



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4532

DATE FILMED 9-23-57 CAMERA NO. 4

CAMERAMAN JM14

97043034653



YASH AGGARWAL FOR CONGRESS 1996

17 TARRY HILL DR. NEW CITY, NEW YORK 10956 ☐ Phone: 1-914-638-3972 Fax: 914-638-9368

Lawrence Noble
General Council
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

October 1, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 4 11 50 AM '96

Dear Mr. Noble:

This letter is to file a formal complaint against the campaign of Representative Benjamin Gilman. The complaint addresses three potential violations of federal election law:

1. Citizens Committee for Gilman for Congress reported payments of \$290.00 per month for Mr. Gilman's private residence at 16 Orchard street, Middletown, New York (see attached schedule B, page 3 from the 4/11/96 filing; see page 3 from the 7/11/96 filing).
2. Citizens Committee for Gilman for Congress reported an in-kind contribution of \$1842.00 to pay the expenses for Georgia Tingus to accompany Mr. Gilman to California on 5/28/96. Ms. Tingus was not employed by the campaign at this time. Mr. Tingus was introduced as Mr. Gilman's fiance during the trip. (see attached schedule B, pages 21-22 from the 7/11/96 filing; newspaper clipping from 7/20/96).
3. Mr. Gilman held a fundraising Gala on 9/8/96 in Suffern, New York. The official program book for the Gala contains advertisements from corporate sponsors. FEC rules prohibit contributions from corporations to congressional campaigns. (see attached pages 20, 39, 40, 45, and 48 from the Gala program).

We look forward to hearing from you regarding these matters.

Sincerely,

Yash Aggarwal

9 / 0 4 3 3 4 6 5 4

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF THE COMMITTEE

2. FEC IDENTIFICATION NUMBER
C00007682

3. IS THIS REPORT AN AMENDMENT?
 YES NO

4. TYPE OF REPORT

- April 15 Quarterly Report 12-Day Pre-Election Report for the _____
(Type of Election)
- July 15 Quarterly Report election on _____ in the State of _____
- October 15 Quarterly Report 30-Day Post-Election Report for the _____
(Type of Election)
- January 31 Year End Report election on _____ in the State of _____
- July 31 Mid-Year Report (Non-election Year Only) Termination Report

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
04/01/96 through 06/30/96		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans, (from Line 11(e)))	\$108,763.50	\$171,185.66
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	108,763.50	171,185.66
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	81,771.90	134,192.66
(b) Total Offsets to Operating Expenditures (from Line 14)	310.20	477.78
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	81,461.79	133,714.88
8. Cash on Hand at Close of Reporting Period (from Line 27)	220,862.01	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

(For further information contact:
Federal Election Commission
973 E Street, NW
Washington, DC 20463
Toll Free (800-424-9530
Local 202-219-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer
Murray M. Rosen

Signature of Treasurer *Murray M. Rosen* Date 07/11/96

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

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FEC FORM 3
(revised 4/87)

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comr. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Food Exps	06/18/96	32.19
10 Beattie Avenue	Petty Cash-Donations	06/18/96	25.00
Middletown, NY 10940	Petty Cash-Film Exps	06/28/96	66.96

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	04/30/96	290.00
Middletown, NY 10940	Reimbursement-Labels	05/08/96	31.13
	Rent Expense	05/21/96	290.00
		(Continued)	

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	06/26/96	290.00
Middletown, NY 10940			

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Catskill-Delaware Publication			
P.O. Box 308	Newspaper Ad	04/03/96	50.00
Callicoon, NY 12723	Newspaper Ad	05/14/96	50.00

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	04/03/96	1670.02
Middletown, NY 10940	SS/WH 941 DEP	05/14/96	1710.32
	Savings Bond	05/14/96	50.00 REM*
		(Continued)	

F. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	06/12/96	1753.62
Middletown, NY 10940			

* REM: Art Contest Winner

SUBTOTAL of Disbursements This Page 6309.24
 TOTAL This Period

9704333496.01.609.199.5

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Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
William Orestano James 115 Harris Road Harris, NY 12742	F.S. Auction Item -	05/04/96	40.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Darcy Rose 911 Whispering Pines Bloomingburg, NY 12721	F.S. Auction Items -	05/04/96	90.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
All Types Advertising 12 Carol Court Box 229 Pomona, NY 10970	Advertising Expense	05/21/96	803.03

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
John McKane 56 Main St., POBox 2 Bloomingburg, NY 12721	F.S. Auction Item -	05/04/96	75.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Brent R. Wilkes 14112 Arbolitos Driv Poway, CA 92064	CA Airfare for B.G.	05/28/96	1000.00 IK *
	CA Airfare for B.G.	05/28/96	348.00 IK *
	CA Hotel for B.G.	05/28/96	475.24 IK *

E.

Memo Entry(s):

- * IK = In-Kind. IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

SUBTOTAL of Disbursements This Page 2831.27

TOTAL This Period

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full): **Citizens Committee for Gilman for Congress** Report Covering the Period From **04/01/96** To **06/30/96**

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
11 CONTRIBUTIONS (other than loans) FROM			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	\$ 39,088.30		11(a)(i)
(ii) Unitemized	24,880.11		11(a)(ii)
(iii) Total of contributions from individuals	63,968.41	\$111,165.48	11(a)(iii)
(b) Political Party Committees	850.18	1,035.18	11(b)
(c) Other Political Committees (such as PACs)	43,945.00	58,985.00	11(c)
(d) The Candidate	0.00	0.00	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	108,763.59	171,185.66	11(e)
12 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00	12
13 LOANS			
(a) Made or Guaranteed by the Candidate	0.00	0.00	13(a)
(b) All Other Loans	0.00	0.00	13(b)
(c) TOTAL LOANS (add 13(a) and (b))	0.00	0.00	13(c)
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	310.20	477.78	14
15 OTHER RECEIPTS (Dividends, Interest, etc.)	2,623.33	5,034.50	15
16 TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	111,697.12	176,697.94	16
II. DISBURSEMENTS			
17 OPERATING EXPENDITURES	81,771.99	134,192.66	17
18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00	18
19 LOAN REPAYMENTS			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00	19(a)
(b) Of All Other Loans	0.00	0.00	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0.00	0.00	19(c)
20 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	0.00	0.00	20(a)
(b) Political Party Committees	0.00	0.00	20(b)
(c) Other Political Committees (such as PACs)	0.00	0.00	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0.00	0.00	20(d)
21 OTHER DISBURSEMENTS	1,546.11	7,662.06	21
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	83,318.10	141,854.72	22
III. CASH SUMMARY			
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD		\$ 192,482.99	23
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)		\$ 111,697.12	24
25 SUBTOTAL (add Line 23 and Line 24)		\$ 304,180.11	25
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)		\$ 83,318.10	26
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)		\$ 220,862.01	27

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Regina G. Wilkes 14112 Arbolitos Driv Poway, CA 92064	CA Airfare - Georgia	05/28/96	1000.00 IK *
	CA Airfare - Georgia	05/28/96	348.00 IK *
	CA Hotel - Georgia T	05/28/96	475.24 IK *

A.

Memo Entry(s):

- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Republican Nat'l Comm. 310 First Street, SE Washington, DC 20003	3/7/96 Broadcast Svs	06/07/96	89.00 IK *
	5/8/96 Broadcast Svs	06/07/96	166.00 IK *

B.

