



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4638

DATE FILMED 2/9/98 CAMERA NO. 2

CAMERAMAN EEJ

98043874039

MUR 4638 BEGAN AS PART OF MUR 4398 BUT  
WAS SEVERED FROM THAT CASE ON MAY 19, 1997.

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REC'D  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**WILMER, CUTLER & PICKERII**

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Oct 5 11 42 AM '94

ROGER M. WITTEN

DIRECT LINE (202)

663 670

October 4, 1994

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

Pre-MUR 307

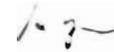
Re: Thomas Kramer

Dear Larry:

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

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

Very truly yours,

  
Roger M. Witten

cc: Mr. Kramer

98043874091



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

November 15, 1994

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

RE: Pre-MUR 307

Dear Mr. Witten:

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

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

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

98043874092

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FACSIMILE 011 32 2 230 4122

FRIEDRICHSTRASSE 49  
D-10117 BERLIN  
TELEPHONE 011 49 30 2643 1000  
FACSIMILE 011 49 30 2642 1000

November 21, 1994

BY FAX AND U.S. MAIL

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

Re: Pre-Mur 107

Dear Mary:

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

Very truly yours,

Roger M. Witten

cc: Joan McEnery, Esq.

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10/21/94

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ANDREW S. WEISSMAN  
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ANDREA ANN TIMRO  
ANDREW N. VOLKMER  
THOMAS W. WHITE  
BRUCE M. BERMAN  
THOMAS F. CONNELL  
CHARLES E. DAVIDOW  
TERRILL A. HYDE  
DUANE O. MORSE

JAMES S. VENITT  
DANIEL H. SQUIRE  
W. SCOTT BLACKMER  
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PHILIP D. ANKER  
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ANASTASIA D. KELLY  
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PATRICK J. CARGME  
JANE C. SHERBURNE  
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BRYAN SLONE\*  
STEPHEN M. CUTLER  
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PAUL J. MOORE, JR.

STEPHEN F. BLACK  
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GARY D. WILSON  
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JAMES A. ROGERS  
MICHAEL L. BURACK  
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ROBERT B. MCCAR  
A. DOUGLAS MELANED  
HANFRED BALZ\*  
RICHARD W. CASS  
KENNETH W. GIDEON  
WILLIAM J. KOLASKY, JR.  
ARTHUR L. HARRIOTT\*  
A. STEPHEN HUT, JR.  
JOHN ROUNSAVILLE, JR.  
ROGER M. WITTEN  
ROBERT C. CASSIDY, JR.

December 27, 1994

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DEC 27 4 19 PM '94

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

Re: Pre-MUR 307

Dear Joan and Mary:

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

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

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national. In addition, Mr. Kramer was represented by law firms on business matters during this period, including a firm that handled his immigration matters and whose principals solicited contributions from him and suggested that he make certain other contributions. He was never advised that a foreign national could not make candidate contributions.

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

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

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

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

<sup>2</sup> The letters exchanged by the Republican Party of Florida and Mr. Kramer are attached.

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

In addition to his personal and corporate contributions, Mr. Kramer also made some contributions through other people. Of the contributions Mr. Kramer made on the federal level, two were made through another, his secretary, Terri Bradley. These are listed in the accompanying chart. We have reason to believe Mr. Kramer also made candidate-related contributions through others on the state and local level. We have included the information we have been able to gather in the enclosed chart. We did not want to further delay this submission to the Commission, and have noted "intermediary" as the contributor where we believe Mr. Kramer made a state or local campaign contribution through another.<sup>1</sup>

In sum, Mr. Kramer was, until recently, unaware that foreign nationals could not make candidate-related contributions. He made some of these contributions at the suggestion and with the advice of principals at his lead law firm, which also handled his immigration matters. Although he was solicited by numerous campaign fundraisers and is quite clearly of foreign origin, he was never asked about his citizenship or residency status. Mr.

