. In response to that letter please note that immediately upon finding out that Mr. Kramer unlawfully contributed to the Gwen Margolis Campaign Fund, I refunded to Mr. Kramer all unlawful donations. I am enclosing copies of those checks as well as the cover letter that went with the refund. In April of 1995 the Gwen Margolis Campaign Account was closed. I am enclosing the final bank statement as proof.

These two enclosures should resolve any pending questions in regard to the Gwen Margolis Campaign Fund. If there are any other questions or comments, please do not hesitate to contact the undersign.

Sincerely,



Ann J. Gordon
Campaign Treasurer

Enclosures

97043823413

97043823414

CAMPAIGN ACCOUNT OF GWEN MARGOLIS

1364

THE SENATOR BUILDING
13899 BISCAYNE BLVD.
NORTH MIAMI, FL 33181

Nov 21 19 94

63-606/670
23

PAY TO THE ORDER OF

Santorin Isle, Inc.

\$ 500⁰⁰ ⁰⁰/₁₀₀

Five hundred dollars

DOLLARS



NORTH MIAMI BRANCH
INTERCONTINENTAL BANK
12700 BISCAYNE BOULEVARD
NORTH MIAMI, FLORIDA 33181

FOR return of contribution

[Signature]

⑈001364⑈ ⑆067006063⑆ 2301003533⑈

CAMPAIGN ACCOUNT OF GWEN MARGOLIS

1365

THE SENATOR BUILDING
13899 BISCAYNE BLVD.
NORTH MIAMI, FL 33181

Nov 21 19 94

63-606/670
23

PAY TO THE ORDER OF

Olympus Holdings, Inc.

\$ 100⁰⁰ ⁰⁰/₁₀₀

One hundred dollars

DOLLARS



NORTH MIAMI BRANCH
INTERCONTINENTAL BANK
12700 BISCAYNE BOULEVARD
NORTH MIAMI, FLORIDA 33181

FOR return of contribution

[Signature]

⑈001365⑈ ⑆067006063⑆ 2301003533⑈

G W E N MARGOLIS

COMMISSIONER DISTRICT 4 13899 Biscayne Boulevard, North Miami Beach, Florida 33181, (305) 949-4541

November 22, 1994

Thomas Kramer, President
Portofino Group
446 Collins Avenue
Miami Beach, Florida 33139

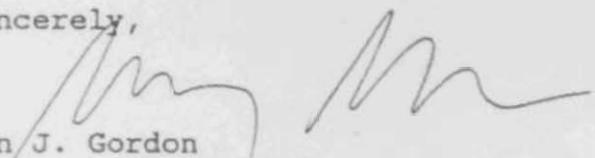
Dear Mr. Kramer,

I am in receipt of your letter dated November 3, 1994 requesting a refund of your various contributions to our campaign. Enclosed please find the following refund checks:

<u>CHECK #</u>	<u>TO WHOM</u>	<u>AMOUNT</u>
1361	2 Star Island	\$500.00
1362	5 Star Island	500.00
1363	SBE	500.00
1364	Santorin Isle	500.00
1365	Olympus Holding	100.00

I would appreciate it if you could cash these checks quickly because, I am closing this account very soon.

Sincerely,


Ann J. Gordon
Campaign Treasurer

enc.

97043823416

305-891-0520
 NORTH MIAMI BRANCH
 12700 BISCAYNE BOULEVARD
 NORTH MIAMI, FLORIDA 33181

PAGE NBR 1

ACCOUNT NUMBER
 2301003535

1

STATEMENT DATE 05/31/95
 AS OF DATE 05/31/95

CAMPAIGN ACCOUNT OF GWEN MARGOLIS
 C/O ANN GORDON
 THE SENATOR BLDG
 13899 BISCAYNE BLVD
 N MIAMI FL 33181

CL
 0001
 0025

TAX ID NBR 20-3267740

FINAL STATEMENT

BUSINESS CHECKING ACCOUNT

LAST STATEMENT BALANCE	1,957.27	DATE	04/28/95
+ DEPOSITS/CREDITS	6.92	NUMBER	
- CHECKS/DEBITS	1,964.19	NUMBER	
+ INTEREST EARNED	.00	YTD	.00
- SERVICE CHARGE	.00		
BALANCE THIS STATEMENT	.00		
AVERAGE COLLECTED BALANCE	.45-		

** TRANSACTION DETAIL **

DATE DESCRIPTION	AMOUNT
05/03 CREDIT MEMO	6.92

** CHECKS PAID **

CHECK NBR	DATE	AMOUNT	CHECK NBR	DATE	AMOUNT
1378	05/31/95	1,964.19			
*GAP IN NBR SEQ			TOTAL CHECKS		1,964.19

** DAILY BALANCE INFORMATION **

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
04/30	1,957.27	05/01	6.92-	05/03	.00
05/31	.00				

919704 382 3417
 HOLLY



PLEASE EXAMINE YOUR STATEMENT IMMEDIATELY. IF NO ERRORS ARE REPORTED IN TEN DAYS THIS ACCOUNT WILL BE CONSIDERED CORRECT.
 NOTICE: SEE REVERSE SIDE FOR RECONCILEMENT FORM



RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 9 12 11 PM '96



1000 Brickell Avenue Suite 900
Miami, Florida 33131
(305) 373-6200 Fax (305) 373-2626
National (800) 766-5095

August 5, 1996

AUG 9 12 12 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mr. Jose M. Rodriguez
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4398
Mike Karpel Campaign Fund

Dear Mr. Rodriguez:

Pursuant to our telephone conversation of last Friday, I am enclosing herewith the four "campaign treasurer reports" which encompass the life of the above referred to campaign fund, from its inception to its eventual close on February 3, 1994.

As you can see, the Campaign Fund closed with no money with which to repay its only outstanding debts, loans owed to the undersigned, Miguel Karpel, totalling \$15,500. The Campaign Fund is therefore unable to disgorge the requested \$6,500.00.

Needless to say, I am still (and will be for some time) in shock after reading your letter dated July 25th. I am relieved, nevertheless, to find that the Commission found no reason to take further action and to close its file. As I explained, when these contributions were received, I did not know, nor had reason to know, that they were in violation of 2 U.S.C. § 441e.

I thank you for your assistance in resolving this matter.

Very truly yours,

Miguel Karpel

MK/jms

Enclosures

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97043823418

Campaign Treasurer's Report

(Please Type)

Identification Number:

I. Karpel, Miguel
(Candidate's name or Last Name, First Name, Middle Initial or Name of Political Committee, Committee of Continuous Existence, or Party Name)
City of Miami Beach Commissioner Group III
(Office Sought)
1741 Cleveland Road
(Address (Number and Street))
Miami Beach, Florida 33141
(City, State and Zip Code)

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee

Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.

Campaign depository or bank account number: Sun Bank 380002229132

II. Type of Report (Check Appropriate Box)

January 10 April 10 July 10 October 10

32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Secondary Primary
 4th day preceding Secondary Primary
 18th day preceding General Election
 4th day preceding General Election

Special Election
 Termination Report (Candidates only)

This Report is An Amendment

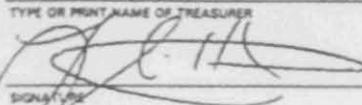
III. Covering Period of August 4, 1993 through September 30, 1993

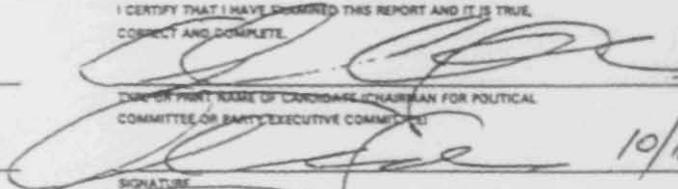
	Column 1	Column 2	Column 3	Column 4
	Cash & Checks	Loans	Total Monetary (Column 1 + 2)	In-Kind
IV. CONTRIBUTIONS				
A. Contributions Brought Forward From Previous Report, if Any	0.00	0.00	0.00	0
B. Contributions This Report	20,300.00	15,500.00	35,800.00	
C. Total Contributions (Add Lines A & B)	20,300.00	15,500.00	35,800.00	0

V. EXPENDITURES				
A. Expenditures Brought Forward From Previous Report, if Any			0.00	0
B. Expenditures This Report (Excluding Transfers to Office Account)			30,078.67	
C. Transfers to Office Account (Candidates Only)			0.00	
D. Total Expenditures (Add Lines A, B & C)			30,078.67	0

VI. BALANCE		
A. Balance in Account at End of Prior Period (For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)		0
B. Total Monetary Contributions (from line C, Column 3 above)		35,800.00
C. Total Expenditures (from line D, Column 3 above)		30,078.67
D. ACCOUNT BALANCE (Line A + Line B - Line C)		5,721.33

VII. Amount of 1.5 percent assessment remitted with this report:
(For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.
LAWRENCE A. HERMAN
TYPE OR PRINT NAME OF TREASURER

SIGNATURE

I CERTIFY THAT I HAVE SIGNED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

TYPE OR PRINT NAME OF CANDIDATE (CHAIRMAN FOR POLITICAL COMMITTEE OR PARTY EXECUTIVE COMMITTEE)
10/11/93
SIGNATURE

97043823419

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 1 of 2 Pages

Miguel Karpel

Name of Candidate, Political Committee, Committee of Continuous Existence, or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 8/4/93	Miguel Karpel 1741 Cleveland Road Miami Beach, Florida 33141-1720	Loan	500.00		
2. 8/6/93	Ira Krieger 1254 Cleveland Road Miami Beach, Florida 33141	Businessman	500.00		
3. 8/6/93	Anita Krieger 1254 Cleveland Road Miami Beach, Florida 33141	Housewife	500.00		
4. 8/6/93	Haddon Hall Association, Ltd., 1230 Cleveland Road Miami Beach, Florida 33141	Hotel	500.00		
5. 8/6/93	Camoton Associates, Ltd. 1230 Cleveland Road Miami Beach, Florida 33141	Real Estate	500.00		
6. 8/6/93	1150 Associates, Ltd. 1230 Cleveland Road Miami Beach, Florida 33141	Real Estate	500.00		
7. 8/6/93	Deluxe Associates, Ltd. 1230 Cleveland Road Miami Beach, Florida 33141	Real Estate	500.00		
8. 8/6/93	Regency Home Health Associates, Inc. 999 Washington Avenue Miami Beach, Florida 33139	ACLF	250.00		
9. 8/6/93	Renaissance Retirement Community, Inc. D/B/A The Plaza South 999 Washington Avenue Miami Beach, Florida 33139	ACLF	250.00		
10. 8/6/93	Regency Action, Inc. 999 Washington Avenue Miami Beach, Florida 33139	Equipment	250.00		
11. 8/6/93	A-NUTEMP, INC. 19593 Northeast 10 Avenue Bay C & D North Miami Beach, Florida 33178	A/C Contractor	500.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823420

ITEMIZED CONTRIBUTIONS

(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 2 of 7 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 8/5/93	Regency Supply, Inc. 999 Washington Avenue Miami Beach, Florida 33139	Equipment	250.00		
2. 8/5/93	The Plaza at James, Inc. 1745 James Avenue Miami Beach, Florida 33139	ACLF	250.00		
3. 8/5/93	American Interstate Corporation 1830 Meridian Avenue Miami Beach, Florida 33139	Real Estate	500.00		
4. 8/18/93	Sheldon Greene & Associates, Inc. 1720-79th Street Causeway Miami Beach, Florida 33141	N/A	25.00		
5. 8/19/93	Gumenick Properties 900 West Avenue Miami Beach, Florida 33139	Real Estate	200.00		
6. 8/24/93	Norm Schecter 5555 Collins Avenue, PH-8 Miami Beach, Florida 33140	Real Estate	500.00		
7. 8/26/93	Placido 'Pete' Blanco 15420 Southwest 81 Avenue Miami, Florida 33157	Insurance	500.00		
8. 9/3/93	John E. Acebal d/b/a Bobcat Rental 15306 S.W. 72 St. Bldg. 27, No. 14 Miami, Florida 33133	N/A	100.00		
9. 9/3/93	Budget Tool & Fastener, Inc. d/b/a Light Bulb Depot 529 South 21 Avenue Hollywood, Florida 33020	N/A	100.00		
10. 9/3/93	IDS Long Distance, Inc. P.O. Box 1736 Hallendale, Florida 33008-1736	Long Distance Carrier	100.00		
11. 8/9/93	Miguel Karpel 1741 Cleveland Road Miami, Beach, Florida 33141	Loan	15,000.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823421

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993

Page 3 of 7 Pages

Miguel Kargel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committees

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 9/10/93	HAVA, Inc. 100 Lincoln Road Miami Beach, Florida 33139	Real Estate	250.00		
2. 9/10/93	Stanley Bloom 5401 Collins Avenue Miami Beach, Florida 33140	Businessman	250.00		
3. 9/10/93	Robyn Small Elliott 4300 Southwest 72 Way Davie, Florida 33314	Administrative Assistant	250.00		
4. 9/10/93	Yeffa Guzi Kirat 5401 Collins Avenue Miami Beach, Florida 33140	Administrative Assistant	250.00		
5. 9/10/93	Dalia Buckle 5005 Collins Avenue Miami Beach, Florida 33140	Administrative Assistant	250.00		
6. 9/10/93	Rafeal Naim 100 Lincoln Road Miami Beach, Florida 33139	Mortgage Processor	250.00		
7. 9/10/93	Ely Bashary 1720 Fuller Avenue Los Angeles, California 90048	Mortgage Processor	250.00		
8. 9/10/93	Oz Nissim 100 Lincoln Road Miami Beach, Florida 33139	Construction	250.00		
9. 9/10/93	Tomer Bitton 5445 Collins Avenue Miami Beach, Florida 33140	Mortgage Processor	250.00		
10. 9/15/93	Humberto Bethencourt 9608 Southwest 117 Avenue Miami, Florida 33186	Construction	250.00		
11. 9/20/93	Dina Masika 20525 Northeast 19 Court North Miami Beach, Florida 33179	Sales	250.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823422

ITEMIZED CONTRIBUTIONS

(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 4 of 7 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 9/20/93	Steven Plotkin 680 Conde Avenue Coral Gables, Florida 33156	N/A	100.00		
2. 9/20/93	Bruce Melceras 1228 West Avenue, Apartment 701 Miami Beach, Florida 33139	N/A	100.00		
3. 9/20/93	Keith Kovens 1320 Daytona Road Miami Beach, Florida 33141	Construction	500.00		
4. 9/20/93	Steve Franklin 11801 Wilshire Boulevard Los Angeles, California 90025	N/A	100.00		
5. 9/20/93	Loren Granoff 555 Northeast 15 Street Miami, Florida 33132	N/A	100.00		
6. 9/20/93	Cobel Industries, Inc. 17971 Biscayne Boulevard North Miami Beach, Florida 33160	N/A	50.00		
7. 9/20/93	Smith and Supraski, P.A. 11900 Biscayne Boulevard Miami, Florida 33181	N/A	100.00		
8. 9/20/93	Suzanne H. Hassen 100 Lincoln Road Miami Beach, Florida 33139	Secretary	250.00		
9. 9/23/93	Jaima Wenguer, P.A. 233 Northeast 16 Street Miami, Florida 33132	N/A	75.00		
10. 9/23/93	Dina Karpel 5555 Collins Avenue Miami Beach, Florida 33140	Retired Person	200.00		
11. 9/23/93	Yosel Robinsky 1020 Meridian Avenue Miami Beach, Florida 33139	N/A	50.00		

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97043823423

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 5 of 7 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount

Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 9/23/93	Jaime Borenstein 1664 Collins Avenue Miami Beach, Florida 33139	N/A	50.00		
2. 9/23/93	Stretch Your Dollar 1668A Collins Avenue Miami Beach, Florida 33139	N/A	25.00		
3. 9/23/93	Three Fifty Corporation 350 Lincoln Road Miami Beach, Florida	N/A	50.00		
4. 9/23/93	Moises Chorowski 1260-98th Street Bay Harbor Island, Florida 33154	N/A	25.00		
5. 9/23/93	Surgical Park Center, Ltd. 9100 Southwest 87 Avenue Miami, Florida 33176	Medical Provider	500.00		
6. 9/23/93	Medical Park Diagnostic Multicenter, Ltd. 9090 Southwest 87 Court Miami, Florida 33176	Medical Provider	500.00		
7. 9/23/93	Kendall Therapy Center 6825 Southwest 87 Avenue Miami, Florida 33176	Medical Provider	500.00		
8. 9/23/93	North Miami Beach Surgical Center 120 Northeast 187 street North Miami Beach, Florida 33162	Medical Company	500.00		
9. 9/23/93	Kendall Regional Medical Center 11750 Bird Road Miami, Florida 33175	Medical Company	500.00		
10. 9/23/93	IRAMCO, Inc. 1301 Dade Boulevard Miami Beach, Florida 33139	Real Estate	250.00		
11. 9/24/93	Steven Goldman 600 Northeast 36 Street Miami, Florida 33137	Attorney	250.00		

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ITEMIZED CONTRIBUTIONS

(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 6 of 7 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 9/28/93	Five Star Sanitation 3315 Northwest 48 Street Miami, Florida 33142	N/A	100.00		
2. 9/28/93	Jacob Levy, M.D. 1855 Cleveland Road Miami Beach, Florida 33141	N/A	100.00		
3. 9/28/93	Rotbart and Associates, Inc. 2401 Collins Avenue Miami Beach, Florida 33140	N/A	100.00		
4. 9/28/93	Mike's Cigar Distributors, Inc. 465 Arthur Godfrey Road Miami Beach, Florida 33140	N/A	100.00		
5. 9/28/93	Carlos D'Gabriel 521 Lincoln Road Miami Beach, Florida 33139	N/A	100.00		
6. 9/28/93	Francisco Armandia, M.D. 1330 Coral Way, Suite 205 Miami, Florida 33166	Doctor	500.00		
7. 9/28/93	Eugenia Legorburu, M.D. 1330 Coral Way, Suite 205 Miami, Florida 33166	Doctor	500.00		
8. 9/28/93	Alberto Karpel 7302 Southwest 132 Place Miami, Florida 33183	Businessman	500.00		
9. 9/28/93	Zovid, Inc. 999 Washington Avenue Miami Beach, Florida 33139	Real Estate	500.00		
10. 9/28/93	Mazel Properties, Inc. 855 Collins Avenue Miami Beach, Florida 33139	Real Estate	500.00		
11. 9/28/93	IDS Long Distance, Inc. P.O. Box 1738 Hallandale, Florida 33008	Long Distance Carrier	300.00		

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97043823425

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of August 4, 1993 through September 30, 1993 Page 7 of 7 Pages

Miguel Karpal

Name of Candidate, Political Committee, Committee of Continuous Existence, or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount

Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 9/29/93	Comprehensive Communications 1995 Northeast 142 Street North Miami Beach, Florida 33181	Computer Company	250.00		
2. 9/29/93	Era Katz 2665 South Bayshore Drive Coconut Grove, Florida 33133	N/A	100.00		
3. 9/29/93	Leon Agami 1034 Northwest 99 Avenue Plantation, Florida 33322	Businessman	500.00		
4. 9/29/93	Jack Chester 1855 Brickell Avenue Miami, Florida 33129	N/A	100.00		
5. 9/30/93	Bizz Realty 407 Lincoln Road, Suite 10C Miami Beach, Florida 33139	Real Estate	500.00		
6. 9/30/93	USA Express, Inc. 407 Lincoln Road, Suite 10C Miami Beach, Florida 33139	Real Estate	500.00		
7. 9/30/93	Aiton Jai, Inc. 523 Michigan Avenue Miami Beach, Florida 33139	Real Estate	300.00		
8. 9/30/93	Fryd Developers, Ltd. 523 Michigan Avenue Miami Beach, Florida 33139	N/A	100.00		
9. 9/30/93	B B Plaza, Ltd. 523 Michigan Avenue Miami Beach, Florida 33139	N/A	100.00		
10. 9/30/93	Jose Rodriguez-Valdes, M.D. 3861 South Miami Avenue Miami, Florida 33133	M.D.	200.00		
11. 9/30/93	Carlos Wasserstein 701 Fairway Drive Miami Beach, Florida	N/A	50.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823426

ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of August 4, 1993 through September 30 1993

Page 1 of 5 Pages

Miguel Karsel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 403.78

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Date	Name of Financial Institution	Nature of Account	Amount
	Full Name, Mailing Address and Zip Code		Purpose of Expenditure
1. 8/12/93	Carol Reskin/Smaling 8541 Southwest 36 Street Miami, Florida 33155		Artist 190.00
2. 8/16/93	Communikatz, Inc. 4500 Biscayne Boulevard, Suite 325 Miami, Florida 33127		Campaign Services 2,000.00
3. 8/18/93	Miami Herald 7915 Northwest 53 Street Miami, Florida 33166		Campaign Advertising 225.75
4. 8/18/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014		Campaign Printing 198.09
5. 8/20/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141		Campaign Coordinator Compensation 340.00
6. 8/20/93	Greg Hark Photographics 327 West 47 Place Miami Beach, Florida 33140		Photography 958.50
7. 8/20/93	The Reporter of Dada 840 Lincoln Road, Suite 220 Miami Beach, Florida 33139		Campaign Advertising 140.00
8. 8/20/93	Wire 1638 Euclid Avenue Miami Beach, Florida 33129		Campaign Advertising 200.00
9. 8/20/93	Miami Beach Sun Post 1000 Lincoln Road Miami Beach, Florida 33139		Campaign Advertising 252.00
10. 8/24/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014		Printing 296.07
11. 8/27/93	Greg Hark Photographics 327 West 47 Place Miami Beach, Florida 33140		Photography 47.93
12. 8/27/93	Award Makers, Inc. 800 Northeast 125 Street North Miami, Florida 33161		Printing 48.55

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of August 4, 1993 through September 30 1993 Page 2 of 5 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 403.78

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution		Nature of Account	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 8/27/93	Elizabeth Mitran 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	340.00
2. 8/27/93	Elizabeth Mitran 8100 Byron Avenue Miami Beach, Florida 33141	Auto Expense	31.01
3. 8/31/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014	Printing	1,142.75
4. 9/3/93	Elizabeth Mitran 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	340.00
5. 9/3/93	Cash	Postage	50.00
6. 9/10/93	City of Miami Beach City Hall 1700 Convention Center Drive Miami Beach, Florida 33139	Candidate Filing Fee	864.00
7. 9/10/93	Miami Herald 7915 Northwest 53 Street Miami, Florida 33166	Campaign Advertising	157.50
8. 9/10/93	The Reporter of Dade 940 Lincoln Road, Suite 220 Miami Beach, Florida 33139	Campaign Advertising	150.00
9. 9/10/93	Gateway Outdoor Advertising 2650 West 84 Street Hialeah, Florida 33016	Campaign Advertising	1,400.00
10. 9/10/93	Communicatz, Inc. 4500 Biscayne Boulevard, Suite 325 Miami, Florida 33137	Campaign Services and Out of Pocket Expenses	3,351.10
11. 9/10/93	Elizabeth Mitran 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	340.00
12. 9/10/93	Empire Outdoor Advertising 5800 Northwest 77 Court Miami, Florida 33166	Campaign Advertising	2,800.00

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ITEMIZED EXPENDITURES
(Please Type)

Report Covering Period of August 4, 1993 through September 30 1993

Page 3 of 5 Pages

Miguel Kargel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period 403.78

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
	Name of Financial Institution	Nature of Account	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 9/10/93	Shelter Advertising 1360 Northwest 78 Avenue Miami, Florida 33126	Campaign Advertising	1,155.00
2. 9/10/93	Greg Hark Photographics 327 West 47 Place Miami Beach, Florida 33140	Photography	71.89
3. 9/10/93	Miami Jewish Tribune 3550 Biscayne Boulevard Miami, Florida 33137	Campaign Advertisies	134.00
4. 9/10/93	Miami Beach Sun Post 1000 Lincoln Road Miami Beach, Florida 33139	Campaign Advertising	135.00
5. 9/10/93	Rose Poster Printing Company 600 West 84 Street Hialeah, Florida 33014	Printing	2,721.07
6. 9/10/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014	Printing	140.58
7. 9/13/93	Cash	Postage	58.00
8. 9/13/93	Metropolitan Dade County - Florida 111 Northwest 1 Street Miami, Florida 33128	Lists	22.00
9. 9/13/93	Sir Speedy 3886 Biscayne Boulevard Miami, Florida 33137	Copying	55.83
10. 9/13/93	Robert Rich Realty and Associates 701 Lincoln Road, Suite 104 Miami Beach, Florida 33139	Rent	250.00
11. 9/13/93	Mosl Electronics Corp. 153 Northeast 1 Street Miami, Florida 33132	Telephones	85.20
12. 9/14/93	Southern Bell Atlanta, Georgia	Installation & Deposit	730.00

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of August 4, 1993 through September 30 1993

Page 4 of 5 Pages

Miguel Kargal

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 403.78

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution		Nature of Account	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 9/18/93	Antonio Cartas 533 Collins Avenue Miami Beach, Florida 33139	Consulting	1,000.00
2. 9/20/93	Maria Alvarez 1038 11 Street Miami Beach, Florida 33139	Consulting	1,000.00
3. 9/21/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014	Printing	1,107.60
4. 9/21/93	Walter Haas & Sons 123 West 23 Street Hialeah, Florida 33010	Printing	1,096.95
5. 9/21/93	Southern Pro Photoprint, Inc. 12450 Northeast 13 Place North Miami, Florida 33161	Photographs	103.31
6. 9/23/93	Metropolitan Dade County - Florida 111 Northwest 1 Street Miami, Florida 33128	List	22.00
7. 9/24/93	Spanish American League Against Discrimination 900 Southwest 1 Street Miami, Florida	Public Relations	500.00
8. 9/24/93	Sir Speedy 3886 Biscayne Boulevard Miami, Florida 33137	Printing	74.93
9. 9/24/93	Beach Letter Service, Inc. 1437 Washington Avenue Miami Beach, Florida 33139	Mailings	74.55
10. 9/24/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	680.00
11. 9/27/93	Brands Mart U.S.A. 4900 Northwest 167 Street Miami, Florida 33014 (Check payable to American Express)	Fox machine	583.36
12. 9/14/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141	Expenses	39.45

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of August 4, 1993 through September 30 1993 Page 5 of 5 Pages

Miguel Karpel

Name of Candidate, Political Committee, Committee of Continuous Existence, or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 403.78

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Date	Name of Financial Institution	Nature of Account	Amount
1. 9/27/93	Metropolitan Dade County - Florida 111 Northwest 1 Street Miami, Florida 33128		22.00
2. 9/27/93	Art Fucarico 701 Lincoln Road, Suite 104 Miami Beach, Florida 33129	Telephone expense	60.00
3. 9/27/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	Postage	50.15
4. 9/30/93	Communkatz, Inc. 4500 Biscayne Boulevard, Suite 328 Miami, Florida 33137	Expenses	1,270.87
5. 9/30/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	Postage	511.06
6. 9/7/93	Sun Bank/Miami, N.A. 1111 Lincoln Road Miami Beach, Florida 33129	Bank charges	56.84
7.			
8.			
9.			
10.			
11.			
12.			

97043823431

Campaign Treasurer's Report

(Please Type)

Identification Number:

I. Karpel, Miguel
(Candidate's name by Last Name, First name, Middle initial or Name of Political Committee, Committee of Continuous Existence, or Party Name)
City of Miami Beach Commissioner Group III
(Office sought)
1741 Cleveland Road
(Address (Number and Street))
Miami Beach, Florida 33141
(City, State and Zip Code)

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee
 Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.

Campaign depository or bank account number: Sun Bank 390002129133

II. Type of Report (Check Appropriate Box)

January 10 April 10 July 10 October 10
 32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Secondary Primary
 4th day preceding Secondary Primary
 18th day preceding General Election
 4th day preceding General Election
 Special Election
 Termination Report (Candidates only)
 This Report is An Amendment

III. Covering Period of October 1, 1993 through October 8, 1993

	Column 1	Column 2	Column 3 Total Monetary (Column 1 + 2)	Column 4 In-Kind
IV. CONTRIBUTIONS	Cash & Checks	Loans		
A. Contributions Brought Forward from Previous Report, if Any	20,300.00	15,500.00	35,800.00	0
B. Contributions This Report	3,943.00	0.00	3,943.00	
C. Total Contributions <small>(Add Lines A & B)</small>	24,243.00	15,500.00	39,743.00	0

V. EXPENDITURES				
A. Expenditures Brought Forward From Previous Report, if Any			30,078.67	0
B. Expenditures This Report (Excluding Transfers to Office Account)			8,869.04	
C. Transfers to Office Account (Candidates Only)			0.00	
D. Total Expenditures <small>(Add Lines A, B & C)</small>			38,947.71	0

VI. BALANCE		
A. Balance in Account at End of Prior Period (For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)		0.00
B. Total Monetary Contributions (from line C, Column 3 above)		39,743.00
C. Total Expenditures (from line D, Column 3 above)		38,947.71
D. ACCOUNT BALANCE <small>(Line A + Line B - Line C)</small>		795.29

VII. Amount of 1.5 percent assessment remitted with this report:
(For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Laurence A. Herup
TYPE OR PRINT NAME OF TREASURER


SIGNATURE
 DS-06-12 (8/91)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Miguel Karpel
TYPE OR PRINT NAME OF CANDIDATE, MEMBERMAN FOR POLITICAL COMMITTEE OR PARTY EXECUTIVE COMMITTEE


SIGNATURE

97043823432

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 1, 1993 through October 8, 1993

Page 1 of 3 Pages

Miguel Karpal

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/1/93	M. Ronald Krongold 201 Alhambra Circle, 5th Floor Coral Gables, Florida 33134	Attorney	125.00		
2. 10/1/93	Paul Baas 16625 Southwest 82 Court Miami, Florida 33157	Attorney	125.00		
3. 10/1/93	Bay Point Office Tower 4770 Biscayne Boulevard Miami, Florida 33137	Real estate	500.00		
4. 10/4/93	Oscar Balsman P.O. Box 45-4408 Miami, Florida 33245	Business Consultant	500.00		
5. 10/4/93	George Feidenkraus 7495 Northwest 48 Street Miami, Florida 33186	Banker	500.00		
6. 10/5/93	Raul T. Rodriguez 8503 Southwest 144 Court Miami, Florida 33183	N/A	100.00		
7. 10/5/93	Ildoro Lerman 9655 East Bay Harbor Drive Bay Harbor Island, Florida 33148	N/A	100.00		
8. 10/5/93	Harvey D. Friedman, P.A. 3636 West Flagler Street Miami, Florida 33135	N/A	50.00		
9. 10/5/93	Joseph Nudelman, Inc. 5355 Town Center Road, Suite 704 Boca Raton, Florida 33486	Jeweler	250.00		
10. 10/5/93	Nathaniel H. Gordon 1985 South Ocean Drive, Apt 12-B Hallendale, Florida 33009-5930	Retired	108.00		
11. 10/7/93	Prospero Cabrera 700 51 Street Miami Beach, Florida 33140	N/A	25.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823433

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 1, 1993 through October 8, 1993 Page 2 of 3 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/7/93	Rappaport Accounting Co. 1655 Draxal Avenue, Suite 208 Miami Beach, Florida 33139	N/A	50.00		
2. 10/7/93	Perez-Abreu, Zamora & Hillman-Waller, P.A. 901 Ponce de Leon Boulevard, Suite 502 Coral Gables, Florida 33134	N/A	100.00		
3. 10/7/93	Miami International Sporting Goods, Inc. 27 Southeast 1 Avenue Miami, Florida 33131	N/A	100.00		
4. 10/8/93	Robert Arkin Contracting, Inc. 1827 Purdy Avenue Miami Beach, Florida 33139	N/A	100.00		
5. 10/8/93	Blackie Hunter 420 Lincoln Road, Suite 432 Miami Beach, Florida 33139	N/A	50.00		
6. 10/8/93	Alan Glackman 555 South Shore Drive Miami Beach, Florida 33141	Businessman	150.00		
7. 10/8/93	Michael Thompson 2140 Calais Drive Miami Beach, Florida 33141	N/A	100.00		
8. 10/8/93	Nily Falic 1375 North Biscayne Point Road Miami Beach, Florida 33141	N/A	100.00		
9. 10/8/93	Z. W. Kogan 420 Lincoln Road Miami Beach, Florida 33139	N/A	100.00		
10. 10/8/93	Forbert, Clement and Galbut, M.D., P.A. 4701 Meridian Avenue Miami Beach, Florida 33140	N/A	100.00		
11. 10/8/93	Martin Fine 100 Southeast 2 Street Miami, Florida 33131	Attorney	200.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823434

ITEMIZED CONTRIBUTIONS
(Pass Type)

Report Covering Period of October 1, 1993 through October 8, 1993

Page 3 of 3 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/8/93	Casa Tria Corp. 6520 Southwest 40 Street Miami, Florida 33155	Retail Sales	300.00		
2. 10/8/93	Kathy Lax 4300 Sheridan Street, Apartment 111 Hollywood, Florida 33021	N/A	50.00		
3. 10/8/93	Belina Sunjon 1171 Stillwater Drive Miami Beach, Florida 33141	N/A	10.00		
4. 10/1/93	Ramon Rodriguez 7481 Northwest 8 Court Plantation, Florida 33317	N/A	50.00		
5.					
6.					
7.					
8.					
9.					
10.					
11.					

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823435

ITEMIZED EXPENDITURES
(Please Type)

Report Covering Period of October 1, 1993 through October 8, 1993

Page 1 of 2 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 234.29

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)				
Name of Financial Institution		Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code		Purpose of Expenditure	Amount
1. 10/1/93	Shelter Advertising 1380 Northwest 78 Avenue Miami, Florida 33128		Advertising	1,155.00
2. 10/1/93	Empire Outdoor Advertising 5600 Northwest 77 Court Miami, Florida 33166		Advertising	2,800.00
3. 10/1/93	Sun Bank/Miami, N.A. 1111 Lincoln Road Miami Beach, Florida 33139		Bank charges	21.52
4. 10/4/93	Jewish National Fund 420 Lincoln Road Miami Beach, Florida 33139		Promotion	150.00
5. 10/4/93	Miguel Karpel 1741 Cleveland Road Miami Beach, Florida		Miscellaneous Campaign Expenses (Receipts on File)	1,224.47
6. 10/4/93	Office Depot 12190 Biscayne Boulevard Miami, Florida 33181		Supplies	156.29
7. 10/4/93	Greater Miami Chamber of Commerce 1801 Biscayne Boulevard Miami, Florida 33132		Promotion	70.00
8. 10/4/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141		Campaign Coordinator Compensation	340.00
9. 10/4/93	Award Makers, Inc. 800 Northeast 125 Street North Miami, Florida 33161		Printing	48.56
10. 10/4/93	Beach Letter Service 1497 Washington Avenue Miami Beach, Florida 33139		Printing	122.48
11. 10/5/93	Communicatz, Inc. 4500 Biscayne Boulevard Miami, Florida 33137		Expenses	500.00
12. 10/8/93	Sid Gersh 2180 Bay Drive Miami Beach, Florida 33139		Consulting	250.00

97043823436

ITEMIZED EXPENDITURES
(Please Type)

Report Covering Period of October 1, 1993 through October 8, 1993

Page 8 of 7 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 234.29

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Date	Name of Financial Institution Full Name, Mailing Address and Zip Code	Nature of Account	Amount
1. 10/8/93	Elizabeth Mirani 8100 Byron Avenue Miami Beach, Florida 33141		340.00
2. 10/8/93	Metropolitan Dade County - Florida 111 Northwest 1 Avenue Miami, Florida 33128		110.00
3. 10/8/93	Sir Speedy 1859 James Avenue Miami Beach, Florida 33139		103.22
4. 10/8/93	Continental Business Forms, Inc. 1519 Northwest 82 Avenue Miami, Florida 33126		120.00
5. 10/8/93	American Data Management 1920 Old Middlefield Way Mountain View, California 94043		1,145.21
6. 9/27/93	Metropolitan Dade County - Florida 111 Northwest 1 Avenue Miami, Florida 33128		(22.00)
7.			
8.			
9.			
10.			
11.			
12.			

97043823437

Campaign Treasurer's Report

(Please Type)

Identification Number:

I. Karpel, Miguel
(Candidate's name by Last Name, First Name, Middle Initial or Name of Political Committee, Committee of Continuous Existence, or Party Name)
City of Miami Beach Commissioner Group III
(Office Sought)
1741 Cleveland Road
Address (Number and Street)
Miami Beach, Florida 33141
City, State and Zip Code

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee

Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.

