



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4440

DATE FILMED 6-9-97 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION

RECEIVED FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
AUG 14 9 42 AM '96

JOSEPH J. DIOGUARDI,

Plaintiff,

MUR 4440

v.

SUE W. KELLY,  
SUE KELLY FOR CONGRESS,  
CHRIS FISH,  
JAY TOWNSEND and  
THE TOWNSEND GROUP

Defendants.

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

The Plaintiff, Joseph J. DioGuardi, as and for his complaint against the Defendant, alleges the following:

1. Mr. DioGuardi is a candidate for election as the Representative from the 19th Congressional District of the State of New York to the U.S. House of Representatives.
2. The Defendant, Sue W. Kelly is the incumbent candidate for re-election as the Representative from the 19th Congressional District of the State of New York to the U.S. House of Representatives.
3. The Defendant, Sue Kelly for Congress, is a committee set up under the under Title 11, Code of Federal Regulations for the purpose of and acting on behalf of Sue W. Kelly for her re-election to the U.S. House of Representatives in the November 1996 election to be held in the 19th Congressional District of New York State.
4. The Defendant, Chris Fish, is the campaign manager for Sue Kelly and was

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employed in that position on or about July 8, 1996 by Sue Kelly for Congress.

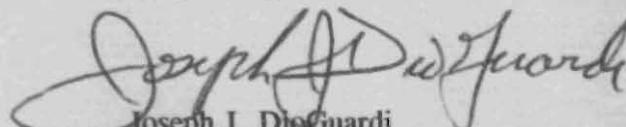
5. Jay Townsend is a political consultant to Sue W. Kelly and Sue Kelly for Congress and was retained as such on or about July 8, 1996 by Sue Kelly for Congress.

6. On or about July 8, 1996, the Defendants sent to Mr. DioGuardi's campaign contributors a packet of newspaper articles that were negative to Mr. DioGuardi's campaign, using lists of contributors to Mr. DioGuardi's campaign that were filed with his financial disclosure reports to the Federal Election Commission. A copy of this packet is attached hereto as Exhibit 1.

7. The foregoing was not used to respond to negative campaign materials made by Mr. DioGuardi to his supporters and was made with the purpose of undermining Mr. DioGuardi's support from these contributors and influencing them to support Ms. Kelly's campaign instead. As such, Ms. Kelly attempted to use these lists to solicit contributions in violation of Federal Election Law specifically 11 CFR 104.15 (a) and (b) and is violation of 2 U.S.C. 438(a)(4) and is subject to the penalties of 2 U.S.C. 437(g).

WHEREFORE, the Plaintiff requests judgment in his favor and against the Defendants and respectfully requests the Federal Election Commission to impose penalties upon the Defendants for violation of Federal election law.

Respectfully submitted,

  
Joseph J. DioGuardi

Sworn to before me this

13<sup>TH</sup> day of August, 1996

  
Notary Public

TULLIO G. BRUNO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 406804  
EXPIRES WESTCHESTER COUNTY  
COMMISSION EXPIRES 6-19-97

97043615413

# Fund's campaign ties raise ethical questions

Republic  
Dispatch  
7/8/96

A blurry line separates a tax-exempt foundation controlled by former U.S. Rep. Joseph DiGuardi and his congressional campaign, raising questions about the foundation's compliance with federal tax laws.

Founded 16 years ago as The DiGuardi Family Charitable Fund Inc., its name was changed to The Common Sense Educational Fund Inc. during DiGuardi's first term in Congress in 1985.

The foundation's mission is to make Congress run more efficiently and promote DiGuardi's ideas about federal policy.

"It has become a way to cast me as the Paul Revere of fiscal insanity in Washington as I go around America, waking up people to the problems of the real national debt," DiGuardi said.

It was a favored charity of the Crabtree automotive group in 1987 and 1988, with donations totaling \$20,000 given by the New Rochelle dealerships to the tax-exempt foundation, records show. It was in 1988 that Crabtree owner Joe Crabtree pleaded guilty to funneling corporate contributions totaling \$51,000 to the DiGuardi congressional campaign by reimbursing employees who had made the contributions.