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<sup>1</sup> We were guided in our approach to this issue by the First General Counsel's Report in the Sports Shinko matter, dated June 4, 1993, in which the General Counsel took the position that violations of 2 U.S.C. § 441f involving contributions to state and local candidates were more properly the business of state authorities than the FEC. (Report at 17-18).

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

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

Sincerely,



Roger M. Witten  
Margaret L. Ackerley

Enclosures

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★ ★ ★

Tom Slade  
Chairman

Mel Sembler  
Finance Chairman

Al Cardenas  
Vice Chairman

Ida Jackson  
Secretary

Jim Stelling  
Treasurer

Ginny Dinkins  
Assistant Secretary

John Renke  
Assistant Treasurer

Mel Sembler  
National Committeeman

Maryanne Morse  
National Committeewoman

★ ★ ★

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

★ ★ ★

October 25, 1994

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

Dear Mr. Kramer:

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

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

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

Thank you very much for your support.

Sincerely yours,

*Ellen Darden*  
Ellen Darden  
Chief of Staff



November 7, 1994

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

Dear Mr. Slade,

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

Thank you for your cooperation.

Very truly yours,

Thomas Kramer

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NOV 10 1994  
FBI - TALLAHASSEE



December 13, 1994

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

Dear Mr. Kramer:

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

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

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

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

In advance, thank you very much for your understanding.

Sincerely yours,



Tom Slade

cc. Ben Ginsberg  
Richard McFarlain  
Bill Bryant

\*\*\*

Tom Slade  
Chairman

Mel Sembler  
Finance Chairman

— Al Cardenas  
Vice Chairman

— Ida Jackson  
Secretary

— Jim Stelling  
Treasurer

— Ginny Dinkins  
Assistant Secretary

— John Renke  
Assistant Treasurer

— Mel Sembler  
National Committeeman

— Maryanne Morse  
National Committeewoman

\*\*\*

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\*\*\*

AFFIDAVIT OF THOMAS KRAMER

STATE OF FLORIDA

COUNTY OF DADE

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

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

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

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

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

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

6. During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel and Thomson Muraro Razook & Hart. The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig or Thomson Muraro. However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

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

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

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

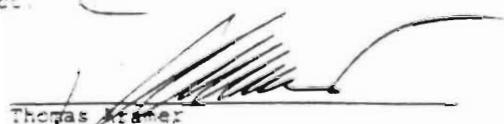
b. I also reimbursed Ms. Bradley for a \$20,000 contribution made in her name to the Democratic Senatorial Campaign Committee ("DSCC") on April 28, 1993. To the best of my recollection, I believe that I was informed directly or indirectly by a Democratic party fundraiser that the DSCC would accept contributions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

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

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

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



Thomas Kramer

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

  
Notary Public, State of Florida  
Print Name: Brian A. Hart  
Commission Number: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

(SEAL)