Memo Entry(s):

- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Royal India Palace 2223 Central Avenue Yonkers, NY 10710	Fundraiser Catering	06/28/96	2706.25

SUBTOTAL of Disbursements This Page 4784.49

TOTAL This Period 73786.33

9704000086-11-014-1037

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

RECEIVED
FEDERAL ELECTION COMMISSION

MAILED

April 23 1996

USE FEC MAILING LABEL OR TYPE LIST EVENT

C00007682 NY 20 02896 0 400
 MURRAY ROSEN
 CITIZENS COMMITTEE FOR GILMAN
 FOR CONGRESS
 P.O. BOX 3001
 MIDDLETOWN NY 10940

2. FEC IDENTIFICATION NUMBER
C00007682

3. IS THIS REPORT AN AMENDMENT?
 YES NO

4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid-Year Report (Non-election Year Only)
- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- Termination Report

This report contains activity for: Primary Election General Election Special Election Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>01/01/96</u> through <u>03/31/96</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	\$ 62,422.07	\$ 62,422.07
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	62,422.07	62,422.07
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	52,420.67	52,420.67
(b) Total Offsets to Operating Expenditures (from Line 14)	167.58	167.58
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	52,253.09	52,253.09
8. Cash on Hand at Close of Reporting Period (from Line 27)	192,482.99	
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	0.00	

For further information contact:
 Federal Election Commission
 999 E Street, NW
 Washington, DC 20463
 Toll Free 800-424-9530
 Local 202-219-3420

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer
Murray M. Rosen

Signature of Treasurer


Date
04/11/96

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

9704303011403

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in full)	Report Covering the Period		
Citizens Committee for Gilman for Congress	From: 01/01/96	To: 03/31/96	
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	\$35,171.07		11(a)(i)
(ii) Unitemized	12,026.00		11(a)(ii)
(iii) Total of contributions from individuals	47,197.07	\$47,197.07	11(a)(iii)
(b) Political Party Committees	185.00	185.00	11(b)
(c) Other Political Committees (such as PACs)	15,040.00	15,040.00	11(c)
(d) The Candidate	0.00	0.00	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	62,422.07	62,422.07	11(e)
12 TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00	12
13 LOANS			
(a) Made or Guaranteed by the Candidate	0.00	0.00	13(a)
(b) All Other Loans	0.00	0.00	13(b)
(c) TOTAL LOANS (add 13(a) and (b))	0.00	0.00	13(c)
14 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	167.58	167.58	14
15 OTHER RECEIPTS (Dividends, Interest, etc.)	2,411.17	2,411.17	15
16 TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	65,000.82	65,000.82	16
II. DISBURSEMENTS			
17 OPERATING EXPENDITURES	52,420.67	52,420.67	17
18 TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00	18
19 LOAN REPAYMENTS			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00	19(a)
(b) Of All Other Loans	0.00	0.00	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0.00	0.00	19(c)
20 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	0.00	0.00	20(a)
(b) Political Party Committees	0.00	0.00	20(b)
(c) Other Political Committees (such as PACs)	0.00	0.00	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0.00	0.00	20(d)
21 OTHER DISBURSEMENTS	6,115.95	6,115.95	21
22 TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d), and 21)	58,536.62	58,536.62	22
III. CASH SUMMARY			
23 CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	186,018.79	23
24 TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	65,000.82	24
25 SUBTOTAL (add Line 23 and Line 24)	\$	251,019.61	25
26 TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	58,536.62	26
27 CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$	192,482.99	27

0601601474

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Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Food Exps	03/20/96	16.50
10 Beattie Avenue	Petty Cash-Film Exps	03/20/96	66.96
Middletown, NY 10940	Petty Cash-Ticket Ex	03/20/96	8.00

(Continued)

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Donations	03/20/96	2.00
10 Beattie Avenue			
Middletown, NY 10940			

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	01/23/96	290.00
Middletown, NY 10940	Rent Expense	02/29/96	290.00
	Gift Expense	03/18/96	55.20

(Continued)

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	03/28/96	290.00
Middletown, NY 10940			

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	01/05/96	1819.06
Middletown, NY 10940	940 DEP-4th Qtr 95	01/11/96	3.65
	SS/WH 941 DEP	02/09/96	1753.62

(Continued)

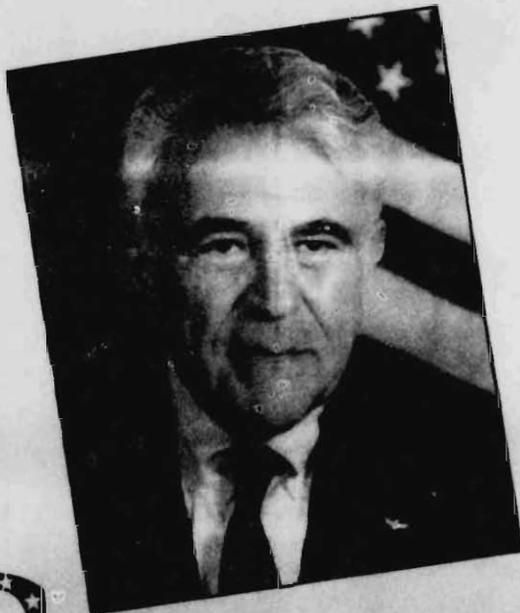
F. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	03/06/96	1670.02
Middletown, NY 10940			

SUBTOTAL of Disbursements This Page 6265.01

TOTAL This Period

9/4/99 10:01:05 0

97043834663



GILMAN

Gala

SEPTEMBER 8, 1996
SUFFERN N.Y.





BEST WISHES
TO
CONGRESSMAN
GILMAN

From
Wulwick & Kastin
Families



97045034664



Good Luck,
Ben



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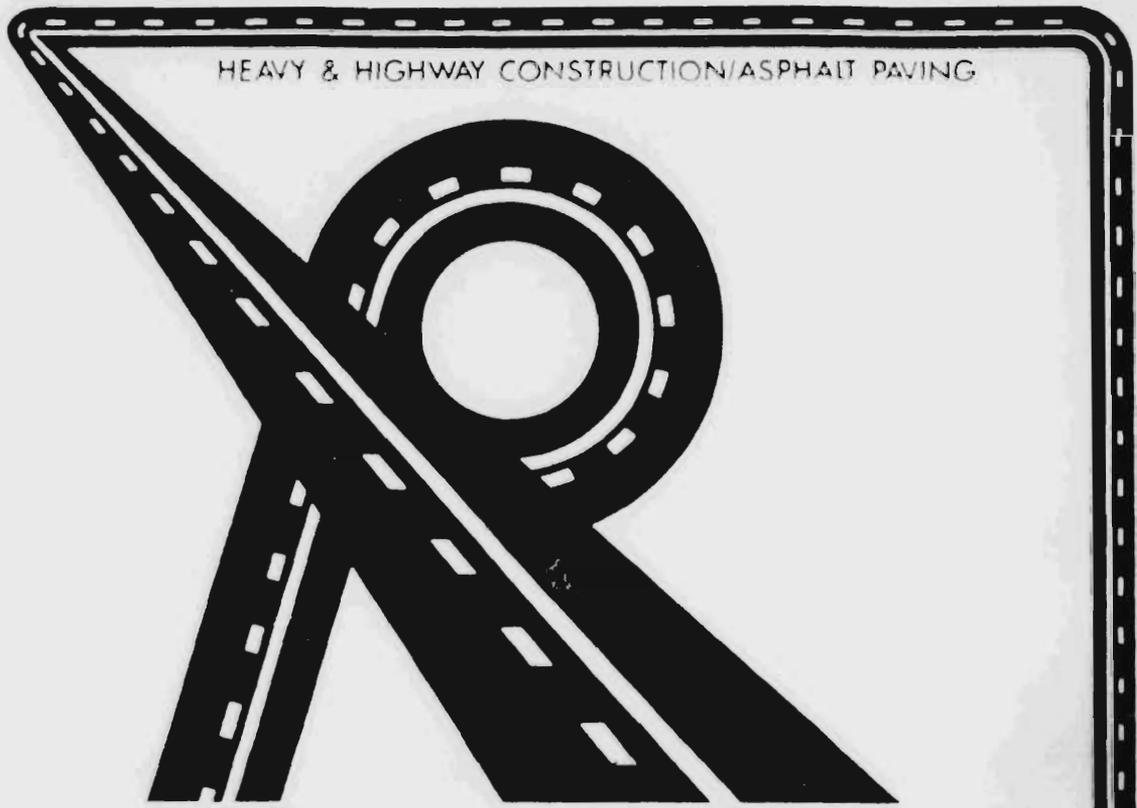