The foundation, which also operates under the name Truth in Government, was incorporated under Sec. 501 (c) 3, of the federal tax code. Such organizations are exempt from federal income tax, but are precluded from "engaging in any campaign on behalf of any candidate for public office," said IRS spokesman Robert Kovel.

DiGuardi, who will face U.S. Rep. Sue Kelly in a Republican Party primary in September, is the foundation's president.

Kelly campaign aide Jay Townshend charged that DiGuardi has used the foundation to keep his political campaign alive during non-election years.

"It's a foundation controlled by him, subsidized by taxpayers through its tax exemption, and paying his political bills during the off-year," Townshend said.

According to the letterhead on a letter sent May 18 by DiGuardi to Kelly, Truth in Government was at 2 Croton Ave., Ossining. That's the address oc-



**DAVID  
McKAY WILSON**

cupied by DiGuardi's campaign office. His telephone and fax numbers were identical to those listed on campaign literature.

A book that DiGuardi had published by the foundation, "Unaccountable Congress," is displayed in the storefront window of the campaign office, next to a sign inviting people to receive a free copy of it.

Truth in Government took over the Ossining office from the DiGuardi campaign at the beginning of 1995, following DiGuardi's loss to Kelly in 1994. One of his campaign workers stayed on to work for the foundation. The campaign committee, People for DiGuardi, also kept a presence at 2 Croton Ave. during 1995. The campaign phone number continued to be listed in the NYNEX telephone directory.

In letters to political supporters last year, DiGuardi noted that he kept his Ossining office open following his 1994 defeat.

DiGuardi, the only certified public accountant ever to serve in Congress, said that shifting control of the storefront to Truth in Government during 1995 was a way to keep a presence in the district. He said that Truth in Government now has a post office box in Rye and is no longer in Ossining.

He also said he has kept the operations separate.

"This operates as my personal office and what I do is attracted to this office," said DiGuardi, referring to the Ossining storefront. "There was no campaign in 1995. You were talking about a dormant situation last year. I kept an office open. I'm an individual. It's an issue of free speech."

David McKay Wilson covers Westchester County government and writes about politics. Call him at 694-5000 or send e-mail to [dwilson@westnet.com](mailto:dwilson@westnet.com).

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6/21/96  
Republic  
Dispatch

# '88 scandal haunts DioGuardi campaign

As former Rep. Joe DioGuardi embarks on another congressional campaign, he remains haunted by the Crabtree fundraising scandal that helped derail his political career in 1988.

DioGuardi, a conservative Republican, finished second in the 1994 seven-way Republican primary to succeed Rep. Hamilton Fish in the 19th District, which runs north from White Plains through Putnam County to part of Dutchess County.

Winning the primary was Sue Kelly of Katonah, the only self-described moderate in the primary, who swept the general election over Fish's Democratic son, Hamilton Jr., and DioGuardi, who ran on the Conservative and Right to Life lines.

This year, DioGuardi and Kelly are headed for a September GOP primary. Kelly is justifiably worried. Republicans who vote in primaries tend to be more conservative, and DioGuardi, who is anti-abortion, has an appeal among right-wingers.

But as DioGuardi courts the conservatives, some have turned on their one-time hero. Westchester Conservative Party Chairman Vincent Natrella has come to Kelly's defense. In a letter to local leaders, opposing DioGuardi's bid, he noted the "money laundering scandal" of 1988.

DioGuardi was a two-term congressman, the only certified public accountant elected to Congress. Then came revelations that employees of the now-defunct Crabtree automotive group in New Rochelle had been reimbursed by the company for contributions totaling \$51,000 the workers had given to his campaign against Democrat Nita Lowey.