Campaign depository or bank account number: Sun Bank 380002229132

II. Type of Report (Check Appropriate Box)

January 10 April 10 July 10 October 10

32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Secondary Primary
 4th day preceding Secondary Primary
 18th day preceding General Election
 4th day preceding General Election

Special Election
 Termination Report (Candidates only)

This Report is An Amendment

III. Covering Period of October 9, 1993 through October 28, 1993

	Column 1	Column 2	Column 3 Total Monetary (Column 1 + 2)	Column 4 In-Kind
IV. CONTRIBUTIONS	Cash & Checks	Loans		
A. Contributions Brought Forward from Previous Report, if Any	24,243.00	15,500.00	39,743.00	0
B. Contributions This Report	44,515.00	0.00	44,515.00	6,083.62
C. Total Contributions <small>(Add Lines A & B)</small>	68,758.00	15,500.00	84,258.00	6,083.62

V. EXPENDITURES				
A. Expenditures Brought Forward from Previous Report, if Any			38,947.71	N/A
B. Expenditures This Report (Excluding Transfers to Office Account)			30,446.38	
C. Transfers to Office Account (Candidates Only)			0.00	
D. Total Expenditures <small>(Add Lines A, B & C)</small>			69,394.09	N/A

VI. BALANCE		
A. Balance in Account at End of Prior Period (For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)		0.00
B. Total Monetary Contributions (from line C, Column 3 above)		84,258.00
C. Total Expenditures (from line D, Column 3 above)		69,394.09
D. ACCOUNT BALANCE <small>(Line A + Line B - Line C)</small>		14,863.91

VII. Amount of 1.5 percent assessment remitted with this report:
(for Political Committees, Committees of Continuous Existence and Party Executive Committees Only)

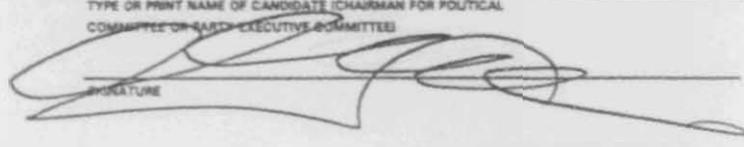
I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Laurence A. Hartup
TYPE OR PRINT NAME OF TREASURER

Miguel Karpel
TYPE OR PRINT NAME OF CANDIDATE (CHAIRMAN FOR POLITICAL COMMITTEE OR PARTY EXECUTIVE COMMITTEE)

SIGNATURE 

SIGNATURE 

97043823458

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 1 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/9/93	Continental Business Forms 1519 Northwest 82 Avenue Miami, Florida 33128	Printer		109.62	Printing
2. 10/11/93	Emmanuel H. Wolloch 4495 Nautilus Road Miami Beach, Florida 33140	n/a		25.00	Reception
3. 10/12/93	Raul Garfinkel 675 South Shore Drive Miami Beach, Florida 33141	n/a		25.00	Reception
4. 10/12/93	Isaac Zelcer 1215 North Biscayne Point Road Miami Beach, Florida 33141	Tie Manufacturer	500.00		
5. 10/12/93	Alan Zelcer 1480 Daytonia Road Miami Beach, Florida 33141	Tie Manufacturer	250.00		
6. 10/12/93	Markes Printing & Graphics Center, Inc. 8400 Northwest 52 Avenue Miami, Florida 33188	Printer	300.00		
7. 10/13/93	Steven Weisman 6625 Sheffield Road Miami Beach, Florida	Dentist		500.00	Reception
8. 10/13/93	Professional Medical Associates, P.A. 11880 Bird Road, Suite 412 Miami, Florida 33175	Doctors	500.00		
9. 10/13/93	Alexandre Wolloch 4495 Nautilus Road Miami Beach, Florida 33140	Importer/Exporter High Tech. Equipment	500.00		
10. 10/13/93	Sabeto Garazi 8055 Noremac Avenue Miami Beach, Florida 33141	n/a	50.00		
11. 10/13/93	Edward Decker & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	n/a	100.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823439

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 2 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/13/93	E. Levy Corporation, Inc. 1614 Washington Avenue Miami Beach, Florida 33139	Unisex Clothing Retailer	200.00		
2. 10/13/93	Ileana Alvarez-Jacinto 1865 Cleveland Road Miami Beach, Florida 33141	n/a	100.00		
3. 10/13/93	Bruce Martens 7406 Gray Avenue Miami Beach, Florida 33141	n/a	100.00		
4. 10/13/93	Eli Jacob 9 Island Avenue, Apt PH-8 Miami Beach, Florida 33139	Real Estate	200.00		
5. 10/13/93	Dinah Mitrani Wagner 8926 Abbott Avenue Surfside, Florida 33154	n/a	100.00		
6. 10/13/93	Neil Alter 9801 Collins Avenue, Apt. 11-W Bal Harbour, Florida 33154	n/a	100.00		
7. 10/14/93	Goral Enterprises, Inc. 6095 Northwest 167 Street, #D-1 Miami Lakes, Florida 33015	Plumbing Contractor	500.00		
8. 10/14/93	Stuart Sisky 220 West Rivo Alto Drive Miami Beach, Florida 33139	n/a	100.00		
9. 10/14/93	Edmee Pratz Magrisso 1481 Northwest North River Drive Miami, Florida 33125	n/a	100.00		
10. 10/14/93	Dalia Glottman 5446 North Bay Road Miami Beach, Florida 33140	Real Estate Investor	200.00		
11. 10/14/93	Israel Magrisso 1481 Northwest North River Drive Miami, Florida 33125	n/a	25.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823440

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 3 of 17 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/14/93	Julio E. Magrino 1600 Cleveland Road Miami Beach, Florida 33141	n/a	50.00		
2. 10/14/93	Lorraine Siskiy 220 West Rivo Alto Drive Miami Beach, Florida 33139	n/a	100.00		
3. 10/14/93	Clinica Fatima, Inc. 1494 Southwest 7 Street Miami, Florida 33135	Medical Clinic	250.00		
4. 10/14/93	Hershel Krasnow 1101 96 Street, Suite 505 Miami, Florida 33154	Businessman	250.00		
5. 10/15/93	Frank J. Moreno 745 Blue Road Coral Gables, Florida 33146	Theater Operator	350.00		
6. 10/15/93	Olgalya M. Gonzalez 13507 Southwest 67 Avenue Miami, Florida	n/a	50.00		
7. 10/15/93	Armanda Rodriguez 581 East 38 Street Hialeah, Florida 33013	n/a	50.00		
8. 10/15/93	Mary Eve C. Vandryes 4539 Southwest 143 Court Miami, Florida 33175	Businessperson	250.00		
9. 10/15/93	Cavalier Men's Wear, Inc. 2 West Flagler Street Miami, Florida 33130	n/a	100.00		
10. 10/15/93	Delwood Management Company 4431 Southwest 64 Avenue, No. 113 Davie, Florida 33314	Realtor	500.00		
11. 10/15/93	Jorkoff & Associates, C.P.A., P.A. 1 Southwest 129 Avenue, Suite 201 Pembroke Pines, Florida 33027	Accounting	250.00		

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97043823441

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 4 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/18/93	John Niven 2525 Flamingo Drive Miami Beach, Florida	n/a		25.00	Reception
2. 10/19/93	Jose Nazar 3807 Wilshire Boulevard Los Angeles, California 90010	Language School Operator	500.00		
3. 10/19/93	Kratish & Teitelbaum, P.A. 1820 Bay Drive Miami Beach, Florida 33139	n/a	100.00		
4. 10/19/93	Gladys Sapayo 2150 Northeast 121 Street North Miami, Florida 33181	n/a	100.00		
5. 10/19/93	Laguna Entertainment Corporation 1028 Malaga Coral Gables, Florida	Motion Picture Producer	500.00		
6. 10/19/93	Sofia Kress 6039 Collins Avenue, No 1126 Miami Beach, Florida 33140	n/a	50.00		
7. 10/19/93	Sanson, Kline, Jacomino & Company 782 Northwest Le Jeune Road, Suite 850 Miami, Florida 33126	n/a	100.00		
8. 10/19/93	Franklin Equipment Leasing, Inc. 2301 Collins Avenue, Suite M-109 Miami Beach, Florida 33139	n/a	100.00		
9. 10/19/93	Miami Beach Employees Benevolent Assoc. P.O. Box 402397 Miami beach, Florida 33140	Union	500.00		
10. 10/19/93	Di Lido Beach Hotel Corp. 1669 Collins Avenue Miami Beach, Florida 33139	Hotel Owner	500.00		
11. 10/19/93	Seville Beach Hotel Corp. 2901 Collins Avenue Miami Beach, Florida 33140	Hotel Owner	500.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823442

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 5 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/20/93	Lidia Schwartzbaum 1345 Daytonia Road Miami Beach, Florida 33141	n/a	25.00		
2. 10/20/93	Goldstein & Sons Kosher Meats, Inc. 7443 Collins Avenue Miami Beach, Florida 33141	n/a	25.00		
3. 10/20/93	IBS Flea Market, Inc. 190 Northeast 199 Street North Miami Beach, Florida 33179	Flea Market Operator	200.00		
4. 10/20/93	James Cassel 8 Chapman Field Drive Miami, Florida 33156	Attorney	300.00		
5. 10/20/93	Rafael A. Ordonez 6900 Northwest 43 Street Miami, Florida 33166	Cruiseship Operator	250.00		
6. 10/20/93	Bernard Bastacky 1170 79 Street Causeway, D-108 Miami Beach, Florida 33141	n/a	100.00		
7. 10/20/93	Leonard Weinstein 407 Lincoln Road, PM Southeast Miami Beach, Florida 33139	Attorney	200.00		
8. 10/20/93	Jose Raj 1720 West 28 Street Miami Beach, Florida 33140	Sporting Goods Retailer	200.00		
9. 10/20/93	Thomas Coltrane 2401 Collins Avenue, Apt 1808 Miami Beach, Florida 33140	n/a	100.00		
10. 10/20/93	Naum Lusky 7525 Southwest 112 Street Miami, Florida 33156	n/a	100.00		
11. 10/20/93	Leon Firtel 875 West 46 Street Miami Beach, Florida 33140	n/a	100.00		

NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

97043823443

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 6 of 17 Pages

Miguel Karpel

Name of Candidate, Political Committee, Committee of Continuous Existence, or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/20/93	Language Center Incorporated 9200 South Dadeland Boulevard, PH 825 Miami, Florida 33156	n/a	100.00		
2. 10/20/93	Marwin Cassel, P.A. 175 Northwest 1 Street, Suite 2000 Miami, Florida 33128	n/a	100.00		
3. 10/20/93	Guillermo Sostchin 2318 North Bay Road Miami Beach, Florida 33140	n/a	100.00		
4. 10/20/93	Fine Jacobson Schwartz Nash & Block 100 Southeast 2 Street Miami, Florida 33131	Attorneys		85.00	Reception
5. 10/20/93	Todd Snyder 621 Washington Avenue Miami Beach, Florida 33139	Restaurateur		100.00	Reception
6. 10/21/93	Convention Center Suites, Ltd. 1881 Washington Avenue Miami Beach, Florida 33139	Hotel	500.00		
7. 10/21/93	Jose Fontan 3550 Southwest 10 Street, #2 Miami, Florida 33135	n/a	100.00		
8. 10/21/93	Cheryl Muise 8 Island Avenue Miami Beach, Florida 33139	Accountant		115.00	Reception
9. 10/22/93	S.B.F., Inc. 446 Collins Avenue Miami Beach, Florida 33139	Restaurant	500.00		
10. 10/22/93	Beachwalk Development, Corp. 446 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
11. 10/22/93	Olympus Holdings, Inc. 446 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		

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ITEMIZED CONTRIBUTIONS

(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 7 of 17 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/22/93	Sun & Fun, Inc. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
2. 10/22/93	Paya Del Sol, Inc. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
3. 10/22/93	New Fiesta, Inc. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
4. 10/22/93	Sandpoint Financial, Ltd. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
5. 10/22/93	7th & 5th Deco Corp. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
6. 10/22/93	Santorin Isle, Inc. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
7. 10/22/93	Jerry Attardi 11811 Southwest 3 Street Plantation, Florida 33324	Real Estate Contractor	500.00		
8. 10/22/93	Ivan Gonzalez 2780 West 82 Place Hialeah, Florida 33015	Building Manager	500.00		
9. 10/22/93	Charles Lather, Sr. 8001 Northwest 166 Street Miami Lakes, Florida 33016	General Contractor	500.00		
10. 10/22/93	Portofino Group, Inc. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		
11. 10/22/93	St. Tropez Real Estate Fund, Ltd. 448 Collins Avenue Miami Beach, Florida 33139	Realty	500.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 8 of 17 Pages

Miguel Karsel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/22/93	M.E. Alpine 3202 Rustling Moss Dr. Houston, Texas 77068-3822	Real Estate Executive	500.00		
2. 10/22/93	Carol Marie Gerardo 595 Southwest 30 Avenue Miami, Florida 33135	Accountant	500.00		
3. 10/22/93	Lois Dubose 17096 Collins Avenue, #D111 Miami Beach, Florida 33160	Property Manager	500.00		
4. 10/22/93	Alan Warshaw 1585 Rivergate Trail Jacksonville, Florida 32223	Real Estate Executive	500.00		
5. 10/22/93	Niani Brown 17801 Northwest 16 Street Pembroke Pines, Florida 33029	Accountant	500.00		
6. 10/22/93	Jorge Zaragool 420 Southwest 18 Terrace Miami, Florida 33129	General Contractor	200.00		
7. 10/22/93	Orlando Vazquez 13154 Southwest 20 Terrace Miami, Florida 33175	n/a	25.00		
8. 10/22/93	Ideal Supermarket 100 Washington Avenue Miami Beach, Florida 33139	Supermarket	250.00		
9. 10/22/93	Terri Bradley 9871 Northwest 1 Court Plantation, Florida 33324	Executive Secretarial Services	500.00		
10. 10/21/93	Margot Becker 5601 Collins Avenue Miami Beach, Florida	n/a		25.00	Reception
11. 10/22/93	Gerald Ness 420 Lincoln Road Miami Beach, Florida 33139	n/a	100.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 9 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/22/93	Victor Nunberg 420 Lincoln Road Miami Beach, Florida 33139	n/a	100.00		
2. 10/21/93	Armando Vizcaino 7900 Southwest 15 Street Miami, Florida 33144	n/a	75.00		
3. 10/21/93	Marcos Karbel 11500 canal Drive North Miami, Florida 33181	n/a	100.00		
4. 10/21/93	Benjamin Schwartz 5480 Southwest 94 Terrace Miami, Florida 33156	Attorney	500.00		
5. 10/21/93	Daria Schwartz 5480 Southwest 94 Terrace Miami, Florida 33156	Housewife	500.00		
6. 10/21/93	Carter N. Mc Dowell 444 West Rivo Alto Drive Miami Beach, Florida 33138	Attorney	100.00		
7. 10/21/93	Stanley Price 1801 West Oak Haven Circle North Miami Beach, Florida 33179	n/a	100.00		
8. 10/21/93	S. Daniel Ponce 100 Southeast 2 Street, #3300 Miami, Florida 33131	Attorney	500.00		
9. 10/21/93	Christopher G. Korge 10320 Southwest 89 Avenue Miami, Florida 33176	Attorney	500.00		
10. 10/21/93	Verdeja, Hondo & Gravier 999 Ponce de Leon Boulevard #500 Coral Gables, Florida 33134	n/a	100.00		
11. 10/21/93	Turner's of Miami Corp. 2337 Northwest 5 Avenue Miami, Florida 33127	n/a	100.00		

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ITEMIZED CONTRIBUTIONS

(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993

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Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/21/93	Martin Fine 100 Southeast 2 Street Miami, Florida 33131	n/a	100.00		
2. 10/21/93	Lester Goldstein 100 Southeast 2 Street Miami, Florida 33131	n/a	100.00		
3. 10/25/93	Atlanta Computer Center 7000 Central Parkway, Suite 850 Atlanta, Georgia 30328	Computers	500.00		
4. 10/25/93	National-Wide Premium Finance Corp. 740 71 Street Miami Beach, Florida 33141	n/a	100.00		
5. 10/25/93	940 Lincoln Road Enterprises, Inc. 940 Lincoln Road, Suite 209 Miami Beach, Florida 33139	n/a	100.00		
6. 10/25/93	Southeastern Florida Management, Inc. 11098 Biscayne Boulevard, Suite 402 Miami, Florida 33161	Real Estate Developers	500.00		
7. 10/24/93	Mark Raingold 5555 Collins Avenue Miami Beach, Florida 331	n/a		50.00	Reception
8. 10/25/93	National Findings, Inc. 1 Northeast 1 Street, Suite 222 Miami, Florida 33131	Jewelry Manufacturer	500.00		
9. 10/25/93	Angel Suarez 9280 Southwest 21 Street Miami, Florida 33165	n/a	100.00		
10. 10/25/93	Jack Burstein 4549 Pinetree Drive Miami Beach, Florida 33140	n/a	100.00		
11. 10/25/93	National Health Group, Inc. 14601 Northeast 16 Avenue North Miami, Florida 33161	ACLF Managers	500.00		

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ITEMIZED CONTRIBUTIONS
(Mass Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 11 of 17 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/25/93	940 Lincoln Road Enterprises, Inc. 940 Lincoln Road, Suite 209 Miami Beach, Florida 33139	n/a	100.00		
2. 10/25/93	Miami Fire PAC 1701 Northwest 79 Avenue Miami, Florida 33126	PAC	500.00		
3. 10/25/93	South Florida Council of Fire Fighters, Inc. 1701 Northwest 79 Avenue Miami, Florida 33126	Union	500.00		
4. 10/25/93	Marc Coleman 300 Harbor Drive Key Biscayne, Florida 33149	n/a	100.00		
5. 10/25/93	Raul del Castillo 1055 Stillwater Drive Miami Beach, Florida 33140	n/a		50.00	Reception
6. 10/25/93	James Groh 1200 Brickell Avenue Miami, Florida 33131	n/a	100.00		
7. 10/25/93	Jorge L. Hernandez-Torano 8125 Southwest 64 Street Miami, Florida 33143	n/a	100.00		
8. 10/25/93	William Bloom 10995 Southwest 84 Avenue Miami, Florida 33156	n/a	100.00		
9. 10/25/93	Robert H. Smith 7643 Southwest 71 Avenue Miami, Florida 33143	n/a	100.00		
10. 10/25/93	Stephen D. Pearson 7895 Southwest 131 Street Miami, Florida 33156	n/a	100.00		
11. 10/25/93	W Reeder Glass 6001 Southwest 92 Street Miami, Florida 33156	n/a	100.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 17 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer		Amount
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/26/93	Michael Moore 3515 Anderson Road Coral Gables, Florida 33134	n/a	100.00		
2. 10/26/93	Robert J. Friedman 701 Brickell Avenue Miami, Florida 33131	n/a	100.00		
3. 10/26/93	Consolidated Traders, Inc. 1822 West Avenue Miami Beach, Florida 33139	Electronics Exporter	500.00		
4. 10/26/93	Ely Bashary 1720 Fuller Avenue, Apt 441 Los Angeles, California 90046	Real Estate	500.00		
5. 10/26/93	Faye Fellig 3600 Pine Tree Drive Miami Beach, Florida 33140	Housewife	500.00		
6. 10/26/93	Erez Bashari 100 Lincoln Road, Apt 1112 Miami Beach, Florida 33139	Real Estate	500.00		
7. 10/26/93	South Seas Hotel Operations, Inc. 1751 Collins Avenue Miami Beach, Florida 33139	Hotel	500.00		
8. 10/26/93	Jose Penaranda 1751 Collins Avenue, Apt 432 Miami beach, Florida 33139	Hotel Manager	500.00		
9. 10/26/93	Miguel Poyastro 15505 Southwest 74 Court Miami, Florida 33157	Real Estate	500.00		
10. 10/26/93	Brian Duchman P.O. Box 402604 Miami Beach, Florida 33140	Marketing Director	500.00		
11. 10/26/93	Esti Duchman 4557 Jefferson Avenue Miami Beach, Florida	Housewife	500.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 13 of 17 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee:

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/26/93	Lizette Benhaim 535 South Shore Drive Miami Beach, Florida 33141	Real Estate Executive Administrator	250.00		
2. 10/26/93	Rebecca Malka 21210 Northeast 26 Avenue North Miami Beach, Florida 33180	Real Estate Executive Administrator	250.00		
3. 10/26/93	Maritza A. Prego 1200 West Avenue, Apt. 1021 Miami Beach, Florida 33138	Secretary	200.00		
4. 10/26/93	Josephine Epelbaum 6039 Collins Avenue Miami, Florida 33140	n/a	25.00		
5. 10/26/93	David Ettman 1751 Cleveland Road Miami Beach, Florida 33141	n/a	25.00		
6. 10/26/93	Jeffrey Hersh 1385 North Biscayne Point Road Miami Beach, Florida 33141	n/a	100.00		
7. 10/27/93	Steven Oppenheimer 4645 North Bay Road Miami Beach, Florida 33140	n/a		75.00	Reception
8. 10/27/93	Dade Lumber, Inc. 8925 Northwest 7 Avenue Miami, Florida 33150	Lumber Company	200.00		
9. 10/27/93	Richard A. Alayon 10440 Southwest 71 Avenue Miami, Florida 33156	n/a	100.00		
10. 10/26/93	Puerto Sagua Restaurant Corp. 700 Collins Avenue Miami Beach, Florida 33138	n/a	50.00		
11. 10/26/93	Capital Bank 1221 Brickell Avenue Miami, Florida 33131	Bank	500.00		

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ITEMIZED CONTRIBUTIONS
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Report Covering Period of October 9, 1993 through October 28, 1993

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Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/28/93	Martin Nash 100 Southeast 2 Street Miami, Florida 33131	n/a	100.00		
2. 10/28/93	Club Van Dome 1532 Washington Avenue Miami Beach, Florida 33139	Night Club		500.00	Reception
3. 10/28/93	Chuz, Gomas and Assoc., Inc. 13553 Southwest 65 Lane Miami, Florida 33183	n/a	100.00		
4. 10/28/93	Jack Dranow 17821 Northwest 84 Court Hialeah, Florida 33015	n/a	50.00		
5. 10/28/93	Sidney A. Goldberg, P.A. 28 West Flagler Street Miami, Florida 33130	n/a	100.00		
6. 10/28/93	Alan H. Raudin 4535 Nautilus Ct. Miami Beach, Florida 33140	n/a	100.00		
7. 10/28/93	Jon A. Sleeper 1131 Collins Avenue Miami Beach, Florida 33138	n/a	100.00		
8. 10/28/93	James W. Gilon 1233 Collins Avenue Miami Beach, Florida 33139	Business Consultant	300.00		
9. 10/28/93	Select Pet Products, Inc. 1120 Northwest 159 Drive Miami, Florida 33169	Pet Food Wholesaler	360.00		
10. 10/28/93	Nancy Uerena 4455 Southwest 7 Street Miami, Florida 33134	Banker	500.00		
11. 10/28/93	Esther Castiglia 4410 San Amaro Dr. Coral Gables, Florida 33134	Housewife	500.00		

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ITEMIZED CONTRIBUTIONS
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Report Covering Period of October 9, 1993 through October 28, 1993

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Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/28/93	Nancy Kress 8777 Collins Avenue, Apt 712 Surfside, Florida 33154	n/a	100.00		
2. 10/28/93	Richard Druks 1844 Daytona Road Miami Beach, Florida 33141	Attorney	200.00		
3. 10/28/93	Blue Moon Interiors 100 Lincoln Road # 1027 Miami Beach, Florida 33139	Interior Design Services		493.00	Postage
4. 10/28/93	Bruce Hermesa 1755 Noc-A-Tea Drive Coconut Grove, Florida 33133	n/a	50.00		
5. 10/28/93	Merkin, Levin & Iglesias 444 Brickell Avenue Miami, Florida 33131	n/a	100.00		
6. 10/28/93	Malcolm Fromberg 1771 North View Drive Miami Beach, Florida 33140	n/a	100.00		
7. 10/28/93	Dianny, Inc. 8700 Collins Avenue Bal Harbour, Florida 33154	Swim wear Retailer	250.00		
8. 10/28/93	Kim Yancey 3505 South Ocean Drive #1114 Hollywood, Florida 33019	Executive Assistant	180.00		
9. 10/28/93	Abraham Taubenfield 3300 Northeast 191 Street, #601 North Miami Beach, Florida 33180	n/a	100.00		
10. 10/28/93	Met Wiesel 1515 Daytona Road Miami Beach, Florida	Insurance Broker	250.00		
11. 10/28/93	Shops at Bird Road 48 East Ragler, PH Miami, Florida 33131	Real Estate	500.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 16 of 17 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/28/93	Mario Chzyk 3426 Praine Avenue Miami Beach, Florida 33140	n/a	100.00		
2. 10/22/93	Marcos Perez 21 Northwest 59 Court Miami, Florida 33126	Printer		500.00	Printing
3. 10/27/93	Galbut, Galbut, Menin & Wassermann, P.A. 999 Washington Avenue Miami Beach, Florida 33139	Attorneys		493.00	Postage
4. 10/28/93	Barry Shore 8400 Northwest 52 Avenue Miami, Florida 33166	Printer		500.00	Printing
5. 10/28/93	Paula Rinnley 8400 Northwest 52 Avenue Miami, Florida 33166	Printer		350.00	Printing
6. 10/28/93	Markes Printing & Graphics Center, Inc. 8400 Northwest 52 Avenue Miami, Florida 33166	Printer		150.00	Printing
7. 10/28/93	Hampton Management Corp. 750 Washington Avenue Miami Beach, Florida 33139	Real Estate		420.00	Telephone
8. 10/28/93	Alexander Towers management Corp. 3505 South Ocean Drive Hollywood, Florida 33019	Real Estate		500.00	Telephone
9. 10/28/93	Creacent Heights X, Inc. D/B/A The Castle Hotel 5445 Collins Avenue Miami Beach, Florida 33140	Real Estate		500.00	Telephone
10. 10/28/93	Mortgage Processing Co. 100 Lincoln Road Miami Beach, Florida 33139	Mortgage Processors	500.00		
11. 10/28/93	Hotel 100, Inc. 100 Lincoln Road Miami Beach, Florida 33139	Real Estate	500.00		

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ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993

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Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer	Amount	
Date	Full Name, Mailing Address and Zip Code	Occupation If over \$100	Monetary - Including Interest Earned	In-Kind	Description of In-Kind
1. 10/28/93	Mantell Plaza, Ltd. 255 West 24 Street Miami Beach, Florida 33140	Real Estate	500.00		
2. 10/28/93	Crescent Heights XXXVI, Inc. 100 Lincoln Road Miami Beach, Florida 33139	Real Estate	500.00		
3. 10/28/93	Crescent Heights Sales, Inc. 100 Lincoln Road Miami Beach, Florida 33139	Real Estate	500.00		
4. 10/28/93	The Plaza at Washington, Inc. 999 Washington Avenue Miami Beach, Florida 33139	Real Estate	500.00		
5. 10/28/93	Isaac Olenberg 5212 North Bay Road Miami Beach, Florida 33140	Shoe Importer	250.00		
6. 10/28/93	Dr. Carole A. Devito 2 South Hibiscus Drive Miami Beach, Florida 33139	Doctor	500.00		
7. 10/28/93	Daniel Holtz 1221 Brickell Avenue Miami, Florida 33131	Banker	500.00		
8. 10/28/93	Beach Renovations, Inc. 5445 Collins Avenue Miami Beach, Florida 33140	Real Estate Construction	500.00		
9. 10/28/93	Hampton Manor 100 Lincoln Road, #1048 Miami Beach, Florida 33139	Real Estate Property Management		493.00	Postage
10.					
11.					

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993

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Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 325.98

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution		Nature of Account	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 10/13/93	Armanda Rodriguez 581 East 38 Street Hialeah, Florida 33013	Promotion	40.00
2. 10/13/93	Ron Bernesky 801 15 Street Miami Beach, Florida 33139	Consulting	500.00
3. 10/15/93	Elizabeth Mitran 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	400.00
4. 10/15/93	Robert Rich Realty and Associates 701 Lincoln Road, Suite 104 Miami Beach, Florida 33139	Rent	250.00
5. 10/15/93	Sir Speedy 1855 James Avenue Miami Beach, Florida 33139	Printing	266.52
6. 10/15/93	Office Depot 12190 Biscayne Boulevard North Miami, Florida 33181 (Check payable to Discover Card)	Supplies	64.98
7. 10/15/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	Postage	108.48
8. 10/15/93	Sid Gersh 2180 Bay Drive Miami Beach, Florida 33139	Consultant	250.00
9. 10/16/93	Arturo Garoto P.O. Box 453205 Miami, Florida 33245	Consultant	300.00
10. 10/19/93	Dodd Printers, Inc. 7550 West 2 Court Hialeah, Florida 33014	Printing	957.44
11. 10/19/93	Kandall Therapy Center 6825 Southwest 87 Avenue Miami, Florida 33178	Return of Contribution	500.00
12. 10/19/93	Medical Park Diagnostic Multicenter, Ltd. 8090 Southwest 87 Court Miami, Florida 33178	Return of Contribution	500.00

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ITEMIZED EXPENDITURES
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993

Page 2 of 4 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period 325.96

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution		Nature of Account	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 10/19/93	Surgical Park Center, Ltd. 9100 Southwest 57 Avenue Miami, Florida 33176	Return of Contribution	500.00
2. 10/19/93	Kendall Regional Medical Center 11750 Bird Road Miami, Florida 33175	Return of Contribution	500.00
3. 10/19/93	North Miami Beach Surgical Center 120 Northeast 167 Street North Miami Beach, Florida 33162	Return of Contribution	500.00
4. 10/21/93	American Data Management, Inc. 2650 West 84 Street Hialeah, Florida 33016	Lists and Labels	779.10
5. 10/21/93	The Glorious Company 13911 Northwest 20 Court Opa Locka, Florida 33054	T-Shirts	200.00
6. 10/21/93	Global Printing 1 Northeast 1 Street, #306 Miami, Florida 33132	Printing	3,695.55
7. 10/21/93	Communicatz, Inc. 4500 Biscayne Boulevard, Suite 325 Miami, Florida 33137	Art	849.66
8. 10/22/93	Della Diaz 1711 Collins Avenue Miami Beach, Florida 33139	Consulting	100.00
9. 10/22/93	Mario Rodriguez Printing 235 Southwest 51 Avenue Miami, Florida 33134	Printing	665.63
10. 10/22/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	400.00
11. 10/23/93	Global Printing 1 Northeast 1 Street, #306 Miami, Florida 33132	Printing	2,982.04
12. 10/23/93	The Lumber Yard 1261 20th Street Miami Beach, Florida 33139	Supplies	30.67

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993

Page 3 of 4 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 325.96

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Date	Name of Financial Institution	Nature of Account	Amount
1. 10/23/93	Miguel Karpel 1741 Cleveland Road Miami Beach, Florida		Miscellaneous Campaign Expenses (Receipts on File) 1,187.68
2. 10/25/93	John Vankins 701 Lincoln Road Miami Beach, Florida		Labor 35.00
3. 10/25/93	Sir Speedy 1659 James Avenue Miami Beach, Florida 33139		Printing 90.53
4. 10/25/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137		Postage 114.20
5. 10/26/93	The Miami Herald 1 Herald Plaza Miami, Florida 33132		Advertising 1,209.40
6. 10/26/93	The Glorious Company 13911 Northwest 20 Court Opa Locka, Florida 33054		T-Shirts 305.88
7. 10/26/93	Innovative Marketing Technologies, Inc. 910 Southwest 12 Avenue, Unit B Pompano Beach, Florida 33069		Postage and handling 5,447.77
8. 10/26/93	Miami Sun Post 1000 Lincoln Road Miami Beach, Florida 33139		Advertising 375.00
9. 10/26/93	Miami Sun Post 1000 Lincoln Road Miami Beach, Florida 33139		Advertising 375.00
10. 10/28/93	TTSC 251 Valencia #716 Coral Gables, Florida 33114		Telephone Services 2,000.00
11. 10/28/93	Miami Herald 1 Herald Plaza Miami, Florida 33132		Advertising 1,309.40
12. 10/28/93	El Reporter de Dade 940 Lincoln Road Miami Beach, Florida 33139		Advertising 1,000.00

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ITEMIZED EXPENDITURES
(Please Type)

Report Covering Period of October 9, 1993 through October 28, 1993 Page 4 of 4 Pages

Miguel Karpel
Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committee

Total amount spent for Petty Cash purposes during the Reporting Period \$ 325.96

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 10/28/93	Southern Bell Atlanta, Georgia	Telephone	126.25
2. 10/28/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	Overtime A/C Beeper Rental	176.10
3. 10/28/93	Communkatz, Inc. 4500 Biscayne Boulevard Miami, Florida 33137	Art	1,048.13
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Campaign Treasurer's Report

(Please Type)

RECEIVED
CITY CLERK'S DEPT.

FEB 04 1994

By fu
Time 12:10

Identification Number:

I. Karpel, Miguel
(Candidate's name by last name, first name, middle initial if)
Name of Political Committee, Committee of Continuous Existence, or Party Name:
City of Miami Beach Commission Group III
Office Tought
1741 Cleveland Road
Address (Number and Street)
Miami Beach, Florida 33141
City, State and Zip Code

Candidate Committee of Continuous Existence
 Political Committee Party Executive Committee

Check here if address is different than previously reported.
 Check here if the Political Committee or Committee of Continuous Existence has disbanded as of this report and will no longer file reports.

Campaign depository or bank account number: Sun Bank 36002229132

ii. Type of Report (Check Appropriate Box)

January 10 April 10 July 10 October 10

32nd day preceding First Primary
 18th day preceding First Primary
 4th day preceding First Primary
 18th day preceding Secondary Primary
 4th day preceding Secondary Primary
 18th day preceding General Election
 4th day preceding General Election

Special Election
 Termination Report (Candidates only)

This Report is An Amendment

III. Covering Period of October 29, 1993 through Termination

	Column 1	Column 2	Column 3	Column 4
	Cash & Checks	Loans	Total Monetary (Column 1 + 2)	In-Kind
IV. CONTRIBUTIONS				
A. Contributions Brought Forward from Previous Report, if Any	68,758.00	15,500.00	84,258.00	6,083.62
B. Contributions This Report	0.00	0.00	0.00	0.00
C. Total Contributions (Add Lines A & B)	68,758.00	15,500.00	84,258.00	6,083.62

V. EXPENDITURES				
A. Expenditures Brought Forward From Previous Report, in Any			69,394.09	
B. Expenditures This Report (Excluding Transfers to Office Account)			14,863.91	
C. Transfers to Office Account (Candidates Only)				
D. Total Expenditures (Add Lines A, B & C)			84,258.00	

VI. BALANCE				
A. Balance in Account at End of Prior Period (For Political Committees, Committees of Continuous Existence and Party Executive Committees Only)				
B. Total Monetary Contributions (from line C, Column 3 above)			84,258.00	
C. Total Expenditures (from line D, Column 3 above)			84,258.00	
D. ACCOUNT BALANCE (Line A + Line B - Line C)			0.00	

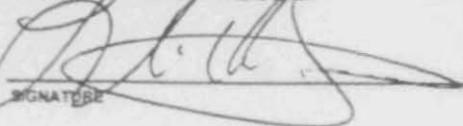
VII. Amount of 1.5 percent assessment remitted with this report:
(for Political Committees, Committees of Continuous Existence and Party Executive Committees Only)

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Laurence A. Ferrup
 TYPE OR PRINT NAME OF TREASURER

Miguel Karpel
 TYPE OR PRINT NAME OF CANDIDATE (CHAIRMAN FOR POLITICAL COMMITTEE OR PARTY EXECUTIVE COMMITTEE)


 SIGNATURE


 SIGNATURE

ITEMIZED CONTRIBUTIONS
(Please Type)

Report Covering Period of 29-Oct-93 through Termination Page 1 of 1

Miguel Karpel

Name of Candidate, Political Committee, Committee of Continuous Existence, or Party Executive Committee

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)					
Name of Financial Institution		Nature of Account	Date of Transfer		Amount
Date	Full Name, Mailing Address and Zip Code	Occupation if over \$100	Monetary - including Interest Earned	In-Kind	Description of In-Kind
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NOTE: COMMITTEES OF CONTINUOUS EXISTENCE ONLY - ANY CONTRIBUTIONS WHICH REPRESENT THE PAYMENT OF DUES BY A MEMBER IN A FIXED AMOUNT PURSUANT TO THE SCHEDULE ON FILE WITH THE DIVISION OF ELECTIONS NEED ONLY LIST THE AGGREGATE AMOUNT OF SUCH CONTRIBUTIONS, TOGETHER WITH THE NUMBER OF MEMBERS PAYING SUCH DUES AND THE AMOUNT OF MEMBERSHIP DUES.

ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of 29-Oct-93 through Termination Page 1 of 4 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committees

Total amount spent for Petty Cash purposes during the Reporting Period \$ 174.71

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 10/29/93	María Alvarez 1038 11 Street Miami Beach, Florida 33139	Consulting & Election Day Workers	2,500.00
2. 10/29/93	Republican Party of Miami Beach 533 Collins Avenue Miami Beach, Florida 33139	Election Day Workers	2,200.00
3. 10/29/93	Elizabeth Mitrani 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	400.00
4. 10/29/93	Della Diaz 1711 Collins Avenue Miami Beach, Florida 33139	Campaign Consulting Services	200.00
5. 10/29/93	Sun Bank P.O. Box 524209 Miami, Florida 33152	Bank Service Charges	40.72
6. 11/1/93	Arturo Garrote P.O. Box 453205 Miami, Florida 33245	Campaign Consulting Services	450.00
7. 11/1/93	Nieves Cabanas 1701 Collins Avenue Miami Beach, Florida 33139	Campaign Consulting Services	400.00
8. 11/1/93	Heidi Bartha 251 Valencia #716 Coral Gables, Florida 33114	Campaign Consulting Services	789.42
9. 11/2/93	Saul Brenesky 111 Northwest 1 Street, Suite 220 Miami, Florida 33128	Election Day Workers	420.00
10. 11/3/93	Joe Fontana 5700 Collins Avenue Miami Beach, Florida 33140	Campaign Consulting Services	220.00
11. 11/3/93	Erzio Frelani 2301 Collins Avenue Miami Beach, Florida 33139	Election Day Worker	60.00
12. 11/3/93	Dorothy Somers 2301 Collins Avenue Miami Beach, Florida 33139	Election Day Worker	60.00

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ITEMIZED EXPENDITURES

(Please Type)

Report Covering Period of 29-Oct-93 through Termination

Page 2 of 4 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committees

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

97043823463

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)			
Name of Financial Institution	Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure	Amount
1. 11/3/93	Esther Garber 2301 Collins Avenue Miami Beach, Florida 33139	Election Day Worker	60.00
2. 11/3/93	Sid Gersh 2180 Bay Drive Miami Beach, Florida 33139	Election Day Worker	100.00
3. 11/4/93	The Wire 1638 Euclid Avenue Miami Beach, Florida 33139	Advertising	175.00
4. 11/5/93	Elizabeth Mironi 8100 Byron Avenue Miami Beach, Florida 33141	Campaign Coordinator Compensation	400.00
5. 11/5/93	Joe Vankirk 701 Lincoln Road Miami Beach, Florida 33139	Campaign Worker	25.00
6. 11/5/93	Sir Speedy 1659 James Avenue Miami Beach, Florida 33139	Printing	217.53
7. 11/10/93	Camara de Comercio Latina de Miami 235 Lincoln Road Miami Beach, Florida 33139	Promotion	60.00
8. 11/10/93	Cellular One P.O. Box 628065 Orlando, Florida 32862	Telephone	561.55
9. 11/10/93	Casa Trias Florist 6520 Bird Road Miami, Florida 33155	Promotion	53.50
10. 11/10/93	Alberto Karpel 7302 Southwest 132 Place Miami, Florida 33183	Auto Expenses	120.58
11. 11/12/93	Robert Rich Realty and Associates 701 Lincoln Road, Suite 104 Miami Beach, Florida 33139	Rent	250.00
12. 11/15/93	Gilberto Gonzalez 2555 Collins Avenue Miami Beach, Florida 33140	Election Day Workers	315.00

(Please Type)

Report Covering Period of 29-Oct-93 through Termination

Page 3 of 4 Pages

Miguel Karpel

Name of Candidate; Political Committee; Committee of Continuous Existence; or Party Executive Committees

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)				
Name of Financial Institution		Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code	Purpose of Expenditure		Amount
1. 11/17/93	Sun Bank P.O. Box 524209 Miami, Florida 33152	Reversal of Bank Charges		(33.42)
2. 11/17/93	David's Cafeteria 1058 Collins Avenue Miami Beach, Florida 33139	Election Day Lunches		180.00
3. 11/22/93	Gateway Outdoor Advertising 2650 West 84 Street Hialeah, Florida 33016	Advertising - reversal of check not received		(1,400.00)
4. 11/22/93	Gateway Outdoor Advertising 2650 West 84 Street Hialeah, Florida 33016	Advertising		2,800.00
5. 11/22/93	Cellular One P.O. Box 628065 Orlando, Florida 32862	Telephone		460.11
6. 11/30/93	Sun Bank P.O. Box 524209 Miami, Florida 33152	Bank Service Charges		6.21
7. 12/27/93	Cellular One P.O. Box 628065 Orlando, Florida 32862	Telephone Equipment Return		(200.00)
8. 12/27/93	Karpel & Company, P.A. 4770 Biscayne Boulevard Miami, Florida 33137	Printing		200.00
9. 12/27/93	Southern Bell Atlanta, Georgia	Deposit Refund		(353.16)
10. 12/28/93	Hebrew Acedarmy 2400 Pinetree Drive Miami Beach, Florida 33140	Advertising		250.00
11. 12/28/93	B Reporter de Dade 940 Lincoln Road Miami Beach, Florida 33139	Advertising		200.00
12. 12/31/93	Sun Bank P.O. Box 524209 Miami, Florida 33152	Bank Service Charges		11.02

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Report Covering Period of 29-Oct-93 through Termination

Page 4 of 4 Pages

Miguel Karpel

Name of Candidate: Political Committee; Committee of Continuous Existence; or Party Executive Committees

Total amount spent for Petty Cash purposes during the Reporting Period \$ _____

Transfer of Funds for Separate Interest-Bearing Account or Certificate of Deposit to Campaign Account (Interest Not Included)				
Name of Financial Institution		Nature of Account	Date of Transfer	Amount
Date	Full Name, Mailing Address and Zip Code		Purpose of Expenditure	Amount
1. 1/26/94	Communkatz, Inc. 4500 Biscayne Boulevard, Suite 325 Miami, Florida 33137		Campaign Manager Compensation	2,249.16
2. 1/31/94	Sun Bank P.O. Box 524209 Miami, Florida 33152		Bank Service Charges	12.02
3. 2/3/94	Karpel & Company, P.A. 4770 Biscayne Boulevard, Suite 1070 Miami, Florida 33137		Copies, secretarial services, & telephone	226.96
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PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000

FACSIMILE (202) 457-6315

WRITER'S DIRECT DIAL
(202) 457-6405

Aug 8 2 54 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

August 7, 1996

The Honorable Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4398 -- Republican Party of Florida (federal/non federal accounts)
and James H. Stelling, as treasurer

Dear Chairman Elliott:

As counsel for the Republican Party of Florida ("RPF") and James H. Stelling, as treasurer, (collectively "Respondents") this will respond to your letter of July 2, 1996 and the accompanying Factual and Legal Analysis from the Office of General Counsel. As set forth below, respondents did not know (and had no way of knowing) when they received the contributions at issue that they were from a foreign national and a corporation controlled by a foreign national. After this fact was made known, respondents refunded a portion of the contributions and used the rest for non-campaign related redistricting expenses, as permitted by law. Accordingly, the Commission should find that any violation that did occur was inadvertent and unavoidable, and vote to dismiss this matter.¹¹

Law and Facts: Respondents concur with the General Counsel's recitation of the law and the underlying facts.

Respondents accepted the contributions from Mr. Kramer (March 1994) and the Portofino Group, Inc. (June 1993) in good faith and without any knowledge when they accepted them that Mr. Kramer was a foreign national or that the Portofino Group was controlled by a foreign national. Affidavit of Barbara Morrison ("Morrison Affidavit"), ¶ 3. Had it known, the RPF's

¹¹ Respondents are not adverse to conciliation as suggested in Chairman Elliott's letter, but believe that they have acted in good faith and in accordance with the Federal Election Campaign Act and the Commission's regulations.

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PATTON BOGGS, L.L.P.

The Honorable Lee Ann Elliott

August 7, 1996

Page 2

policy dictated not depositing such contributions, or if inadvertently deposited, of refunding such contributions. Id., ¶ 4.

Indeed, the Party has acted in good faith in the disposition of the funds at issue. On October 13, 1994, the RPF refunded the \$5,000 of Mr. Kramer's contribution that had been deposited in its federal account. Id. The remainder of the funds had originally been treated, as they should have been, as non-federal funds and were deposited in the RPF's non-federal account. Once the Party discovered the funds were from a foreign national, the remaining funds were transferred to the RPF's segregated redistricting account, acting in the belief that such funds could be used for redistricting purposes. Id., ¶ 5. The other funds had been expended in good faith by RPF in non-federal elections prior to notification by Mr. Kramer that he was a foreign national. Id.

After requests from Mr. Kramer for a refund, the RPF on December 7, 1995 sent him a check representing the \$105,000 contribution from the Portofino Group, Inc. that had been spent in non-federal elections prior to notification about the contribution. Id., ¶ 6. See Attachment A (refund check). The remaining \$95,000 contributed by Mr. Kramer remained in the RPF's segregated redistricting account for litigation associated with the 1995 and 1996 redistricting of Florida's congressional and legislative lines. Id., ¶ 7.

Discussion: The RPF placed the portion of the Kramer/Portofino Group, Inc. contributions that was not refunded in its segregated redistricting account in the belief that such a use was permissible under the Act. The RPF believed such a use was permissible based on an article in the August 1991 FEC Record at 12-13, citing Advisory Opinions 1982-14, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5655 (April 9, 1982) and AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981).

Accordingly, Mr. Kramer and the Portofino, Group, Inc. contributed a total of \$205,000 to the RPF, which it accepted in the good faith belief that the contributions were permissible under either federal or state law. Of that total, \$5,000 was originally contributed into the federal account, with the remainder placed in the non-federal accounts.

The \$5,000 in the federal account was refunded on October 13, 1994. An additional \$105,000 was refunded on December 7, 1995. The remaining \$95,000 was sent to the RPF's segregated redistricting account, as the RPF believed permissible by law. Party officials made the determination, as they may, to not raise the money elsewhere for a refund of these funds since they were spent in a permissible manner. Id.

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PATTON BOGGS, L.L.P.

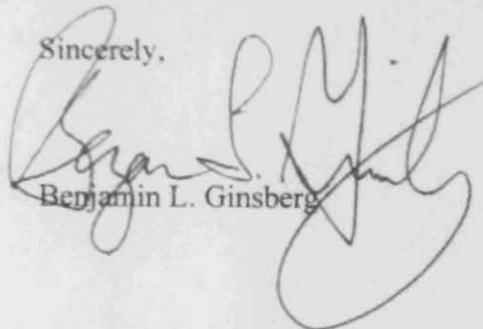
The Honorable Lee Ann Elliott

August 7, 1996

Page 3

Conclusion: Respondents believe they have acted in accordance with federal and state law at all times. As such, they respectfully request the Commission to dismiss this matter.

Sincerely,



Benjamin L. Ginsberg

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF

Republican Party of Florida (federal and)
non-federal account) and)
James H. Stelling, as treasurer)

MUR 4398

AFFIDAVIT

I, Barbara S. Morrison, being first duly sworn, depose and say as follows:

1. I am the Director of Administration of the Republican Party of Florida ("RPF").

2. In that position, my duties include the review and approval of operating expenses and the accounting of income received. This includes depositing income and reporting contributions to the appropriate agencies.

3. The RPF accepted contributions from Thomas Kramer and the Portofino Group, Inc. in good faith and without any knowledge when we accepted the contributions that Mr. Kramer was a foreign national or that the Portofino Group was controlled by him, a foreign national. A total of \$5,000 of the Kramer contribution was deposited in the RPF's federal account, with the remainder of the two contributions placed in the RPF's non-federal account.

4. The policy of the RPF has always been to not deposit, or if deposited to refund, contributions from foreign nationals for our federal or non-federal accounts. If such a contribution was inadvertently deposited into either account, it is our policy to refund the contribution. The exception to this policy occurred when the Party was deeply involved in redistricting beginning in 1991 and we became aware of an article in the 1991 FEC Record on the use of foreign national contributions to pay for redistricting.

5. The RPF has refunded \$110,000 of the Kramer/Portofino contributions. On October 13, 1994, we refunded the \$5,000 from the Kramer contribution that had been deposited in the federal account. All the funds that remained were transferred to the RPF's segregated redistricting account in the belief that such funds could be used for redistricting purposes. We spent the other funds, in good faith, in non-federal elections prior to any notification by Mr. Kramer. We relied on the August 1991 FEC Record to deposit the funds in that account. On December 7, 1995, we sent Mr. Kramer a check refunding the \$105,000 contribution from the Portofino Group, Inc. that had been spent in non-federal elections prior to notification about the contribution.

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6. The remaining \$95,000 contributed by Mr. Kramer was placed in the RPF's segregated redistricting account for the litigation concerning Florida's congressional and legislative redistricting. We decided not to seek additional fundraising for the remaining \$95,000 since the funds had already been spent in a permissible manner.

Further the affiant sayeth not.

Barbara S. Morrison
Barbara S. Morrison

Subscribed and sworn to before me
on this 7th day of aug, 1996.

Ruth A. Mixowski
Notary Public



OFFICIAL SEAL
RUTH A. MIXOWSKI
My Commission Expires
Oct. 6, 1996
Comm. No. CC 233467

97043823470

JGC

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

AUG 8 2 02 PM '96

August 1, 1996

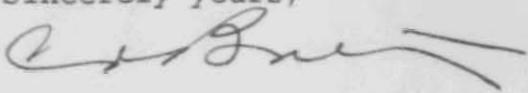
Mr. John Warren McGarry
Vice-Chair
Federal Election Commission
Washington D.C., 20463

Dear Mr. McGarry:

Pursuant to your letter of July 25, 1996, regarding MUR 4398, please be advised that the accounts for the Conchi Bretos and Bretos Campaign were closed after the election was lost on April 22, 1993. There were no funds remaining in the accounts at that time as we had a deficit.

If you need further information please feel free to contact me.

Sincerely yours,



Conchy Trelles Bretos
5208 Alton Road
Miami Beach, Florida 33140

9704 382 347P

WILMER, CUTLER & PICKERING

2445 M STREET, N.W.
WASHINGTON, D.C. 20037-1420

TELEPHONE (202) 663-8000
FACSIMILE (202) 663-6363

4 CARLTON GARDENS
LONDON SW1Y 5AA
TELEPHONE 011 (4471) 839-4466
FACSIMILE 011 (4471) 839-3537

RUE DE LA LOI 15 WETSTRAAT
B-1040 BRUSSELS
TELEPHONE 011 (322) 231-0903
FACSIMILE 011 (322) 230-4322

FRIEDRICHSTRASSE 95
BRIEFKASTEN 29
D-10117 BERLIN
TELEPHONE 011 (4930) 2643-3601
FACSIMILE 011 (4930) 2643-3630

MARGARET L. ACKERLEY
DIRECT LINE (202)
663-6638

August 9, 1996

AUG 9 1 30 PM '96

RECEIVED
FEDERAL ELEC
COMMISSION
OFFICE OF GEN
COUNSEL

BY HAND

Jose M. Rodriguez, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4398

Dear Jose:

Enclosed is the Conciliation Agreement signed by our client, Thomas Kramer, with a check in the amount of \$323,000.

In accordance with Section IX of the Conciliation Agreement, this letter shall serve as notice to the Commission that Respondents have complied with and implemented the requirement contained in the agreement.

We would appreciate it if you would send us a copy of the Conciliation Agreement after it has been signed for the Commission.

Yours sincerely,

Margaret L. Ackerley

Enclosures

97043823472



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1996

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Thomas Kramer, check number 203, dated August 8 1996, and in the amount of \$323,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of \$323,000.00 the MUR number is 4398 and in the name of Thomas Kramer. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Amrita Alexander
Signature

8-12-96
Date

97043823473

RECEIVED
FEDERAL ELECT
COMMISSION
MAIL ROOM
AUG 12 11 37 AM '96

FLORIDA DEMOCRATIC PARTY

P. O. Box 1758
TALLAHASSEE, FL 32302
904 222-3411
FAX 904 222-0916

Terrie Brady
Chair
Jon Ausman
Vice Chair
Juanita Geathers
Secretary
George Comerford
Treasurer
Mitchell Berger
Finance Chair
Scott Falmlen
Executive Director
National Committee
Members:
Jon Ausman
Russell Barakat
Terrie Brady
Myrtle Smith Carroll
Jim Cobb
Carol Cymanick
Nancy Dick
Simon Ferro
Diane Glasser
Jorge Perez
Alzo Reddick
Nadine Smith

Congressional District
Chairs & Vice Chairs
1st Borton Schuler
Elena Roser
2nd Lou Peel
Jay Adams
3rd Preston Drummer
Joyce Cusack
4th Mary Dill
Harry Halley
5th Richard Trachsel
Eloise Stevens
6th Kay Perkis
Frank Amatea
7th T. Wayne Bailey
Cay Westerfield
8th Ken Cooper
Bobbie Gant
9th John Sabin
Eloise Stevens
10th Myrtle Smith Carroll
John Sabin
11th Roy Weatherford
Carmen Sanchez
12th Nancy Dick
13th Trudy Pratt
Sam Herron
14th Ginger Koch
15th Charles Kinker
16th Katherine Kelly
17th Cynthia Hall
Bill Mauk
18th Bill Mauk
Cynthia Hall
19th George Comerford
Diane Glasser
20th Diane Glasser
Lou Hernandez
21st Cynthia Hall
Bill Mauk
22nd Charles "Chic" Perez
Katherine Kelly
23rd Charles "Chic" Perez
Marianne Steele

August 8, 1996

The Honorable John Warren McGarr
Federal Elections Commission
Washington, DC 20463

Re: MUR 4398

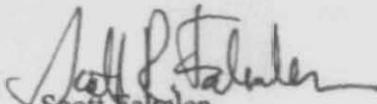
Dear Mr. Vice Chairman:

Pursuant to your letter dated July 25, 1996 concerning the above referenced matter, please find enclosed check # 8902 in the amount of \$500.

"Victory '94" was a fundraising arm of the Florida Democratic Party. Accordingly, the check enclosed is drawn from the appropriate Party account.

If you have any questions, please feel free to call me at 904/222-3411.

Sincerely,


Scott Falmlen
Executive Director

AUG 15 10 37 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

FLORIDA DEMOCRATIC PARTY

CAMPAIGN ACCOUNT
P.O. BOX 1758
TALLAHASSEE, FL 32302

PEOPLES FIRST COMMUNITY BANK
PANAMA CITY, FL 32406

8902

63-9022/2632

DATE

AMOUNT

August 06, 1996 \$ 500.00

PAY

\$\$\$FIVE HUNDRED AND 00 / 100 DOLLARS

TO THE
ORDER

FEDERAL ELECTION COM
999 E STREET
WASHINGTON, DC 20463 0000
VOID AFTER 90 DAYS

TERRIE W. BRADY / GEORGE E. COMERFORD

Terrie W. Brady
George E. Comerford

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈008902⑈ ⑆263290220⑆ ⑆600000256580⑈

970438254



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

AUG 15 10 37 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

August 14, 1996

TWO WAY MEMORANDUM

TO: OGC, Docket
FROM: Rosa E. Swinton
Accounting Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from Florida Democratic Party, check number 8707, dated August 6, 1996, and in the amount of \$ 500.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Rosa E. Swinton
Accounting Technician
FROM: OGC, Docket By aa

In reference to the above check in the amount of \$ 500.00, the MUR number is 4398 and in the name of Florida Democratic Party. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Anita Alexander
Signature

8-15-96
Date

97043823476



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

AUG 15 11 37 AM '96

SENSITIVE

August 15, 1996

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LO*
Associate General Counsel

SUBJECT: MUR 4398 (Thomas Kramer, *et al.*)
Disgorgement Requests to Local and State Recipients

On June 25, 1996, the Federal Election Commission found reason to believe that nineteen local and State political committees and candidates violated the foreign national prohibition at 2 U.S.C. § 441e by accepting campaign contributions from Thomas Kramer and several corporations controlled by him. On the same date, the Commission also decided to take no further action and close the file as it concerned these local and State committees and candidates. Of these nineteen committees and candidates, fourteen, for which a current address could be found, were notified of the Commission's finding and requested to disgorge to the U.S. Treasury any remaining contributions from Mr. Kramer and his corporations.

In response to the notifications, several local and State committees have informed this Office that as a matter of Florida State law, once the election is concluded campaign committees are required to divest themselves of any remaining funds, and to terminate. Specifically, according to Florida State law, campaigns are required to divest themselves of all remaining contributions by either disbursing them to charities, or by proportionately refunding them to contributors. (*See Fla. Stat. Ann. §§ 106.141(2), 106.141(4) (West 1994).*) Successful candidates are provided a third option. They may transfer a limited amount of all remaining contributions to an office account used in connection with the officeholders' official duties. (*See Fla. Stat. Ann. § 106.141(5) (West 1994).*)

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Consequently, absent objection, this Office intends to notify all committees which respond that they have terminated and closed their account that, under their circumstances, a disgorgement from them is no longer required. However, this Office intends to inform those committees that have transferred funds to an office account, that they are expected to make full disgorgement, to the extent permitted by the balance of the office account.

Last, because it appears that a majority of the recipient committees have terminated, this Office does not intend to expend the additional resources necessary to locate current addresses and notify the remaining five committees and candidates not already notified of the Commission's findings.

Attachment

Response from Campaign for Commissioner Javier Souto.

Staff Assigned: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LARRY NOBLE
GENERAL COUNSEL

FROM: *mwe* MARJORIE EMMONS
SECRETARY OF THE COMMISSION

DATE: SEPTEMBER 13, 1996

SUBJECT: MUR 4398 (THOMAS KRAMER, et al.)

This is to confirm that at the executive session of September 10, 1996, Commissioner Elliott withdrew her objection to the General Counsel's August 15, 1996 memorandum on the above subject.

Therefore, there were no objections on the record to the proposed actions stated in the memorandum.

970438234/9

RECEIVED
FEDERAL ELECTION
COMMISSION
SEP 17 1996

BEFORE THE FEDERAL ELECTION COMMISSION 15 11 37 AM '96

In the Matter of)
)
Thomas Kramer, *et al.*) MUR 4398

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 25, 1996, the Commission found reason to believe that Thomas Kramer violated 2 U.S.C. § 441e by making numerous contributions, both individually and through his various corporations, in connection with local, State and Federal elections, and that he violated 2 U.S.C. § 441f by making two contributions in the name of his then secretary, Terri Bradley. On the same date, the Commission also found reason to believe that Ms. Bradley violated 2 U.S.C. § 441f by allowing her name to be used to effect the two contributions, and separately entered into pre-probable cause conciliation with both Mr. Kramer and Ms. Bradley.

Attached are two signed conciliation agreements, one for Mr. Kramer and his corporations, and a separate agreement for Ms. Bradley. (Attachments 1 and 2, respectively.) Mr. Kramer's agreement is signed by him both individually and as Chief Executive Officer of the contributing corporations.

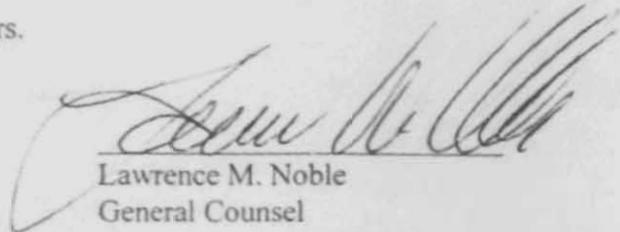
97043823450

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Thomas Kramer; 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol, Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; and Azure Coast Development, Ltd.
2. Accept the attached conciliation agreement with Terri Bradley.
3. Close the file as to Thomas Kramer and the seventeen listed corporations, and as to Terri Bradley.
4. Approve the appropriate letters.

Date

8/15/96


 Lawrence M. Noble
 General Counsel

Attachments

1. Thomas Kramer Conciliation Agreement
2. Terri Bradley Conciliation Agreement
3. Additional information re: Republican Party of Florida
4. Photocopy of civil penalty check from Thomas Kramer
5. Photocopy of civil penalty check from Terri Bradley

Staff Assigned: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ LISA R. DAVIS 
COMMISSION SECRETARY

DATE: AUGUST 16, 1996

SUBJECT: MUR 4398 - MEMORANDUM TO THE COMMISSION
DATED AUGUST 15, 1996.

The above-captioned document was circulated to the Commission
on: THURSDAY, AUGUST 15, 1996 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

- Commissioner Aikens _____
- Commissioner Elliott xxx
- Commissioner McDonald _____
- Commissioner McGarry _____
- Commissioner Potter _____
- Commissioner Thomas _____

This matter will be placed on the meeting agenda for:
TUESDAY, SEPTEMBER 10, 1996

Please notify us who will represent your Division before the Commission
on this matter. Thank You!

97043823482

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Thomas Kramer, et al.

)
)
)

MUR 4398

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 20, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Accept the conciliation agreement with Thomas Kramer; 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol, Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; and Azure Coast Development, Ltd., as recommended in the General Counsel's Report dated August 15, 1996.

2. Accept the conciliation agreement with Terri Bradley, as recommended in the General Counsel's Report dated August 15, 1996.

(continued)

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3. Close the file as to Thomas Kramer and the seventeen listed corporations, and as to Terri Bradley.

4. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 15, 1996.

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

Attest:

8-20-96
Date

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

Received in the Secretariat: Thurs., Aug. 15, 1996 11:37 a.m.
Circulated to the Commission: Thurs., Aug. 15, 1996 4:00 p.m.
Deadline for vote: Tues., Aug. 20, 1996 4:00 p.m.

bjr

97043823484



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1996

Louis V. Vendittelli, Esq.
Simon, Hart & Sheehe
One Biscayne Tower, Suite 1684
2 South Biscayne Boulevard
Miami, Florida 33131

RE: MUR 4398
Terri Bradley

Dear Mr. Vendittelli:

On August 20, 1996, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to your client.

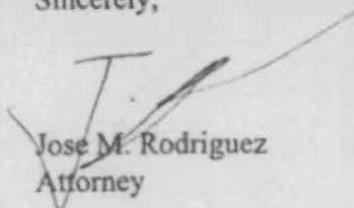
This matter will become public within 30 days after it has been closed with respect to all other respondents involved. Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files.
If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Terri Bradley) MUR 4398

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission by Thomas Kramer. The Federal Election Commission ("Commission") found reason to believe that Terri Bradley ("Respondent") violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent was employed as Thomas Kramer's secretary at the time of the transactions at issue.

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2. Respondent was asked by her employer, Thomas Kramer, to make a \$1,000 contribution to Mitchell for Senate and a separate \$20,000 contribution to the Democratic Senatorial Campaign Committee, both Federal political committees. See, 2 U.S.C. § 431(5) and (14).

3. Respondent made the requested contributions on March 30, 1993 and April 28, 1993, respectively, and thereafter accepted reimbursement from Thomas Kramer for the full amount of each contribution (\$21,000).

4. It is unlawful for any person to make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution. 2 U.S.C. § 441f.

V. Respondent allowed her name to be used to effect contributions by her employer, in violation of 2 U.S.C. § 441f.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty-One Thousand Dollars (\$21,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
Lawrence M. Noble
General Counsel

August 22, 1996
Date

FOR THE RESPONDENT:

Terri Bradley
Terri Bradley

7/16/96
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1996

Margaret L. Ackerley, Esq.
Wilmer, Cutler & Pickering
2445 M. Street, N.W.
Washington, D.C. 20037-1420

RE: MUR 4398
Thomas Kramer, *et al.*

Dear Ms. Ackerley:

On August 20, 1996, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441e and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to your clients.

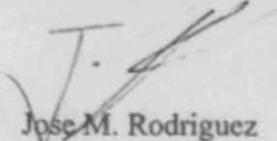
This matter will become public within 30 days after it has been closed with respect to all other respondents involved. Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

97043823490

Enclosed you will find a copy of the fully executed conciliation agreement for your files.
If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

Enclosure
Conciliation Agreement

97043823491

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4398
Thomas Kramer, *et al.*)

CONCILIATION AGREEMENT

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This matter was initiated by a *sua sponte* submission by Thomas Kramer. The Commission found reason to believe that Thomas Kramer ("Respondent") violated 2 U.S.C. §§ 441e and 441f. The Commission also found reason to believe that 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol, Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; Azure Coast Development, Ltd., ("Respondents") and Thomas Kramer as owner and Chief Executive Officer of these corporations, violated 2 U.S.C. § 441e.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Thomas Kramer is a foreign national as defined at 2 U.S.C. § 441e(b) and 11 C.F.R. § 110.4(a).

2. 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol, Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation and Azure Coast Development, Ltd. are domestic incorporated entities owned and controlled by Thomas Kramer.

3. Terri Bradley was employed as Thomas Kramer's secretary during the period of the transactions at issue.

4. A. Thomas Kramer made direct contributions to various local, State and Federal political committees used in connection with elections for local, State and Federal office during the 1993-1994 election cycle, totaling \$13,000.

B. Thomas Kramer further made a direct \$95,000 contribution to the Republican Party of Florida which was deposited into its redistricting account.

5. Thomas Kramer asked his secretary Terri Bradley to make to contributions in her name, totaling \$21,000, for which he subsequently reimbursed her. Accordingly, Thomas Kramer made contributions to Federal political committees in the name of his secretary Terri Bradley during the 1993-1994 election cycle, totaling \$21,000.

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6. Thomas Kramer made contributions through unknown intermediaries to local and State political committees during the 1993-1994 election cycle, totaling \$1,000.

7. Thomas Kramer as a corporate officer directed the making of contributions by his seventeen corporations to various local, State and Federal political committees used in connection with elections for local, State and Federal office during the 1993-1994 election cycle, totaling \$287,600.

8. It is unlawful for any foreign national to make a contribution directly or through any other person in connection with an election to any local, State or Federal political office.

2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

9. It is unlawful for any foreign national to direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, including domestic corporations, with regard to decisions concerning the making of contributions in connection with elections for any local, State, or Federal office. 11 C.F.R. § 110.4(a).

10. It is unlawful for any person to make a contribution in the name of another person. 2 U.S.C. § 441f.

V. A. Respondent Thomas Kramer made a total of \$322,600 in contributions either directly, through his secretary, through unknown intermediaries, or as an officer through his various corporations which were used in connection with elections for local, State and Federal office, in violation of 2 U.S.C. §§ 441e and 441f.

B. Respondents 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol, Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation;

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Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation and Azure Coast Development, Ltd., at Thomas Kramer's direction, made contributions totaling \$287,600, in violation of 2 U.S.C. § 441e.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred Twenty-Three Thousand Dollars (\$323,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

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XI. The terms of this agreement, including any admissions herein, are applicable solely to this proceeding and are not an admission of fact or liability or conclusion of law for any other proceeding, suit or action except by the Federal Election Commission.

FOR THE COMMISSION:

Lawrence M. Noble
Lawrence M. Noble
General Counsel

August 22, 1996
Date

FOR THE RESPONDENTS:

[Signature]
Thomas Kramer (individually)

8/5/96
Date

[Signature]
Thomas Kramer as CEO
(of the listed corporations)

8/5/96
Date

97043823496

KATZ, KUTTER, HAIGLER, ALDERMAN, MARKS, BRYANT & YON

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

SILVIA MORELL ALDERMAN
JOHN M. ARIALE
DONNA E. BLANTON
ALAN HARRISON BRENTS
DANIEL C. BROWN
BILL L. BRYANT, JR.
NANCY M. BURKE
JONATHAN B. BUTLER
RICHARD E. COATES
J. RILEY DAVIS
JOSÉ A. DIEZ-ARGUELLES
MARTIN R. DIX
KENNETH W. DONNELLY
PAUL R. EZATOFF
WILLIAM M. FURLOW
MITCHELL B. HAIGLER
DAVID P. HEALY
MARK E. KAPLAN
ALLAN J. KATZ
EDWARD L. KUTTER
RICHARD P. LEE
JOHN C. LOVETT
CHRISTOPHER B. LUNNY
JOHN R. MARKS, III

POST OFFICE BOX 1877 32302-1877
HIGHPOINT CENTER
106 EAST COLLEGE AVENUE, 12TH FLOOR
TALLAHASSEE, FLORIDA 32301

TELEPHONE (904) 224-9604
TELECOPIER (904) 222-0100
TELECOPIER (904) 224-0781

SUNBANK CENTER
SUITE 1420
200 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32801

TELEPHONE (407) 423-5400
TELECOPIER (407) 843-0553

REPLY TO: TALLAHASSEE

August 26, 1996

TRAVIS L. MILLER
BRIAN M. NUGENT
BRUCE D. PLATT
ARTHUR L. STERN, III
LISA D. STREAM
GARY P. TIMIN
J. LARRY WILLIAMS
DAVID A. YON
PAUL A. ZEIGLER

OF COUNSEL
EDWARD S. JAFFRY
PATRICK F. MARONEY
CRAIG A. MEYER

GOVERNMENTAL CONSULTANTS
MONICA A. LASBETER*
PAT GRIFFITH O'CONNELL*
E. CLINT SHAWLEY*
GERALD C. WESTER*
(NOT A MEMBER OF FLORIDA BAR)

EXECUTIVE DIRECTOR
J. ANDREW KELLER, III, C.P.A.

José M. Rodriguez, Esq.
Federal Election Commission
Washington, DC 20463

RE: MUR 4398
Gerald Lewis Campaign

Dear Mr. Rodriguez:

Thank you for taking the time last week to review the Gerald Lewis campaign issue. As we discussed, there are several additional facts that should be considered.

1. The Gerald Lewis Campaign no longer exists. Under the terms of §106.141 (7) Florida Statutes 1995, all campaign funds must be distributed within ninety (90) days following the election to office or the elimination of the candidate from contention. Mr. Lewis was defeated in the general election held November 6, 1994 and the campaign account was closed out on February 6, 1995.

2. Mr. Lewis held elective public office in Florida for twenty-six (26) years. Following his loss in 1994, Mr. Lewis announced his retirement from public service and his intention never again to run for elective office.

Since the account was closed and Mr. Lewis' retirement from office, there is no longer, nor will there ever be, a Gerald Lewis campaign from which to disgorge the funds received from Mr. Kramer.

Mr. Lewis and I both were under the impression that the paid campaign staff had been instructed to refund the amount in question to Mr. Kramer. However, in consultation with Mr. David Beidel, CPA, the campaign treasurer, we can find no evidence that this was done.

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Aug 29 1 09 PM '96
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COMMISSION
OFFICE OF GENERAL
COUNSEL

José M. Rodriguez, Esq.
August 26, 1996
Page 2

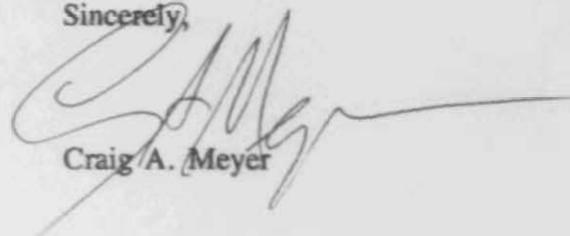
On February 6, 1995 as part of the closing out of the campaign account, the campaign surplus of \$17,780.10 was paid to the State of Florida for the benefit of the Election Campaign Financing Trust Fund. This pay out was made in accordance with §106.141 (4)(b) Florida Statutes, 1995.

I am enclosing a copy of the final page of the last campaign expenditure report which is on file with the Florida Secretary of State. On this page, you can see the payment to the State of Florida. Mr. Beidel is retrieving the actual canceled check from storage. When the check is received, I will forward a copy to your attention.

Mr. Lewis and I both deeply regret that these contributions were not returned in a timely fashion. However, since there is no longer a Gerald Lewis campaign, nor any remaining funds, I respectfully request that based on the findings of the Federal Elections Commission and the information herein forwarded, that the file on this matter be closed without any additional payment.

Should you have any questions or require additional information, please feel free to contact me at (904) 224-9634.