Keep Up The Good Work

BEN

Nick & Rita Badami

HEAVY & HIGHWAY CONSTRUCTION/ASPHALT PAVING



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97043039666



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(914) 344-6060

Fax: (914) 342-6058



9 / 0 4 0 0 3 4 6 6 3

9704334669

Ben
GILMAN
For Congress

HIS EXPERIENCE WORKS FOR OF US

Paid for by Citizens for Gilman, Murray Rosen,
Treasurer Box 3001, Middletown, N.Y. 10940



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 9, 1996

Yash Aggarwal
Yash Aggarwal for Congress 1996
17 Tarry Hill Drive
New City, New York 10956

Dear Mr. Aggarwal:

This is to acknowledge receipt on October 4, 1996, of your letter dated October 1, 1996. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. Sc 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

Celebrating the Commission's 20th Anniversary

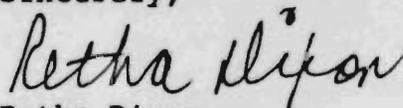
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

9704363467C

Page 2
Letter to Yash Aggarwal

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: Citizens Committee for Gilman for Congress
Playtogs
Middletown Mazda
Middletown Volkswagen
Ritangela Construction Corp.
Fulton Chevrolet Cadillac GEO Isuzu
Galaxy Foto
Americana Diner and Restaurant

97043034671



YASH AGGARWAL FOR CONGRESS 1996

17 TARRY HILL DR. NEW CITY, NEW YORK 10956 Phone: 1-914-638-3972 Fax: 914-639-9366

RECEIVED
FEDERAL ELECTION
COMMISSION MA

Oct 22 1 23 PM '96

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Oct 22 3 22 PM '96

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR 4532

October 1, 1996

Lawrence Noble
General Council
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

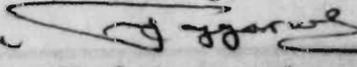
Dear Mr. Noble:

This letter is to file a formal complaint against the campaign of Representative Benjamin Gilman. The complaint addresses three potential violations of federal election law:

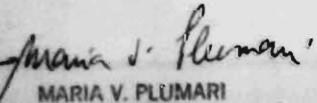
1. Citizens Committee for Gilman for Congress reported payments of \$290.00 per month for Mr. Gilman's private residence at 16 Orchard street, Middletown, New York (see attached schedule B, page 3 from the 4/11/96 filing; see page 3 from the 7/11/96 filing).
2. Citizens Committee for Gilman for Congress reported an in-kind contribution of \$1842.00 to pay the expenses for Georgia Tingus to accompany Mr. Gilman to California on 5/28/96. Ms. Tingus was not employed by the campaign at this time. Mr. Tingus was introduced as Mr. Gilman's fiance during the trip. (see attached schedule B, pages 21-22 from the 7/11/96 filing; newspaper clipping from 7/20/96).
3. Mr. Gilman held a fund-raising Gala on 9/8/96 in Suffern, New York. The official program book for the Gala contains advertisements from corporate sponsors. FEC rules prohibit contributions from corporations to congressional campaigns. (see attached pages 20, 39, 40, 45, and 46 from the Gala program).

We look forward to hearing from you regarding these matters.

Sincerely,


Yash Aggarwal

Subscribed and sworn to before me on this 17th day of October 1996


MARIA V. PLUMARI
Notary Public, State of New York
No. 4785763
Qualified in Rockland County
Commission Expires 12/31/97

97043034672

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

[Blank space for committee name and address]	
2. FEC IDENTIFICATION NUMBER 00007682	
3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	

4. TYPE OF REPORT

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> 12-Day Pre-Election Report for the _____ (Type of Election)
<input checked="" type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> 30-Day Post-Election Report for the _____ (Type of Election)
<input type="checkbox"/> January 31 Year End Report	election on _____ in the State of _____
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for: Primary Election General Election Special Election Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
04/01/96 through 06/30/96		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans, (from Line 11(e)))	\$108,763.59	\$171,185.66
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	108,763.59	171,185.66
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	81,771.99	134,192.66
(b) Total Offsets to Operating Expenditures (from Line 14)	310.20	477.78
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	81,461.79	133,714.88
8. Cash on Hand at Close of Reporting Period (from Line 27)	220,862.01	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

For further information contact:
Federal Election Commission
909 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3429

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Murray M. Rosen	Date 07/11/96
Signature of Treasurer <i>Murray M. Rosen</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

--	--	--	--	--	--	--	--

FEC FORM 3
(revised 4/87)

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comr. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Food Exps	06/18/96	32.19
10 Beattie Avenue	Petty Cash-Donations	06/18/96	25.00
Middletown, NY 10940	Petty Cash-Film Exps	06/26/96	66.96

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman	Rent Expense	04/30/96	290.00 ✓
16 Orchard Street	Reimbursement-Labels	05/08/96	31.13
Middletown, NY 10940	Rent Expense	05/21/96	290.00 ✓
	(Continued)		

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman	Rent Expense	06/26/96	290.00 ✓
16 Orchard Street			
Middletown, NY 10940			

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Catskill-Delaware Publication			
P.O. Box 308	Newspaper Ad	04/03/96	50.00
Callicoon, NY 12723	Newspaper Ad	05/14/96	50.00

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	04/03/96	1670.02
Middletown, NY 10940	SS/WH 941 DEP	05/14/96	1710.32
	Savings Bond	05/14/96	50.00 REM*
	(Continued)		

F. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	06/12/96	1753.62
Middletown, NY 10940			

* REM: Art Contest Winner

SUBTOTAL of Disbursements This Page 6309.24

TOTAL This Period

97043034 6/1/96

7/1/96 Filing date

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
William Orestano James 115 Harris Road Harris, NY 12742	F.S. Auction Item -	05/04/96	40.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Darcy Rose 911 Whispering Pines Bloomingburg, NY 12721	F.S. Auction Items -	05/04/96	90.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
All Types Advertising 12 Carol Court Box 229 Pomona, NY 10970	Advertising Expense	05/21/96	803.03

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
John McKane 56 Main St., POBox 2 Bloomingburg, NY 12721	F.S. Auction Item -	05/04/96	75.00 IK *

* IK = In-Kind: IN-KIND EXPENDITURE

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Brent R. Wilkes 14112 Arbolitos Driv Poway, CA 92064	CA Airfare for B.G.	05/28/96	1000.00 IK *
	CA Airfare for B.G.	05/28/96	348.00 IK *
	CA Hotel for B.G.	05/28/96	475.24 IK *

E.

Nemo Entry(s):

- * IK = In-Kind. IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

SUBTOTAL of Disbursements This Page 2831.27

TOTAL This Period

7/12/96 filing date

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Regina G. Wilkes 14112 Arbolitos Driv Poway, CA 92064	CA Airfare - Georgia	05/28/96	1000.00 IK *
	CA Airfare - Georgia	05/28/96	348.00 IK *
	CA Hotel - Georgia T	05/28/96	475.24 IK *

A.

Memo Entry(s):

- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Republican Nat'l Comm. 310 First Street, SE Washington, DC 20003	3/7/96 Broadcast Svs	06/07/96	89.00 IK *
	5/8/96 Broadcast Svs	06/07/96	166.00 IK *

B.