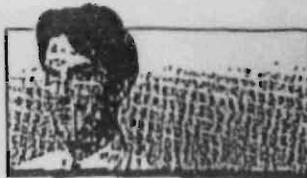
Corporations are prohibited from contributing to federal campaigns, and Joseph Crabtree in 1991 paid a \$10,000 fine for the impropriety.

DioGuardi was so incensed by Natrella's memories of 1988 that he penned an angry letter to Kelly. He claimed that Natrella's choice of the words "money laundering" were similar to those used in a letter written by Kelly and were a "clever code for communicating ethnic prejudice by reinforcing stereotypes."

He called on Kelly to apologize to every Italian-American in the district.

She has refused.

She has no plans to respond



**DAVID  
McKAY WILSON**

man Jay Townshend.

DioGuardi stated that he was "fully exonerated and vindicated by the U.S. attorney and the Federal Election Commission, who found charges of campaign violations during the 1988 congressional race totally baseless and without merit."



**Joe DioGuardi**  
Republican  
hopeful

FEC documents released last week found that the agency's general counsel, Lawrence Noble, recommended in 1993 that the FEC move against DioGuardi on "knowingly and willfully" violating federal election law.

Noble wrote that the evidence showed DioGuardi had actively participated in the fund-raising scheme, citing testimony under oath by Joseph Crabtree and a deposition from his father, Robert. Both were on DioGuardi's campaign's finance committee.

But DioGuardi was never charged in the Crabtree affair. The FEC in December 1993 declined to prosecute, citing its "prosecutorial discretion."

Lowey, meanwhile, was fined for failing to report in a timely fashion donations made to her campaign late in the race.

DioGuardi insists he was vindicated, and wishes the whole matter would go away.

"If there was a shred of truth, why wouldn't the FEC go forward? They realized that Crabtree was lying through his teeth. He was copping his plea," DioGuardi said. "If it was such a bad thing, why wasn't I indicted? After all these years, the only candidate fined for that election was Nita Lowey, for pouring all that unreported money in at the end."

David McKay Wilson covers Westchester County government and writes about politics. Call him at 694-5066 or send e-mail to

97043815415



National Republican Congressional Committee

Bill Paxon, Jr.  
Chairman

Maria Cino  
Executive Director

June 17, 1996

Mr. Joseph DioGuardi  
2 Croton Avenue  
Ossing, NY 10562

Mr. DioGuardi:

We have received your recent letter regarding Republican primaries and your continued campaign against our fellow Republican House Member, Sue Kelly.

As leaders of the House Republicans we are particularly tasked with the responsibility of aiding each and every one of our colleagues in their elections. This loyalty holds true for primary elections as well.

Our position in this regard is clear, Sue Kelly is the only candidate that is endorsed and supported by the Republican Leadership in NY-19. She is a valued Republican Member who has represented the people of the 19th district with integrity and strength of conviction. We count ourselves fortunate to have Sue in the delegation.

Should it become necessary, the House Republican Leadership is prepared to commit time and extensive resources to Sue Kelly's re-election efforts. However, we hope that your sound judgment and loyalty to a unified Republican party will prevent such action. Should you not withdraw your candidacy, you will be doing the party a great disservice.

For the good of the Republican party and the people of the 19th district, we strongly urge you to reconsider this ill timed campaign.

Respectfully,

Newt Gingrich  
Speaker of the House

Dick Arney  
Majority Leader

Tom DeLay  
Majority Whip

John Boehner  
Chairman, Republican Conference

Bill Paxon  
Chairman, NRCC

320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7020

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Joseph Dioguardi 914 762-5530

People for Dioguardi

2 Croton Avenue NY 10562 ✓

Ossining

Federal Election Commission ✓

Federal Election Commission

999 E Street, N.W.

Washington, DC MD 20463

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 19, 1996

Joseph J. DioGuardi  
9 Larissa Lane  
Thornwood, NY 10594

RE: MUR 4440

Dear Mr. DioGuardi:

This letter acknowledges receipt on August 14, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4440. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

97043815418



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 19, 1996

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

RE: MUR 4440

Dear Mr. Sanossian:

The Federal Election Commission received a complaint which indicates that Sue Kelly for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4440. Please refer to this number in all future correspondence.