Sincerely,



Craig A. Meyer

CAM/deg
Enclosures

97043823498

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CANDIDATES FOR GOVERNOR & CABINET - ITEMIZED EXPENDITURES (FORM DS-DE 93)**

Lewis, Gerald

ID NUMBER: 14579

TYPE CANDIDATE'S NAME (Last, Suffix, First, Middle)

COVERING PERIOD: November 4, 1994 THROUGH February 6, 1995

PAGE 18 OF 18

Meyer		Craig			
CONTRIBUTOR NAME (Last)		(Suffix)	(First)	(Middle)	
3334 Lenox Mill Road		Tallahassee		FL 32308	
STREET ADDRESS		CITY		ST	ZIP CODE
Date Rec'd (mm/dd/yy)	Expense Type *	Purpose *	Reimbursement	Amendment *	Expenditure Amount
2/6/95	MON	TRAVEL	Y		\$32.50
State of Florida					
CONTRIBUTOR NAME (Last)		(Suffix)	(First)	(Middle)	
The Capitol		Tallahassee		FL 32399	
STREET ADDRESS		CITY		ST	ZIP CODE
Date Rec'd (mm/dd/yy)	Expense Type *	Purpose *	Reimbursement	Amendment *	Expenditure Amount
2/6/95	MON	CONTRB	N		\$17,780.10
The Windsor Group					
CONTRIBUTOR NAME (Last)		(Suffix)	(First)	(Middle)	
245 East Virginia Street		Tallahassee		FL 32301	
STREET ADDRESS		CITY		ST	ZIP CODE
Date Rec'd (mm/dd/yy)	Expense Type *	Purpose *	Reimbursement	Amendment *	Expenditure Amount
2/6/95	MON	CNSULT	N		\$5,000.00

* SEE INSTRUCTIONS FOR CODE VALUES

9 7 0 4 3 8 2 3 4 9 9

Aug 22 96 16:34 No. 010 P.02

Aug 22 96

TEL: 904-224-6270

MARK S. LEVINE

(8/93)

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

8/26/96

FEDERAL ELECTION COMMISSION
WASHINGTON DC. 20463

AUG 29 11 54 AM '96
RE: MUR 4398

ATT JOSE M. RODRIGUEZ

ENCLOSED YOU WILL FIND A CHECK FOR \$3,392.87 MADE
PAYABLE TO THE U.S. TREASURY PER YOUR LETTER OF
JULY 25, 1996.

PREVIOUSLY I RETURNED \$1250 TO THE GROUP AS I MENTIONED
IN OUR PHONE CONVERSATION. THE ENCLOSED AMOUNT REPRESENTS
MY OFFICE ACCOUNT TOTAL WHICH INCLUDES MOSTLY OTHER
CONTRIBUTORS WHO ARE NOT IN QUESTION

IF IT IS DETERMINED THAT ONLY A PROPORTIONATE SHARE
OF THE OFFICE ACCOUNT WOULD BE PAYABLE I WOULD
APPRECIATE HEARING FROM YOU

SINCERELY

S. Eisenberg

SY EISENBERG CAMPAIGN FUND

97043823500

SEP 4 10 14 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

CITIBANK

OFFICIAL CHECK

046-152869150

CITIBANK, FEDERAL SAVINGS BANK, MIAMI, FL

25# 02/ 12# 02

015-03 C.C. SER. # 152869150

PAY TO THE ORDER OF TREASURY

THREE THOUSAND THREE HUNDRED NINE

AND 02/100 DOLLARS

NAME OF REMITTER CITIBANK

ADDRESS 100 WALL STREET

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES FROM GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.

BY *[Signature]* AUTHORIZED SIGNATURE

CITIBANK, FEDERAL SAVINGS BANK

97043823501



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 4 10 14 AM '96

Sept. 3, 1996

TWO WAY MEMORANDUM

TO: OGC Docket
FROM: Rosa E. Swinton Accounting Technician Leslie D. Brown *ldt* Disbursement Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from Sy Eisenberg, check number C46-1528915C, dated 8-26-96, for the amount of \$3,392.87. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

=====

TO: Rosa E. Swinton Accounting Technician Leslie D. Brown Disbursement Technician
FROM: OGC Docket *By aa*
SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$3,392.87, the MUR/Case number is 4398 and in the name of Sy Eisenberg Campaign Fund. Place this deposit in the account indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Ainta Alexander
Signature

9-4-96
Date

97043823502



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Bernardo Escobar
Office of Commissioner Javier Souto
9766 Coral Way, Suite 1
Miami, Florida 33165

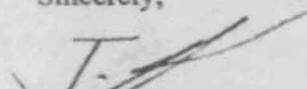
RE: MUR 4398
Campaign for Commissioner
Javier Souto

Dear Mr. Escobar:

As discussed in our previous telephone conversation, we are in receipt of your letter dated July 29, 1996, enclosing the committee's termination report. Accordingly, because the committee has terminated and no longer retains any funds, the Commission no longer requests the disgorgement referenced in its letter of July 25, 1996.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823503



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Craig A. Meyer, Esq.
Katz, Kutter, Haigler, Alderman, Marks
Bryant & Yon
106 East College Avenue, 12th Floor
Tallahassee, Florida 32301

RE: MUR 4398
Gerald Lewis Campaign

Dear Mr. Meyer:

We are in receipt of your letter dated August 26, 1996, enclosing a portion of the committee's termination report. Accordingly, because the committee has terminated and no longer retains any funds, the Commission no longer requests the disgorgement referenced in its letter of July 25, 1996.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823504



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Boulevard
Suite 103
North Miami Beach, Florida 33181

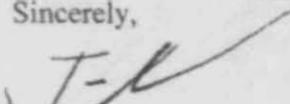
RE: MUR 4398
Gwen Margolis Campaign Fund

Dear Ms. Gordon:

We are in receipt of your letter dated August 1, 1996, evidencing that the contributions at issue in this matter had been previously refunded. Accordingly, the Commission no longer requests the disgorgement referenced in its letter of July 25, 1996.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823505



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Conchy Trelles Bretos
5208 Alton Road
Miami Beach, Florida 33140

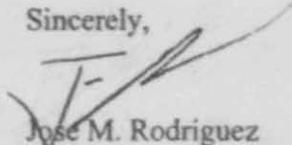
RE: MUR 4398
Bretos Campaign

Dear Ms. Bretos:

We are in receipt of your letter dated August 1, 1996, noting that the committee has terminated and closed its accounts. Accordingly, because the committee has terminated and no longer retains any funds, the Commission no longer requests the disgorgement referenced in its letter of July 25, 1996.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823506



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Miguel Karpel
Karpel & Company
1000 Brickell Avenue, Suite 900
Miami, Florida 33131

RE: MUR 4398
Mike Karpel Campaign Fund

Dear Mr. Karpel:

We are in receipt of your letter dated August 5, 1996, enclosing the committee's termination report. Accordingly, because the committee has terminated and no longer retains any funds, the Commission no longer requests the disgorgement referenced in its letter of July 25, 1996.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823507



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

The Honorable Sy Eisenberg
Office of the Mayor
1700 Convention Center Drive
Miami, Florida 33139

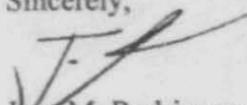
RE: MUR 4398
Sy Eisenberg Campaign Fund

Dear Mayor Eisenberg:

This letter acknowledges receipt of your letter dated August 26, 1996, and accompanying disgorgement check in the amount of \$3,392.87.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823508



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 11, 1996

Scott Falmlen, Executive Director
Florida Democratic Party
P.O. Box 1758
Tallahassee, Florida 32302

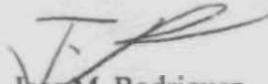
RE: MUR 4398
State Senate President Pat Thomas
"Victory in '94"

Dear Mr. Falmlen:

This letter acknowledges receipt of your letter dated August 8, 1996, and accompanying disgorgement check in the amount of \$500.

Should you have any questions, please call me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

970438223509



FEDERAL ELECTION
COMMISSION
SECRETARIAT

SEP 20 3 05 PM '96

OGC

HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

P.O. Box 52-2784
Miami, FL 33152-2784
(305) 460-3245

August 8, 1996

Ms. Lee Ann Elliot
Federal Elections Commission
999 E Street NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 20 3 24 PM '96

Dear Ms. Elliott:

This letter is in response to your July 2, 1996 letter regarding MUR 4398.

We are not initiating or requesting any action regarding this MUR 4398; however, we want to notify the Commission that we had taken action in regards to this matter over 23 months ago -- on our own, not as response to any FEC request (there was no FEC letter on this at all; this July 2 letter is the first and only letter we have received from the FEC on this matter).

The Ros-Lehtinen Committee returned \$1,000 to Mr. Thomas Kramer on 9/27/94, which was reported in our October 15, 1994 Quarterly Report.

We thank you for your determination to close the file and ask that you add this letter to the MUR 4398 file.

Sincerely,

Antonio L. Argiz, CPA, Treasurer
Ros-Lehtinen for Congress

cc: Mr. Jose M. Rodriguez
FEC MUR 4398 Attorney

97043823510



Republican Party of Florida
719 N. Calhoun Street
Tallahassee, FL 32303

(904) 222-7920 Phone
(904) 681-0184 FAX

MUR 4398

DATE: 9/27/96

TO: Jose Rodriguez

COMPANY: FEC

FAX NUMBER: 202-219-3923

FROM: Pat Blyth

NUMBER OF PAGES: (INCLUDING THIS COVER SHEET)
2

NOTES:

SEP 27 11 14 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

97043823511

..... CONFIDENTIALITY NOTE

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the render of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile message is strictly prohibited. If you have received this facsimile message in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

FAX TRANSMISSION

OCT 9 2 31 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Party of Florida (federal/non-federal) MUR 4398
accounts) and James H. Stelling, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 25, 1996, the Federal Election Commission found reason to believe, *inter alia*, that the Republican Party of Florida (federal/non-federal accounts¹) and James H. Stelling, as treasurer, ("RPF") violated 2 U.S.C. § 441e by accepting a combined total \$205,000 in contributions from Mr. Thomas Kramer, a foreign national, and a corporation controlled by Mr. Kramer, the Portofino Group, Inc.² The RPF was notified of the Commission's findings by letter dated July 2, 1996. On August 7, 1996, the RPF responded to the Commission's findings, describing the facts surrounding the violations and expressing an interest in entering into pre-probable cause conciliation.

II. ANALYSIS

The RPF in its response acknowledges receiving a total \$205,000 in contributions from Mr. Kramer and his corporation, the Portofino Group, Inc. The RPF essentially confirms receiving two contributions of \$100,000 and \$5,000 each from the Portofino Group, Inc. on

¹ The Republican Party of Florida has registered its federal account with the Commission under the name the "Republican Party of Florida Federation Campaign;" and submits its state filings under the name the "Republican State Executive Committee of Florida."

² The Commission has already settled this matter as concerns Mr. Kramer and his various contributing corporations by Conciliation Agreement (executed on August 22, 1996).

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June 4, 1993, and a separate direct \$100,000 contribution from Mr. Kramer on March 3, 1994. (See Attachment 1, at 1 and 4(¶ 3).) All funds were deposited into the RPF's non-federal account, except for \$5,000 of Mr. Kramer's direct \$100,000 contribution, which was deposited into its federal account. (See *Id.* at 2 and 4(¶ 3).) The RPF, however, notes that at the time of receipt, it was not aware that Mr. Kramer was a foreign national and therefore had no knowledge that the funds were impermissible. (See *Id.* at 1 and 4(¶ 3).) Moreover, the RPF explains that once made aware of the impermissible nature of the contributions it took corrective action. (See *Id.* at 2, 4(¶ 5), and 5(¶ 6).)

Based on the RPF's response, and additional information derived from other sources, the facts surrounding these contributions are as follows. Following the RPF's receipt of the three contributions, a news article appeared in the September 28, 1994 edition of the Tampa Tribune disclosing that Mr. Kramer had made impermissible contributions as a foreign national to various political entities, including the RPF. (Attachment 2.) According to this article, the newspaper informed the RPF of Mr. Kramer's immigration status sometime prior to publication. (See *Id.* at 1.) Moreover, in response to the Tampa Tribune article, Mr. Kramer apparently wrote the RPF sometime prior to October 25, 1994, seeking a full refund.³

In response to Mr. Kramer's request, on October 25, 1994 the RPF refunded to Mr. Kramer the \$5,000 deposited into its federal account, and on October 13, 1994 transferred the remaining portion of Mr. Kramer's direct contribution (\$95,000) to a separate redistricting

³ While the responses have not provided a copy of Mr. Kramer's initial refund request, the nature of the letter from the RPF accompanying a partial refund (next discussed) suggests that it was in response to an initial full refund request by Mr. Kramer. (See Attachment 3, at 1.)

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account.⁴ (See Attachment 1, at 2 and 4(¶ 5).) However, concerning the \$105,000 contributed by Mr. Kramer through his corporation, the Portofino Group, Inc., in response to a further refund request from Mr. Kramer, the RPF only noted that it had accepted and spent the funds in good faith and therefore would not make the requested refund. (See Attachment 3, at 2 and 3). Not until November 27, 1995, approximately a year after becoming aware of the impermissible nature of the contributions, and a year after Mr. Kramer's initial request for a full refund, did the RPF refund the \$105,000 contributed by Mr. Kramer through his corporation. (See Attachment 1, at 2 and 4(¶ 5), and Attachment 3, at 4.)

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 Consequently, although it is clear that the RPF took prompt corrective action concerning the \$100,000 contributed by Mr. Kramer directly, it waited a full year to refund the \$105,000 contributed by Mr. Kramer through his corporation. The only explanation advanced by the RPF for this delay is that the funds had already been spent in good faith prior to Mr. Kramer's request and therefore were not available for refund. (See Attachment 3, at 3.) However, while we have no information concerning the balance of the RPF's non-federal account in October 1994 -- when the RPF first learned of the impermissible nature of the contributions, a review of the RPF's reports on file with the Commission discloses that the RPF had approximately \$470,244 in its federal account as of October 27, 1994. Consequently, the RPF had sufficient funds, at least in its federal account, to make a full refund at the time of Mr. Kramer's request.

⁴ Although these funds could not be used in connection with local or state elections, they could be legitimately used for redistricting purposes. (For a full discussion of the inapplicability of the foreign national prohibition to redistricting expenditures, see the First General Counsel's Report in this matter, dated June 7, 1996, at 27-28.)

III. DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY

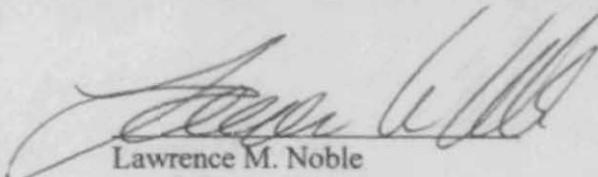
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IV. RECOMMENDATIONS

1. Enter into conciliation prior to finding of probable cause to believe with the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer.
2. Approve the attached conciliation agreement and the appropriate letter.

Date

10/9/96



Lawrence M. Noble
General Counsel

Attachments:

1. RPF Response.
2. Tampa Tribune news article.
3. RPF Correspondence.
4. Proposed Conciliation Agreement.

Staff Assigned: Jose M. Rodriguez

97043823517



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA DAVIS 
COMMISSION SECRETARY

DATE: OCTOBER 15, 1996

SUBJECT: MUR 4398 - General Counsel's Report dated October 9, 1996.

The above-captioned document was circulated to the Commission
on Wednesday, October 09, 1996.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

- | | |
|-----------------------|------------|
| Commissioner Aikens | <u>XXX</u> |
| Commissioner Elliott | <u>XXX</u> |
| Commissioner McDonald | — |
| Commissioner McGarry | — |
| Commissioner Thomas | — |

This matter will be placed on the meeting agenda for

Tuesday, October 22, 1996

Please notify us who will represent your Division before the Commission on this matter.

97043823518



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 18 10 50 AM '96

SENSITIVE

October 17, 1996

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *L.M.N. (412)*
General Counsel

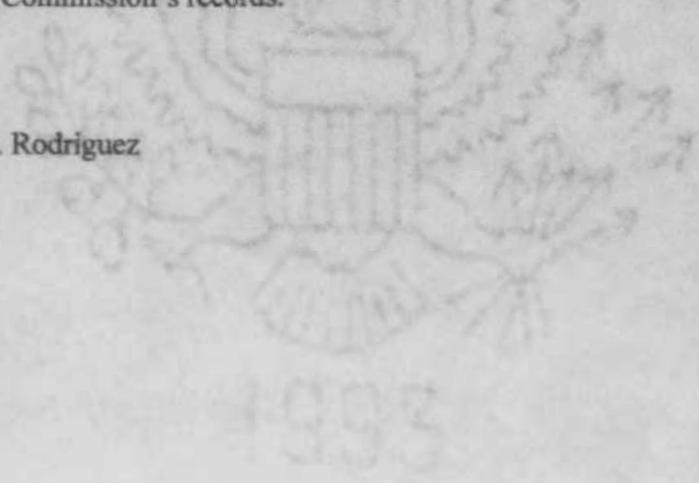
SUBJECT: MUR 4398
(Florida Republican Party/non-federal disclosures)

In connection with the General Counsel's Report in this matter dated October 9, 1996, one Commissioner's office requested to review, and was provided with, a schedule of the Republican Party of Florida's non-federal activity. Accordingly, this Office is circulating the subject schedule for the Commission's records.

Attachment

Staff Assigned: Jose M. Rodriguez

97043823519



Florida Department of State Division of Elections

1801 The Capitol
Tallahassee, FL 32399 0250
(904) 488-7690

Last Updated: October 07, 1996

Republican Party of Florida

Address:

719 North Calhoun Street
Tallahassee, FL 32302-0000
(904) 222-7920

Committee Type:

Party Executive Committee (PTY)

Chairman:

Tom Slade

Treasurer:

Jim Stelling

Note: The information presented below was obtained from the Committee's DS-DE12 report, "Campaign Treasurer's Report Summary." This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions.

Campaign Finance Activity

Filing Period	Contributions			Expend
	Monetary	Loans	InKind	
Prior to 1/1/94	\$29,388,466.85	\$0.00	\$1,049,329.38	\$27,305,982.44
4/1/94-6/30/94	\$3,017,675.86	\$0.00	\$16,500.00	\$352,437.22
7/1/94-9/1/94	\$2,262,134.23	\$0.00	\$19,636.32	\$337,002.74
9/2/94-9/29/94	\$2,350,932.78	\$0.00	\$50,076.70	\$698,252.42
9/30/94-11/3/94	\$7,667,704.48	\$0.00	\$215,671.84	\$3,849,471.92
11/4/94-12/31/94	\$492,532.25	\$0.00	\$14,536.48	\$132,232.92
1/1/95-3/31/95	\$1,098,723.20	\$0.00	\$3,589.67	\$299,063.32
4/1/95-6/30/95	\$2,899,950.10	\$0.00	\$7,800.00	\$373,323.60
7/1/95-9/30/95	\$389,091.22	\$0.00	\$2,475.00	\$121,080.94
10/1/95-12/31/95	\$1,121,318.39	\$0.00	\$33,258.32	\$893,551.97
1/1/96-3/31/96	\$1,599,608.72	\$0.00	\$30,525.01	\$285,984.85
4/1/96-6/30/96	\$2,271,331.95	\$0.00	\$19,490.00	\$528,982.48
8/10/96-8/29/96	\$2,300,054.33	\$0.00	\$13,610.10	\$698,432.02
8/30/96-9/26/96	\$1,348,170.82	\$0.00	\$22,797.65	\$721,660.69
Totals	\$58,207,695.18	\$0.00	\$1,499,296.47	\$36,597,459.53

97043823520

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 4398
Republican Party of Florida)	
(federal/non-federal accounts))	
and James H. Stelling, as)	
treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 22, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Enter into conciliation prior to a finding of probable cause to believe with the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer.
2. Approve the conciliation agreement and the appropriate letter as recommended in the General Counsel's October 9, 1996 report.

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

Attest:

10-23-96
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1996

Benjamin L. Ginsberg, Esq.
Patton Boggs
2550 M. Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4398
Republican Party of Florida
(federal/non-federal accounts) and
James H. Stelling, as treasurer

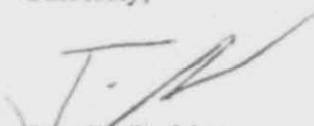
Dear Mr. Ginsberg:

On June 25, 1996, the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. § 441e. Based on your clients' interest in conciliation and based on information provided by your clients and other information in the Commission's possession, on October 22, 1996, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

Enclosure
Conciliation Agreement

97043823522

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEB 4 9 59 AM '97

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Party of Florida (federal/non-federal)
accounts) and James H. Stelling, as treasurer)

SENSITIVE

MUR 4398

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 25, 1996, the Federal Election Commission found reason to believe, *inter alia*, that the Republican Party of Florida (federal/non-federal accounts¹) and James H. Stelling, as treasurer, ("RPF or Respondents") violated 2 U.S.C. § 441e by accepting a combined total of \$205,000 in contributions from Mr. Thomas Kramer, a foreign national, and a corporation controlled by Mr. Kramer, the Portofino Group, Inc. In response to a request by the RPF to enter into conciliation, on October 22, 1996, the Commission voted to enter into pre-probable cause conciliation with the RPF and approved a conciliation agreement

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¹ The Republican Party of Florida has registered its federal account with the Commission under the name the "Republican Party of Florida Federation Campaign" and submits its state filings under the name the "Republican State Executive Committee of Florida."

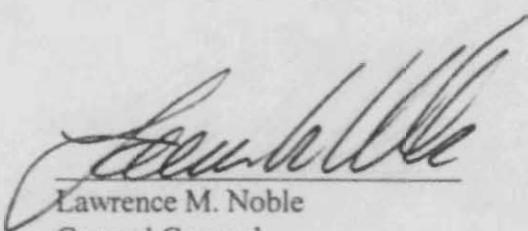
Accordingly, this Office recommends that the Commission accept Respondents' counteroffer.

III. RECOMMENDATIONS

1. Accept the proposed counteroffer from the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, and close the matter as to these Respondents.
2. Approve the appropriate letter.

Date

2/3/97


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Party of Florida (federal/) MUR 4398
non-federal accounts) and James H.)
Stelling, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 7, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Accept the proposed counteroffer from the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, and close the matter as to these Respondents, as recommended in the General Counsel's Report dated February 3, 1997.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated February 3, 1997.

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

Attest:

February 7, 1997
Date

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

Received in the Secretariat: Tues., Feb. 04, 1997 9:59 a.m.
Circulated to the Commission: Tues., Feb. 04, 1997 4:00 p.m.
Deadline for vote: Fri., Feb. 07, 1997 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Received

FEB 18 1997

Patton Boggs, L.L.P.

February 13, 1997

FEB 24 11 05 AM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF SPECIAL
COUNSEL

BY HAND

Benjamin L. Ginsberg, Esq.
Patton Boggs
2550 M. Street, N.W.
Washington, D.C. 20037-1350

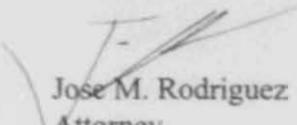
RE: MUR 4398

Dear Mr. Ginsberg:

As discussed in our telephone conversation earlier today, enclosed for your signature is a Commission approved conciliation agreement containing mutually agreed upon terms. We appreciate your prompt attention to this matter.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

Enclosure

97043823526



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1997

Benjamin L. Ginsberg, Esq.
Patton Boggs
2550 M. Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4398
Republican Party of Florida and
James H. Stelling, as treasurer

Dear Mr. Ginsberg:

On February 7, 1997, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to your clients.

This matter will become public within 30 days after it has been closed with respect to all other respondents involved. Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

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Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

Enclosure
Conciliation Agreement

97043823528

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4398
Republican Party of Florida (federal/non-federal accounts))
and James H. Stelling, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, ("Respondents") violated 2 U.S.C. § 441e.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Republican Party of Florida is a political committee within the meaning of 2 U.S.C. § 431(4)(C).

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2. James H. Stelling is the treasurer of the Republican Party of Florida.

3. The Republican Party of Florida, a party committee as defined under 11 C.F.R. § 100.5(e)(4), has opted pursuant to 11 C.F.R. § 102.5(a)(1)(i) to establish separate federal and non-federal accounts from which to conduct its federal and non-federal activities. The Republican Party of Florida has registered its federal account with the Commission under the name the "Republican Party of Florida Federation Campaign," and submits its state filings under the name the "Republican State Executive Committee of Florida."

4. Thomas Kramer is a foreign national as defined at 2 U.S.C. § 441e(b) and 11 C.F.R. § 110.4(a).

5. The Portofino Group, Inc. is a domestic incorporated entity owned and controlled by Thomas Kramer.

6. On June 4, 1993, Respondents received and accepted two separate contributions of \$100,000 and \$5,000 from the Portofino Group, Inc. which were deposited into the Republican Party of Florida's non-federal account. These contributions were made under Thomas Kramer's control and at his direction.

7. On March 3, 1994, Respondents received and accepted a \$100,000 contribution from Thomas Kramer. Respondents deposited \$5,000 of this contribution into the Republican Party of Florida's federal account, with the remaining \$95,000 going into the non-federal accounts and then transferred into a segregated redistricting account.

8. Respondents contend that they accepted the contributions from Thomas Kramer and the Portofino Group in good faith and without any knowledge that Mr. Kramer was a foreign national or that the Portofino Group was controlled by a foreign national.

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9. It is unlawful for any foreign national to make a contribution directly or through any other person in connection with an election to any local, State or Federal political office, or for any foreign national to direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, including domestic corporations, with regard to decisions concerning the making of contributions in connection with elections for any local, State or Federal office. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

10. Further, it is unlawful for any person, including political committees, to accept or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

11. The Commission has held that funds used solely for non-campaign related redistricting issues are exempt from the foreign national prohibition at 2 U.S.C. § 441e. *See* AO 1982-14, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5655 (April 9, 1982); *see also*, AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981).

V. Respondents accepted and received a total \$110,000 in contributions from a foreign national, in violation of 2 U.S.C. § 441e.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eighty-Two Thousand Dollars (\$82,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

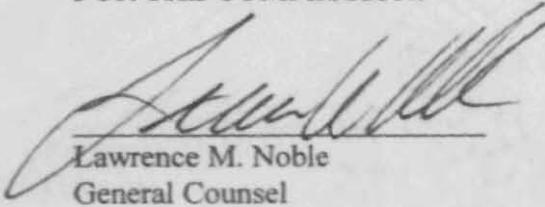
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VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

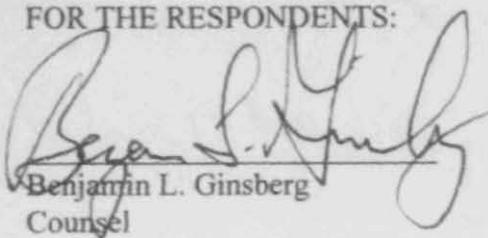
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

2/26/97
Date

FOR THE RESPONDENTS:


Benjamin L. Ginsberg
Counsel

Feb. 20, 1997
Date

97043823532

PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000
FACSIMILE: (202) 457-6315

WRITER'S DIRECT DIAL
(202) 457-6405

March 17, 1997

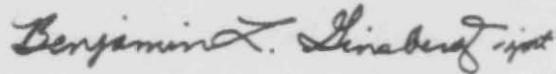
Jose Rodriguez, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4398

Dear Mr. Rodriguez:

I forward the check from the Republican Party of Florida in the amount called for in the Conciliation Agreement in this matter.

Sincerely,



Benjamin L. Ginsberg

BLG/jmt

Enclosure

MAR 18 2 23 PM '97
MAR 17 10 25 AM '97

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
999 E STREET, N.W.
WASHINGTON, D.C. 20463

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OFFICIAL CHECK

Barnett Bank

DATE MARCH 11, 1997

510456134

29-1/1020

AFFILIATE NAME Barnett Bank, N.A., Tallahassee

OFFICE NAME Downtown Office

RE: The Republican Party of Florida - Exp 4798

PAY **EIGHTY TWO THOUSAND DOLLARS AND 28 CENTS**

\$ **82000.00**

TO THE ORDER OF **UNITED STATES TREASURY**

BARNETT BANK

AUTHORIZED SIGNATURE

Issued By Integrated Payment Systems, Englewood, Colorado
First Interstate Bank of Denver, N.A., Denver CO

⑈600101503⑈ ⑆10200018⑆ 1093?? 510456134⑈

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.

97043823534



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1997

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAR 18 2 23 PM '97

TWO WAY MEMORANDUM

TO: OGC Docket
FROM: Leslie D. Brown
Disbursing Technician
SUBJECT: Account Determination for Funds Received

We recently received a check from **Republican Party of Florida**, check number **510456134**, dated **March 11, 1997**, for the amount of **\$82,000.00**. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

=====

TO: Rosa E. Swinton *RS* Leslie D. Brown
Accounting Technician Disbursing Technician

FROM: OGC Docket

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$ 82,000.00 the MUR/Case number is 4398 and in the name of Rep. Party of Florida. Place this deposit in the account indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Retha L. Wilson
Signature

3/19/97
Date

97043823535

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 12 11 27 AM '97

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Thomas Kramer, et al.

)
)
)

MUR 4398

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This matter was generated by a *sua sponte* submission filed by counsel for Thomas Kramer noting that, as a foreign national, Mr. Kramer made extensive contributions to Federal, State and local elections during the 1993-1994 election cycle. Based on this information, on June 25, 1996, the Commission found reason to believe against Mr. Kramer, his assistant Ms. Terri Bradley, his wife Mrs. Catherine Burda Kramer, the various corporations under his control, the various Federal, State and local recipients

The Commission took no further action against all respondents except for Mr. Kramer, Ms. Bradley, one recipient committee -- the Republican Party of Florida

¹ The *sua sponte* submission contained information noting that an unidentified individual associated with the Democratic Senatorial Campaign Committee ("DSCC") had suggested that Mr. Kramer funnel a \$20,000 contribution through his assistant. See First General Counsel's Report in this matter dated June 7, 1996, at 17-21. This Office made no recommendations concerning the DSCC at that time, informing the Commission that recommendations would follow as warranted by any new information discovered. *Id.* at 20-21.

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All remaining respondents requested pre-probable cause conciliation

Accordingly, this Office at that time advised the Commission to forgo an investigation in order to explore the expeditious resolution of the matter through conciliation.

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II. BACKGROUND

In his *sua sponte* submission Mr. Kramer admits to making a total \$417,600 in contributions, including \$21,000 in contributions in the name of his assistant -- Terri Bradley. On June 25, 1996 the Commission found reason to believe Mr. Kramer violated 2 U.S.C. §§ 441e by making numerous contributions individually and through his corporations and 441f by making two contributions through his assistant, and that his assistant, Ms. Bradley, violated 2 U.S.C. § 441f by allowing her name to be used to make the two contributions. The Commission also found reason to believe Mr. Kramer's wife, Mrs. Catherine Burda Kramer, violated 2 U.S.C. § 441e by making \$2,000 in contributions, but decided to take no further action because of the small amount involved.

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The Commission additionally found reason to believe that numerous recipients violated section 441e by accepting these contributions, but decided to take no further action against the majority of these recipients. Instead, the Commission admonished the various recipients that receipt and acceptance of foreign national contributions is a violation of the Act and, to the extent that the tainted contributions had not already been refunded, requested that the recipients disgorge the remaining funds to the United States Treasury. However, the available evidence concerning Mr. Kramer's contributions to the Republican Party of Florida ("RPF") suggested that a portion of Mr. Kramer's contributions was in fact legitimate in that it was used for exempt reapportionment expenses. Accordingly, the Commission proceeded against the RPF to allow the state party an opportunity to clarify this issue. See the First General Counsel's Report in this matter dated June 7, 1996, at 26-28.

On the same date the Commission also entered into conciliation with both Mr. Kramer and Ms. Bradley, and supplied respondents with separate conciliation agreements

Information derived through the conciliation process, and information derived from other sources, clarified that Mr. Kramer's contributions to one Federal candidate committee was overstated by \$1,000 and that a portion (\$95,000) of Mr. Kramer's contributions to RPF was used for redistricting purposes and was therefore not in violation of the Act.² See the General

² The Commission has held that funds used solely for non-election influencing purposes, such as redistricting issues, do not constitute contributions and, therefore, the foreign national prohibition at 2 U.S.C. § 441e would not apply. See, e.g., AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981).

Counsel's Report in this matter dated August 15, 1996, at 2. The amount in violation was accordingly adjusted to \$323,000 as concerned Mr. Kramer's violations, and on August 20, 1996 the Commission accepted a signed conciliation agreement and a \$323,000 civil penalty payment from Mr. Kramer in settlement of the matter. See the Commission's Certification in this matter dated August 20, 1996. At the same time the Commission also accepted a signed conciliation agreement and a \$21,000 civil penalty payment from Ms. Bradley in settlement of her violations.

See Id.

97043823539

NOTICE

PAGES 5 - 11
INFORMATION PERTAINING TO CONCILIATION AND MATTERS
CURRENTLY UNDER CONSIDERATION BY THE COMMISSION HAS BEEN
DELETED FROM THIS FILE

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VI. RECOMMENDATIONS

1.

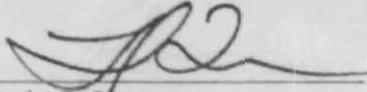
2.

3. Close MUR 4398.

4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

5/13/97
Date

BY: 
Lois G. Verner
Associate General Counsel

97043823542

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thomas Kramer, et al.) MUR 4398

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 19, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1.

2.

(continued)

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3. Close MUR 4398.

4. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 13, 1997.

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

Attest:

5-19-97
Date

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

Received in the Secretariat: Tues., May 13, 1997 4:07 p.m.
Circulated to the Commission: Wed., May 14, 1997 11:00 a.m.
Deadline for vote: Mon., May 19, 1997 4:00 p.m.

bjr

97043823544



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Conchy Trelles Bretos
5208 Alton Road
Miami Beach, FL 33134

RE: MUR 4398

Dear Ms. Bretos:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

José M. Rodriguez
Attorney

97043823545



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Catherine Burda Kramer
446 Collins Ave.
Miami Beach, FL 33139

RE: MUR 4398

Dear Mrs. Kramer:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823546



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Neisen Kasdin, Esq.
Geiger, Kasdin, Hellers & Kuperstein, PA.
1428 Brickell Avenue, Suite 600
Miami, FL 33131-3435

RE: MUR 4398

Dear Mr. Kasdin:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez
Attorney

97043823547



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Bruce Kaplan
111 N.W. 1st Street, Suite 220
Miami, FL 33128-1902

RE: MUR 4398

Dear Mr. Kaplan:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Jose M. Rodriguez
Attorney

97043823548



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

The Honorable Sy Eisenberg
Office of the Mayor
1700 Convention Center Drive
Miami, FL 33139

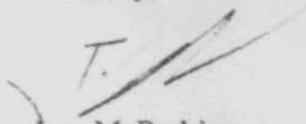
RE: MUR 4398

Dear Mayor Eisenberg:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823549



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

The Honorable Charles Dusseau
Commerce Building
536 Collins Building
Tallahassee, FL 32399-2000

RE: MUR 4398

Dear Mr. Secretary:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez
Attorney

97043823550



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Commissioner James C. Burke
Board of Commissioners, Suite 220
111 N.W. 1st Street
Miami, FL 33128-1902

RE: MUR 4398

Dear Commissioner Burke:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Rodriguez", written over a horizontal line.

Jose M. Rodriguez
Attorney

97043823551



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Nancy Leibman
1700 Convention Center Drive
Miami Beach, FL 33139

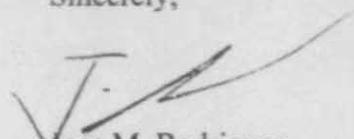
RE: MUR 4398

Dear Ms. Leibman:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823552



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Larry Hawkins
13641 S.W. 60th Avenue
Miami, FL 33157

RE: MUR 4398

Dear Mr. Hawkins:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823553



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Scott Falmlen, Executive Director
Florida Democratic Party
P.O. Box 1758
Tallahassee, FL 32302

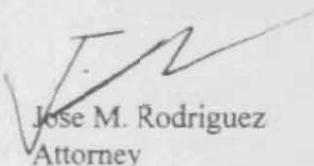
RE: MUR 4398
State Senate President Pat Thomas
"Victory in '94"

Dear Mr. Falmlen:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823554



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Bernardo Escobar
Office of Commissioner Javier Souto
9766 Coral Way, Suite 1
Miami, FL 33165

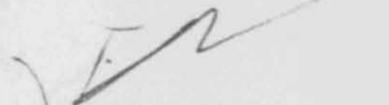
RE: MUR 4398
Campaign for Commissioner
Javier Souto

Dear Mr. Escobar:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

97043823555



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Ann J. Gordon, Treasurer
Gwen Margolis Campaign Fund
13899 Biscayne Boulevard
Suite 103
North Miami Beach, FL 33181

RE: MUR 4398

Dear Ms. Gordon:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823556



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Craig A. Meyer, Esq.
Katz, Kutter, Haigler, Alderman, Marks
Bryant & Yon
106 East College Avenue, 12 Floor
Tallahassee, FL 32301

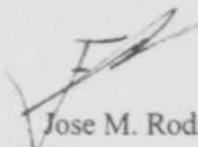
RE: MUR 4398
Gerald Lewis Campaign

Dear Mr. Meyer:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823557



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeb Bush
Cordina Group
2 Alhambra Plaza, PH 2
Coral Gables, FL 33134

Re: MUR 4398

Dear Mr. Bush:

As noted in the enclosed letter and Factual and Legal Analysis, on June 25, 1996, the Federal Election Commission found reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e by accepting contributions from Mr. Thomas Kramer, a foreign national. However, the Commission decided to take no further action and closed the matter as concerned the campaign. At that time, this Office attempted to notify you of the Commission's finding, but was unable contact you.