Memo Entry(s):

- * IK = In-Kind: IN-KIND EXPENDITURE
- * IK = In-Kind: IN-KIND EXPENDITURE

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Royal India Palace 2223 Central Avenue Yonkers, NY 10710	Fundraiser Catering	06/28/96	2706.25

SUBTOTAL of Disbursements This Page 4784.49
TOTAL This Period 73786.33

7/11/96 F. King Inc

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

Full Name of Committee:

A. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Food Exps	03/20/96	16.50
10 Beattie Avenue	Petty Cash-Film Exps	03/20/96	66.96
Middletown, NY 10940	Petty Cash-Ticket Ex	03/20/96	8.00
		(Continued)	

B. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Petty Cash			
Ralph Russo	Petty Cash-Donations	03/20/96	2.00
10 Beattie Avenue			
Middletown, NY 10940			

C. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	01/23/96	290.00
Middletown, NY 10940	Rent Expense	02/29/96	290.00
	Gift Expense	03/18/96	55.20
		(Continued)	

D. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Benjamin A. Gilman			
16 Orchard Street	Rent Expense	03/28/96	290.00
Middletown, NY 10940			

E. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	01/05/96	1819.06
Middletown, NY 10940	940 DEP-4th Qtr 95	01/11/96	3.65
	SS/WH 941 DEP	02/09/96	1753.62
		(Continued)	

F. Full Name, Address, Zip	Purpose of Disbursement	Date	Disburse
Key Bank			
Dolson Avenue	SS/WH 941 DEP	03/06/96	1670.02
Middletown, NY 10940			

SUBTOTAL of Disbursements This Page 6265.01
 TOTAL This Period

9 / 0 '4 13701 3 9 4 7 0 0

4/11/96 Filing date



97043339678

GILMAN

Gala

SEPTEMBER 8, 1996
SUFFERN N.Y.





Good Luck,
Ben



The Rotolo Family

9704534679

Middletown Mazda

*"We earn your business today
and your trust for tomorrow"*



Authorized

mazda

Sales • Leasing • Service • Parts

Route 17 M • 200 Dolson Ave.
Middletown, NY
914-344-4440

Middletown Volkswagen

*"We earn your business today
and your trust for tomorrow"*



Authorized



*Sales • Leasing
- Service • Parts*

Route 17 M • 200 Dolson Ave.
Middletown, NY
914-344-4440



Keep Up The Good Work

BEN

Nick & Rita Badami

HEAVY & HIGHWAY CONSTRUCTION/ASPHALT PAVING



RITANGELA
CONSTRUCTION CORP.



97043334680



BEST WISHES
TO
CONGRESSMAN
GILMAN

From
Wulwick & Kastin
Families



97043634681



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NEW & USED**

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FULTON

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97043334682



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Exit 129 off of Route 17
Middletown, N.Y. 10940

(914) 344-6060
Fax: (914) 342-6058



97043034684

Ben
GILMAN
For Congress

HIS EXPERIENCE WORKS FOR OF US

Paid for by Citizens for Gilman, Murray Rosen,
Treasurer Box 3001, Middletown, N.Y. 10940



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 29, 1996

Yash Aggarwal
Yash Aggarwal for Congress 1996
17 Tarry Hill Drive
New City, NY 10956

RE: MUR 4532

Dear Mr. Aggarwal:

This letter acknowledges receipt on October 22, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4532. 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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043834685



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 29, 1996

Samuel Wulwick, Owner
Playtogs
125 Dolson Avenue
Middletown, NY 10940-6559

RE: MUR 4532

Dear Mr. Wulwick:

The Federal Election Commission received a complaint which indicates that Playtogs 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 4532. Please refer to this number in all future correspondence.

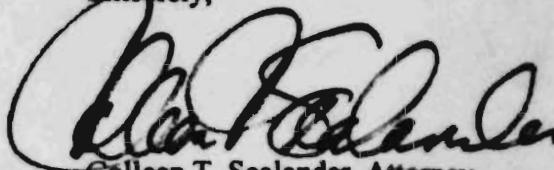
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Playtogs in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted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

97043034686

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

97043834687



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 29, 1996

Owner
Americana Diner and Restaurant
420 Route 211 East
Middletown, NY 10940

RE: MUR 4532

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Americana Diner and Restaurant 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 4532. Please refer to this number in all future correspondence.

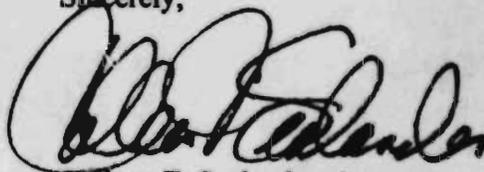
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Americana Diner and Restaurant in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

97043634688

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

97043634689



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 29, 1996

Owner
Galaxy Foto
207 Dolson Avenue
Middletown, NY 10940-6539

RE: MUR 4532

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Galaxy Foto 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 4532. Please refer to this number in all future correspondence.

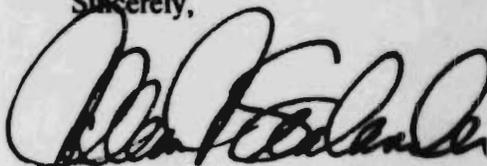
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Galaxy Foto in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted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

97043834690

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

9 7 0 4 3 6 3 4 6 9 1



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 29, 1996

Dennis Cardinal, Manager
Fulton Chevrolet, Cadillac, GEO, Isuzu
I-84 and Rt. 17 M
Middletown, NY 10940

RE: MUR 4532

Dear Mr. Cardinal:

The Federal Election Commission received a complaint which indicates that Fulton Chevrolet, Cadillac, GEO, Isuzu 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 4532. Please refer to this number in all future correspondence.

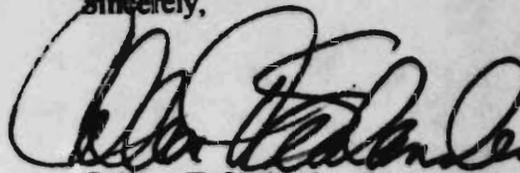
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Fulton Chevrolet, Cadillac, GEO, Isuzu in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

97043034692

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

97043834693



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 29, 1996

Michael Morganstein, Manager
Middletown Mazda and Volkswagen
200 Dolson Avenue
Middletown, NY 10940-6541

RE: MUR 4532

Dear Mr. Morganstein:

The Federal Election Commission received a complaint which indicates that Middletown Mazda and Volkswagen 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 4532. 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 Middletown Mazda and Volkswagen 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.

97043834694

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

97043834695



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 29, 1996

Nick Badani, President
Ritangela Construction Corp.
176 Route 304
Bardonia, NY 10954-2028

RE: MUR 4532

Dear Mr. Banani:

The Federal Election Commission received a complaint which indicates that Ritangela Construction Corp. 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 4530. Please refer to this number in all future correspondence.

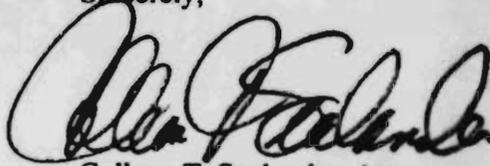
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Ritangela Construction Corp. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

97043834696

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

97043634697



FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 29, 1996

Murray Rosen, Treasurer
Citizens Committee for Gilman for Congress
PO Box 3001
Middletown, NY 10940

RE: MUR 4532

Dear Mr. Rosen:

The Federal Election Commission received a complaint which indicates that the Citizens Committee for Gilman for Congress 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 4532. 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 Citizens Committee for Gilman for Congress 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.