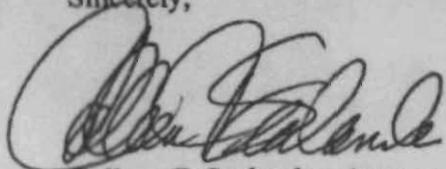
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

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

97043815419

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043815420



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 19, 1996

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

RE: MUR 4440

Dear Ms. Kelly:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4440. Please refer to this number in all future correspondence.

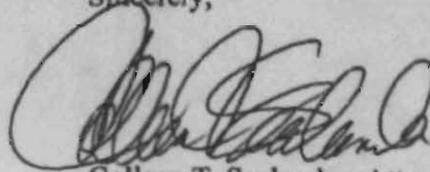
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

97043815421

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043815422



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 19, 1996

Chris Fish  
R.R. #1, Box 467B, Milltown Rd.  
Holmes, NY 12531

RE: MUR 4440

Dear Mr. Fish:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4440. Please refer to this number in all future correspondence.

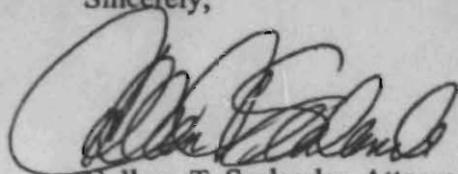
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

97043815423

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043815424



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

August 19, 1996

Jay Townsend  
The Townsend Group  
PO Box 517, Deer Hill Road  
Cornwall-on-Hudson, NY 12520-0517

RE: MUR 4440

Dear Mr. Townsend:

The Federal Election Commission received a complaint which indicates that The Townsend Group and you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4440. Please refer to this number in all future correspondence.

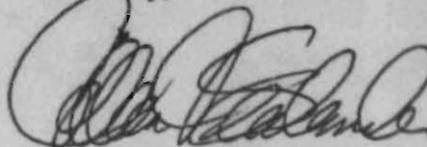
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against The Townsend Group and you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should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

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

97043815425

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043815426

BEFORE THE FEDERAL ELECTION COMMISSION

MAY 6 2 45 PM '97

In the Matter of

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ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

**SENSITIVE**

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 28 cases which do

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

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<sup>1</sup> These cases are: MUR 4419 (*Weinzapfel for Congress*); MUR 4423 (*Davis for Congress*); MUR 4424 (*Nevadans for "Spike" Wilson*); MUR 4429 (*Delahunt for Congress*); MUR 4430 (*Jean Leising for Congress*); MUR 4431 (*Engel for Congress*); MUR 4433 (*Delahunt for Congress*); MUR 4437 (*DiNicola for Congress Committee*); MUR 4440 (*Sue Kelly for Congress*); MUR 4450 (*National Treasury Employees*); MUR 4452 (*Mid-Suffolk N.O.W.*); MUR 4455 (*City of Milwaukee*); MUR 4456 (*Jackson Mint Ltd.*); MUR 4457 (*U.S. Department of Health and Human Services*); MUR 4458 (*KMA-AM Radio*); MUR 4461 (*Americans For Freedom Of Choice PAC*); MUR 4462 (*Ellen O. Tauscher*); MUR 4464 (*Norwood for Congress*); MUR 4465 (*Lincoln for Congress*); MUR 4469 (*Moseley-Braun for Senate*); MUR 4475 (*Manpower Temporary Services, Inc.*); MUR 4479 (*Owens for Congress Committee*); MUR 4482 (*Mike McCormack for Congress*); MUR 4487 (*Citizens for A Strong America*); MUR 4488 (*Ortiz for Congress*); MUR 4489 (*Gill for Congress*); MUR Pre-MUR 338 (*Richard Chrysler Inc.*); and Pre-MUR 339 (*Mammel & Associates, Inc.*).