Recently, on May 19, 1997, the Commission closed the balance of MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

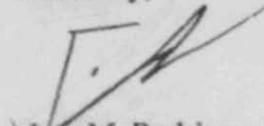
Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823558

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Miguel Karpel
Karpel & Company
1000 Brickell Avenue, Suite 900
Miami, FL 33131

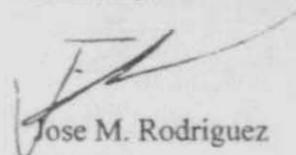
RE: MUR 4398

Dear Mr. Karpel:

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

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823560



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Roger M. Witten, Esq.
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037-1420

RE: MUR 4398

Dear Mr. Witten:

On May 19, 1997, the Federal Election Commission

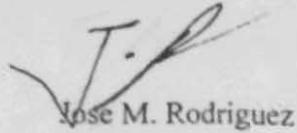
.closed

MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and that matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823561

If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

cc: Margaret L. Ackerley, Esq.

97043823562



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph E. Sandler, General Counsel
Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

RE: MUR 4398

Dear Mr. Sandler:

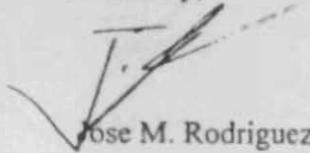
This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823563

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez". The signature is written in a cursive style with a large, sweeping initial "J".

Jose M. Rodriguez
Attorney

97043823564



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis V. Vendittelli, Esq.
Simon, Hart & Sheeche
One Biscayne Tower, Suite 1684
2 South Biscayne Boulevard
Miami, FL 33131

RE: MUR 4398

Dear Mr. Vendittelli:

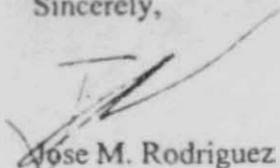
This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823565

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez
Attorney

97043823566



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Craig M. Engle, General Counsel
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 4398

Dear Mr. Engle:

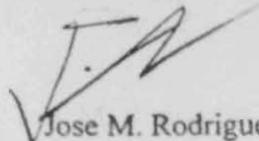
This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823567

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

97043823568



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esq.
Patton Boggs
2550 M. Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4398

Dear Mr. Ginsberg:

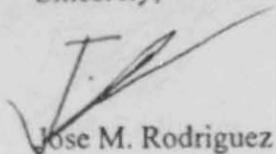
This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823569

If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

97043823570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Saralee Livingston
Kerrey for U.S. Senate Committee
7602 Pacific Street, Lower Level B
Omaha, NE 68114

RE: MUR 4398

Dear Ms. Livingston:

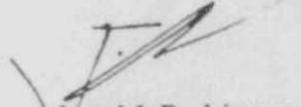
This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823571

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez
Attorney

97043823572



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nancy Watkins, Assistant Treasurer
Friends of Connie Mack
1311 N. Westshore Boulevard
Suite 313
Tampa, FL 33607

RE: MUR 4398

Dear Ms. Watkins:

This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

97043823573

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



José M. Rodriguez
Attorney

97043823574



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Antonio L. Argiz, Treasurer
Ros-Lehtinen for Congress
P.O. Box 52-2784
Miami, FL 33152-2784

RE: MUR 4398

Dear Mr. Argiz:

This is to advise you that MUR 4398 is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

970438235/5

If you have any questions, please contact me at (800) 424-9530.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jose M. Rodriguez', with a stylized flourish extending to the right.

Jose M. Rodriguez
Attorney

97043823576

Jeb Bush
2 Alhambra Plaza, P2
Coral Gables, FL 33134
305/520-2334

June 23, 1997

JUN 24 9 55 AM '97
FEDERAL ELECTIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Mr. Jose Rodriguez, Esquire
Office of the General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4398 – Jeb Bush Gubernatorial Campaign

Dear Mr. Rodriguez:

This will respond to your letter of June 10, 1997, which we received on June 14, 1997. I request that this letter be made public as part of this case so that all the facts are known and the record is complete.

Neither I nor my campaign ever had the opportunity to respond to this Federal Election Commission ("FEC") charge, since the FEC was somehow unable to locate me during the enforcement process. Neither I nor my campaign had any idea we were even a part of this (or any other) FEC matter until your letter of June 10, 1997. Had you wished to find me, rather than writing to an address at which I had not lived for seven years, you might have tried Directory Assistance, the Florida Secretary of State's office (where I filed the required reports for the 1994 Gubernatorial election), or the Republican Party of Florida, for whom I have been active over many years.

Had you afforded me the opportunity to respond, I would have vigorously contested my finding of liability since, as the enclosed documents show, my campaign refunded the contributions in question on November 14, 1994, just six weeks after receiving them. The refund was made **20 months before** your letter to my old address. The refund was duly reported on my campaign's timely February 6, 1995 submission to the Florida Department of Elections, which is attached but which you apparently did not bother to check. This submission was some **16 months** before your letter to my old home address.

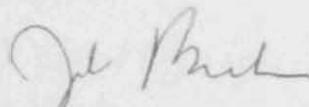
97043823517

RODRIGUEZ
PAGE TWO

At the time my campaign accepted the two \$100 contributions from Olympus Holding Corporation, we believed them to be from a permissible source, and deposited them accordingly. Six weeks later, we discovered from press accounts that Olympus' sole owner was a foreign national, and we refunded his \$200 contribution on November 14, 1994. *See attachments.*

I and my campaign place a very high priority on compliance with all relevant campaign finance statutes and regulations. That we did comply properly in this instance makes it particularly troubling that the FEC would find reason to believe a violation occurred without doing even the most rudimentary research. Therefore, we object strenuously to the FEC's incorrect reason to believe finding, even though it did vote to close the case against us, and exercise our right under the statute to have this letter placed on the public record in order to provide a true picture of this matter.

Sincerely,



Jeb Bush

attachments

970438235 / 8

FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
 CANDIDATES FOR GOVERNOR & CABINET - SUMMARY SHEET (FORM DS-DE 91)

REQUESTING MATCHING FUNDS AGREE TO ABIDE BY LIMITS NON-PARTICIPATING

BUSH, J.E.
 TYPE CANDIDATE'S NAME (Last, Suffix, First, Middle)

Governor ID NUMBER: 14166
 OFFICE SOUGHT

P.O. Box 144155
 STREET ADDRESS

Coral Gables, FL 33114
 CITY FL ST ZIP CODE

CHECK BOX IF ADDRESS HAS CHANGED SINCE LAST REPORT.

TYPE OF REPORT

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CHECK APPROPRIATE BOX:

Quarterly Reports:	First Primary	Second Primary	General Election
<input type="checkbox"/> January	<input type="checkbox"/> 32nd day prior		<input type="checkbox"/> 32nd day prior
<input type="checkbox"/> April	<input type="checkbox"/> 25th day prior	<input type="checkbox"/> 25th day prior	<input type="checkbox"/> 25th day prior
<input type="checkbox"/> July	<input type="checkbox"/> 18th day prior	<input type="checkbox"/> 18th day prior	<input type="checkbox"/> 18th day prior
<input type="checkbox"/> October	<input type="checkbox"/> 11th day prior	<input type="checkbox"/> 11th day prior	<input type="checkbox"/> 11th day prior
	<input type="checkbox"/> 4th day prior	<input type="checkbox"/> 4th day prior	<input type="checkbox"/> 4th day prior

TERMINATION REPORT.

COVERING PERIOD - FROM November 4, 94 TO Feb 6, 1995

THIS REPORT IS AN AMENDMENT: _____ IF SO, THEN ENTER AN AMENDMENT CODE ON EACH DETAIL ENTRY ALSO.

IT IS A FIRST DEGREE MISDEMEANOR FOR ANY PERSON TO FALSIFY A PUBLIC RECORD. § 839.13, F.S.

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE

FELICIANO M. SOGO
 TYPE NAME OF TREASURER
[Signature]
 SIGNATURE

JOHN ELLIS "JEB" BUSH
 TYPE NAME OF CANDIDATE
[Signature]
 SIGNATURE

FILED
 OCT 11 1994
 SECRETARY OF STATE

	Column 1 CASH & CHECKS	Column 2 LOANS	Column 3 TOTAL MONETARY (Column 1 + Column 2)	Column 4 IN-KIND
CONTRIBUTIONS				
A. Contributions Brought Forward From Previous Report	3,824,111.47	0	3,824,111.47	789,103.24
B. Contributions This Report	174,831.14	0	174,831.14	0
C. Total Contributions (Add A&B)	3,998,942.61	0	3,998,942.61	789,103.24
D. Total Candidate Loans Or Contributions To Date =	7,358.75			
E. Total Party Contributions To Date =	46,919.07			

	Column 2 SURPLUS FUNDS	Column 3 MONETARY
EXPENDITURES		
F. Expenditures Brought Forward From Previous Report	57,019.34	6,714,116.75
G. Expenditures This Report (Excluding Transfers To Office Account)	0	2,221,806.52
H. Transfers To Office Account	0	0
I. Total Expenditures (Add F,G & H)	57,019.34	8,941,923.27
J. Total Expenditure From Petty Cash, This Period		0
K. Total Amount For Legal & Accounting Services, To Date		0
BALANCE		Column 3 TOTAL MONETARY
L. Total Monetary Contributions (From Line C, Column 3 Above)		3,998,942.61
M. Total Expenditures (From Line I, Column 2 + Column 3 Above)		8,998,942.61
N. Account Balance (Line L - Line M)		

	Column 3 CONTRIBUTIONS TO BE MATCHED	Column 4 PUBLIC CAMPAIGN FUNDS REQUESTED
TO BE COMPLETED FOR MATCHING FUNDS REQUESTS ONLY.		
C. Brought Forward From Previous Reports	0	0
P. Total This Report	0	0
Q. Total To Date	0	0

FLORIDA DEPARTMENT of STATE, DIVISION of ELECTIONS
CANDIDATES FOR GOVERNOR & CABINET - ITEMIZED EXPENDITURES (FORM DS-DE 93)

BUSH, JEB

ID NUMBER: 14166

TYPE CANDIDATE'S NAME (Last, Suffix, First, Middle)

COVERING PERIOD: 11/4/94 THROUGH 2/6/95

PAGE 29 OF 98

OLYMPUS HOLDING INC					
NAME (Last) 446 Collins Ave		(Suffix)	(First) Miami Beach	(Middle)	FL 33139
STREET ADDRESS			CITY	ST	ZIP CODE
Date (mm/dd/yy) 11/14/94	Expense Type SUR	Purpose REPMNT	Reimbursement N	Amendment	Expenditure Amount \$ 200 .00
DIAZ					
NAME (Last) 6630 NE 21 Ave		(Suffix)	(First) Et Lauderdale	(Middle)	FL 33309
STREET ADDRESS			CITY	ST	ZIP CODE
Date (mm/dd/yy) 11/14/94	Expense Type SUR	Purpose REPMNT	Reimbursement N	Amendment	Expenditure Amount \$ 500 .00
SUN BANK					
NAME (Last) 2051 Thomasville Rd		(Suffix)	(First) Tallahassee	(Middle)	FL 32312
STREET ADDRESS			CITY	ST	ZIP CODE
Date (mm/dd/yy) 11/14/94	Expense Type MON	Purpose BNKCHG	Reimbursement N	Amendment	Expenditure Amount \$ 25 .00
HARRILL					
NAME (Last) 810 Hi Lo Way		(Suffix)	(First) Tallahassee	(Middle)	FL 32308
STREET ADDRESS			CITY	ST	ZIP CODE
Date (mm/dd/yy) 11/14/94	Expense Type MON	Purpose OTHER	Reimbursement N	Amendment	Expenditure Amount \$ 1,494 .00

9 7 0 4 3 8 2 5 8 1
 * SEE INSTRUCTIONS FOR CODE VALUES

FOR PUSH FOR GOVERNOR
CAMPAIGN ACCOUNT
Ph. 904-671-2874
1850 N. Tennessee St., Unit NO. C-4
Tallahassee, FL 32310

1924
63-77M631

November 14 19 94

OLYMPUS HOLDING INC.

\$ 200.00

THE SUM 200 DOLS 00 CTS

DOLLARS

Bank/Tello, Tallahassee, FL
P.O. Box 2888
Tallahassee, Florida 32315-3928

Contribution in fund

08 51128108 12-02-94

FOR

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CHECK PAID BY THE SUN BANK ON DECEMBER 1994.

ENDORSE HERE

X

PAY TO THE ORL.
UNITED NATIONAL BANK
89130-4388

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DO NOT SIGN / WRITE / STAMP BELOW THIS LINE
FOR FINANCIAL INSTITUTION USAGE ONLY

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UNITED NATIONAL BANK
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97043823583

BANK REGULATION CC



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4398

DATE FILMED 7-10-97 CAMERA NO. 2

CAMERAMAN JMH

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 7/17/97

 Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4398

97043823764



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Barbara J. Keefe, Treasurer
Mitchell for Senate
28 Birch Lane
Portland, ME 04110-1202

Re: MUR 4398

Dear Ms. Keefe:

As noted in the enclosed Factual and Legal Analysis, as part of MUR 4398, on June 25, 1996 the Federal Election Commission found reason to believe that Mitchell for Senate, and you as treasurer, violated 2 U.S.C. § 441e by accepting a contribution from Mr. Thomas Kramer, a foreign national, made in the name of his assistant Terri Bradley. However, the Commission decided to take no further action and closed the matter as concerned the committee and you as treasurer. At that time, this Office attempted to notify the committee of the Commission's finding, but because the committee had terminated, was unable to find a current address for notification.

This is to advise you of the Commission's June 25, 1996 finding in MUR 4398 and to further advise you that the matter is now closed.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Celebrating the Commission's 20th Anniversary

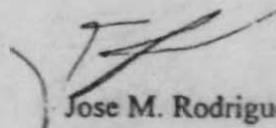
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043823765

97043823766

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez
Attorney



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 7/17/97

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97043824067

PRETI, FLAHERTY, BELIVEAU & PACHIOS

A Limited Liability Company
ATTORNEYS AT LAW

443 CONGRESS STREET
P.O. BOX 11410
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TELECOPIER COVER LETTER

Client/Matter No.: 11128

Date: July 17, 1997

Pages (including cover): 3

Time: 12 a.m. (gmt)

To: Jose M. Rodriguez, Esq.

Office of General Counsel
Federal Election Commission

Fax No. (202)219-3923

From: Estelle A. Lavoie, Esq.

Message: See attached.

Original: Mailed

JUL 17 12 02 PM '97
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

If you do not receive all of the pages or have other transmission problems, please immediately call back *Debbie Jean* at (207) 791-3000 ext. 3114.

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97043824068

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NON-GRADUATE ATTORNEYS**

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ALBERT J. BELIVEAU, JR.
ROBERT W. SMITH**

**JEANETTE FORD-CONNOR
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GARRI A. GREEN
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ASSOCIATE COUNSEL

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**LESLIE J. McGUIRE
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* Admitted to practice law only in Texas.

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ELIZABETH A. OLIVER
CHARLES T. DUNHAM
MARK S. LEBLANC
NELSON J. LAARNS**

JOHN J. FLAHERTY (1929 - 1997)

July 17, 1997

Copy by Fax: (202)219-3923; Original by Mail

Jose M. Rodriguez, Esq.
Office of General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: Your File MUR 4398

Dear Mr. Rodriguez:

I am writing in response to your letter of June 18, 1997, addressed to Barbara J. Keefe, Treasurer of the Mitchell for Senate Campaign ("the Campaign"). In that letter, you invited us to submit comment on the above-captioned matter.

I first want to assure you that the Campaign, Ms. Keefe and Senator Mitchell had no knowledge whatsoever of the illegal contribution to the Campaign. We first learned of this matter in December, 1994, when Thomas Kramer wrote to the Campaign requesting a refund of the contribution made by Terri Bradley. In accordance with its standard procedures, the Campaign requested confirmation of the request for refund from the person who made the contribution, Terri Bradley. As soon as that was received, the contribution was refunded.

I have discussed this matter by telephone with Senator Mitchell. As you know, he met thousands of people at hundreds of events. We do not know if Mr. Kramer or Ms. Bradley attended the event in Florida. If they did, it is possible that either or both met Senator Mitchell, although he has no recollection of ever meeting or speaking with either of them. To the best of my knowledge, no one in the Campaign had any knowledge of them or contact with them.

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JUL 17 12 02 PM '97

PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLC

PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLC

Jose M. Rodriguez, Esq.

July 17, 1997

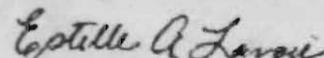
Page 2

We are gratified that neither the Campaign nor anyone associated with it are the subject of any FEC investigation and that there has been no suggestion of wrongdoing on the part of anyone associated with the Campaign.

Your records should reflect the fact that in March, 1994, long before we heard from Mr. Kramer or Ms. Bradley, Senator Mitchell announced that he would not seek re-election. Contributions were returned to any contributor who asked for a refund. About half of the total amount of money contributed was returned. The remainder was used to set up a scholarship fund for needy Maine students.

I want to reaffirm our commitment to cooperate fully with you on this matter. Please contact us if you want any further information or clarification.

Sincerely,



Estelle A. Lavoie

EAL:djj

cc: Hon. George J. Mitchell

Barbara J. Keefe

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 8/18/97

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 30, 1997

Nancy Leibman
43 N. Main St.
East Hampton, NY 11937

RE: MUR 4398

Dear Ms. Leibman:

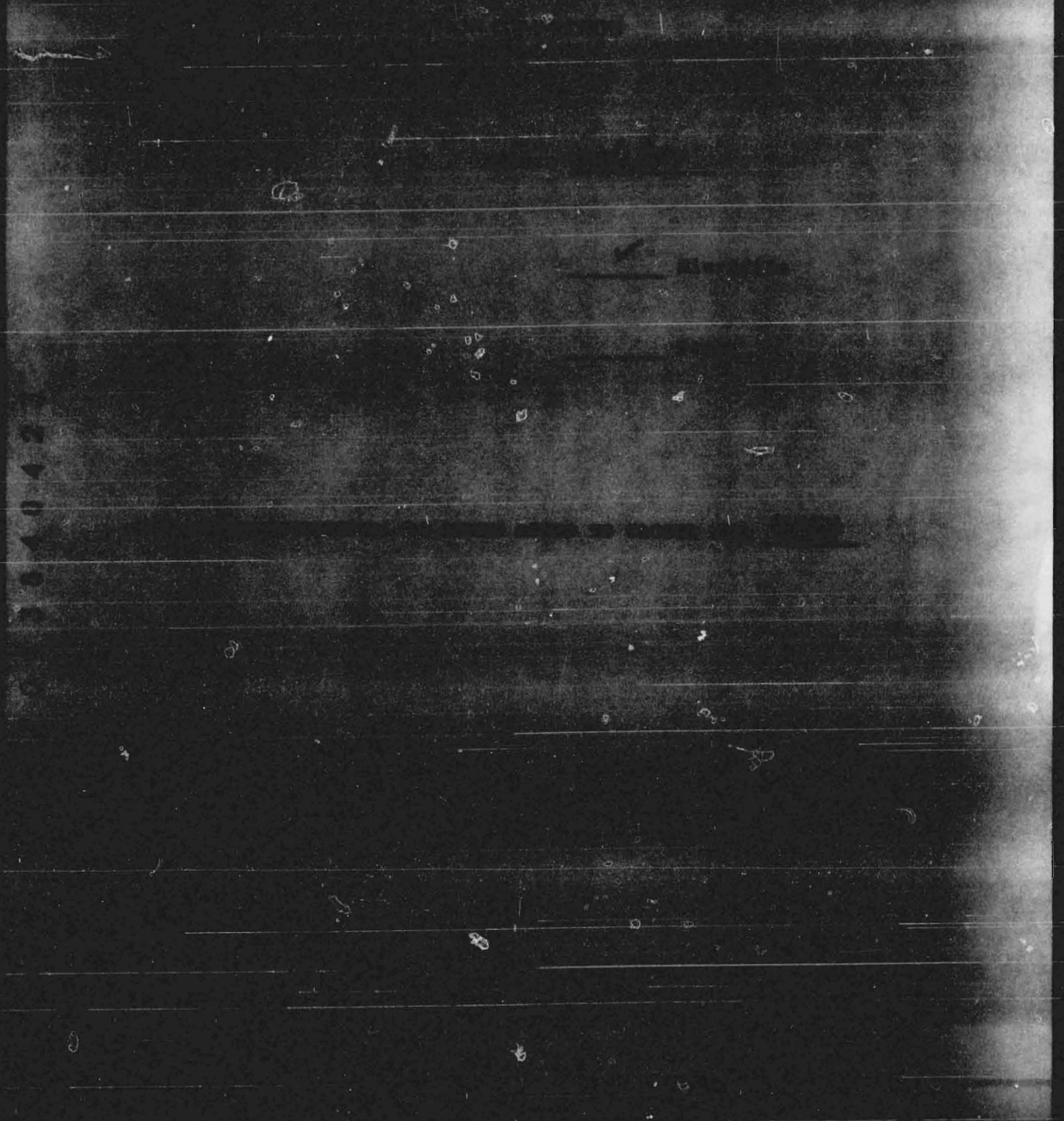
As discussed over the phone, enclosed please find a redacted copy of the First General Counsel's Report in MUR 4398. Should you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

Enclosure

97043831318





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1997

Bernardo Escobar
Office of Commissioner Javier Souto
9766 Coral Way, Suite 1
Miami, FL 33165

RE: MUR 4398
Campaign for Commissioner
Javier Souto

Dear Mr. Escobar:

This letter supersedes our letter of June 10, 1997, and serves to advise you that while MUR 4398 is closed, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) still apply to all information, including all discussions with this Office, concerning

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) prohibit making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

José M. Rodríguez
Attorney

97043840424



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 10/17/97

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GEIGER, KASDIN, HELLER, KUPERSTEIN,
CHAMES & WEIL, P.A.
ATTORNEYS AT LAW

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OCT 17 2 53 PM '97

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FACSIMILE (305) 372-0052

BROWARD OFFICE
3109 STIRLING ROAD, SUITE 101
FT. LAUDERDALE, FLORIDA 33312
(954) 985-9490
FACSIMILE (954) 989-8068

PLEASE REPLY TO MIAMI

NEISEN O. KASDIN

October 16, 1997

VIA FEDERAL EXPRESS

Jose M. Rodriguez
Federal Election Commission
999 "E" Street, Northwest/Ste. 657
Washington, D.C. 20463

Re: **MUR 4398**

Dear Mr. Rodriguez:

While your office has determined to take no action and have closed your file as it pertains to the Neisen Kasdin Campaign Fund and myself, as a matter of public record I would like to submit the following facts. The legal and factual analysis set forth by the Federal Election Commissions July 25, 1996 letter contained an erroneous statement, to wit, that Thomas Kramer made a "separate prohibited contribution during April, 1993 directly to myself through an unnamed intermediary for an undisclosed amount." That statement is untrue. For every single contribution to the campaign, I provided complete disclosure as to source and amount, adhering to the letter and spirit of the law. Furthermore, I have never at any time accepted an "individual contribution" from any individual or entity.

I request that you correct the public record to either substantiate the information or to formally remove it as a finding from the public record.

Very truly yours,

Neisen O. Kasdin

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 10/21/97

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RECEIVED
10/20/97

MR Raymond Kenneth Petry

1996 InterParty Candidate for
Vice President

of the United States of America

CLOSED

CLOSED

OCT 20 2 50 PM '97

OCT 20 1997

FEC Federal Elections Commission, Washington DC October 4, 1997

ATTN: MEMBERS OF THE COMMISSION; CHAIRMAN OF THE COMMISSION

RE: MUR 4398 — ALLEN MONZES — REPUBLICAN (NATIONAL) PARTY

DEAR SIRS AND MADAMS; the Honorable Lawrence M. Noble, General Counsel:

I find the attitude the FEC has taken against certain aliens contributing to the federal and state elections: interpreting 2 USC § 441 e, in particular, contrary to the fundamental freedoms of persons living within the US Constitution, in particular its expressed apportionment of taxes and Representation by 3/5ths of other persons neither free persons [which we take to mean citizens] nor Indians: abhorrent to the free expectation, reason, and intellect. Penalizing those who interpret the US Constitution in their favor is a fundamental right explicit within the Constitution itself: what has not been assigned to the USA or to its several and various States, devolves on the people: and do not believe the right to interpret the Constitution and designate the categorical purposes and rights of other persons, has been assigned to the FEC exclusively — therefore your interpretation against other persons' contributions to federal and state elections is in conflict with any other Commission or Department or State or Person in the USA.

This situation developed upon your mistake of jurisdiction regularly defects elections, politics, laws, and citizenship. I should require a reconsideration and restriction in the current 'Kramer' (DNC) matter — as I did in the 'Lippo' (DNC) matter not long ago. [don't just think about tomorrow]

Mr. Raymond Kenneth Petry

[Think about today]

Sincerely,

PO Box 89250 Honolulu, Hawaii 96830-9250

PETRY *for* VEEP / USA 96 - Principal Authorized Committee FEC IdN C00302794

Mr. Raymond Kenneth Petry

27043844034



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 2/6/98

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THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4398

98043873905



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

June 26, 1997

Roger M. Witten, Esq.
Margaret L. Ackerley, Esq.
Wilmer, Cutler & Pickering
2445 M. Street, N.W.
Washington, D.C. 20037-1420

RE: MUR 4398 ✓
MUR 4638

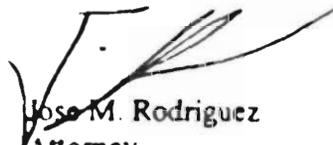
Dear Mr. Witten and Ms. Ackerley:

On June 24, 1997, the Commission denied your motion for reconsideration of its May 19, 1997 action in MUR 4398. Accordingly, the file in MUR 4398 will be made public as scheduled by July 9, 1997.

We remind you that you may submit any factual or legal materials you wish to appear on the public record. We request submission of all such materials prior to July 9, 1997. However, any permissible submissions after July 9 will be added to the public record upon receipt.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

98043873906



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

VIA FACSIMILE and
FIRST CLASS MAIL

June 26, 1996

Leslie J. Kerman, Esq.
Epstein Becker & Green
1227 25th Street, N.W.
Washington, D.C. 20037-1156

RE: MUR 4398 ✓
MUR 4638

Dear Ms. Kerman:

On June 24, 1997, the Commission denied your motion for reconsideration of the Commission's May 19, 1997 action in MUR 4398. Accordingly, the file in MUR 4398 will be made public as scheduled by July 9, 1997.

Concerning your request for a twenty-day extension in which to respond to the Commission's Subpoena and Order of June 9, 1997 in MUR 4638, please note that this Office has granted your request. Accordingly, your full response is due by July 31, 1997.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

93043873907

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURS 4398 and 4638
Motion for Reconsideration of)
 the Commission's actions of)
 May 19, 1997)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 24, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to MURS 4398 and 4638:

1. Deny Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel's motion for reconsideration of the Commission's actions of May 19, 1997.
2. Deny Thomas Kramer's motion for reconsideration of the Commission's actions of May 19, 1997.
3. Approve the appropriate letters.

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

Attest:

6-26-97
Date

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

93043873908



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 23, 1997

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: ✓ MURs 4398 and 4638 -- Motion for Reconsideration of the Commission's actions of May 19, 1997.

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On June 20, 1997, this Office received separate motions from respondents Thomas Kramer and Greenberg, Traung, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traung") for reconsideration of the Commission's action of May 19, 1997 to sever the portion of MUR 4398 comprised of the activities of Greenberg & Traung into a new matter (designated MUR 4638) and to close the remaining balance of MUR 4398. MUR 4398 was generated from a *sua sponte* submission by Mr. Thomas Kramer, a foreign national, noting that he made extensive contributions to various local, state, and federal committees and candidates. As part of the *sua sponte* submission, Mr. Kramer explained that he was solicited by the law firm of Greenberg & Traung for a number of these illegal contributions. Accordingly, on June 25, 1996, the Commission found reason to believe Mr. Kramer violated 2 U.S.C. § 441e by making prohibited foreign national contributions directly and through corporations controlled by him and that Greenberg & Traung violated 2 U.S.C. § 441e by soliciting foreign national contributions from Mr. Kramer and his corporations. As noted in the General Counsel's Report of May 9, 1997, all respondents involved in MUR 4398 have settled, except for Greenberg & Traung. See General Counsel's Report dated May 9, 1997, at 2-5.

Because of this, and so as not to adversely affect the already completed portion of this matter, this Office recommended that the Commission further pursue the Greenberg & Traung activity in a new matter, and close the already resolved balance of MUR 4398. On May 19, 1997, the Commission unanimously approved these recommendations on tally.

In response to notification of the Commission's actions, Greenberg & Traurig has submitted the present motion. Respondent's motion requests two separate actions by the Commission: First, that the Commission essentially undo its prior action and restore Greenberg & Traurig to its original position as a respondent in MUR 4398; Second, that the Commission undo its action to close MUR 4398 and refrain from closing and making public the balance of MUR 4398 until the matter is resolved as to Greenberg & Traurig. Counsel gives no indication in the present motion that resolution with Greenberg & Traurig will be timely, and for the reasons previously explained by this Office the investigation and resolution of this matter is unlikely to be of short duration. *See id.* at 5-10.

Counsel's unusual requests are based on the argument that the Commission's confidentiality provisions at 2 U.S.C. § 437(g)(1)(A) prevent the Commission from making public any information which may lead to speculation concerning possible investigations by the Commission. Counsel's argument rests on an unusually broad reading of the provision, unsupported by any legal precedent. The pertinent portion of the Act's confidentiality provision reads:

Any notification or investigation made under this section [437g] shall not be made public by the Commission or by any person without the written consent of the person receiving such information or the person with respect to whom such investigation is made.

2 U.S.C. § 437(g)(1)(A). The Commission's regulations at 11 C.F.R. § 111.21(a) elaborate that the confidentiality provision extends to complaints, notifications, investigations and findings made by the Commission. The Commission has historically adopted a conservative reading of these provisions and has retained as confidential any information disclosing the identity of a respondent concerning whom there is an ongoing investigation. Nowhere in the Act or Commission regulations is there any requirement that the Commission retain as confidential information which does not directly identify a respondent in an ongoing matter. The Commission cannot be charged, as counsel would have it, with protecting respondents from any speculation which may arise from Commission action. Indeed, the confidentiality guaranteed at section 437(g)(1)(A) is not absolute. For example, the Commission, pursuant to its regulations at 11 C.F.R. § 111.21(c), may make otherwise confidential information public in the course of subpoena enforcement litigation.

Counsel's request for an expansion of the confidentiality requirement is both unwarranted and runs contrary to the public interest. Moreover, there has been criticism of the Commission for failing to make public successful resolutions in a timely manner. It has often been the case that successful resolutions are not disclosed for years after completion due to the

Counsel does cite to *FTC v. Illinois Medical Equip. Co.*, 531 F. Supp. 45 (N.D. Ill. 1980), for the proposition that the confidentiality provision was meant "to avoid adverse speculative publicity during the pendency of an investigation." This subpoena enforcement action did not address what is required to protect information beyond that specifically identified by the Act and the Commission's regulations -- complaints, notifications, investigations and findings (i.e., information necessarily directly disclosing the identity of a respondent).

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actions of one or few respondents in a given matter. This Office has been searching for ways of addressing these concerns, the recommendations in MUR 4398 represent one approach to more effectively conducting the enforcement process.

In a separate response, counsel for Mr. Kramer likewise argues for reconsideration of the Commission's prior decisions. Counsel's chief concern is that in redacting the file in MUR 4398 to protect the confidentiality of Greenberg & Traung, his client will be denied the release of information clarifying that Mr. Kramer relied on legal advice from that law firm in making the prohibited contributions. Counsel is not requesting that the law firm be identified, only that Mr. Kramer's reliance on legal advice be made clear. Counsel's continuing argument appears to be that if the Commission is unwilling to put such information on the public record, fairness dictates that the Commission reconsider its previous actions and recombine MURs 4398 and 4638.

Counsel's argument fails to acknowledge two essential points. First, as counsel has been advised, this Office has already agreed not to redact information concerning his client's reliance on legal advice, although we will redact information regarding the solicitation allegations, so long as such information does not disclose the identity of Greenberg & Traung. This Office has directed counsel to language that we will make public directly addressing the stated concern. Second, and most importantly, counsel has every right to supplement the public record, short of disclosing the existence of an FEC investigation regarding Greenberg & Traung. In light of this ability to explain his client's reliance on legal advice and the file information that will be made public, counsel's alternative argument for reconsideration of the Commission's actions is superfluous as to his client and necessarily fails.

For the stated reasons, this Office recommends that the Commission deny the separate motions for reconsideration.

Recommendations

1. Deny Greenberg, Traung, Hoffman, Lipoff, Rosen & Quentel's motion for reconsideration of the Commission's actions of May 19, 1997.
2. Deny Thomas Kramer's motion for reconsideration of the Commission's actions of May 19, 1997.
3. Approve the appropriate letters.

Staff Assigned: Jose M. Rodriguez

Enclosures

1. Greenberg, Traung, Hoffman, Lipoff, Rosen and Quentel's motion for reconsideration of Commission actions
2. Thomas Kramer's motion for reconsideration of Commission actions

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WILMER, CUTLER & PICKERING

2445 M STREET, N.W.
WASHINGTON, D.C. 20037-1420

TELEPHONE (202) 663-8000
FACSIMILE (202) 663-8383

WASHINGTON
BALTIMORE
LONDON
BRUSSELS
BERLIN

June 20, 1997

BY HAND

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

Re: MUR 4398 - Thomas Kramer et al.

Honorable Commissioners:

We are advised that the Commission has taken the very rare, if not unprecedented, action of severing the above-referenced MUR to create a new MUR for one respondent that has failed to reach a conciliation agreement with the Commission. We also understand you may revisit this decision, and we ask that you consider this letter in that regard. While limited time prevents us from setting out our arguments and possible solutions in greater detail here, we would be happy to supplement this letter with further information at your request.

We have been told that in severing this matter into two separate MURs, the Commission will redact from the public record of MUR 4398 certain facts that are essential to a fair understanding of the case as it concerns our client, Thomas Kramer. Specifically, we understand that references in our December 27, 1994 voluntary disclosure letter and in Mr. Kramer's

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JR 6/20/97

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accompanying affidavit to his having made contributions at the suggestion and with the advice of counsel will be omitted. (See, Attachment A, our letter and Mr. Kramer's affidavit as they were submitted, and Attachment B, the relevant sections as the staff proposes to edit them.) The planned deletions would omit a critically relevant fact -- that Mr. Kramer made many of his contributions at the suggestion of a law firm that knew of his foreign national status. Because the omissions will obscure the fact that Mr. Kramer had every reason to believe he was acting within the law when he made candidate campaign contributions, the public's understanding of the facts will be skewed in a manner grossly unfair to Mr. Kramer.

Contrary to the staff's position that any injustice to Mr. Kramer will be cured when the second MUR is made public, we submit that the bifurcation unfairly, unnecessarily, and uniquely exposes Mr. Kramer to a double dose of bad publicity in a highly charged political atmosphere relating to foreign national contributions (even though his contributions were unrelated to the '96 campaign and were disclosed to the FEC voluntarily two years earlier). Further, there is no guarantee the record will ever be completed since the Commission may act in the Greenberg, Traurig matter. Even if it does so, the damage to Mr. Kramer will have been done. We maintain that the confidentiality provision of the Federal Election Campaign Act does not necessitate the planned redactions. (See, Attachment C, the relevant sections of our letter and Mr. Kramer's affidavit with our proposed alterations.) However, to the extent the Commission

believes otherwise, fairness and public policy concerns compel a reconsideration of the decision to create a separate MUR.

Creating a new MUR in this matter is unjustified.

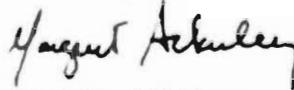
First, the conduct at issue with regard to Mr. Kramer and the Greenberg, Traurig firm are inextricably bound; this is not an instance of respondents involved in separate and separable acts. Further, given the Commission's very broad interpretation of the confidentiality provision, creation of a new MUR will have the perhaps unforeseen effect of harming the party who voluntarily made full disclosure and promptly settled while rewarding the respondent that has refused to conciliate. Surely this is contrary to the incentives the Commission should wish to establish for future respondents. While we appreciate that there are instances in which creation of separate MURs is justified and reasonable, it is difficult to escape the conclusion that in this instance two cases are artificially being created from one to bring public closure of a foreign national case with a large penalty. We submit that the desire for such closure should not overwhelm consideration of the rights of all of the parties involved as well as the probable effects on future matters of actions the Commission takes here.