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ATTACHMENT A

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

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**ATTACHMENT B**

Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made* (Date)
35 Star Island, Inc.	Democratic National Committee	3/04/94	60,000.00	Yes	\$60,000.00 on 10/28/94
Pineblow Group, Inc.	Democratic National Committee	3/15/94	40,000.00	Yes	\$40,000.00 on 11/7/94
Pineblow Group	Democratic National Committee Grand Bay dinner for VP Gore	Statement during March-April 1993	25,000.00	Yes	\$25,000.00 on 10/28/94
Tom Bradley	DSCC	4/28/93	20,000.00	Yes	
Thomas Krutner	The DSCC Senate Majority Dinner	9/17/93	3,000.00	Yes	\$3,000.00 on 9/29/94
Pineblow Group, Inc.	Republican Senatorial Committee	6/04/93	25,000.00	Yes	\$25,000.00 on 11/30/94
Pineblow Group, Inc.	Republican Party of Florida Victim '94	6/04/93	100,000.00	Yes	
Pineblow Group, Inc.	Senatorial Dinner	6/04/93	5,000.00	Yes	
Thomas Krutner	Republican Party of Florida	3/03/94	100,000.00	Yes	\$1,000.00 on 10/25/94
Thomas Krutner	Robert Aorn for U.S. Senator	12/02/93	1,000.00	Yes	
Thomas Krutner	Ros Lehman for Congress	10/12/93	1,000.00	Refund preceded request	\$1,000.00 on 9/30/94
Thomas Krutner	Friends of Connie Mack	11/03/93	500.00	Yes	
Thomas Krutner	Friends of Connie Mack	12/10/93	1,500.00	Yes	
Thomas Krutner	Friends of Connie Mack	12/10/93	1,500.00	Yes	
Tom Bradley	George Mitchell	3/20/93	1,000.00	Yes	
Pineblow Group, Inc.	Susan Blumberg Campaign Fund	1/29/93	500.00	Yes	
Olympus	Susan Blumberg Campaign Fund	1/29/93	500.00	Yes	
Pineblow Group, Inc.	Sack Bros	7/20/93	500.00	Cannot locate recipient	
Sun & Fun	Breth Campaign	4/14/93	500.00	Cannot locate recipient	

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Paya	Conch Breads	4/14/93	500.00	Cannot locate recipient	
Thomas Kramer	James Burke Campaign Fund	12/15/93	500.00	Yes	
Olympus	Jeb Bush Gubernatorial Campaign	9/27/94	100.00	Yes	
Olympus	Jeb Bush Gubernatorial Campaign	9/27/94	100.00	Yes	
New Field	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Paya	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Olympus	Charles Dusseau Campaign	4/14/93	100.00	Yes	\$100.00 on 11/21/94
Pomofor Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
St. Tropez R/E Fund	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
New Field	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Sea & Food	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Paya	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Beachwalk	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Olympus	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
Sandona	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Tot & 1st Devt.	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	\$125.00 on 12/23/93 (unreimbursed to request)
Sandpoint Fisheries Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500.00	Yes	
New Field	Maurice Fern Campaign	4/14/93	500.00	Yes	
Olympus	Maurice Fern Campaign	4/14/93	500.00	Yes	
Pomofor Group, Inc.	Larry Hawkins	9/01/94	500.00	Yes	

Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
St. Tropez R.E. Fund Ltd	Larry Hawkins	9/01/94	500.00	Yes	
Sanson's	Larry Hawkins	9/01/94	500.00	Yes	
New Firms	Bruce Kaplan Campaign	4-14-93	500.00	Yes	
Orvisco	Bruce Kaplan Campaign	4-14-93	500.00	Yes	
Ponchartraine Group Inc	Mike Karpe Campaign Fund	10/21/93	500.00	Yes	
St. Tropez R.E. Fund Ltd	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
New Firms Inc	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Sue & Pat Ltd	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Playa Del Sol Ltd	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Breschler	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Orvisco	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Sanson's	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
T.G. & J.C. Co. Corp	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Leadbetter Financial Ltd	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
SBS Inc	Mike Karpe Campaign Fund	10/19/93	500.00	Yes	
Orvisco	Mike Karpe Campaign Fund	10/20/93	500.00 (reimbursed cash)		
Orvisco	Mike Karpe Campaign Fund	10/21/93	500.00 (reimbursed cash)		
Thomas Knapp	Nelson Knapp Campaign Fund	4-23-93	500.00	Yes	\$155.00 on 10/13/93 (reflected because contribution stopped)
Orvisco Inc	Nelson Knapp	April 93	500.00 E. Inc. Almond L. Knapp		