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective May 19, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

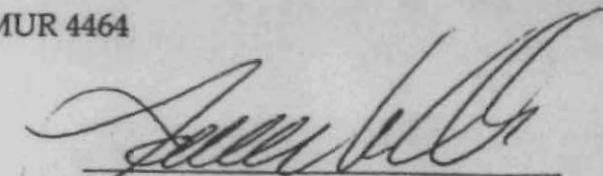
- 1. Pre-MUR 338
- 2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- |             |              |              |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
| 4. MUR 4429 | 13. MUR 4456 | 22. MUR 4479 |
| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 |              |

97043815430

5/6/97  
Date

  
Lawrence M. Noble  
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Enforcement Priority. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 5-0 on May 12, 1997, to take the following actions with respect to the General Counsel's May 6, 1997 report on enforcement priority:

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- 1. Pre-MUR 338
- 2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- 1. MUR 4419
- 2. MUR 4423
- 3. MUR 4424
- 4. MUR 4429
- 5. MUR 4430
- 6. MUR 4431
- 7. MUR 4433
- 8. MUR 4437
- 9. MUR 4440
- 10. MUR 4450
- 11. MUR 4452
- 12. MUR 4455
- 13. MUR 4456
- 14. MUR 4457
- 15. MUR 4458
- 16. MUR 4461
- 17. MUR 4462
- 18. MUR 4464
- 19. MUR 4465
- 20. MUR 4469
- 21. MUR 4475
- 22. MUR 4479
- 23. MUR 4482
- 24. MUR 4487
- 25. MUR 4488
- 26. MUR 4489

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 06, 1997 2:45 p.m.  
Circulated to the Commission: Wed., May 07, 1997 11:00 a.m.  
Deadline for vote: Mon., May 12, 1997 4:00 p.m.

bjr

97043815431



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joseph J. DioGuardi  
9 Larissa Lane  
Thornwood, NY 10594

RE: MUR 4440

Dear Mr. DioGuardi:

On August 14, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997. This matter will become part of the public record within 30 days.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043815432

**MUR 4440**  
**SUE KELLY FOR CONGRESS**

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

9 7 0 4 3 8 1 5 4 3 3



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

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

RE: MUR 4440

Dear Mr. Sanossian:

On August 19, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Sue Kelly for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, 1 (800) 424-9530. The local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043815434

MUR 4440  
SUE KELLY FOR CONGRESS

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

97043815435



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

The Honorable Sue W. Kelly  
1222 Longworth House Office Building  
Washington, D.C. 20515-3219

RE: MUR 4440

Dear Representative Kelly:

On August 19, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, 1(800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043815436

**MUR 4440**  
**SUE KELLY FOR CONGRESS**

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

97043815437



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

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

RE: MUR 4440

Dear Representative Kelly:

On August 19, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, 1 (800) 424-9530. The local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

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MUR 4440  
SUE KELLY FOR CONGRESS

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

97043815439



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Chris Fish  
R.R. #1, Box 467B, Milltown Road  
Holmes, NY 12531

RE: MUR 4440

Dear Mr. Fish:

On August 19, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043815440

**MUR 4440**  
**SUE KELLY FOR CONGRESS**

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

97043815441



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Jay Townsend  
The Townsend Group  
P.O. Box 517, Deer Hill Road  
Cornwall-on-Hudson, NY 12520-0517

RE: MUR 4440

Dear Mr. Townsend:

On August 19, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043815442

**MUR 4440**  
**SUE KELLY FOR CONGRESS**

Joseph J. DioGuardi, primary opponent of Congresswoman Sue W. Kelly in the 19th Congressional District of New York, alleges that the Kelly campaign mailed negative newspaper articles regarding Mr. DioGuardi to contributors listed on Mr. DioGuardi's financial disclosure reports. The Kelly campaign also allegedly attempted to use the contributor lists to solicit contributions.

No responses were received.

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

97043815443



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MJR # 4440

DATE FILMED 6-9-97 CAMERA NO. 4

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