For the reasons stated above, we ask that the Commission recombine MUR 4396 and MUR 4638. Alternatively, as we are continuing to discuss with your General Counsel's office, the Commission could redact the record in a manner that observes the confidentiality provision with respect to Greenberg, Traurig without sacrificing fairness with regard to Mr. Kramer.

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Finally, we ask that the Commission notify us of how it intends to proceed when such decision has been made so that we can consider further action, if necessary.

Sincerely,



Roger M. Witten
Margaret L. Ackerley

Counsel for Respondent,
Thomas Kramer

93042873915

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25th STREET N.W.

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June 20 1997

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510 KING STREET SUITE 301
ALEXANDRIA VIRGINIA 22314-3121
(703) 684-1204

June 20, 1997

HAND-DELIVERED

Lawrence M. Noble, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Room 657
Washington, D.C. 20463

**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,
ROSEN & QUENTEL, P.A.
PETITION TO REMERGE MUR 4398 AND MUR 4638 TO AVOID SERIOUS
VIOLATIONS OF THE ACT'S CONFIDENTIALITY PROVISIONS**

Dear Mr. Noble

We are filing this petition on behalf of our client Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("the Firm") for the purpose of preventing a serious breach of the confidentiality provisions set forth at 2 U.S.C. § 437(g)(2)(D), which, if it occurs, will result in significant, adverse speculative publicity regarding the Firm during the pendency of an FEC investigation -- the precise harm that the confidentiality provisions are designed to prevent.

To this end, we are petitioning the Commission

- (1) to return the Firm to its original status of a Respondent in MUR 4398 (thus reversing its highly unusual decision of May 19, 1997 to sever that portion of MUR 4398 involving the Firm into a new matter -- MUR 4638); and
- (2) to then adhere to its standard procedure for complying with the confidentiality provisions, by releasing information and documents in an enforcement matter, in this instant MUR 4398, only when the matter has been resolved with respect to all the respondents thereto.

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Lawrence M. Noble, Esquire
June 20, 1997
Page 2

The pertinent facts are as follows: According to documents which we received from your office, in December, 1994 Thomas Kramer filed a sua sponte submission with the Commission stating, inter alia, that he was solicited for political contributions "from time-to-time" by individuals associated with the Firm. Based solely on this submission, in June, 1996 the Commission opened a Matter-Under-Review, MUR 4398, involving a number of persons and entities, including the Firm, to determine if any violations of federal election laws had occurred.

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Apparently the Commission has concluded this matter with respect to all of the many respondents involved, except for the Firm, by entering into conciliation agreements with certain respondents and by determining to take no further action and to close its files regarding other respondents. By letter from your office dated June 10, 1997, we were formally advised that on May 19, 1997, the Commission "severed the portion of MUR 4398" concerning the Firm "into a new matter, designated MUR 4638. On the same date the Commission closed the balance of MUR 4398." The letter further states that "the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public."

Importantly, the files in MUR 4398 currently are being reviewed by your office and have not yet been placed on the public record. However, absent action by the Commission, we understand that the files in MUR 4398 will be released to the public by or before July 9, 1997. In conjunction therewith, there is a strong likelihood that a stand-alone press release concerning MUR 4398 will be issued by the Commission, thus ensuring substantial media coverage and scrutiny of this matter and the released documents.

Your office currently is wrestling with the issue of how to redact the files in MUR 4398, prior to their public release, in a manner that preserves the Firm's statutory right to confidentiality with respect to its ongoing investigation by the Commission. Due to a variety of competing concerns and the inherent questions raised by redacted documents, this appears to be an impossible task.

ANALYSIS

We believe that the Commission is prohibited by law from taking the highly irregular step of severing the Firm from MUR 4398 and then releasing to the public what would otherwise be confidential documents, regardless of any redactions made to such documents.

As you are aware, the Federal Election Campaign Act of 1971, as amended ("the Act") provides to respondents in Commission enforcement actions the right to confidentiality during the course of the Commission's proceedings. Specifically, 2 U.S.C. § 437g(a)(12) states that

(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

Lawrence M. Noble, Esquire

June 20, 1997

Page 3

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than \$5,000.

The purpose behind the Act's confidentiality provisions is to avoid adverse speculative publicity concerning a respondent during the pendency of the FEC's investigation of that respondent. In *Federal Election Commission v. Illinois Medical Political Action Committee*, 503 F. Supp. 45 (N.D. Ill. 1980), the court noted that

The legislative history of the [confidentiality] provision clearly establishes that it was not meant to conceal the results or contents of an investigation, but rather that it was meant to *avoid adverse speculative publicity during the pendency of an investigation*. *Id.* at 46. (Emphasis added). See House Conference Report, No. 94-1057, at 50 (94th Cong. Second Session, April 28, 1976), U.S. Code Cong. & Admin. News 1976, p. 946; 122 Cong. Rec. 8566 (March 30, 1976)(statement of Congressman Hays).

To comply with the Act's confidentiality provisions, the Commission has a longstanding practice of maintaining the confidentiality of all of the files in an enforcement action until the matter has been closed with respect to all respondents. See attached letters in MUR 3325 ("Exhibits A and B"). This time-honored practice works to guarantee the right of confidentiality to a respondent where, for whatever reason, the respondent's matter takes longer to resolve than other parties in the same enforcement action.

In its zeal to publicize its action with respect to certain respondents in MUR 4398, the Commission seeks to maneuver around the Act's confidentiality requirement by severing the Firm from the other respondents in MUR 4398. It is clear that this action will result in irreparably compromising the Firm's right to confidentiality, leading to speculation and possibly baseless allegations concerning the Firm by the media. The Firm then will be placed in the difficult position of defending itself in the media while also presenting its case to the Commission in a confidential environment. The Firm's position will be further complicated by the impact that the attorney-client privilege may have on the Firm's ability to respond to inevitable speculation by the press. We believe that the Act prohibits the Commission, its members and its employees from placing a respondent in this position.

In response, your office proposes simply to redact the name of the Firm and select other language from the public record in MUR 4398. Deleting such information from the record will not, however, preserve the confidentiality guaranteed the Firm under the Act. Instead, such redactions will create a record full of holes. A record replete with holes can only lead to the public speculating as to the identity of the party redacted from the record. Since it is well known that the chief respondent in MUR 4398 is a client of the Firm, the speculation undoubtedly will focus on the Firm. This is exactly the kind of speculative publicity that Congress intended to prevent when it enacted the

Lawrence M. Noble, Esquire
June 20, 1997
Page 4

confidentiality provisions.

In conclusion, we submit that the Act's confidentiality guarantee to the Firm cannot be maintained if the files in MUR 4398 -- with or without redactions -- are made public by the Commission prior to the resolution of this matter as to the Firm. Therefore, we request that the Firm be returned to its original status as a Respondent in MUR 4398 and that the Commission not deviate in this instant case from its standard practice of maintaining the confidentiality of files in an enforcement action until the matter is resolved with respect to all respondents, including the Firm.

Sincerely,


Stuart M. Gerson


Leslie J. Kerman

cc: Vincent J. Convery, Jr., Esquire (w/attachments)
Jose M. Rodriguez, Esquire (w/attachments)

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

EXHIBIT A

JANUARY 26, 1994

Leslie J. Kerman, Esquire
Epstein Becker & Green, P.C.
1227 25th Street, N.W., Suite 700
Washington, DC 20037

RE: MUR 3325

Dear Ms. Kerman:

On August 12, 1993, the Federal Election Commission found that there is reason to believe [redacted] violated [redacted] violated 2 U.S.C. § 441a(a)(3).

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on January 13, 1994, the Commission revoted to find reason to believe that [redacted] violated 2 U.S.C. § 441a(a)(3), and to approve the Factual and Legal Analysis previously mailed to you. Please refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

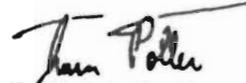
After considering the circumstances of this matter, however, the Commission also determined to take no further action and closed the file as it pertains to [redacted]. The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

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Leslie J. Kerman, Esq.
Page 2

If you have any questions, please contact Dawn M. Odrowski,
the attorney assigned to this matter, at (202) 219-3400.

For the Commission,


Trevor Potter
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

EXHIBIT B

April 18, 1995

Leslie J. Kerman, Esquire
Epstein Becker & Green, P.C.
1227 25th Street, N.W., Suite 700
Washington, DC 20037

RE: MUR 3325

Dear Ms. Kerman:

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

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

Sincerely,

Dawn M. Odrowski
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 1997

Bernardo Escobar
Office of Commissioner Javier Souto
9766 Coral Way, Suite 1
Miami, FL 33165

RE: MUR 4398/4638
Campaign for Commissioner
Javier Souto

Dear Mr. Escobar:

This letter supersedes our letter of June 10, 1997, and serves to advise you that while MUR 4398 is closed, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) still apply to all information, including all discussions with this Office, concerning Greenberg Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., and all individuals associated with that firm.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) prohibit making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1997

Roger M. Witten, Esq
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037-1420

RE: MUR 4398
MUR 4638

Dear Mr. Witten:

On May 19, 1997, the Federal Election Commission severed the portion of MUR 4398 concerning the solicitation of foreign national contributions by Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel into a new matter, designated MUR 4638, and closed the balance of MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to the unsevered portion of MUR 4398 and that matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, the Commission is conducting an investigation pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case. The Commission may seek information from your client, Thomas Kramer, in connection with this investigation. However, the Commission does not consider your client a respondent in this matter, but rather a possible witness only.

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If you have any questions, please contact me at (202) 219-3690.

Sincerely,



José M. Rodríguez
Attorney

cc: Margaret L. Ackerley, Esq.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

June 10, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leslie J. Kerman, Esq.
Epstein Becker & Green
1227 25th Street, N.W.
Washington, D.C. 20037-1156

RE: MUR 4398
MUR 4638

Dear Ms. Kerman

This is to advise you that on May 19, 1997, the Federal Election Commission severed the portion of MUR 4398 concerning your client Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel into a new matter, designated MUR 4638. On the same date the Commission closed the balance of MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public.

Pursuant to its investigation of MUR 4638, the Commission has issued the attached subpoena and order which requires your client to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code

Your client is required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath. If you have any questions, please contact me at (202) 219-3690

Sincerely,


Jose M. Rodriguez
Attorney

Enclosure
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thomas Kramer, et al.) MUR 4398

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 19, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Open a MUR comprised of the activity of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel. MUR 4638
2. Approve the Subpoenas for the Production of Documents and Orders to Submit Written Answers to Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, Terri Bradley, the Democratic National Committee and Carol Pinsky, as treasurer, the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer, the National Republican Senatorial Committee and Stan Huckaby, as treasurer, the Republican Party of Florida and James H. Stelling, as treasurer, Friends of Connie Mack and Robert I. Watkins, as treasurer, Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, and Mitchell for Senate and Barbara Keefe, as treasurer.

(continued)

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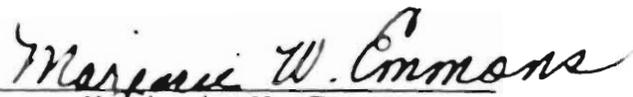
3. Close MUR 4398.

4. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 13, 1997.

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

Attest:

5-19-97
Date


Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Tues.,	May 13, 1997	4:07 p.m.
Circulated to the Commission:	Wed.,	May 14, 1997	11:00 a.m.
Deadline for vote:	Mon.,	May 19, 1997	4:00 p.m.

bjr

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Thomas Kramer, et al) MUR 4398

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This matter was generated by a *sua sponte* submission filed by counsel for Thomas Kramer noting that, as a foreign national, Mr. Kramer made extensive contributions to Federal, State and local elections during the 1993-1994 election cycle. Based on this information, on June 25, 1996, the Commission found reason to believe against Mr. Kramer, his assistant Ms. Terri Bradley, his wife Mrs. Catherine Burda Kramer, the various corporations under his control, the various Federal, State and local recipients and Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traurig"), a law firm retained by Mr. Kramer to handle his immigration matters that appeared to have solicited a number of the contributions at issue. The Commission took no further action against all respondents except for Mr. Kramer, Ms. Bradley, one recipient committee -- the Republican Party of Florida -- and Greenberg & Traurig¹

¹ The *sua sponte* submission contained information noting that an unidentified individual associated with the Democratic Senatorial Campaign Committee ("DSCC") had suggested that Mr. Kramer funnel a \$20,000 contribution through his assistant. See First General Counsel's Report in this matter dated June 7, 1996, at 17-21. This Office made no recommendations concerning the DSCC at that time, informing the Commission that recommendations would follow as warranted by any new information discovered. *Id.* at 20-21. Because successful conciliation with various respondents obviated the need for a full investigation until now, no additional information has been discovered concerning this transaction. This Office intends to inquire into this transaction as part of the proposed investigation.

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All remaining respondents requested pre-probable cause conciliation, including Greenberg & Traurig. Accordingly, this Office at that time advised the Commission to forgo an investigation in order to explore the expeditious resolution of the matter through conciliation. Except for Greenberg & Traurig, the Commission has settled with all respondents concerning whom the Commission took enforcement action. Because of the inability to reach settlement with Greenberg & Traurig, a full investigation is now necessary into this respondent's activities in connection with Mr. Kramer's contributions. This report addresses the proposed investigation and submits for the Commission's approval various formal discovery requests. Because such an investigation may prove lengthy, in order to avoid prejudicing the already successfully completed portion of MUR 4398, this report also recommends that the Greenberg & Traurig investigation be severed into a new MUR and that the balance of MUR 4398 be closed.

II BACKGROUND

In his *sua sponte* submission Mr. Kramer admits to making a total \$417,600 in contributions, including \$21,000 in contributions in the name of his assistant -- Terri Bradley. On June 25, 1996 the Commission found reason to believe Mr. Kramer violated 2 U.S.C. §§ 441e by making numerous contributions individually and through his corporations and 441f by making two contributions through his assistant, and that his assistant, Ms. Bradley, violated 2 U.S.C. § 441f by allowing her name to be used to make the two contributions. The Commission also found reason to believe Mr. Kramer's wife, Mrs. Catherine Burda Kramer, violated 2 U.S.C. § 441e by making \$2,000 in contributions, but decided to take no further action because of the small amount involved.

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The Commission additionally found reason to believe that numerous recipients violated section 441e by accepting these contributions, but decided to take no further action against the majority of these recipients. Instead, the Commission admonished the various recipients that receipt and acceptance of foreign national contributions is a violation of the Act and, to the extent that the tainted contributions had not already been refunded, requested that the recipients disgorge the remaining funds to the United States Treasury. However, the available evidence concerning Mr. Kramer's contributions to the Republican Party of Florida ("RPF") suggested that a portion of Mr. Kramer's contributions was in fact legitimate in that it was used for exempt reapportionment expenses. Accordingly, the Commission proceeded against the RPF to allow the state party an opportunity to clarify this issue. See the First General Counsel's Report in this matter dated June 7, 1996, at 26-28. Last, to gain a better understanding of Greenberg & Traung's involvement in the contributions, the Commission also proceeded against this respondent. See *Id.* at 24-25.

On the same date the Commission also entered into conciliation with both Mr. Kramer and Ms. Bradley, and supplied respondents with separate conciliation agreements.

Information derived through the conciliation process, and information derived from other sources, clarified that Mr. Kramer's contributions to one Federal candidate committee was overstated by \$1,000 and that a portion (\$95,000) of Mr. Kramer's contributions to RPF was used for redistricting purposes and was therefore not in violation of the Act.² See the General

² The Commission has held that funds used solely for non-election influencing purposes, such as redistricting issues, do not constitute contributions and, therefore, the foreign national prohibition at 2 U.S.C. § 441e would not apply. See, e.g., AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 20, 1981).

Counsel's Report in this matter dated August 15, 1996, at 2. The amount in violation was accordingly adjusted to \$323,000 as concerned Mr. Kramer's violations, and on August 20, 1996 the Commission accepted a signed conciliation agreement and a \$323,000 civil penalty payment from Mr. Kramer in settlement of the matter. See the Commission's Certification in this matter dated August 20, 1996. At the same time the Commission also accepted a signed conciliation agreement and a \$21,000 civil penalty payment from Ms. Bradley in settlement of her violations. *See Id.*

During this period, the Commission received responses from both RPF and Greenberg & Traurig. Based on the information received from RPF, and from other sources, concerning Mr. Kramer's contributions to this recipient, on October 22, 1996, the Commission entered into pre-probable cause conciliation with RPF, supplying respondent with a proposed conciliation agreement *See the General Counsel's Report* in this matter dated October 9, 1996. Similarly, based on Greenberg & Traurig's expressed interest in conciliation, and certain representations by the firm concerning the scope of its activity, on October 29, 1996, the Commission also entered into conciliation with Greenberg & Traurig, supplying respondent with a proposed conciliation agreement

See the General Counsel's Report in this matter dated October 16, 1996.

After numerous conciliation discussions, this Office recommended acceptance of a conciliation agreement with RPF *See the General Counsel's Report* in this matter dated February 3, 1997. On February 7, 1997, the Commission accepted the proposed conciliation agreement. During this period, this Office also engaged in

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extended conciliation discussions with Greenberg & Traurig. However, despite these efforts, settlement was not reached and this Office terminated pre-probable cause conciliation. See Memorandum to the Commission in this matter dated February 25, 1997.

Therefore, except for Greenberg & Traurig, the Commission has resolved this matter with respect to all respondents, obtaining a total of \$426,000 in civil penalty payments.³

III. GREENBERG & TRAUIG CONCILIATION

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³ The Commission also received a total \$3,893,000 in disgorgements.

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IV PROPOSED DISCOVERY

As noted, during the conciliation period, beginning on January 30, 1997, this Office took a preliminary look into respondent's activities. As an initial matter, this Office informally contacted several of the local recipients requesting information concerning the solicitation of Mr. Kramer's contributions. While in many instances the witnesses' recollections are vague, there is some evidence suggesting that respondent was involved in the solicitation of these

contributions. For example, four of the local recipients have informed this Office that while they cannot be certain, it may have been Mr. Rosen who solicited the contributions. Moreover, one recipient specifically recalls being given numerous contributions from Mr. Kramer's corporation directly by Mr. Rosen. According to the witness, these contributions were handed over to a committee representative at Greenberg & Traurig's offices.

Consequently, the initial information gathered by this Office thus far suggests Mr. Rosen's involvement in the solicitations. Clearly, further inquiry is necessary to understand the full extent of Mr. Rosen's – and Greenberg & Traurig's – involvement in the solicitations. Accordingly, in addition to continued informal inquiry of the local and State recipients, this Office also proposes formal discovery directed to Greenberg & Traurig, the various Federal recipient committees, and Ms. Terri Bradley.

Attached for the Commission's approval is a Subpoena to Produce Documents and Order to Submit Written Answers to Greenberg & Traurig seeking information concerning respondent's involvement in Mr. Kramer's various contributions and the production of all records relating to these contributions. Similarly, attached is a sample Subpoena and Order for the recipient committees seeking solicitation information and related documents concerning contributions associated with Mr. Kramer. This sample Subpoena and Order will go to the DNC, the DSCC, the National Republican Senatorial Committee, the RPF, Friends of Connie Mack, Kerrey for U.S. Senate Committee, Ros-Lehtinen for Congress, and Mitchell for Senate.⁶ Last, attached for the Commission's approval is a Subpoena and Order to Mr. Kramer's assistant,

⁶ Mitchell for Senate filed a termination report in July 1995. This Office intends to address the proposed Subpoena and Order to the former committee's last treasurer of record.

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Ms. Terri Bradley, concerning the circumstances surrounding her two contributions, most significantly the \$20,000 contribution in her name to the DSCC. Because Mr. Kramer's whereabouts are not presently known, this Office does not recommend any discovery directed to him at this time.

V. SEVERANCE

As discussed, the only remaining respondent in this matter is Greenberg & Traurig. Because of both the scope of the proposed investigation and the suggested possibility that Greenberg & Traurig may not be a cooperative respondent, this investigation is unlikely to be of short duration. Accordingly, as previously noted, so as not to further delay full resolution of the matter as concerns those respondents whose violations have already been settled, or adversely affect the already completed portion of this matter, this Office recommends severing the Greenberg & Traurig investigation into a separate MUR and closing the remaining balance of MUR 4398

VI. RECOMMENDATIONS

1. Open a MUR comprised of the activity of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel
2. Approve the attached Subpoenas for the Production of Documents and Orders to Submit Written Answers to Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, Terri Bradley, the Democratic National Committee and Carol Pemsky, as treasurer, the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer, the National Republican Senatorial Committee and Stan Huckaby, as treasurer, the Republican Party of Florida and James H. Stelling, as treasurer, Friends of Connie Mack and Robert I. Watkins, as treasurer, Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, and Mitchell for Senate and Barbara Keefe, as treasurer.
3. Close MUR 4398

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4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 5/9/97

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Subpoena and Order to Greenberg & Traurig
2. Subpoena and Order to Terri Bradley
3. Sample Subpoena and Order to recipient committees

Staff Member: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

March 4, 1997

Leslie L. Kerman, Esq.
Epstein Becker & Green
1227 25th Street, N.W.
Washington, D.C. 20037-1156

RE: MUR 4398
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

As previously discussed, because of our failure to reach settlement, the Commission has terminated pre-probable cause conciliation. Accordingly, this Office has begun an investigation into your client's activities in this matter.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,



José M. Rodriguez
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 4, 1997

Leslie L. Kerman, Esq.
Epstein Becker & Green
1227 25th Street, N.W.
Washington, D.C. 20037-1156

RE: MUR 4398
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

As previously discussed, because of our failure to reach settlement, the Commission has terminated pre-probable cause conciliation. Accordingly, this Office has begun an investigation into your client's activities in this matter.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEB 25 11 05 AM '97

February 25, 1997

MEMORANDUM

SENSITIVE

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 4398
Termination of Pre-Probable Cause to Believe Conciliation with
Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.

In response to Respondent's expressed interest in pre-probable cause conciliation, on October 29, 1996 the Commission voted to enter into conciliation with Respondent concerning numerous violations of 2 U.S.C. § 441e, and approved a proposed conciliation agreement *See General Counsel's Report in this matter* dated October 16, 1996. The following day, Respondent was provided with the Commission approved agreement.

Accordingly, because the period for pre-probable cause conciliation has expired with no indication that a resolution may be achieved, this Office is terminating conciliation and commencing an investigation into Respondent's activities. This Office will notify Respondent by letter that it is terminating pre-probable cause conciliation.

Staff Member: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

October 30, 1996

**VIA FACSIMILE &
FIRST CLASS MAIL**

Leslie L. Kerman, Esq.
Epstein Becker & Green
1227 25th Street, N.W.
Washington, D.C. 20037-1156

RE: MUR 4398
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

On June 25, 1996, the Federal Election Commission found reason to believe that your client violated 2 U.S.C. § 441e. Based on your client's interest in conciliation and based on information provided by your client, on October 29, 1996, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

Enclosure
Conciliation Agreement

03043873941

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4398
Greenberg, Traurig, Hoffman,)
Lipoff, Rosen & Quentel, P.A.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 29, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Enter into conciliation prior to a finding of probable cause to believe with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.
2. Approve the conciliation agreement and the appropriate letter as recommended in the General Counsel's October 16, 1996 report.

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

Attest:

10-29-96
Date

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE ROSS 
COMMISSION SECRETARY

DATE: OCTOBER 22, 1996

SUBJECT: MUR 4398 - General Counsel's Report dated October 16, 1996.

The above-captioned document was circulated to the Commission
on Friday, October 18, 1996.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

- Commissioner Aikens —
- Commissioner Elliott —
- Commissioner McDonald —
- Commissioner McGarry XXX
- Commissioner Thomas XXX

This matter will be placed on the meeting agenda for

Tuesday, October 29, 1996

Please notify us who will represent your Division before the Commission on this
matter.

03043873913

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Greenberg, Traurig, Hoffman) MUR 4398
Lipoff, Rosen & Quentel, P.A)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 25, 1996, the Federal Election Commission found reason to believe, *inter alia*, that Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Greenberg & Traurig") violated 2 U.S.C. § 441e by soliciting contributions from Mr. Thomas Kramer, a foreign national, and corporations controlled by Mr. Kramer to various local, state and Federal committees and candidates. Greenberg & Traurig was notified of the Commission's findings by letter dated July 2, 1996, and provided with a Factual and Legal Analysis containing a list of all known contributions by Mr. Kramer (totaling \$418,600). Since notification, this Office has had several conversations with counsel representing Greenberg & Traurig.

II. ANALYSIS

In telephonic conversations, counsel for Greenberg & Traurig has expressed an interest in entering into pre-probable cause conciliation.

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III DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY

This Office has independent confirmation that one of the two excluded contributions was not solicited by the firm. This involves the April 28, 1993 \$20,000 contribution to the Democratic Senatorial Campaign Committee made by Mr. Kramer in the name of his secretary, Terri Bradley. In his *via sponte* submission, Mr. Kramer confirms that this contribution was not solicited by Greenberg & Traurig, but instead by an unknown agent of the DSCC.

IV. RECOMMENDATIONS

- 1. Enter into conciliation prior to a finding of probable cause to believe with Greenberg, Traung, Hoffman, Lipoff, Rosen & Quentel, P.A.
- 2. Approve the attached conciliation agreement and the appropriate letter.

10/21/96
Date


Lawrence M. Noble
General Counsel

Attachments

- 1. Schedule of Contributions
- 2. Proposed Conciliation Agreement

Staff Assigned Jose M Rodriguez

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EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-1156

202 861 0900

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(310) 556-886

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STAMFORD, CONNECTICUT 06901-2704
203 348-3737

ONE RIVERFRONT PLAZA
NEWARK, NEW JERSEY 07102-8401
201 642-1900

75 STATE STREET
BOSTON, MASSACHUSETTS 02109
617 342-4000

2 EMBARCADERO
SAN FRANCISCO, CALIFORNIA 94111-5994
415 398-3500

12750 MERIT DRIVE
DALLAS, TEXAS 75251-2091
214 490-3143

116 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301-5300
904 681-0596

2400 SOUTH DIKE HIGHWAY, SUITE 100
MIAMI, FLORIDA 33133
305 856-1100

50 KING STREET, SUITE 30
ALEXANDRIA, VIRGINIA 22314-3321
703 684-3000

August 13, 1996

OFFICE: NEW YORK, WASHINGTON, D.C., NEW JERSEY,
CONNECTICUT, VIRGINIA AND TEXAS ONLY

HAND-DELIVERED

Jose M. Rodriguez, Esquire
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Room 657
Washington, D.C. 20463

**RE: M.U.R. 4398: RESPONDENT GREENBERG, TRAUIG, HOFFMAN, LIPOFF,
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

This letter is filed on behalf of Greenberg, Traung, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Respondent") in connection with the above referenced matter.

Please be advised the Respondent is interested in pursuing pre-probable cause negotiations with the Commission at this time.

We look forward to hearing from you regarding this request at your convenience. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Thank you for your assistance

Sincerely,

Leslie J. Kerman

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Board of County Commissioners
METROPOLITAN DADE COUNTY-FLORIDA

DISTRICT 10
111 N. W. FIRST STREET, SUITE 370
MIAMI, FLORIDA 33178-1963
(305) 375-4835
FAX (305) 375-4838

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

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SENATOR JAVIER SOUTO
COMMISSIONER

July 29, 1996

Mr. Jose M. Rodriguez
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4398

Dear Mr. Rodriguez:

I received Mr. John Warren McGarry's letter regarding a violation by the 1994 Campaign for Commissioner Javier Souto. I would like to explain several points on this issue and ask for your advise on how to proceed to resolve this unfortunate situation.

Your letter dated July 25, 1996, was the first communications that I received from the Federal Election Commission on this issue. The checks in question were collected by the law firm of Greenberg & Traurig in a fund raiser held on my behalf which collected close to \$20,000 in contributions. My understanding is that the fund-raiser was strictly among the law firm's clients. I have never met Mr. Kramer, I had no knowledge of Mr. Kramer's nationality, and I had no knowledge that these corporations belonged to Mr. Kramer. I assumed that all the checks were legal and from corporations that could contribute to my campaign, since they were collected by one of the oldest and most respected law firms in the State of Florida.

Your letter states that the Campaign account for Commissioner Javier Souto issue a check for the sum of \$3,500 to the United States Treasury, care of the Federal Elections Commission within 30 days. Unfortunately, the campaign account was closed on October 31, 1994 as required under Florida election laws. I was re-elected in October of 1994, so I chose to contribute the unexpended balance of contributions, approximately \$53,104, by donating them to charitable organizations within the South Florida community, as permitted under state law. I am attaching the final campaign report which shows the contributions to the non-profit organizations, as well as a zero balance remaining in the campaign account. Therefore, I cannot issue a campaign account check to the Federal Elections Commission. For me to pay the \$3,500 out of my personal funds would present an extreme hardship, since my total salary as a Commissioner consist of a \$5,000 annual salary. I am 56 years old and retired. Furthermore, I feel this would be an unjustified penalty, since I had no knowledge that the corporate checks provided by the law firm were for companies owned by a foreign national. I was not even familiar with this law prior to receipt of your letter.

Please call me and let me know how to proceed with this. I do not want to be in further violation by allowing the 30 days to elapse.

Sincerely yours,

Javier Souto
JS/mg

enclosure

03043873948



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 19, 1996

Leslie J. Kerman, Esq.
Epstein, Becker & Green
1227 25th Street., N.W.
Washington, D.C. 20037-1156

RE: MUR 4398
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

This is in response to your letter dated July 18, 1996, which we received on the same date, requesting an extension of twenty days to respond to the Commission's Reason to Believe finding. 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 August 13, 1996.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Jose M. Rodriguez
Attorney

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EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-1156

(202) 861-0900

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(904) 681-0586

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MIAMI, FLORIDA 33133
(305) 856-1100

610 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314-3321
(703) 684-7204

July 18, 1996

NEW YORK WASHINGTON DC NEW JERSEY
CONNECTICUT VIRGINIA AND TEXAS ONLY

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FEDERAL ELECTION COMMISSION
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HAND-DELIVERED

Jose M. Rodriguez, Esquire
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Room 657
Washington, D.C. 20463

**RE: M.U.R. 4398: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

Our firm has been retained to represent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Respondent" or "the Firm") in connection with the above-referenced matter. In that regard, enclosed please find a Statement of Designation of Counsel which was executed on Wednesday, July 17, 1996 by Larry Hoffman, the Firm's President.

It is our understanding that the Firm received the Commission's "reason-to-believe" notification on July 9, 1996, and thus that its response is due to be filed with your office by Wednesday, July 24, 1996.

We respectfully request a twenty-day extension of time, until August 13, 1996, in which to file a response to the Commission's "reason-to-believe" determination. This extension-of-time is necessary for us to review the facts in this matter (which involves alleged activity from 1993 and 1994) and then prepare a response on behalf of the Firm.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

Leslie J. Kerman

Leslie J. Kerman

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4398

NAME OF COUNSEL: Leslie J. Kerman

ADDRESS: Epstein Becker & Green, P.C.
1227 25th Street, N.W., Suite 700
Washington, D.C. 20037

TELEPHONE: (202) 861-1877

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COMMISSION
OFFICE OF THE
SECRETARY

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

GREENBERG, TRAURIG, HOFFMAN,
LIPOFF, ROSEN & QUENTEL, P.A.

July 17, 1996

Date

By:

Signature

Name:

Title:

RESPONDENT'S NAME: Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.

ADDRESS: 1221 Brickell Avenue
Miami, Florida 33131

HOME PHONE: N/A

BUSINESS PHONE: (305) 579-0500

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1996

Larry Hoffman, Esq.
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
1221 Brickell Avenue
Miami, FL 33131

RE: MUR 4398

Dear Mr. Hoffman:

On June 25, 1996, the Federal Election Commission found that there is reason to believe Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

For our records, please complete the enclosed form stating the name, address, and telephone number of counsel who will be representing the firm in this matter, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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MUR 4398
Larry Hoffman, Esq.
Page 2

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jose M. Rodriguez, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Greenberg, Traurig, Hoffman, MUR 4398
Lipoff, Rosen & Quentel, P.A.

I. GENERATION OF MATTER

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This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer, averring inter alia, that Mr. Kramer was solicited by individuals associated with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Greenberg, Traurig") to make political contributions.

II. ANALYSIS

According to the sua sponte submission, Mr. Kramer, a German foreign national, made contributions, either personally, through other individuals or through his companies, to local, State, and Federal political committees in excess of \$400,000, a portion of which were solicited by Greenbreg, Traurig. (For a complete list of Thomas Kramer's contributions see attached schedule.)

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value in connection with any election to any local, State or Federal political office; or for any person

to solicit, accept, or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States. The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

Thomas Kramer is a German citizen¹ and fits squarely within the definition of a foreign national. In an affidavit accompanying the sua sponte submission, Mr. Kramer avers that

1. Mr. Kramer states that he lives in the United States on an E-2 visa. According to the United States Immigration and Naturalization Service, an individual holding an E-2 visa is a dependent of an individual who holds an E-1 visa. (The dependent relationship can be that of spouse, child, or in-law.) An E-1 visa is known as a "treaty trader," that is, the individual is permitted to enter the United States to invest money in this country.

Both E-1 and E-2 visas are held by non-immigrants, and the bearer retains the citizenship of their native country. These visas may be effective for up to ten years.

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individual associated with Greenberg, Traurig solicited him for political contributions. Mr. Kramer states:

During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

(Affidavit of Thomas Kramer dated December 27, 1994, at ¶ 6.)

Because the firm represented Mr. Kramer on immigration matters, it conducted these solicitations with the full knowledge that he was a foreign national. The Act prohibits the solicitation of contributions from a foreign national. 2 U.S.C. § 441e.

III. CONCLUSION

Accordingly, there is reason to believe Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e.

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CONTRIBUTIONS ATTRIBUTABLE TO THOMAS KRAMER
DURING 1993-94 ELECTION CYCLE

Federal Committee Contributions

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3-4/93	25,000
Terri Bradley	Democratic Senatorial Campaign Committee (Non-federal account)	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee (Non-federal account)	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	100,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	5,000
Thomas Kramer	Democratic Senatorial Campaign Committee (Federal account)	9/17/93	3,000
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/12/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/16/93	1,500
Thomas Kramer	Friends of Connie Mack	1/24/94	1,000
Thomas Kramer	Republican Party of Florida (Federal/non-federal account)	3/03/94	100,000 ¹

1. This contribution was split between the state party's federal and non-federal accounts, with \$5,000 deposited in the federal account, and the remaining \$95,000 deposited in the state account.

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35 Star Island, Inc.	Democratic National Cmte. (Non-federal account)	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3/15/94	<u>40,000</u>
			Sub Total: \$384,000

State and Local Committee Contributions

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	\$500
Olympus Holding Corporation	Stuart Blumberg Campaign Fund	1/29/93	500
Sun & Fun, Inc.	Bretos Campaign	4/14/93	500
Playa Del Sol, Ltd.	Conchi Bretos	4/14/93	500
New Fiesta, Inc.	Charles Dusseau Campaign	4/14/93	100
Playa Del Sol, Ltd.	Charles Dusseau Campaign	4/14/93	100
Olympus Holding Corporation	Charles Dusseau Campaign	4/14/93	100
New Fiesta, Inc.	Maurice Ferre Campaign	4/14/93	500
Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500
Intermediaries	Neisen Kasdin	April 1993	? ²
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500

2. Mr. Kramer states that he does not recall the exact date or amount of this contribution. He also does not identify through whom he made this contribution. Mr. Kramer notes "intermediary" as the contributor where he believes he made a state or local campaign contribution through another.