97043834698

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

cc: The Honorable Benjamin A. Gilman

97043834699

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL



HIS EXPERIENCE WORKS FOR *ALL* OF US

Phillip J. Hoblin, Jr.
Chairman

Murray Rosen
Treasurer

Nov 12 1 37 PM '96

November 5, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Council
Federal Election Commission
Washington, DC 20463

RE: MUR 4532

Dear Ms. Sealander:

I am in receipt of your letter dated October 29, 1996, discussing a complaint regarding Citizens for Gilman. I appreciate your bringing this to my attention. Permit me the opportunity to respond to the three allegations enumerated in your correspondence.

- 1) Citizens Committee for Gilman for Congress reported payments of \$290.00 per month for Mr. Gilman's private residence at 16 Orchard Street, Middletown, New York [see attached schedule B, page 3 from the 4/11/96 filing; see page 3 from the 7/11/96 filing.]

Response:

The FEC rules and regulations as reported in the Federal Register on February 9, 1995, Paragraph [g][1][I][E], of the final rules, addresses the use of campaign funds for mortgage, rent or utility payments on real or personal property owned by the candidate. The new rule changes the Commission's policy with regard to rental of all or part of a candidate or family member's personal residence under paragraph [g][1][I][E][1]. However, under paragraph [g][1][I][E][2] the current policy in situations where the property being rented is not part of a personal residence of the candidate or a member of the candidate's family is consistent with Advisory Opinions 1977-12 and 1978-80 and the Commission's policy is continued.

The property in question consists of two completely separate apartments, each apartment having its own bathroom, kitchen, bedrooms, utilities, etc. In the downstairs area, the bedrooms were converted to offices many years ago. The personal residence is the upstairs apartment, whereas the committee rents the downstairs apartment. Thus, the rental area in no way encroaches on the personal residence and is not a part of it. The downstairs apartment was always commercial in nature, having formerly been used as law offices and then as a doctor's office.

Citizens for Gilman

P.O. Box 3001 • Middletown, New York 10940 • Tel. (914) 343-4615 • Fax (914) 343-3963

Contributions are not deductible as charitable contributions for federal income tax purposes.

Paid for by Citizens for Gilman, Murray Rosen, Treasurer.

9704334700



HIS EXPERIENCE WORKS FOR ALL OF US

Philip J. Hoblin, Jr.
Chairman

Murray Rosen
Treasurer

Colleen T. Sealander, Esq.
November 5, 1996
Page 2

Our inquiry to the FEC dated September 28, 1978 and Advisory Opinion 1978-80 in response to our inquiry were used by the FEC as a model for the new law. Consequently, we already have an opinion showing it is proper for the Committee to pay rent on this building.

If our campaign offices moved to equal office space in the vicinity, the rent would be substantially higher. In this regard, our committee has acted consistent with FEC rules and regulations.

- 2) Citizens Committee for Gilman for Congress reported an in-kind contribution of \$1842.00 to pay the expenses for Georgia Tingus to accompany Mr. Gilman to California on 5/28/96. Ms. Tingus was not employed by the campaign at this time. Mr. (sic) Tingus was introduced as Mr. Gilman's fiance during the trip. [see attached schedule B, pages 21-22 from the 7/11/96 filing; newspaper clipping from 7/20/96].

Response:

The trip referenced occurred in February 1996, not May 1996. This expenditure to cover the expenses of the individual named was appropriately provided by the individual involved with a speaking engagement to which Congressman Gilman had been invited. Indeed, there were several campaign-related functions during his stay in California. As usual, during such events, Congressman Gilman found it necessary to have assistance with the handling of administrative and logistical matters pertaining to his agenda. This individual took care of these matters during this trip, and has been a long-time campaign volunteer who has coordinated and supervised a number of campaign events. Congressman Gilman discussed the particulars of his proposed trip with the FEC prior to his departure and was advised that the above arrangement was appropriate.

- 3) Mr. Gilman held a fundraising Gala on 9/8/96 in Suffern, New York. The official program book for the Gala contains advertisements from corporate sponsors. FEC rules prohibit contributions from corporations to congressional campaigns. [see attached pages 20,39,40,45, and 48 from the Gala program.]

Citizens for Gilman

P.O. Box 3001 • Middletown, New York 10940 • Tel. (914) 343-4615 • Fax (914) 343-3883

Contributions are not deductible as charitable contributions for federal income tax purposes.

Paid for by Citizens for Gilman, Murray Rosen, Treasurer.

9 / U 4 3 3 4 7 0 1



HIS EXPERIENCE WORKS FOR ALL OF US

Philip J. Hoblin, Jr.
Chairman

Murray Rosen
Treasurer

Colleen T. Sealander, Esq.

November 5, 1996

Page 3

Response:

Our Citizens Committee is fully aware of the prohibition against accepting contributions from corporations. I attest, under penalty of perjury, that our Committee did not receive any corporate funds as alleged. While there are businesses referred to in the Gilman Gala Journal, these advertisements (copies enclosed) were paid for with personal funds (copies of four checks enclosed. The other two contributions were made in cash payments of \$100 each.), and individuals were advised that corporate funds could not be accepted. It had been explained to us by the FEC during an earlier campaign, that this arrangement for business advertisements was acceptable.

I hope the above information responds to your inquiry.

Sincerely,

CITIZENS COMMITTEE FOR
GILMAN FOR CONGRESS


by Murray M. Rosen
Treasurer

Sworn to before me this 6TH
day of November 1996.


Andrew Zarutskie
Notary Public, State of New York
Commissioned in Orange County
Commission expires NOV. 30, 1997

Enclosures:

1. Letter dated 9/28/78
2. FEC Advisory Opinion 1978-80
3. Copies of Ads
4. Copies of Checks

Citizens for Gilman

P.O. Box 3001 • Middletown, New York 10940 • Tel. (914) 343-4615 • Fax (914) 343-3963

Contributions are not deductible as charitable contributions for federal income tax purposes.

Paid for by Citizens for Gilman, Murray Rosen, Treasurer.

97043634702

BENJAMIN A. GILMAN
5TH DISTRICT, NEW YORK

COMMITTEE:
INTERNATIONAL RELATIONS
SUBCOMMITTEES:
INTER-AMERICAN AFFAIRS
INTERNATIONAL DEVELOPMENT
ASSISTANCE

SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE:
POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEES:
EMPLOYEE ETHICS AND UTILIZATION
POSTAL OPERATIONS AND SERVICES
MEMA BOARD OF VISITORS

10:50

806572

September 26, 1978

Mr. William C. Oldaker
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

ADR 1978-80

PERSONAL AND UNOFFICIAL

Dear Mr. Oldaker:

I would welcome your opinion as to the legality of an expenditure made by my Campaign Committee.

I own a building located in Middletown, New York. This building was occupied by my law firm at one time. At present, I maintain a residence on the upper floor and my Campaign Committee occupies the entire first floor, and utilizes the entire garage for storage purposes. For the use of those facilities, my Campaign Committee pays me a rental fee of \$250 per month.

On two occasions, my office called the FEC and was advised that there was nothing improper with the above arrangement. I was further advised that this arrangement was considered the same as renting campaign offices from anyone else, and that the candidate should be reimbursed for expenses incurred during a campaign.

I would welcome an advisory opinion in writing at your earliest convenience.

Sincerely,

BENJAMIN A. GILMAN
Member of Congress

BAG:Z

PLEASE REPLY TO:

WASHINGTON OFFICE:
1229 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 626-3776

DISTRICT OFFICE:
24 FRENCH STREET
MIDDLETOWN, NEW YORK 10940
TELEPHONE: (914) 343-6666

DISTRICT OFFICE:
POST OFFICE BUILDING
317 LIBERTY STREET
NEWBURGH, NEW YORK 12550
TELEPHONE: (914) 366-6666

DISTRICT OFFICE:
325 NORTH 59
MOHAWK, NEW YORK 10951
TELEPHONE: (914) 367-6666

9704334703



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

October 30, 1978

AO 1978-80

Honorable Benjamin A. Gilman
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Gilman:

This is in response to your letter of September 26, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to an expenditure made by your campaign committee.