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Donor	Recipient	Date of Contribution	Amount of Contribution	Refund Requested?	Refund Made? (Date)
Pinnacle Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
St. Tropez R/E Fund	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
New Fiesta	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Sun & Fun	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Playa	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Beachwalk	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Olympus	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Santitas	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
Ten & Six Deco	Nancy Leibman Campaign Fund	6/15/93	500.00	Yes	
St. Tropez R/E Fund Ltd.	Genad Lewis Campaign	12/08/93	500.00	Yes	
New Fiesta Inc.	Genad Lewis Campaign	12/08/93	500.00	Yes	
Sun & Fun Inc.	Genad Lewis Campaign	12/08/93	500.00	Yes	
Playa Del Sol Ltd.	Genad Lewis Campaign	12/08/93	500.00	Yes	
Beachwalk	Genad Lewis Campaign	12/08/93	500.00	Yes	
Olympus	Genad Lewis Campaign	12/08/93	500.00	Yes	\$125.00 (submitted to request)
Ten & Six Deco Corp.	Genad Lewis Campaign	12/08/93	500.00	Yes	
Sandpoint Financial Ltd.	Genad Lewis Campaign	12/08/93	500.00	Yes	
South Beach Creative Group	Genad Lewis Campaign	12/08/93	500.00	Yes	
Olympus	Green Mariposa Campaign Fund	7/29/94	100.00	Yes	\$100.00 on 11/01/94

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

FEDERAL ELECTION COMMISSION  
JUN 10 10 04 AM '95

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

**SENSITIVE**

FIRST GENERAL COUNSEL'S REPORT

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

STAFF MEMBER: Jose M. Rodriguez

COMPLAINANT: Sua Sponte

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

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

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

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

INTERNAL REPORTS CHECKED: FEC Indices/Disclosure Reports

FEDERAL AGENCIES CHECKED: Immigration and Naturalization Service

**I. GENERATION OF MATTER**

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

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

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

## II. FACTUAL AND LEGAL ANALYSIS

### A. The Law

#### 1. Section 441e

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Section 441f

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

3. Knowing and Willful Violations

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

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

**B. The Sua Sponte Submission**

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

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

(Id.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Id.)

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

Mr. Kramer did not intend to violate Section 441e, and he is quite sorry that it appears that he has done so. He was unaware of Section 441e or any legal restrictions on the ability of foreign nationals to make candidate-related contributions. Although Mr. Kramer is quite obviously a foreign national in origin, no fundraiser or candidate ever inquired into his immigration status or refused funds from him because he was a foreign national. In addition, Mr. Kramer was represented by law firms on business matters during this period, including a firm that handled his immigration matters and whose principals solicited contributions from him and suggested that he make certain other contributions. He was never advised that a foreign national could not make candidate contributions.

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

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

(Id. at 6-7.) Further, counsel represents that when Mr. Kramer learned through a September 28, 1994 article in the Tampa Tribune<sup>14</sup> that some of his contributions might have been illegal, he immediately contacted legal counsel, who promptly notified the FEC of the situation. (Id. at 4.) Finally, counsel expresses an interest in entering into pre-probable cause conciliation. (Id. at 7.)

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

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C. Analysis

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

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

Thomas Kramer is a German citizen<sup>15</sup> and fits squarely within the definition of a foreign national. Accordingly, he is prohibited from making contributions to local, state or federal candidates or political committees. 2 U.S.C. § 441e and 11 C.F.R. § 110.4(a)(3). As discussed above, Mr. Kramer admits that he made political contributions in his own name totaling \$109,500 during the 1993-1994 election cycle, in violation of 2 U.S.C. § 441e.<sup>16</sup> This figure does not take into account funds Mr. Kramer

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

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

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

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

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

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

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

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

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

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

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

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

The majority of Mr. Kramer's contributions, specifically \$387,800.00<sup>18</sup> of the \$418,600.00,<sup>19</sup> occurred after he had been informed by the DSCC that it "would accept contributions only from U.S. citizens." (Attachment 1, at 14, ¶ 8b.) Thus, it appears that despite being on notice that contributions from a foreign national could be problematic, Mr. Kramer continued to make political contributions without inquiry as to their legality. While such action may not rise to the level of a knowing and willful violation because it is not clear whether Mr. Kramer had specific knowledge of the foreign national prohibition or the prohibition against making contributions in the name of another, it does aggravate the violation by demonstrating a disregard for the laws governing political contributions.<sup>20</sup> See Federal Election