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St. Tropez R/E Fund, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
New Fiesta, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Sun & Fun, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Playa Del Sol, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Beachwalk Development Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Olympus Holding Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Santorini Isle, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
7th & 5th Deco Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
St. Tropez R/E Fund, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
New Fiesta, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Sun & Fun, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Playa Del Sol, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
Beachwalk Development Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Olympus Holding Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Santorini Isle, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
7th & 5th Deco Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Sandpoint Financial, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Portofino Group, Inc.	Stacy Breen	7/20/93	500
St. Tropez R/E Fund, Ltd.	Mike Karpel Campaign Fund	10/19/93	500

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New Fiesta, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Sun & Fun, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Play Del Sol, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
Beachwalk Development Corporation	Mike Karpel Campaign Fund	10/19/93	500
Olympus Holding Corporation	Mike Karpel Campaign Fund	10/19/93	500
Santorini Isle, Inc.	Mike Karpel Campaign Fund	10/19/93	500
7th & 5th Deco Corp.	Mike Karpel Campaign Fund	10/19/93	500
Sandpoint Financial, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
SBE, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Intermediary	Mike Karpel Campaign Fund	10/20/93	500
Intermediary	Mike Karpel Campaign Fund	10/21/93	500
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500
New Fiesta, Inc.	Gerald Lewis Campaign	12/08/93	500
Sun & Fun, Inc.	Gerald Lewis Campaign	12/08/93	500
Playa Del Sol, Ltd.	Gerald Lewis Campaign	12/08/93	500
Beachwalk Development Corporation	Gerald Lewis Campaign	12/08/93	500
Olympus Holding Corporation	Gerald Lewis Campaign	12/08/93	500
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500
Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500
South Beach Creative Group, Inc.	Gerald Lewis Campaign	12/08/93	500
Thomas Kramer	James Burke Campaign Fund	12/15/93	500

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St. Tropez R/E Fund, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
New Fiesta, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Playa Del Sol, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Olympus Holding Corporation	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Seagull Development Corp.	Campaign for Commissioner Javier Souto	3/03/94	500
Azure Coast Development Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
5 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
2 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
SBE, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
Olympus Holding Corporation	Gwen Margolis Campaign Fund	7/29/94	100
Playa Del Sol, Ltd.	State Senate President Pat Thomas "Victory in '94"	8/26/94	500
Portofino Group, Inc.	Larry Hawkins	9/01/94	500
St. Tropez R/E Fund, Ltd.	Larry Hawkins	9/01/94	500
Santorini Isle, Inc.	Larry Hawkins	9/01/94	500
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	100

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Olympus Holding
Corporation

Jeb Bush Gubernatorial
Campaign

9/27/94 100

Sub Total: \$34,600

TOTAL: \$418,600

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thomas Kramer;)
Catherine Burda Kramer;)
Terri Bradley;)
Greenberg, Traurig, Hoffman,)
Lipoff, Rosen & Quentel, P.A.;)
35 Star Island, Inc.;)
Portofino Group, Inc.;)
Olympus Holding Corporation;)
Sun & Fun, Inc.;)
Playa Del Sol Ltd.;)
New Fiesta, Inc.;)
St. Tropez R/E Fund, Ltd.;)
Beachwalk Development Corporation;)
Santorini Isle, Inc.;)
7th & 5th Deco Corporation;)
Sandpoint Financial, Ltd.;)
SBE, Inc.;)
South Beach Creative Group, Inc.;)
5 Star Island, Inc.;)
2 Star Island, Inc.;)
Seagull Development Corporation;)
Azure Coast Development, Ltd.;)
DNC Services Corporation/Democratic)
National Committee and R. Scott)
Pastrick, as treasurer;)
Democratic Senatorial Campaign)
Committee and Donald J. Foley,)
as treasurer;)
National Republican Senatorial)
Committee and Stan Huckaby, as)
treasurer;)
Republican Party of Florida (federal/)
non-federal accounts) and James H.)
Stelling, as treasurer;)
Kerrey for U.S. Senate Committee and)
Jim Weaver, as treasurer;)
Ros-Lehtinen for Congress and)
Antonio L. Argiz, as treasurer;)
Friends of Connie Mack and Robert I.)
Watkins, as treasurer;)
Mitchell for Senate and Barbara Keefe,)
as treasurer;)
Stuart Blumberg Campaign Fund;)

MUR 307

Pre-MUR 307

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(continued)

Stacy Breen;)
Bretos Campaign;)
Conchi Bretos;)
James Burke Campaign Fund;)
Jeb Bush Gubernatorial Campaign;)
Charles Dusseau Campaign;)
Sy Eisenberg Campaign Fund;)
Maurice Perre Campaign;)
Larry Hawkins;)
Bruce Kaplan Campaign;)
Mike Karpel Campaign Fund;) Pre-MUR 307
Neisen Kasdin Campaign Fund;)
Neisen Kasdin;)
Nancy Leibman Campaign Fund;)
Gerald Lewis Campaign;)
Gwen Margolis Campaign Fund;)
Campaign for Commissioner for)
Javier Souto;)
State Senate President Pat Thomas)
"Victory in '94")

CERTIFICATION

I, Marjorie W. ~~Emmons~~, recording secretary for the Federal Election Commission executive session on June 25, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to Pre-MUR 307:

1. Open a MUR.
2. Find reason to believe that Thomas Kramer violated 2 U.S.C. §§ 441e and 441f, and enter into conciliation prior to a finding of probable cause to believe.
3. Find reason to believe that Terri Bradley violated 2 U.S.C. § 441f, and enter into conciliation prior to a finding of probable cause to believe.

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4. Find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
5. Find reason to believe that 35 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
6. Find reason to believe that Portofino Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
7. Find reason to believe that Olympus Holding Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
8. Find reason to believe that Sun & Fun, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
9. Find reason to believe that Playa Del Sol Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
10. Find reason to believe that New Fiesta, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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11. Find reason to believe that St. Tropez R/E Fund, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 12. Find reason to believe that Beachwalk Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 13. Find reason to believe that Santorini Isle, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 14. Find reason to believe that 7th & 5th Deco Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 15. Find reason to believe that Sandpoint Financial, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 16. Find reason to believe that SBE, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 17. Find reason to believe that South Beach Creative Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 18. Find reason to believe that 5 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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19. Find reason to believe that 2 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 20. Find reason to believe that Seagull Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 21. Find reason to believe that Azure Coast Development, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
 22. Find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
 23. Find reason to believe that Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
 24. Find reason to believe that Greenberg, Traurig, Hoffman Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e.
 25. Find reason to believe that the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.
 26. Find reason to believe that DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

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27. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
28. Find reason to believe that Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
29. Find reason to believe that Res-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
30. Find reason to believe that the Stuart Blumberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
31. Find reason to believe that Stacy Breen violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
32. Find reason to believe that the Bretos Campaign and Conchi Bretos violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
33. Find reason to believe that the James Burke Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
34. Find reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

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35. Find reason to believe that the Charles Dusseau Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
36. Find reason to believe that the Maurice Perre Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
37. Find reason to believe that Larry Hawkins violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
38. Find reason to believe that the Bruce Kaplan Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
39. Find reason to believe that Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
40. Find reason to believe that the Gerald Lewis Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
41. Find reason to believe that the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
42. Find reason to believe that the Campaign for Commissioner for Javier Souto violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
43. Find reason to believe that State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

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44. Find reason to believe that the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
45. Find reason to believe that the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
46. Find reason to believe that the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
47. Approve the Factual and Legal Analyses, Conciliation Agreements, and the appropriate letters, as recommended in the General Counsel's Report dated June 7, 1996.

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

Attest:

6-25-96
Date

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

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FEDERAL ELECTION COMMISSION
JUN 10 10 04 AM '95

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Pre-MUR #307
DATE COMPLAINT RECEIVED
BY OGC: 10/05/94
DATE ACTIVATED: 2/16/95
DATE TRANSFERRED: 3/1/96

STAFF MEMBER: Jose M. Rodriguez

COMPLAINANT: Sua Sponte

RESPONDENTS: Thomas Kramer
Catherine Burda Kramer
Terri Bradley
Greenberg, Traurig, Hoffman, Lipoff, Rosen &
Quentel, P.A.
35 Star Island, Inc.
Portofino Group, Inc.
Olympus Holding Corporation
Sun & Fun, Inc.
Playa Del Sol Ltd.
New Fiesta, Inc.
St. Tropez R/E Fund, Ltd.
Beachwalk Development Corporation
Santorini Isle, Inc.
7th & 5th Deco Corporation
Sandpoint Financial, Ltd.
SBE, Inc.
South Beach Creative Group, Inc.
5 Star Island, Inc.
2 Star Island, Inc.
Seagull Development Corporation
Azure Coast Development, Ltd.
DNC Services Corporation/Democratic National Committee
and R. Scott Pastrick, as treasurer
Democratic Senatorial Campaign Committee and Donald J.
Foley, as treasurer
National Republican Senatorial Committee and Stan
Huckaby, as treasurer
Republican Party of Florida (federal/non-federal
accounts) and James H. Stelling, as treasurer
Kerrey for U.S. Senate Committee and Jim Weaver, as
treasurer
Ros-Lehtinen for Congress and Antonio L. Argiz,
as treasurer

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Friends of Connie Mack and Robert I. Watkins, as
 treasurer
 Mitchell for Senate and Barbara Keefe, as treasurer
 Stuart Blumberg Campaign Fund
 Stacy Breen
 Bretos Campaign
 Conchi Bretos
 James Burke Campaign Fund
 Jeb Bush Gubernatorial Campaign
 Charles Dusseau Campaign
 Sy Eisenberg Campaign Fund
 Maurice Ferre Campaign
 Larry Hawkins
 Bruce Kaplan Campaign
 Mike Karpel Campaign Fund
 Neisen Kasdin Campaign Fund
 Neisen Kasdin
 Nancy Leibman Campaign Fund
 Gerald Lewis Campaign
 Gwen Margolis Campaign Fund
 Campaign for Commissioner for Javier Souto
 State Senate President Pat Thomas "Victory in '94"

RELEVANT STATUTES: 2 U.S.C. § 441e
 2 U.S.C. § 441f

RELEVANT REGULATIONS: 11 C.F.R. § 110.4 (a) (3)

INTERNAL REPORTS CHECKED: FEC Indices/Disclosure Reports

FEDERAL AGENCIES CHECKED: Immigration and Naturalization Service

I. GENERATION OF MATTER

This matter was generated by a sua sponte submission filed by
 counsel representing Thomas Kramer. (Attachment 1.) According to
 the submission, Mr. Kramer, a German foreign national, made
 numerous contributions to local, state and federal political
 committees during the 1993-1994 election cycle. It appears that
 Mr. Kramer made several of these contributions through
 corporations of which he was director and majority shareholder.¹

1. This Office attempted to determine whether any of
 Mr. Kramer's corporations qualify as subchapter s corporations,
 but was unable to do so. During the course of this matter,
 this Office will make further attempts to ascertain the status
 of these corporations.

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In addition, Mr. Kramer reimbursed his secretary, Terri Bradley, for contributions she made to a national party committee and a federal candidate committee. Based upon the sua sponte submission, it appears that Mr. Kramer made contributions, either personally, through other individuals or through his companies, to local, state, and federal political committees in excess of \$400,000, in violation of 2 U.S.C. §§ 441e and 441f.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

1. Section 441e

The basis of this sua sponte submission is the Act's prohibition on contributions from foreign nationals found at 2 U.S.C. § 441e. This provision states:

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with any election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

The prohibition is further detailed in the Commission's Regulations at 11 C.F.R. § 110.4(a)(3):

A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, labor organization, or political committee, with regard to such person's Federal or non-federal election-related activities, such as decisions concerning the making of contributions or expenditures in connection with elections

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for any local, State, or Federal office or decisions concerning the administration of a political committee.

The term "foreign national" is defined at 2 U.S.C.

§ 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes:

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

It is clear that the Act prohibits contributions from persons, including corporations, that are foreign nationals.

2 U.S.C. § 441e. The Commission has also addressed the issue of whether a corporation that is not a foreign national, but is a domestic subsidiary of a foreign national parent, may make contributions in connection with state and local campaigns for political office. In addressing this issue, the Commission has looked to two factors: the source of the funds used to make the contributions and the nationality status of the decision makers. Regarding the source of funds, the Commission has not permitted such contributions by a domestic corporation where the source of funds is from a foreign national, reasoning that this essentially permits the foreign national to make contributions indirectly when

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it could not do so directly. See, e.g., A.O.s 1989-20, 1985-3 and 1981-36. See also, A.O. 1992-16.

Even if the funds in question are from a domestic corporation, however, the Commission also looks at the nationality status of the decision makers. See A.O.s 1985-3 and 1982-10. The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no director or officer of the company or its parent, or any other person who is a foreign national may participate in any way in the decision-making process regarding the contributions. This prohibition has been codified at 11 C.F.R. § 110.4(a)(3), as noted above.

2. Section 441f

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his or her name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. The Act defines person to include a corporation. 2 U.S.C. § 431(11).

3. Knowing and Willful Violations

Further, the Act addresses knowing and willful violations. 2 U.S.C. §§ 437g(a)(5)(C) and 437g(d). The phrase "knowing and willful" indicates that "actions [were] taken with full knowledge of all of the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976.) The knowing and willful standard requires knowledge that one is violating the law. Federal Election Comm'n v. John A. Dramesi for

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Congress Committee, 640 F. Supp. 985 (D.N.J. 1986). A knowing and willful violation may be established by "proof that the defendant acted deliberately and with knowledge that the representation was false." United States v. Hopkins, 916 F.2d 207, 214-215 (5th Cir. 1990). An inference of a knowing and willful violation may be drawn "from the defendants' elaborate scheme for disguising" their actions and their "deliberate convey[ance of] information they knew to be false to the Federal Election Commission."

B. The Sua Sponte Submission

In an Affidavit accompanying the sua sponte submission, Thomas Kramer avers that he is a German citizen and that he is "not lawfully admitted in the United States for permanent residence." (Attachment 1, at 12.) He further states:

I made candidate contributions personally and through my companies during a period of approximately a year and three-quarters, beginning in early 1993. I gave to state and local candidates, the Republican Party of Florida, and the national Democratic and Republican parties. I also personally made or caused contributions to four federal candidates.

(Id.)

According to the chart attached to Mr. Kramer's Affidavit, he made contributions to "federal political committees" during the 1993-1994 election cycle. (Id. at 17.) As is apparent below, Mr. Kramer assertedly made these contributions directly; through

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his secretary, Terri Bradley; or through corporations which he controlled.

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte. - Non-federal account ³	3-4/93 ²	25,000
Terri Bradley	Democratic Senatorial Campaign Committee	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee ⁴ - Non-federal account	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida ⁵	6/04/93	100,000 ⁶

2. Mr. Kramer does not remember the exact date of this contribution, but states that it occurred between "March and April 1993" and was given for the "Grand Bay Dinner for VP Gore." (Attachment 1, at 17.)

3. In his Affidavit, Mr. Kramer does not explain whether the contributions to the national political committees (*viz.* the DNC, the DSCC, and the NRSC) were designated for the federal or non-federal accounts of these committees. Based on a review of the public record, it appears that all contributions made by Mr. Kramer through his companies to national political committees were deposited into the committees' non-federal accounts.

4. Mr. Kramer states that this contribution was given to the "Republican Senatorial Committee." The Commission's records indicate that the only such committee is the "National Republican Senatorial Committee."

5. Mr. Kramer made contributions totaling \$205,000 to the Republican Party of Florida. As the chart demonstrates, Mr. Kramer asserts that he made two contributions totaling \$105,000 on June 4, 1993 through his corporation the Portofino Group, Inc., and one direct contribution in his name of \$100,000 on March 3, 1994. It is not clear from Mr. Kramer's Affidavit whether these contributions were designated for the state party's federal account or state account. See infra p. 8 nn. 6 & 7.

However, a review of the state party's federal and state reports clarifies that the two contributions from the Portofino Group, Inc. (totaling \$105,000) were deposited into the Republican Party of Florida's state account, as was \$95,000 of Mr. Kramer's direct \$100,000 contribution. The remaining \$5,000 of Mr. Kramer's direct contribution was deposited into the state

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Portofino Group, Inc.	Republican Party of Florida	6/04/93	5,000 ⁷
Thomas Kramer	Democratic Senatorial Campaign Committee	9/17/93	3,000 ⁸
Thomas Kramer	Rob-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/13/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500
Thomas Kramer	Friends of Connie Mack	12/10/93	1,500
Thomas Kramer	Republican Party of Florida	3/03/94	100,000 ⁹
35 Star Island, Inc.	Democratic National Cmte.- Non-federal account	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte.- Non-federal account	3/15/94	<u>40,000</u>
			Total: \$384,5

(Footnote 5 continued from previous page)
 party's federal account. Consequently, the total amount contributed by Mr. Kramer, personally and through his corporation, was \$200,000 to the Republican Party of Florida's state account, and \$5,000 to its federal account.

6. Mr. Kramer states that he gave this contribution to Republican Party of Florida Victory '94 which appears to be a project of the Republican Party of Florida Federation Campaign Committee (the state party's federal account). However, as noted above, this contribution was reported as received by the Republican Party of Florida's state account.

7. The chart provided by Mr. Kramer indicates only that this contribution was for the "Statesman's Dinner." (Attachment 1, at 17.) As noted above, this contribution was reported as received by the Republican Party of Florida's state account.

8. Mr. Kramer states that this contribution was given for the "DSCC Senate Majority Dinner." (Attachment 1, at 17.)

9. As noted above, \$5,000 of this contribution was deposited in the state party's federal account, with the remaining \$95,000 going to the state account.

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In addition, Mr. Kramer asserts that he made the following contributions to local and state candidates during the 1993-1994 election cycle. (Attachment 1, at 17-21.)

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	\$500
Olympus Holding Corporation	Stuart Blumberg Campaign Fund	1/29/93	500
Sun & Fun, Inc.	Bretos Campaign	4/14/93	500
Playa Del Sol, Ltd.	Conchi Bretos	4/14/93	500
New Fiesta, Inc.	Charles Dusseau Campaign	4/14/93	100
Playa Del Sol, Ltd.	Charles Dusseau Campaign	4/14/93	100
Olympus Holding Corporation	Charles Dusseau Campaign	4/14/93	100
New Fiesta, Inc.	Maurice Ferre Campaign	4/14/93	500
Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500
Intermediaries	Neisen Kasdin	April 1993	? ¹⁰
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
St. Tropez R/E Fund, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500

10. Mr. Kramer states that he does not recall the exact date or amount of this contribution. He also does not identify through whom he made this contribution. Mr. Kramer notes "intermediary" as the contributor where he believes he "made a state or local campaign contribution through another." (Attachment 1, at 6.)

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New Fiesta, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Sun & Fun, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Playa Del Sol, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Beachwalk Development Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Olympus Holding Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Santorini Isle, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
7th & 5th Deco Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
St. Tropez R/E Fund, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
New Fiesta, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Sun & Fun, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Playa Del Sol, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
Beachwalk Development Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Olympus Holding Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Santorini Isle, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
7th & 5th Deco Corporation	Sy Eisenberg Campaign Fund	6/22/93	500
Sandpoint Financial, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
Portofino Group, Inc.	Stacy Breen	7/20/93	500
St. Tropez R/E Fund, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
New Fiesta, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Sun & Fun, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Play Del Sol, Ltd.	Mike Karpel Campaign Fund	10/19/93	500

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Beachwalk Development Corporation	Mike Karpel Campaign Fund	10/19/93	500
Olympus Holding Corporation	Mike Karpel Campaign Fund	10/19/93	500
Santorini Isle, Inc.	Mike Karpel Campaign Fund	10/19/93	500
7th & 5th Deco Corp.	Mike Karpel Campaign Fund	10/19/93	500
Sandpoint Financial, Ltd.	Mike Karpel Campaign Fund	10/19/93	500
SBE, Inc.	Mike Karpel Campaign Fund	10/19/93	500
Intermediary	Mike Karpel Campaign Fund	10/20/93	500
Intermediary	Mike Karpel Campaign Fund	10/21/93	500
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500
New Fiesta, Inc.	Gerald Lewis Campaign	12/08/93	500
Sun & Fun, Inc.	Gerald Lewis Campaign	12/08/93	500
Playa Del Sol, Ltd.	Gerald Lewis Campaign	12/08/93	500
Beachwalk Development Corporation	Gerald Lewis Campaign	12/08/93	500
Olympus Holding Corporation	Gerald Lewis Campaign	12/08/93	500
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500
Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500
South Beach Creative Group, Inc.	Gerald Lewis Campaign	12/08/93	500
Thomas Kramer	James Burke Campaign Fund	12/15/93	500
St. Tropez R/E Fund, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
New Fiesta, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500

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Playa Del Sol, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Olympus Holding Corporation	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Seagull Development Corp.	Campaign for Commissioner Javier Souto	3/03/94	500
Azure Coast Development Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
Santorini Isle, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
5 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
2 Star Island, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
SSE, Inc.	Gwen Margolis Campaign Fund	4/26/94	500
Olympus Holding Corporation	Gwen Margolis Campaign Fund	7/29/94	100
Playa Del Sol, Ltd.	State Senate President Pat Thomas "Victory in '94"	8/26/94	500
Portofino Group, Inc.	Larry Hawkins	9/01/94	500
St. Tropez R/E Fund, Ltd.	Larry Hawkins	9/01/94	500
Santorini Isle, Inc.	Larry Hawkins	9/01/94	500
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	100
Olympus Holding Corporation	Jeb Bush Gubernatorial Campaign	9/27/94	100
			Total: \$34,600

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Thus, according to Mr. Kramer's admission, he made local, state, and federal political contributions totaling \$419,100 during the 1993-1994 election cycle.¹¹ According to counsel, Mr. Kramer has requested refunds of all his personal and corporate contributions. (Attachment 1, at 5 and 13.) To date, Mr. Kramer reports receiving refunds totaling only \$162,555 -- from the Democratic National Committee (\$125,000); Democratic Senatorial Campaign Committee (\$3,000); National Republican Senatorial Committee (\$25,000); Republican Party of Florida (federal account) (\$5,000);¹² Ros-Lehtinen for Congress (\$1,000); Charles Dusseau Campaign (\$300); Sy Eisenberg Campaign Fund (\$875); Neisen Kasdin Campaign Fund (\$155); Gerald Lewis Campaign (\$125); and the Gwen Margolis Campaign Fund (\$2,100). (Id. at 17-21.)

As shown above, Mr. Kramer admits that he made a portion of his contributions through 17 corporations listed above (\$287,600), and through 3 unnamed "intermediaries" (\$1,000 +). (See Attachment 1.) Mr. Kramer does not reveal the total amount of the contributions made through "intermediaries," noting only that two of the "intermediaries" contributed \$500 apiece, but failing to

11. Mr. Kramer overstates the total of his contributions by \$500. See infra n.16 and pp. 21-23. Consequently, the total in fact contributed by Mr. Kramer is \$418,600. This corrected amount is used for the remainder of the analysis.

12. Of note, Mr. Kramer twice requested refunds from the Republican Party of Florida for his contributions totaling \$205,000. In response, the state party refunded only the \$5,000 deposited in its federal account, arguing in part that the remaining \$200,000 was lawfully deposited into its non-federal account and used for non-campaign related redistricting purposes, exempt from the foreign national prohibition. For a complete discussion of these transactions, see discussion infra at pp. 26-28.

list any amount for the third. However, because Florida law limits contribution amounts to \$500 from any individual or corporation, the total amount of these "intermediary" contributions appears not to exceed \$1,500. (Fla. Stat. Ann. § 106.08(1) (West 1992)). Consequently, because of the de minimus amount involved in these unspecified contributions, this Office will not seek further information concerning these contributions.

Mr. Kramer also admits that he "made two contributions at the federal level" through his secretary, Terri Bradley. Specifically, he states that he "reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993." (Attachment 1, at 14.) Additionally, he "reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993." (Id.) He further states in his Affidavit:

I believe that I was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens. I do not recall what, if any, explanation may have been given. In any event, I did not understand at the time that I was being advised that it was unlawful for the DSCC (or any one else) to accept political contributions from foreign nationals. I proceeded as I did because, to the best of my recollection, I understood that the solicitor suggested (in the presence of myself and my secretary) that, since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on my behalf.

(Id.)

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Mr. Kramer's attorney explains the circumstances surrounding these contributions as follows:

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national. In addition, Mr. Kramer was represented by law firms on business matters during this period, including a firm that handled his immigration matters and whose principals solicited contributions from him and suggested that he make certain other contributions. He was never advised that a foreign national could not make candidate contributions.

(Id. at 4.) In addition, counsel states:

Although he was solicited by numerous campaign fundraisers and is quite clearly of foreign origin, he was never asked about his citizenship or residency status. Mr. Kramer voluntarily brought this matter to the Commission's attention, and he has cooperated fully in facilitating an investigation into his contributions.

(Id. at 6-7.) Further, counsel represents that when Mr. Kramer learned through a September 28, 1994 article in the Tampa Tribune¹⁴ that some of his contributions might have been illegal, he immediately contacted legal counsel, who promptly notified the FEC of the situation. (Id. at 4.) Finally, counsel expresses an interest in entering into pre-probable cause conciliation. (Id. at 7.)

14. The Tampa Tribune newspaper article is part of Attachment 1, at pages 22-23.

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C. Analysis

There is no question that Thomas Kramer is a foreign national who made impermissible contributions -- personally, through corporations he owned and directed, and through his secretary -- to local, state, and federal candidates in violation of 2 U.S.C. §§ 441e and 441f. Correspondingly, political committees and candidates at the local, state and federal levels received impermissible contributions from Mr. Kramer, in violation of 2 U.S.C. §§ 441e and 441f.

1. Contributions by Kramer personally, through Terri Bradley and through Kramer's corporations

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Thomas Kramer is a German citizen¹⁵ and fits squarely within the definition of a foreign national. Accordingly, he is prohibited from making contributions to local, state or federal candidates or political committees. 2 U.S.C. § 441e and 11 C.F.R. § 110.4(a)(3). As discussed above, Mr. Kramer admits that he made political contributions in his own name totaling \$109,500 during the 1993-1994 election cycle, in violation of 2 U.S.C. § 441e.¹⁶ This figure does not take into account funds Mr. Kramer

15. Mr. Kramer states that he lives in the United States on an E-2 visa. According to the United States Immigration and Naturalization Service, an individual holding an E-2 visa is a dependent of an individual who holds an E-1 visa. (The dependent relationship can be that of spouse, child, or in-law.) An E-1 visa is known as a "treaty trader," that is, the individual is permitted to enter the United States to invest money in this country.

Both E-1 and E-2 visas are held by non-immigrants, and the bearer retains the citizenship of their native country. These visas may be effective for up to ten years.

16. As discussed infra at pp. 22-23, Mr. Kramer overstates his contributions to Friends of Connie Mack by \$500. Accordingly, Mr. Kramer directly contributed a total of \$109,000.

contributed through his secretary (\$21,000), funds he contributed through his seventeen corporations (\$287,600), and funds contributed through unnamed "intermediaries" (at least \$1,000).

Moreover, despite counsel's assertions that "no fundraiser or candidate ever inquired into [Mr. Kramer's] immigration status or refused funds from him because he was a foreign national," it is clear that at least one recipient questioned his status as a contributor. (Attachment 1, at 4.) Specifically, Mr. Kramer avers that he "believe[s] that [he] was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens." (Id. at 14.) Mr. Kramer also states that Terri Bradley was present with him at the Democratic fundraiser where he was informed that he could not contribute because of his foreign national status. After being informed of this, Mr. Kramer's secretary, Terri Bradley, contributed \$20,000 to the DSCC, for which he subsequently reimbursed her. Mr. Kramer states that "[he] proceeded as [he] did because, to the best of [his] recollection, [he] understood that the solicitor suggested . . . that, since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on [his] behalf," but that he has "no recollection of understanding that there was any legal issue involved." (Id.) This contribution was made on April 28, 1993.

While the exact substance of the committee's message to Mr. Kramer concerning his contribution is not known, according to Mr. Kramer's Affidavit, he was on notice as early as April 1993 that political contributions by foreign nationals were

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problematic, at least with regard to the DSCC. Nonetheless, Mr. Kramer continued to make contributions without further inquiry.

Mr. Kramer not only made contributions in his own name and Ms. Bradley's, but he states that he made contributions through his companies.¹⁷ Specifically, Mr. Kramer states that the "donor companies . . . are all corporations incorporated under the laws of the state of Florida and are wholly owned by me."

(Attachment 1, at 12.) The public record reflects that Mr. Kramer is also the Chief Executive Officer of these corporations. In sum, Mr. Kramer made \$287,600 in contributions to 18 political committees through 17 corporations.

Under 22 U.S.C. § 611(b), a corporation organized under the laws of any state within the United States, with a principal place of business within the United States, is not a foreign principal and, accordingly, would not be a foreign national under 2 U.S.C. § 441e. See Advisory Opinion 1992-16. As discussed above, however, Section 441e also prohibits contributions by a foreign national "through any other person," including by definition a corporation. In addition, a foreign national cannot direct, control, or participate in the decision-making process of a

17. These contributions came from or through the following: Portofino Group, Inc. (\$198,000); 35 Star Island, Inc. (\$60,000); Olympus Holding Corporation (\$4,400); Sun & Fun, Inc. (\$2,500); Playa del Sol Ltd. (\$3,600); New Fiesta, Inc. (\$3,600); St. Tropez R/E Fund Ltd. (\$3,000); Sandpoint Financial, Inc. (\$2,000); Beachwalk Development Corporation (\$2,000); Santorini Isle, Inc. (\$3,000); 7th & 5th Deco Corporation (\$2,000); SBE, Inc. (\$1,000); South Beach Creative Group, Inc. (\$500); Seagull Development Corporation (\$500); Azure Coast Development Ltd. (\$500); 5 Star Island, Inc. (\$500); and 2 Star Island, Inc. (\$500).

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corporation with regard to decisions about the making of contributions. 11 C.F.R. § 110.4(a)(3). Based upon Mr. Kramer's Affidavit, as an officer he directed these corporate contributions and, as a result, he made additional prohibited foreign national contributions totaling \$287,600, in violation of 2 U.S.C. § 441e.

The majority of Mr. Kramer's contributions, specifically \$387,800.00¹⁸ of the \$418,600.00,¹⁹ occurred after he had been informed by the DSCC that it "would accept contributions only from U.S. citizens." (Attachment 1, at 14, ¶ 8b.) Thus, it appears that despite being on notice that contributions from a foreign national could be problematic, Mr. Kramer continued to make political contributions without inquiry as to their legality. While such action may not rise to the level of a knowing and willful violation because it is not clear whether Mr. Kramer had specific knowledge of the foreign national prohibition or the prohibition against making contributions in the name of another, it does aggravate the violation by demonstrating a disregard for the laws governing political contributions.²⁰ See Federal Election

18. This calculation includes the \$20,000 contribution to the DSCC made in the name of Terri Bradley.

19. This total does not include the contribution by Mr. Kramer through an unidentified "intermediary" Neisen Kasdin, in April 1993, for which there is no known amount.

20. Moreover, while the very making of contributions by a foreign national in the name of another -- non-foreign national -- individual, may in certain cases, allow for an inference that the Section 441e violations are knowing and willful (see United States v. Hopkins, 916 F.2d 207, 214-215 (5th Cir. 1990) (an inference of a knowing and willful violation may be drawn "from defendants' elaborate scheme for disguising" actions)), the contradictory evidence in the present matter militates against such an inference. Specifically, Mr. Kramer made contributions on March 20 and April 28, 1993 to Federal

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Comm'n v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D.N.J. 1986) (knowing and willful violation requires knowledge that one is violating the law).

Accordingly, this Office makes no knowing and willful recommendations, but instead recommends that the Commission find reason to believe that Thomas Kramer violated 2 U.S.C. § 441e. This Office further recommends that the Commission find reason to believe that Thomas Kramer made contributions totaling \$21,000 in the name of another, in violation of 2 U.S.C. § 441f, and that Terri Bradley permitted her name to be used to effect these contributions, also in violation of 2 U.S.C. § 441f. Last, this Office recommends that the Commission enter into conciliation with Mr. Kramer and Ms. Bradley prior to a finding probable cause to believe. (For discussion of the proposed conciliation agreements, see infra pp. 31-32.)

This Office makes no recommendations at this time concerning the Democratic Senatorial Campaign Committee. During the course

(Footnote 20 continued from previous page)
political committees in the name of his secretary, initially suggesting that he may have been attempting to hide the foreign national source of the funds. Yet, he subsequently made several contributions in his own name to other Federal political committees. It does not follow that if Mr. Kramer was attempting to hide the source of his contributions by funneling them through another individual, he would later make direct contributions in his own name. Further investigation may serve to clarify Mr. Kramer's intent in funneling a portion of his contributions through another. However, for the reasons cited in this report, this Office does not recommend conducting an investigation in this matter, but instead recommends entering into conciliation at this stage in the enforcement process.

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of the conciliation negotiations, this Office will seek information concerning the circumstances leading to Ms. Bradley's contribution and will make recommendations as warranted by any new information.

Further, this Office recommends that the Commission find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e concerning the \$1,000 contribution made in the name of Terri Bradley.²¹ In light of the amount at issue and in order to best utilize the Commission's resources, this Office also recommends that the Commission take no further action and close the file as to Mitchell for Senate and Barbara Keefe, as treasurer. If the Commission approves these recommendations, this Office will send an admonishment letter to Mitchell for Senate.²²

In addition, because Mr. Kramer exercised direction and control over the making of these contributions, and because he distinguishes these contributions from his "personal contributions," this Office recommends that the Commission find reason to believe that the following corporations and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e by making

21. It does not appear that Mitchell for Senate had any knowledge that the funds contributed in Ms. Bradley's name were not her own, or that they originated from a foreign national. Accordingly, consistent with Commission policy, this Office makes a recommendation concerning only a possible violation of 2 U.S.C. § 441e, which does not require a knowing acceptance, and makes no recommendation concerning a possible violation of 2 U.S.C. § 441f in connection with the same contribution, as this provision does require knowing acceptance.

22. In the admonishment letter to Mitchell for Senate, this Office will request that the Committee disgorge to the United States Treasury the unrefunded \$1,000 contribution at issue.

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contributions to federal committees and in connection with local and state elections: 35 Star Island, Inc.; Portofino Group, Inc.; Olympus Holding Corporation; Sun & Fun, Inc.; Playa Del Sol Ltd.; New Fiesta, Inc.; St. Tropez R/E Fund, Ltd.; Beachwalk Development Corporation; Santorini Isle, Inc.; 7th & 5th Deco Corporation; Sandpoint Financial, Ltd.; SBE, Inc.; South Beach Creative Group, Inc.; 5 Star Island, Inc.; 2 Star Island, Inc.; Seagull Development Corporation; and Azure Coast Development, Ltd. This Office recommends that the Commission also enter into pre-probable cause conciliation with these respondents.

2. Catherine Burda Kramer and Friends of Connie Mack

Based on the evidence presently in hand, the exact amount contributed by Thomas and Catherine Burda Kramer to the Friends of Connie Mack (the "Mack Committee") is unclear. In his Affidavit, Mr. Kramer states that he made contributions to the Mack Committee on November 13, 1993 (\$500) and December 10, 1993 (\$3,000). According to Mr. Kramer, the \$3,000 in contributions made in December, 1993 consisted of two \$1,500 contributions to the Mack Committee. Mr. Kramer states that he received no refunds of these contributions.

The Mack Committee reports that it received a total of \$3,000 in contributions from Mr. Kramer on November 12, 1993 (\$500), December 16, 1993 (\$1,500) and January 24, 1994 (\$1,000). The Mack Committee, however, reports refunding all of the contributions to him. The Mack Committee also reports receipt of a total of \$2,000 in contributions from Mr. Kramer's wife, Catherine Burda Kramer, on December 16, 1993 (\$1,500) and

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January 10, 1994 (\$500). The Mack Committee reports that it refunded the \$2,000 in contributions to Catherine Burda Kramer.

In his Affidavit, Mr. Kramer does not address any contributions made by Mrs. Kramer to the Mack Committee. According to Mr. Kramer, he made two \$1,500 contributions to this same committee in December; however, Friends of Connie Mack reported the contributions as \$1,500 from Thomas Kramer and \$1,500 from Catherine Kramer. In addition to the disputed \$1,500 contribution, it appears that Mrs. Kramer made at least one contribution to the Mack Committee; as reported by the Mack Committee, it received a \$500 contribution on January 10, 1994, from Catherine Burda Kramer. A review of the public record indicates that Mrs. Kramer may be a foreign national because it does not appear that she has a social security number. Thus, this Office recommends that the Commission find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e. Because of the apparent de minimis amount at issue, this Office also recommends that the Commission take no further action and close the file as to Mrs. Kramer.

Likewise, this Office recommends that the Commission find reason to believe the Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e. In light of the comparatively minor amount at issue with the Mack Committee and because they reported refunding all contributions received from Mr. and Mrs. Kramer, this Office also recommends that the Commission take no further action and close the file as to the Friends of Connie Mack. If the Commission approves these

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recommendations, this Office will send an admonishment letter to the Friends of Connie Mack and Mrs. Kramer.

3. Law Firm Contribution Solicitations

Mr. Kramer also avers that he was represented by several law firms during the time period that he was making his political contributions. Mr. Kramer states:

During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel and Thomson Muraro Razook & Hart. The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig or Thomson Muraro. However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

(Attachment 1, at 13.)

The Act prohibits the solicitation of contributions from a foreign national. 2 U.S.C. § 441e. According to Mr. Kramer's Affidavit, his law firm, Greenberg and Traurig, solicited contributions from him, and the firm knew he was a foreign national because it represented him on immigration matters. Because it is unclear what contributions were solicited by the law firm, and to allow the law firm an opportunity to respond and clarify the record, this Office recommends that the Commission find reason to believe that

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Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel violated 2 U.S.C. § 441e.²³

4. Recipient Political Committees

As a result of Mr. Kramer's contributions, several federal political committees received impermissible contributions totaling \$184,500. These federal political committees included the DNC Services Corporation/Democratic National Committee ("DNC"), the Democratic Senatorial Campaign Committee ("DSCC"), the National Republican Senatorial Committee ("NRSC"), Kerrey for U.S. Senate Committee, Ros-Lehtinen for Congress and the federal political committees previously discussed -- namely, the Republican Party of Florida (federal account), Friends of Connie Mack and Mitchell for Senate Committee. State and local political committees, including the Republican Party of Florida (non-federal account) received impermissible contributions totaling \$234,600. According to Mr. Kramer, these political committees and candidates received prohibited contributions from a foreign national, or from corporations owned and directed by a foreign national. The Act's prohibition against foreign national contributions does not contain a knowledge requirement. 2 U.S.C. § 441e. Thus, these recipient political committees violated 2 U.S.C. § 441e by their receipt of these prohibited political contributions.