Your letter states that you own a building and lease the entire first floor and garage to your campaign committee. Your campaign committee pays you a rental fee of \$250 per month for the use of these facilities. You ask whether such an arrangement with your campaign committee is permissible under the Act. The Commission answers this question in the affirmative.

The Act and Commission regulations and several previous advisory opinions recognize the broad discretion which may be exercised by a campaign committee in the expenditure of campaign funds. See Advisory Opinions 1978-3, 1977-60, 1977-11, copies enclosed. Accordingly, your campaign committee may expend its funds to lease office space from you as long as payments under the lease are properly reported pursuant to 2 U.S.C. 5434(b) and Part 104.2 of the Commission regulations.

The Commission expresses no views concerning the Federal income tax aspects of your request or the possible application of House Rules since those issues are not within its jurisdiction.

970433404



Philip J. Hoblin, Jr.
Chairman

Murray Rosen
Treasurer

HIS EXPERIENCE WORKS FOR ~~ALL~~ OF US

1996 JOURNAL AD ADVERTISING CONTRACT

Please print the following advertisement in the Citizens for Gilman Gala Journal, for which I agree to pay the sum of \$_____.

PAYABLE IN ADVANCE

Signed: _____

- 1/8 Page -----\$ 75.00
- 1/4 Page -----\$ 100.00
- 1/2 Page -----\$ 150.00
- Full Page -----\$ 250.00
- Silver Page -----\$ 350.00
- Gold Page -----\$ 500.00
- Inside Front Cover -- \$ 600.00
- Back inside Cover --- \$ 600.00
- Back Page -----\$1000.00

Address: _____

Employer: _____

Occupation: _____

Phone: _____

LAYOUT:

Received from _____ on _____

the sum of _____ for advertising in the Citizens for
Gilman Journal. Ben Gilman thanks you for your kind support.

(Solicitor)

Authorized and paid for by the Citizens Committee for Gilman for
Congress. Please make checks payable to: **CITIZENS FOR GILMAN, P.O.
BOX 3001, MIDDLETOWN, NY 10940. PLEASE NOTE THAT CORPORATE CHECKS
CANNOT BE ACCEPTED.**

Federal laws require political committees to report the name,
mailing address, occupation and name of employer for each
individual whose contributions aggregate in excess of \$200 in a
calendar year.

Citizens for Gilman

P.O. Box 3001 · Middletown, New York 10940 · Tel. (914) 343-4615 · Fax (914) 343-5000

Contributions are not deductible as charitable contributions for federal income tax purposes.

Paid for by Citizens for Gilman, Murray Rosen, Treasurer.

97043834706



Keep Up The Good Work

BEN

Nick & Rita Badami

HEAVY & HIGHWAY CONSTRUCTION/ASPHALT PAVING



RITANGELA
CONSTRUCTION CORP.



97043351707



BEST WISHES
TO
CONGRESSMAN
GILMAN

From
Wulwick & Kastin
Families



97043634708

Middletown Mazda

"We earn your business today
and your trust for tomorrow"



Authorized

Mazda

Sales • Leasing • Service • Parts

Route 17 M • 200 Dolson Ave.
Middletown, NY
914-344-4440

Middletown Volkswagen

"We earn your business today
and your trust for tomorrow"



Authorized



Sales • Leasing
Service • Parts

Route 17 M • 200 Dolson Ave.
Middletown, NY
914-344-4440

39

Received \$150 check from Ronald Palumbo.

91043634709



CHEVROLET CADILLAC GEO & ISUZU

**You can pay more...
but you can't do better!**

**SALES & LEASING
NEW & USED**

**HUNDREDS TO CHOOSE FROM
3 LOCATIONS IN 2 STATES**

**AWARD-WINNING SERVICE
& PARTS DEPARTMENTS**

*Rated among the top in America
Worcs Family Dealerships!*

FULTON

CHEVROLET CADILLAC GEO ISUZU

**At the junction of Route 17M & I-84 Exit 3W
Middletown • New York • 914-343-3184**



97040034710

**AMERICANA
DINER & RESTAURANT**

**YOUR HOSTS
MILTON & TOMMY**

Come to a Friendly Place . . . Where
Dining is a pleasure

- Baking on Premise
- Restaurant Quality
- Low Prices
- Meet with your friends

420 Route 211 East
(Exit 120 off of Route 17)
Middletown, N.Y. 10940

(914) 344-6060
Fax: (914) 342-6058



97043034711

Received \$100 cash from Milton Porfyrus.

GALAXY FOTO

207 Dolson Avenue • Middletown

(ACROSS FROM ORANGE COUNTY TRUST)

344-1191

- WEDDINGS • PHOTO REPRODUCTION • PORTRAITS
- BUSINESS CARDS • BLACK AND WHITE LAB ON SITE
- PROFESSIONAL FILMS & SERVICES AVAILABLE

WEDDING PACKAGE SPECIAL

- | | | |
|--|----|------------------------------|
| 250 4x6 previews Minimum | 1 | 10X13 Custom Enlargement |
| 1 Preview Album 320 Capacity | 80 | Personalized Thank You Cards |
| 24 8x10 Custom Enlargements
with the main album | 1 | 4x5 B.W. Photo (Newspaper) |
| 12 5x7 Custom Enlargements | | Up to 7 Hours of Shooting |

Only
\$995⁹⁵

WITH MONEY MAILER COUPON • OFFER EXPIRES 12/31/95

Received \$100 cash from Enli S. Bittencourt

97040059712

97043634713

2094

NICK F. BADAMI
RITA C. BADAMI
2 ETHEL DRIVE
NEW CITY, NY 10958

PAY TO THE ORDER OF CITIZENS for Gilman \$ 250^{00/100}

Two Hundred Fifty DOLLARS

THE BANK OF NEW YORK
2 NEW HEMPSTEAD RD., NEW CITY, NY 10958

Free Paper [Signature]

1059

SAMUEL WULWICK 343
28 DOLSON AVE
MOOLETOWN, NY 10940

5/20/96

PAY TO THE ORDER OF CITIZENS for Gilman \$ 250^{00/100}

Two Hundred Fifty DOLLARS

KEY BANK
Key Bank of New York
Cotton Avenue East
Mooletown, NY 10940
Mooletown Office

[Signature]

1812

RONALD A. PALUMBO
66 G.O. MILL RD
MANHASSET, NY 11030

10/22/96

PAY TO THE ORDER OF CITIZENS FOR GILMAN \$ 150^{00/100}

ONE HUNDRED FIFTY DOLLARS

CHASE
The Chase Manhattan Bank
150 Northern Boulevard
Manhattan, NY 10020

[Signature]

PERSONAL MONEY ORDER

THE BANK OF NEW YORK

OS 858857

NEW YORK, N.Y. 05/10/96

PAY TO THE ORDER OF CITIZENS for Gilman

••250 DOLLARS AND 00 CENTS \$ 250.00

NOT VALID OVER \$1000.

[Signature]

mazda

Middletown Mazda-Volkswagen



November 6, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Council
Federal Election Commission
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNCIL
NOV 18 2 36 PM '96

Dear Ms. Sealander:

Ref: MUR 4532

I am in receipt of your letter dated October 29, 1996 concerning my advertisement placed in the Citizen for Gilman's Journal, dated September 8, 1996.

Please be advised that the contribution for placement of my ad was personal, not a corporate contribution.

Should you require any additional information, please feel free to contact me.

Sincerely,

Ronald A. Palumbo
Vice President
General Manager

RAP/cb
encl.

9704334714



"We want to earn your business today. And your trust for tomorrow."

RONALD A. PALUMBO
65 OLD MILL RD
MANHASSET, NY 11030

1-12
280 0911
1911060189465

1812

DATE 10/22/96

PAY TO THE
ORDER OF

CITIZENS FOR GILMAN \$150.00

ONE HUNDRED FIFTY ~~50~~ DOLLARS



CHASE

The Chase Manhattan Bank
1900 Northern Boulevard
Manhattan, NY 11030

[Handwritten signature]

MEMO

97043834715

ENDORSE HERE

FOR DEPOSIT ONLY
CITIZENS FOR GILMAN
03-70-052-6

0871 29051

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

000000000000
10/23/96
17 CORP HODD ALBANY, NY
10213900774
0012296

The security features listed below are present on these
and other Federal Reserve Notes.

Security Features:

- **Watermark:** The portrait of the President is visible when the note is held up to the light.
- **Color Shifting Ink:** The number "100" on the front of the note changes color from blue to green as the note is tilted.
- **Microprint:** The words "ONE HUNDRED DOLLARS" are printed in tiny letters around the portrait.
- **Security Thread:** A thin, wavy thread is embedded in the paper.
- **Fluorescence:** The note glows under ultraviolet light.
- **Intaglio Printing:** The raised texture of the ink.
- **Color:** The vibrant colors of the note.
- **Size and Weight:** The note is the same size and weight as other Federal Reserve Notes.

REG. U.S. PAT. & TM. OFF.

10/24/96 PAID 021000021

*** FEDERAL RESERVE BOARD OF GOVERNORS WASHINGTON, DC**

91713034016

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 18 2 39 PM '96

November 12, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Council
Federal Election Commission
Washington, DC 20463

RE: MUR 4532

Dear Ms. Sealander:

I am in receipt of your letter dated October 29, 1996 concerning my advertisement placed in the Citizens for Gilman's Journal, dated September 8, 1996.

Please be advised that the contribution for placement of my ad was personal, not a corporate contribution.

Enclosed find copy of personal check #2094. Should you require any additional information, please feel free to contact me.

Sincerely,


Nick F. Badami

cc: Citizens for Gilman
Bob Becker, Middletown N.Y.

97043834717

97043634718

MEMO

Five Five

FIFTH BANK OF NEW YORK
2 NEW HERRINGTOWN RD. NEW CITY, NY 10958

Wm. H. ...
Wm. H. ...

PAY TO THE ORDER OF

**NICK F. BADAMI
RITA C. BADAMI**

2 ETHEL DRIVE
NEW CITY, NY 10958

Five Hundred Fifty
5/21/58
25.00

EXHIBITARS

219 655

2094

FOR DEPOSIT ONLY
CITIZENS FOR GHMAN
03-70-052-6
73656
MY ...
PAID ...
THE BANK OF ...
NEW YORK ...
MAINTENANCE

MAY 23 1958

7025500970
KEY BANK NY 1021888774
65.23%
17 CORP BLDG ALBANY, NY

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 22 10 08 AM '96

November 6, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Council
Federal Election Commission
Washington, DC 20463

Dear Ms. Sealander:

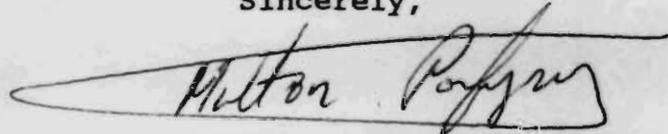
RE: MUR 4532

I am in receipt of your letter dated October 29, 1996 concerning my advertisement placed in the Citizens for Gilman's Journal, dated September 8, 1996.

Please be advised that the contribution for placement of my ad was personal, not a corporate contribution.

Should you require any additional information, please feel free to contact me.

Sincerely,



97043634719



(914) 343-3184

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 25 3 24 PM '96

FULTON
CHEVROLET *Cadillac*

P.O. BOX 519
MIDDLETOWN, NEW YORK 10940-0519

November 6, 1996

Colleen T. Sealander, Esq.
Central Enforcement Docket
Office of General Council
Federal Election Commission
Washington, DC 20463

Dear Ms. Sealander:

RE: MUR 4532

I am in receipt of your letter dated October 29, 1996 concerning my advertisement placed in the Citizens for Gilman's Journal, dated September 8, 1996.

Please be advised that the contribution for placement of my ad was personal, not a corporate contribution.

Should you require any additional information, please feel free to contact me.

Sincerely,

John A. Worts,
President

97043034720



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

)
)
)
)

ENFORCEMENT PRIORITY

FEDERAL ELECTION COMMISSION
SECRETARIAT

AUG 14 4 25 PM '97

SENSITIVE

AUG 19 1997

**EXECUTIVE SESSION
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 34 cases which do not warrant further action relative to other pending matters.¹

¹ These cases are: MUR 4470 (*Ward for Congress*); MUR 4478 (*Citizens for Tom Reynolds*); MUR 4492 (*Friends of Ken Poston*); MUR 4498 (*Darryl Roberts for Congress*); MUR 4506 (*The Hon. Ted Little*); MUR 4512 (*Friends of Lane Evans*); MUR 4517 (*Unknown Respondent*); MUR 4518 (*Kansans for Rathbun*); MUR 4520 (*Larry Lerner for*

9 1 0 4 3 8 3 4 7 2 1

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

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more distant in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

Congress); MUR 4522 (*Republican Party of Bexar County*); MUR 4523 (*Cong. Andrea Seastrand*); MUR 4524 (*Danny Covington Campaign Fund Committee*); MUR 4526 (*Hoeffell for Congress*); MUR 4528 (*Pete King for Congress*); MUR 4529 (*Pete King for Congress*); MUR 4532 (*Citizen's Committee for Gilman for Congress*); MUR 4535 (*Visclosky for Congress*); MUR 4537 (*Di Nicola for Congress*); MUR 4541 (*Ross Perot*); MUR 4548 (*Blagojevich for Congress*); MUR 4550 (*Friends of Wamp for Congress*); MUR 4551 (*John N. Hostettler*); MUR 4557 (*De La Rosa for Congress*); MUR 4559 (*Bill Baker for Congress*); MUR 4560 (*George Stuart Jr. for Congress*); MUR 4562 (*Wayne E. Schile*); MUR 4566 (*Al Gore*); MUR 4574 (*Danny Covington Campaign Fund Committee*); MUR 4576 (*Volunteers for Shimkus*); MUR 4579 (*New Zion Baptist Church*); MUR 4580 (*Friends of Mike Forbes*); MUR 4584 (*Bill Baker for Congress*); MUR 4588 (*Navarro for Congress*); and MUR 4613 (*Guy Kelley for Congress*).

2

The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

97043034722

Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.⁴ This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.⁵ DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

3

⁴ These cases are: MUR 4274 (GOPAC); MUR 4358 (Miller for Senate); MUR 4361 (ABC-TV); MUR 4368 (Citizens Business Bank); MUR 4380 (AFGE Local 2391 PAC); MUR 4385 (Dial for Congress); MUR 4386 (Zimmer for Senate); MUR 4396 (ABC); MUR 4404 (Friends of Steve Stockman); MUR 4410 (39th Legislative District); MUR 4417 (Our Choice II); MUR 4422 (Desana for Congress Committee); and Pre-MUR 336 (Park National Bank & Trust).

⁵ These cases are: MUR 3796 (*Jay Kim for Congress*); MUR 3798 (*Jay Kim*); MUR 4275 (*Jay Kim*); and MUR 4356 (*Dynamic Energy Resources*). In dismissing the *Jay Kim* cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.