23. Because this respondent is a law firm, it raises the question of whether this violation was knowing and willful. This Office reviewed the firm's biography in the 1994 edition of the Martindale-Hubbell Law Directory and it does not appear that any of the attorneys at that firm practice election law. Therefore, this Office makes no knowing and willful recommendations at this time against Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel.

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There are additional issues raised by the contributions received by the Republican Party of Florida (non-federal account) ("RPF"). Soon after the Tampa Tribune newspaper ran an article explaining that Mr. Kramer was a foreign national, RPF refunded \$5,000 of the \$205,000 contributed by Mr. Kramer and one of his companies. A review of RPF's campaign finance reports filed with the Commission indicates that this committee's federal account only reported a \$5,000 contribution from Mr. Kramer as received on March 4, 1994, but did not report any other contributions from him or Portofino Group, Inc. RPF also reported that it refunded \$5,000 to Mr. Kramer on October 13, 1994, from its federal account.

In an attempt to determine how and whether the remaining contributions were deposited, this Office recently obtained copies of RPF's state reports for the time period at issue. Examination of the voluminous state reports shows that the remaining \$200,000 in contributions were reported as deposited into RPF's non-federal account. According to these reports, on June 8, 1993, the Portofino Group, Inc. made two contributions to RPF totaling \$5,000 and \$100,000. In addition, the state reports show the receipt of a \$95,000 contribution from Thomas Kramer on March 4, 1994.

Mr. Kramer repeatedly requested the refund of these contributions. In an October 25, 1994 letter accompanying only Mr. Kramer's \$5,000 federal contribution refund, and in apparent response to Mr. Kramer's request for a full refund, Ellen Darden, RPF's Chief of Staff, states that "[t]his represents a

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refund of the portion of the donation that you made to the Party which we designated to our Federal account at the time of receipt." (Attachment 1, at 8.) While acknowledging that the state party is prohibited from accepting foreign national contributions and that it could not deposit such contributions into its federal account nor transfer such funds from its federal to its non-federal accounts, the letter explains that "the remainder of [Mr. Kramer's] generous donation was originally designated to our state account and can legally be utilized for certain non-campaign, non-federal activities." (Id.)

In a letter dated November 7, 1994, Mr. Kramer again requested that RPF refund all of his contributions. In a December 13, 1994 letter to Mr. Kramer, Tom Slade, RPF's Chairman, noting that the contributions were deposited into RPF's redistricting account," explains that no further refunds could be made, and that the contributions made by Mr. Kramer and Portofino Group, Inc. had been received in good faith and spent, and, therefore, were not available for refund.²⁴ (Id. at 9-10.)

If these funds were in fact used only for non-campaign related reapportionment issues, they may be exempt from the foreign national prohibition. See 1982-14, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5655 (April 9, 1982) (funds to a segregated state party account for reapportionment-related expenses are not subject to the Act's prohibitions), see also, AO 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981) (foreign

24. In fact, as of December 31, 1994, the RPF's federal account alone had approximately \$230,000 cash-on-hand.

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national prohibition does not apply to committee engaged in lobby and litigation concerning reapportionment issues). Examination of RPF's non-federal reports shows a \$95,000 contribution to Floridians for Fair Redistricting on October 13, 1993, five months after Mr. Kramer's \$95,000 contribution to the RPF. Although incomplete, these reports also show other reapportionment disbursements, most significantly these reports show what may be a \$150,000 disbursement on May 19, 1993 for reapportionment matters.²⁵

Based upon this record, it appears that at least a portion of the \$205,000 contributed by Mr. Kramer to RPF may have in fact been used for permissible purposes. However, further information is necessary to conclusively make this determination and to ascertain what use was made of the balance of the contribution. Accordingly, as with the law firm, to afford the state party an opportunity to clarify the record, this Office recommends that the Commission find reason to believe the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.

25. The exact nature of this transaction is not presently clear. Although reported in a disbursement report for the state account, the transaction is described as a "reapportionment reimbursement" concerning RPF's law firm. Consequently, it is not known if this entry represents the initial payment to the law firm, or a reimbursement from the law firm for services paid but not rendered.

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In addition to RPF, there are a large number of other local, state, and federal committees that apparently received prohibited political contributions. For the federal political committees that remain for which no recommendation has been made, this Office is recommending that the Commission make reason to believe findings against them, but take no further action. These recommendations take into consideration either the amount of the contributions or that they have been refunded.²⁷ Moreover, this Office believes that this is the most efficient allocation of Commission resources and will allow this Office to focus on the major players in this matter. Accordingly, this Office recommends that the Commission find reason to believe that: (1) the DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer; (2) the National Republican Senatorial Committee and Stan Huckaby, as treasurer; (3) the Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer; and (4) Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents. If the Commission approves these

27. According to the Commission's records, the DNC received three contributions totaling \$125,000 from companies owned by Thomas Kramer. The DNC fully refunded all of these contributions. Similarly, the NRSC received a \$25,000 contribution from one of Mr. Kramer's companies. This contribution was also fully refunded. The two candidate committees - Ros-Lehtinen for Congress and the Kerrey for U.S. Senate Committee -- each received \$1,000 contributions from Thomas Kramer. The Ros-Lehtinen committee refunded its \$1,000 contribution to Mr. Kramer.

recommendations, this Office will send admonishment letters to these respondents.²⁸

Similarly, for the remaining local and state recipient committees that received prohibited contributions, this Office is recommending that the Commission find reason to believe that the committees violated the Act, but take no further action. This recommendation will apply to all local and state political committees that received prohibited contributions. If the Commission approves these recommendations, this Office will send admonishment letters to these respondents. Thus, this Office recommends that the Commission find reason to believe that: (5) the Stuart Blumberg Campaign Fund; (6) Stacy Breen; (7) the Bretos Campaign and Conchi Bretos; (8) the James Burke Campaign Fund; (9) the Jeb Bush Gubernatorial Campaign; (10) the Charles Dusseau Campaign; (11) the Maurice Ferre Campaign; (12) Larry Hawkins; (13) the Bruce Kaplan Campaign; (14) the Neisen Kasdin Campaign Fund and Neisen Kasdin; (15) the Gerald Lewis Campaign; (16) the Gwen Margolis Campaign Fund; (17) the Campaign for Commissioner for Javier Souto; (18) State Senate President Pat Thomas "Victory in '94"; (19) the Sy Eisenberg Campaign Fund; (20) the Mike Karpel Campaign Fund; and (21) the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

28. In the admonishment letter to the Kerrey for U.S. Senate Committee, this Office will request that the Committee disgorge to the United States Treasury the unrefunded \$1,000 contribution at issue.

III. DISCUSSION OF CONCILIATION AGREEMENTS AND CIVIL PENALTIES

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IV. DISCUSSION OF ADMONISHMENTS AND DISGORGEMENT REQUESTS

As discussed, this Office will admonish the various federal recipient committees -- where the Commission is taking no further action -- that receipt of any funds from a foreign national is a violation of 2 U.S.C § 441e. Those letters directed to the two federal committees that have not refunded the tainted contributions (Mitchell for Senate and Kerrey for U.S. Senate Committee) will also contain a request that committees disgorge to the United States Treasury the unrefunded contributions. Accompanying each letter will be a tailored version of the attached sample Factual and Legal Analyses informing the recipient committee of the basis for the Commission's findings. (Attachment 4.)³¹ This Office will also admonish Mrs. Kramer that the making

31. Attachment 4 consists of two sample Factual and Legal Analysis: a draft for those committees that accepted contributions from Mr. Kramer directly or through an intermediary, and a separate draft for those committees that accepted contributions from corporations controlled by Mr. Kramer. These sample documents will be used to notify all (local, State and Federal) recipients.

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of contributions by a foreign national to local, State and Federal elections is prohibited.

Concerning the local and State committee recipients, this Office will also admonish these committees that the foreign national prohibition applies to local and State campaigns. This Office also intends to request that those committees which have not refunded the tainted contributions disgorge such funds to the United States Treasury, and that each committee inform the Commission when the disgorgement takes place. (As noted, these committees will also receive a tailored version of the sample Factual and Legal Analyses at attachment 4.)

V. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Thomas Kramer violated 2 U.S.C. §§ 441e and 441f, and enter into conciliation prior to a finding of probable cause to believe.
3. Find reason to believe that Terri Bradley violated 2 U.S.C. § 441f, and enter into conciliation prior to a finding of probable cause to believe.
4. Find reason to believe that Mitchell for Senate and Barbara Keefe, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
5. Find reason to believe that 35 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
6. Find reason to believe that Portofino Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
7. Find reason to believe that Olympus Holding Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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8. Find reason to believe that Sun & Fun, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
9. Find reason to believe that Playa Del Sol Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
10. Find reason to believe that New Fiesta, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
11. Find reason to believe that St. Tropez R/E Fund, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
12. Find reason to believe that Beachwalk Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
13. Find reason to believe that Santorini Isle, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
14. Find reason to believe that 7th & 5th Deco Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
15. Find reason to believe that Sandpoint Financial, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
16. Find reason to believe that SBE, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
17. Find reason to believe that South Beach Creative Group, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
18. Find reason to believe that 5 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.

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19. Find reason to believe that 2 Star Island, Inc. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
20. Find reason to believe that Seagull Development Corporation and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
21. Find reason to believe that Azure Coast Development, Ltd. and Thomas Kramer, as owner and CEO, violated 2 U.S.C. § 441e, and enter into conciliation prior to a finding of probable cause to believe.
22. Find reason to believe that Catherine Burda Kramer violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
23. Find reason to believe that Friends of Connie Mack and Robert I. Watkins, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
24. Find reason to believe that Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e.
25. Find reason to believe that the Republican Party of Florida (federal/non-federal accounts) and James H. Stelling, as treasurer, violated 2 U.S.C. § 441e.
26. Find reason to believe that DNC Services Corporation/Democratic National Committee and R. Scott Pastrick, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
27. Find reason to believe that the National Republican Senatorial Committee and Stan Huckaby, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
28. Find reason to believe that Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
29. Find reason to believe that Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.

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30. Find reason to believe that the Stuart Blumberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
31. Find reason to believe that Stacy Breen violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
32. Find reason to believe that the Bretos Campaign and Conchi Bretos violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
33. Find reason to believe that the James Burke Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
34. Find reason to believe that the Jeb Bush Gubernatorial Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
35. Find reason to believe that the Charles Dusseau Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
36. Find reason to believe that the Maurice Ferre Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
37. Find reason to believe that Larry Hawkins violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
38. Find reason to believe that the Bruce Kaplan Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
39. Find reason to believe that Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. § 441e, but take no further action and close the file as to these respondents.
40. Find reason to believe that the Gerald Lewis Campaign violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
41. Find reason to believe that the Gwen Margolis Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.

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42. Find reason to believe that the Campaign for Commissioner for Javier Souto violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
43. Find reason to believe that State Senate President Pat Thomas "Victory in '94" violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
44. Find reason to believe that the Sy Eisenberg Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
45. Find reason to believe that the Mike Karpel Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
46. Find reason to believe that the Nancy Leibman Campaign Fund violated 2 U.S.C. § 441e, but take no further action and close the file as to this respondent.
47. Approve the attached Factual and Legal Analyses, attached Conciliation Agreements, and the appropriate letters.

Date

6/7/96

Lawrence M. Noble
General Counsel

Lawrence M. Noble (Signature)

Attachments

- 1 - Sua Sponte Submission with attachments.
- 2 - Conciliation Agreement for Thomas Kramer.
- 3 - Conciliation Agreement for Terri Bradley.
- 4 - Sample Factual and Legal Analyses to recipient local, State and Federal committees where the Commission is taking no further action (2).
- 5 - Factual and Legal Analyses to all other respondents (5).

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FRIEDRICHSTRASSE 95
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JOHN D. GREENWALD
JOHN H. HAWOOD III
DAVID W. BECKER
MARY CAROLYN COX
CHRISTOPHER R. LIPSETT
WILLIAM J. HERLITZ
MARIANNE A. SMYTHE
ANDREW S. WEISSMAN
LYNN BREGMAN
JAMES E. COLEMAN, JR.
STEPHEN R. DOYLE
WILLIAM R. RICHARDSON, JR.
RUSSELL J. BRUMMER
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JUANITA A. CROWLEY
JOHN PAYTON
WILLIAM J. WILKINS
ANDREA ANN TIMKO
ANDREW N. VOLLMER
THOMAS W. WHITE
BRUCE W. BERMAN
THOMAS F. CONNELL
CHARLES E. DAVIDOW
TERRILL A. HYDE
DUANE D. MORSE

JAMES S. VENITT
DANIEL H. SQUIRE
W. SCOTT BLACKMER
GARY B. BORN
PHILIP D. ANKER
JOSEPH A. BRENNER
CAROL CLAYTON
ANASTASIA D. KELLY
THOMAS P. OLSON
PATRICK J. CAROME
JANE C. SHERBURNE
DAVID R. DONOVAN
PAUL A. VON HENNI
BRYAN SLOMET
STEPHEN M. CUTLER
ANDREW R. BARNETT
ROGER W. TIERCES
LAUREN B. SHEAR
MARK D. CANN
ERIC R. HARNIS
RANDOLPH D. MOSS
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NOT ADMITTED IN D.C.

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ARTHUR F. MATHEWS
JAMES S. CAMPBELL
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DANIEL MARCUS
JAMES ROBERTSON
LOUIS R. COHEN
MICHAEL R. KLEN
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F. DAVID LAKE, JR.
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STEPHEN F. BLACK
C. BOYDEN GRAY
RONALD J. GREENE
GARY D. WILSON
C. LORING JETTON, JR.
WILLIAM T. LAKE
JAMES A. ROGERS
MICHAEL L. BURACK
MICHAEL S. HELFER
NELL J. KING
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ROBERT B. MCCAN
A. DOUGLAS MELAMED
HANSFRED BALZ
RICHARD W. CASS
KENNETH W. GIDEON
WILLIAM J. KOLARZ, JR.
ARTHUR J. HARRISOTT
A. STEPHEN HUT, JR.
JOHN ROUSAVILLE, JR.
ROGER M. WITTEN
ROBERT C. CASSIDY, JR.

December 27, 1994

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Joan McEnery, Esq.
Mary L. Taksar, Esq.
Central Enforcement Docket
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Sixth Floor
Washington, D.C. 20463

Re: Pre-MUR 307

Dear Joan and Mary:

This letter follows my earlier communications regarding our client, Thomas Kramer, and his wish to disclose voluntarily to the Commission that he may have inadvertently violated provisions of the Federal Election Campaign Act by making or causing contributions in connection with candidate elections despite his status as a foreign national. We include Mr. Kramer's affidavit and a chart of his questionable contributions for your review. Although we believe we have investigated quite thoroughly, we will, of course, notify the Commission promptly of

any other contributions that we may learn of after this disclosure.

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national. In addition, Mr. Kramer was represented by law firms on business matters during this period, including a firm that handled his immigration matters and whose principals solicited contributions from him and suggested that he make certain other contributions. He was never advised that a foreign national could not make candidate contributions.

When Mr. Kramer learned as a result of a September 28, 1994 article in the Tampa Tribune (attached) that some of his contributions might violate the FECA, he immediately contacted legal counsel. Counsel promptly notified the FEC of the potential problem and of Mr. Kramer's intention to cooperate fully in gathering information on contributions he made or caused to be made, in seeking refunds of questionable contributions, and in making full disclosure to the Commission.

As reflected on the enclosed chart, Mr. Kramer or his companies made or caused six contributions to candidates for federal office and numerous contributions to candidates on the state and local level. He also made several contributions to Democratic and Republican party committees, which are not clearly candidate-related but which we list in our effort to make full disclosure.

Mr. Kramer has requested refunds of all his personal and corporate contributions.¹ To date, he has received refunds from the Democratic National Committee, the Democratic Senatorial Campaign Committee, the Republican Senatorial Committee, Representative Ileana Ros-Lehtinen, and local candidates Gwen Margolis and Charles Dusseau. By letter of October 25, 1994, the Republican Party of Florida informed Mr. Kramer that it had directed the bulk of his donation to its state account for "non-campaign, non-Federal activities," and refunded the remaining \$5,000. Mr. Kramer asked for a further refund of the additional \$200,000 he contributed, but the Republican Party of Florida denied his request.² Many of the local candidates who received contributions from Mr. Kramer, particularly those who were unsuccessful in their bids for office, have indicated that they

¹ An exception is Mr. Kramer's \$1,000 contribution to Ms. Ileana Ros-Lehtinen, which the candidate refunded before Mr. Kramer made a request.

² The letters exchanged by the Republican Party of Florida and Mr. Kramer are attached.

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no longer have open campaign accounts or funds from which to refund his contributions.

In addition to his personal and corporate contributions, Mr. Kramer also made some contributions through other people. Of the contributions Mr. Kramer made on the federal level, two were made through another, his secretary, Terri Bradley. These are listed in the accompanying chart. We have reason to believe Mr. Kramer also made candidate-related contributions through others on the state and local level. We have included the information we have been able to gather in the enclosed chart. We did not want to further delay this submission to the Commission, and have noted "intermediary" as the contributor where we believe Mr. Kramer made a state or local campaign contribution through another.¹

In sum, Mr. Kramer was, until recently, unaware that foreign nationals could not make candidate-related contributions. He made some of these contributions at the suggestion and with the advice of principals at his lead law firm, which also handled his immigration matters. Although he was solicited by numerous campaign fundraisers and is quite clearly of foreign origin, he was never asked about his citizenship or residency status. Mr.

¹ We were guided in our approach to this issue by the First General Counsel's Report in the Sports Shinko matter, dated June 4, 1993, in which the General Counsel took the position that violations of 2 U.S.C. § 441f involving contributions to state and local candidates were more properly the business of state authorities than the FEC. (Report at 17-18).

Kramer voluntarily brought this matter to the Commission's attention, and he has cooperated fully in facilitating an investigation into his contributions.

We would appreciate an opportunity to meet with you regarding this matter at your convenience to explore the possibility of pre-probable cause conciliation. In the interim, please let us know if we may provide any further information.

Sincerely,



Roger M. Witten
Margaret L. Ackerley

Enclosures

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★ ★ ★

Tom Slade
Chairman

Mel Sembler
Finance Chairman

AJ Cardenas
Vice Chairman

Ida Jackson
Secretary

Jim Stalling
Treasurer

Ginny Dinkins
Assistant Secretary

John Ranke
Assistant Treasurer

Mel Sembler
National Committeeman

Maryanne Morse
National Committeewoman

★ ★ ★

719 North Calhoun Street
Post Office Box 311
Tallahassee, Florida 32302
(904) 222-7920
FAX (904) 681-0184

★ ★ ★

October 25, 1994

Mr. Thomas Kramer
43 Star Island
Miami Beach, Florida 33139

Dear Mr. Kramer:

Enclosed is a check from the Republican Party of Florida in the amount of \$5,000.00 payable to you. This represents a refund of the portion of the donation that you made to the Party which we designated to our Federal account at the time of receipt.

Because you are not a citizen of this country, a fact that was unknown to us when you contributed to the Party, we are prohibited by law from accepted donations to be used in political campaigns or to our Federal account. We are also prohibited from transferring moneys received from a non-U.S. citizen from our Federal to our state account.

The remainder of your generous donation was originally designated to our state account and can legally be utilized for certain non-campaign, non-Federal activities.

Thank you very much for your support.

Sincerely yours,

Ellen Darden
Chief of Staff



November 7, 1994

Mr. Tom Slade
Chairman
Republican Party of Florida
719 N. Calhoun Street
Tallahassee, FL 32303

Dear Mr. Slade,

I have recently learned that a foreign national like myself may not make contributions in connection with candidate elections in the United States. I was not aware of this prohibition at the time I contributed to the Republican Party of Florida, the Republican Party of Florida - Victory '94, and the Statesman's Dinner in the amounts on the dates set forth on the attached exhibit. While we acknowledge receipt of \$5,000 by the Republican Party of Florida under cover of a letter dated October 25, 1994 from Ellen Darden, Chief of Staff, I have been advised in the circumstances, I must ask you to promptly return the remainder of the contributions. I regret any inconvenience this may cause you.

Thank you for your cooperation.

Very truly yours,

Thomas Kramer

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December 13, 1994

Mr. Thomas Kramer
Portofino Group
446 Collins Avenue
Miami Beach, Florida 33139

Dear Mr. Kramer:

I am in receipt of your letter regarding past contributions, and I apologize for the time that has transpired between your letter and my response. I am sure that you can appreciate how hectic it has been at Republican Party headquarters since the elections.

Regrettably, we cannot fulfill your request that all donations made by you personally and by the Portofino Group to the Republican Party of Florida, Victory 94 and Statesmans Dinner be returned to you.

The donations to the Party from the Portofino Group in the spring of 1993, as was the personal donation from you later in the year, were accepted in good faith and without any knowledge of your status as a foreign national. This money has been spent, and even if it were our practice to return any contribution upon demand, it is not available.

The personal contribution of \$100,000.00 that you made in the fall has already been partially returned to you because it had been deposited to our Federal account. The remainder has been deposited in our Redistricting Account. The Federal Election Commission permits foreign nationals to contribute to separate redistricting accounts, such as the one established by the Republican Party of Florida.

In advance, thank you very much for your understanding.

Sincerely yours,


Tom Slade

cc. Ben Ginsberg
Richard McFarlain
Bill Bryant

Tom Slade
Chairman

Mel Sembler
Finance Chairman

Al Cardenas
Vice Chairman

Ida Jackson
Secretary

Jim Stealing
Treasurer

Ginny Dinkins
Assistant Secretary

John Renke
Assistant Treasurer

Mel Sembler
National Committeeman

Maryanne Morse
National Committeewoman

719 North Calhoun Street
Post Office Box 311
Tallahassee, Florida 32302
(904) 222-7920
FAX (904) 681-0184

11/17/93

AFFIDAVIT OF THOMAS KRAMER

STATE OF FLORIDA

COUNTY OF DADE

1. My name is Thomas Kramer. I am a real estate investor living in Miami Beach, Florida. The donor companies listed in Attachment A hereto are all corporations incorporated under the laws of the state of Florida and are wholly owned by me.

2. I am a German citizen and am in the United States on an E-2 visa. I am not lawfully admitted in the United States for permanent residence.

3. I made candidate contributions personally and through my companies during a period of approximately a year and three-quarters, beginning in early 1993. I gave to state and local candidates, the Republican Party of Florida, and the national Democratic and Republican parties. I also personally made or caused contributions to four federal candidates.

4. Prior to and during this period, I was not knowledgeable about federal campaign finance laws, including 2 U.S.C. § 441e which I now understand bars contributions by foreign nationals to political candidates.

5. I speak English with a German accent, and I believe most people who know me realize I am German. Nevertheless, no one who solicited or accepted my candidate contributions ever asked me about my immigration status, advised

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me that it was illegal for me to contribute, or rejected my political contributions because of my citizenship.

6. During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel and Thomson Muraro Razook & Hart. The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig or Thomson Muraro. However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

7. On reading a September 28, 1994 article in the San Francisco Chronicle indicating that some of my contributions may be problematic, I was surprised and immediately consulted counsel. After consultation with counsel and investigation of my records, I requested refunds of all political contributions that I or my companies made that may be candidate-related.

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8. I made two contributions at the federal level through my secretary, Ms. Terri Bradley. I have requested refunds of these contributions.

a. I reimbursed Ms. Bradley for a \$1,000 contribution made in her name to Senator George Mitchell in March 1993. I do not recall the circumstances surrounding this contribution or why the contribution was made in this way.

b. I also reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993. To the best of my recollection, I believe that I was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions only from U.S. citizens. I do not recall what, if any, explanation may have been given. In any event, I did not understand at the time that I was being advised that it was unlawful for the DSCC (or any one else) to accept political contributions from foreign nationals. I proceeded as I did because, to the best of my recollection, I understood that the solicitor suggested in the presence of myself and my secretary that since the DSCC accepted contributions only from U.S. citizens, a U.S. citizen should contribute on my behalf. I have no recollection of understanding that there was any legal issue involved.

9. To the best of my knowledge, the accompanying chart of contributions (Attachment B) accurately shows the

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candidate-related and possibly candidate-related contributions ;
made directly or indirectly, and the status of my refund
requests

I swear under the penalty of perjury that the foregoing
statements are true and correct



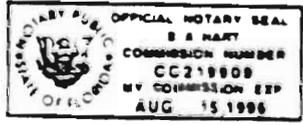
Thomas Kramer

The foregoing instrument was acknowledged before me
this 14 day of December, 1994 by Thomas Kramer, who is
personally known to me or who has produced _____
as identification and who did take an oath.



Notary Public, State of Florida
Print Name: Brian A. Hart
Commission Number: _____
Commission Expires: _____

(SEAL)



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ATTACHEMENT A

Azure Coast Development, Ltd.
Beachwalk Development Corp.
New Fiesta, Inc.
Olympus Holding Corp.
Playa Del Sol, Ltd.
Portofino Group, Inc.
Sandpoint Financial, Ltd.
Santorini Isle, Inc.
SSE, Inc.
Seagull Development Corp.
South Beach Creative Group
St. Tropez P.E. Fund, Ltd.
Sun & Fun, Inc.
1 Star Island, Inc.
2 Star Island, Inc.
3 Star Island, Inc.
4 Star Island, Inc.
5 Star Island, Inc.

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ATTACHMENT B

Donor	Receipts	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
35 Star Island, Inc.	Democratic National Committee	3/04/94	60,000.00	Yes	\$60,000.00 on 10/28/94
Penobscot Group, Inc.	Democratic National Committee	3/15/94	40,000.00	Yes	\$40,000.00 on 11/17/94
Penobscot Group	Democratic National Committee (Grand Bay dinner for VP Gore)	September during March April 1993	25,000.00	Yes	\$25,000.00 on 10/28/94
Tom Bradley	DSCC	4/28/93	20,000.00	Yes	
Thomas Kruger	The DSCC Senate Majority Dinner	9/17/93	3,000.00	Yes	\$3,000.00 on 9/29/94
Penobscot Group, Inc.	Republican Senatorial Committee	6/04/93	25,000.00	Yes	\$25,000.00 on 11/30/94
Penobscot Group, Inc.	Republican Party of Florida Victim Aid	6/04/93	100,000.00	Yes	
Penobscot Group, Inc.	Senatorial Dinner	6/04/93	2,000.00	Yes	
Thomas Kruger	Republican Party of Florida	3/03/94	100,000.00	Yes	\$5,000.00 on 10/23/94
Thomas Kruger	Robert Kern for U.S. Senator	12/02/93	1,000.00	Yes	
Thomas Kruger	Bob Lichner for Cong. Rep.	10/12/93	1,000.00	Refund preceded request	\$1,000.00 on 9/30/94
Thomas Kruger	Friends of Cooper Mall	11/13/93	500.00	Yes	
Thomas Kruger	Friends of Cooper Mall	12/10/93	1,500.00	Yes	
Thomas Kruger	Friends of Cooper Mall	12/10/93	1,500.00	Yes	
Tom Bradley	George Miller	3/20/93	1,000.00	Yes	
Penobscot Group, Inc.	State University Building Fund	1/29/93	500.00	Yes	
Quinn	State University Building Fund	1/29/93	500.00	Yes	
Penobscot Group, Inc.	State House	7/20/93	500.00	Cannot locate the receipt	
Joe & Pat	State University	4/14/93	500.00	Cannot locate the receipt	

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Pava	Conch Bros	4/14/93	500.00	Cannot locate receipt	
Thomas Krueger	James Buick Campaign Fund	12/15/93	500.00	Yes	
Chicago	Job Bush gubernatorial Campaign	9/27/94	100.00	Yes	
Chicago	Job Bush gubernatorial Campaign	9/27/94	100.00	Yes	
New Field	Charles DuSseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Pava	Charles DuSseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Chicago	Charles DuSseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Pentecost Group, Inc.	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	
St. Timothy R.E. Fund	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
New Field	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
St. A. & F. Co.	St. Eusebius Campaign Fund	6/22/93	400.00	Yes	\$125.00 on 12/23/93 (submitted to request)
Pava	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
Beaumont	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
Chicago	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	
Seminole	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
St. A. & F. Co.	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (submitted to request)
St. Joseph's Home & Care	St. Eusebius Campaign Fund	6/22/93	500.00	Yes	
New Field	Maurice Fern Campaign	4/14/93	500.00	Yes	
Chicago	Maurice Fern Campaign	4/14/93	500.00	Yes	
Pentecost Group, Inc.	LAMM Hardware	9/21/94	500.00	Yes	

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Donor	Receipt	Date of Contribution	Amount of Contribution	Refund Requested	Refund Made? (Date)
St. Tropez R.E. Fund Ltd	Larry Horvath	9/01/94	500.00	Yes	
Sammons	Larry Horvath	9/01/94	500.00	Yes	
New Farm	Bruce Kaplan Campaign	4-14-91	500.00	Yes	
Orvino	Bruce Kaplan Campaign	4-14-91	500.00	Yes	
Pantheon Group Inc	Major Earle Campaign Fund	10-1-91	500.00	Yes	
St. Tropez R.E. Fund Ltd	Major Earle Campaign Fund	10-1-91	500.00	Yes	
New Farm Inc	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Joe & Pat Inc	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Peter De. Sa Ltd	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Boscovius	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Orvino	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Sammons	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Joe & Pat Inc	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Jonathan F. ... Ltd	Major Earle Campaign Fund	10-1-91	500.00	Yes	
184 Inc	Major Earle Campaign Fund	10-1-91	500.00	Yes	
Jonathan F. ... Ltd	Major Earle Campaign Fund	10-25-91	500.00	Requested cash	
Jonathan F. ... Ltd	Major Earle Campaign Fund	10-21-91	500.00	Requested cash	
Thomas ...	Thomas ... Campaign Fund	4-21-91	500.00	Yes	\$155.00 on 10-13-91 refunded because contribution unapproved
Jonathan F. ... Ltd	Thomas ...	April 91	500.00	Request Address Unapproved	

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested	Refund Made* (Date)
Pontiac Group, Inc.	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
St. Tropez R.E. Fund	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Sandpoint Farms, Inc. Ltd.	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
New Forest	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Sub & Pub	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Plaza	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Beachcombers	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Orchards	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
Suttons	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
T & S, Inc.	Nancy Leibman Campaign Fund	6-15-93	500.00	Yes	
St. Tropez R.E. Fund, Inc.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
New Forest, Inc.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Sub & Pub, Inc.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Plaza Development, Ltd.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Beachcombers	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Orchards	Gerard Lewis Campaign	12-08-93	500.00	Yes	\$125.00 (withheld to request)
T & S, Inc. Corp.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Sandpoint Farms, Inc. Ltd.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Sub & Beachcombers, Inc. Corp.	Gerard Lewis Campaign	12-08-93	500.00	Yes	
Orchards	Gene Margolis Campaign Fund	11-29-94	100.00	Yes	\$100.00 on 11-21-94

Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested	Refund Made (Date)
SANONZ	Green Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
1 Saw Lland Inc	Green Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
2 Saw Lland Inc	Green Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
SBE Inc	Green Margolis Campaign Fund	4/26/94	500.00	Yes	\$500.00 on 11/21/94
St. Tropez R.E. Fund Ltd	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Ann Field Inc	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Paula Co. Inc	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Orlando	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Madison	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Seagrah Development Corp	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Northwood Inc	Campaign for Commissioner for Janet Smith	3/03/94	500.00	Yes	
Paula Co. Inc	See above President Pro Thomas Thibault	4/26/94	500.00	Yes	

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 9/9/98

 Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4398

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WILMER, CUTLER & PICKERING

2445 M STREET, N.W.
WASHINGTON, D.C. 20037-1420

TELEPHONE (202) 563-5000
FACSIMILE (202) 563-8363

MARGARET L. ACKERLEY
DIRECT LINE (202)
663-6838

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TELEPHONE 011 (4471) 839-4466
FACSIMILE 011 (4471) 839-3537

RUE DE LA LOI 15 WETSTRAAT
B-1040 BRUSSELS
TELEPHONE 011 (322) 231-0903
FACSIMILE 011 (322) 230-4322

FRIEDRICHSTRASSE 95
BRIEFKASTEN 29
D-10117 BERLIN
TELEPHONE 011 (4930) 2643-3601
FACSIMILE 011 (4930) 2643-3630

September 9, 1998

CLOSED

BY HAND

Jose M. Rodriguez, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4398

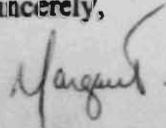
CLOSED

Dear Jose:

As you and I discussed, enclosed is a document we would like added to the public record in MUR 4398.

Please call if you have any questions. I appreciate your help.

Sincerely,



Margaret L. Ackerley

Enclosure

98043094987

SEP 9 1 10 PM '98

STATEMENT OF THOMAS KRAMER

1. My name is Thomas Kramer . I am over the age of 18 and competent to make this statement of facts.

2. In December 1994, I submitted to the Federal Election Commission ("FEC") an affidavit accompanied by a chart listing political contributions I had made that may have been prohibited by the Federal Election Campaign Act because of my status as a foreign national. That chart included the following:

<u>Donor</u>	<u>Recipient</u>	<u>Contribution Date</u>	<u>Contribution Amount</u>	<u>Refund Requested</u>	<u>Refund Made (Date)</u>
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	\$500.00	Yes	\$155.00 on 10/13/93 (Refund because Candidate Unopposed)
Interme- diaries	Neisen Kasdin	4/93	Exact Amount Unknown		

3. As I stated in my affidavit, "the accompanying chart of contributions (Attachment B) accurately shows the candidate-related and possibly candidate-related contributions I made directly or indirectly, and the status of my refund requests." By "possibly candidate-related" I meant that certain of the contributions I listed to political party committees may not have been in violation of the FECA because they were not used in connection with any

election. All of the contributions were political contributions; the issue was whether some of the party contributions may have been used in permissible ways.

4. The public file in this matter includes an FEC report concerning Mr. Kasdin's campaign that states that I made a "*sua sponte* submission" disclosing that in April 1993, I made "a prohibited contribution in the amount of \$500 to the Neisen Kasdin Campaign Fund, and a separate prohibited contribution during the same month directly to Mr. Kasdin, through an unnamed intermediary for an undisclosed amount." The report concludes: "Therefore, there is reason to believe the Neisen Kasdin Campaign Fund and Neisen Kasdin violated 2 U.S.C. Section 441e."

5. Every entry in the chart I submitted to the FEC represented political contributions, made to parties and candidate campaign funds.

6. I never gave nor ever caused anyone to give Mr. Kasdin any money in his personal capacity.

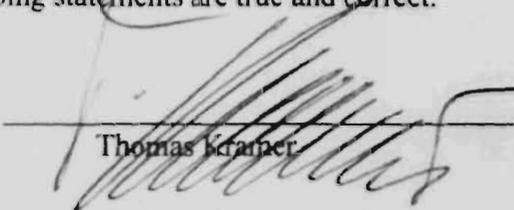
7. I noted the recipient of intermediary contributions to Mr. Kasdin's campaign as "Neisen Kasdin" because I did not have information about the specific campaign funds to which such contributions may have been made. To the extent that anyone suggests that I implied the contributions listed from "intermediaries" went to Mr. Kasdin personally, this is simply untrue, and represents a misreading of my submission.

8. I understand Mr. Kasdin and his campaign state they had no knowledge that any contribution the campaign received from another person had originated with me; I did not intend to imply otherwise.

9. The entry with respect to my personal contribution under "amounts refunded," which shows a refund of \$155, reflects a refund the Kasdin campaign made prior to and unrelated to my request for a refund based on my foreign national status.

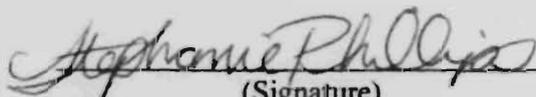
10. In fact, the full balance of my \$500 contribution was refunded by the Kasdin campaign upon learning of my foreign national status.

I hereby affirm that the foregoing statements are true and correct.


Thomas Kramer

Dated: August 27, 1998

WITNESSED BY:



(Signature)

August 27, 1998

(Date)

Stephanie Phillips

(Name/Title)



(Signature)

August 27, 1998

(Date)

Katie Bird

(Name/Title)