97043034723

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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336

Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4396	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

97043034724

8/14/97

Date

Lawrence M. Noble (72)

Lawrence M. Noble
General Counsel

Attachment:
Case Summaries

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document No. X97-55

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 19, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to Agenda Document No. X97-55:

- A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 336.
 2. Pre-MUR 352.
- B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:
1. MUR 3796.
 2. MUR 3798.
 3. MUR 4274.
 4. MUR 4275.
 5. MUR 4356.
 6. MUR 4358.
 7. MUR 4361.
 8. MUR 4368.
 9. MUR 4380.
 10. MUR 4385.
 11. MUR 4386.
 12. MUR 4396.
 13. MUR 4404.
 14. MUR 4410.
 15. MUR 4417.
 16. MUR 4422.
 17. MUR 4470.
 18. MUR 4478.

(continued)

97043034725

Federal Election Commission
Certification: Enforcement Priority
August 19, 1997

Page 2

19. MUR 4492. 20. MUR 4498. 21. MUR 4506.
22. MUR 4512. 23. MUR 4517. 24. MUR 4518.
25. MUR 4520. 26. MUR 4522. 27. MUR 4523.
28. MUR 4524. 29. MUR 4526. 30. MUR 4528
31. MUR 4529. 32. MUR 4532. 33. MUR 4535.
34. MUR 4537. 35. MUR 4541. 36. MUR 4548
37. MUR 4550. 38. MUR 4551. 39. MUR 4557.
40. MUR 4559. 41. MUR 4560. 42. MUR 4562.
43. MUR 4566. 44. MUR 4574. 45. MUR 4576.
46. MUR 4579. 47. MUR 4580. 48. MUR 4584.
49. MUR 4588. 50. MUR 4613.

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

Attest:

8-21-97
Date

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

97043834726



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Yash Aggarwal
Yash Aggarwal for Congress 1996
17 Tarry Hill Drive
New City, NY 10956

RE: MUR 4532

Dear Mr. Aggarwal:

On October 22, 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 August 29, 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

9704334727

MUR 4532

CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

Nick Badami, President of Ritangela Construction Corporation, states that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$250 personal check made payable to Citizens for Gilman. Ronald A. Palumbo, Vice President and General Manager of Middletown Mazda/Volkswagen, responds that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$150 personal check made payable to Citizens for Gilman. Likewise, John A. Worts, President of Fulton Chevrolet Cadillac, and Milton Porfyris of Americana Diner and Restaurant, respond that the payments for the placement of their advertisements were from personal funds. Respondents Playtogs Shopping Plaza and Galaxy Foto did not respond.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043634728



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Samuel Wulwick, Owner
Playtogs
125 Dolson Avenue
Middletown, NY 10940-6559

RE: MUR 4532

Dear Mr. Wulwick:

On October 29, 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 Playtogs. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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

97043834729

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

Nick Badami, President of Ritangela Construction Corporation, states that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$250 personal check made payable to Citizens for Gilman. Ronald A. Palumbo, Vice President and General Manager of Middletown Mazda/Volkswagen, responds that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$150 personal check made payable to Citizens for Gilman. Likewise, John A. Worts, President of Fulton Chevrolet Cadillac, and Milton Porfyris of Americana Diner and Restaurant, respond that the payments for the placement of their advertisements were from personal funds. Respondents Playtogs Shopping Plaza and Galaxy Foto did not respond.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

9704383473G



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Owner
Americana Diner and Restaurant
420 Route 211 East
Middletown, NY 10940

RE: MUR 4532

Dear Sir or Madam:

On October 29, 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 Americana Diner and Restaurant. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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

97043834731

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

Nick Badami, President of Ritangela Construction Corporation, states that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$250 personal check made payable to Citizens for Gilman. Ronald A. Palumbo, Vice President and General Manager of Middletown Mazda/Volkswagen, responds that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$150 personal check made payable to Citizens for Gilman. Likewise, John A. Worts, President of Fulton Chevrolet Cadillac, and Milton Porfyris of Americana Diner and Restaurant, respond that the payments for the placement of their advertisements were from personal funds. Respondents Playtogs Shopping Plaza and Galaxy Foto did not respond.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043634732



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Owner
Galaxy Foto
207 Dolson Avenue
Middletown, NY 10940-6539

RE: MUR 4532

Dear Sir or Madam:

On October 29, 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 Galaxy Foto. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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

97043834733

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

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This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043634734



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

John A. Worts, President
Fulton Chevrolet, Cadillac, GEO, Isuzu
PO Box 519
Middletown, NY 10940-0519

RE: MUR 4532

Dear Mr. Worts:

On October 29, 1996, the Federal Election Commission notified Dennis Cardinal, Manager, 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 Fulton Chevrolet, Cadillac, GEO, Isuzu. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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 Division

Attachment
Narrative

97043834735

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

Nick Badami, President of Ritangela Construction Corporation, states that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$250 personal check made payable to Citizens for Gilman. Ronald A. Palumbo, Vice President and General Manager of Middletown Mazda/Volkswagen, responds that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$150 personal check made payable to Citizens for Gilman. Likewise, John A. Worts, President of Fulton Chevrolet Cadillac, and Milton Porfyris of Americana Diner and Restaurant, respond that the payments for the placement of their advertisements were from personal funds. Respondents Playtogs Shopping Plaza and Galaxy Foto did not respond.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043834736



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Ronald A. Palumbo, Vice President
Middletown Mazda and Volkswagen
200 Dolson Avenue
Middletown, NY 10940-6541

RE: MUR 4532

Dear Mr. Palumbo:

On October 29, 1996, the Federal Election Commission notified Michael Morganstein, Manager, 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 Middletown Mazda and Volkswagen. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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

97043834737

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

Nick Badami, President of Ritangela Construction Corporation, states that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$250 personal check made payable to Citizens for Gilman. Ronald A. Palumbo, Vice President and General Manager of Middletown Mazda/Volkswagen, responds that the payment for the placement of his advertisement was from personal funds. He enclosed a copy of a \$150 personal check made payable to Citizens for Gilman. Likewise, John A. Worts, President of Fulton Chevrolet Cadillac, and Milton Porfyris of Americana Diner and Restaurant, respond that the payments for the placement of their advertisements were from personal funds. Respondents Playtogs Shopping Plaza and Galaxy Foto did not respond.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043834738



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Nick Badami, President
Ritangela Construction Corp.
176 Route 304
Bardonia, NY 10954-2028

RE: MUR 4532

Dear Mr. Badami:

On October 29, 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 Ritangela Construction Corporation. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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 at 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

97043834739

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

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This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043034740



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1997

Murray Rosen, Treasurer
Citizens Committee for Gilman for Congress
PO Box 3001
Middletown, NY 10940

RE: MUR 4532

Dear Mr. Rosen:

On October 29, 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 Citizens Committee for Gilman for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 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

97043634741

MUR 4532
CITIZENS COMMITTEE FOR GILMAN FOR CONGRESS

Yash Aggarwal, Ben Gilman's unsuccessful general election opponent who lost the election, alleges illegal use of campaign funds to pay for personal travel and a private residence. Mr. Aggarwal alleges that the campaign expended funds for the personal residence at a cost of \$290 per month and paid \$1,842 for travel expenses for Georgia Tingus, his purported fiancée, to accompany him to California. Mr. Aggarwal also alleges receipt of corporate contributions from 5 businesses which placed advertisements in a program for a fundraising event for Gilman.

Citizens for Gilman responds that the alleged payments for Mr. Gilman's residence was for the offices in his home. The property in question consist of 2 separate apartments. The upstairs is the personal residence and the downstairs apartment, converted to offices many years ago, was rented by the committee. The alleged personal travel cost is claimed to be an "expenditure to cover the expenses of the individual named ... appropriately provided by the individual involved with the speaking engagement to which Congressman Gilman had been invited." The Committee states that Ms. Tingus assisted Congressman Gilman by handling administrative and logistical matters pertaining to his agenda and has been a campaign volunteer who coordinated and supervised a number of campaign events. The Committee further responds that the corporate contributions referred to in the complaint were paid from personal funds of each of the persons involved.

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This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

97043634742



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4532

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