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Catherine Burda Kramer and Friends of Connie Mack

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

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

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

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

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

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

3. Law Firm Contribution Solicitations

Mr. Kramer also avers that he was represented by several law firms during the time period that he was making his political contributions. Mr. Kramer states:

During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel and Thomson Muraro Razook & Hart. The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig or Thomson Muraro. However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

(Attachment 1, at 13.)

The Act prohibits the solicitation of contributions from a foreign national. 2 U.S.C. § 441e. According to Mr. Kramer's Affidavit, his law firm, Greenberg and Traurig, solicited contributions from him, and the firm knew he was a foreign national because it represented him on immigration matters. Because it is unclear what contributions were solicited by the law firm, and to allow the law firm an opportunity to respond and clarify the record, this Office recommends that the Commission find reason to believe that

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Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel violated 2 U.S.C. § 441e.<sup>23</sup>

4. Recipient Political Committees

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

23. Because this respondent is a law firm, it raises the question of whether this violation was knowing and willful. This Office reviewed the firm's biography in the 1994 edition of the Martindale-Hubbell Law Directory and it does not appear that any of the attorneys at that firm practice election law. Therefore, this Office makes no knowing and willful recommendations at this time against Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel.

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

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

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

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

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

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

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

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

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

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

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

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

recommendations, this Office will send admonishment letters to these respondents.<sup>28</sup>

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

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

III. DISCUSSION OF CONCILIATION AGREEMENTS AND CIVIL PENALTIES

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IV. DISCUSSION OF ADMONISHMENTS AND DISGORGEMENT REQUESTS

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

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

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

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

V. RECOMMENDATIONS

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

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

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

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

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

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Date 6/7/96

LM Noble (G)  
Lawrence M. Noble  
General Counsel

**Attachments**

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

**MEMORANDUM**

**TO:** LAWRENCE M. NOBLE  
GENERAL COUNSEL

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

**DATE:** JUNE 13, 1996

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

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

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

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

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

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

98043874139

BEFORE THE FEDERAL ELECTION COMMISSION

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

MUR 307

Pre-MUR 307

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(continued)

Stacy Breen; )  
Bretos Campaign; )  
Conchi Bretos; )  
James Burke Campaign Fund; )  
Jeb Bush Gubernatorial Campaign; )  
Charles Dusseau Campaign; )  
Sy Eisenberg Campaign Fund; )  
Maurice Ferre Campaign; )  
Larry Hawkins; )  
Bruce Kaplan Campaign; )  
Mike Karpel Campaign Fund; ) Pre-MUR 307  
Neisen Kasdin Campaign Fund; )  
Neisen Kasdin; )  
Nancy Leibman Campaign Fund; )  
Gerald Lewis Campaign; )  
Gwen Margolis Campaign Fund; )  
Campaign for Commissioner for )  
Javier Souto; )  
State Senate President Pat Thomas )  
"Victory in '94" )

CERTIFICATION

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

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

(continued)

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

(continued)

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

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

(continued)

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

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

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

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

Attest:

6-25-96

Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 2, 1996

Larry Hoffman, Esq.  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel, P.A.  
1221 Brickell Avenue  
Miami, FL. 33131

RE: MUR 4398

Dear Mr. Hoffman:

On June 25, 1996, the Federal Election Commission found that there is reason to believe Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The **Factual and Legal Analysis**, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

For our records, please complete the enclosed form stating the name, address, and telephone number of counsel who will be representing the firm in this matter, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

*Celebrating the Commission's 20th Anniversary*

YESTERDAY TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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MUR 4398  
Larry Hoffman, Esq.  
Page 2

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

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Greenberg, Traurig, Hoffman, MUR 4398  
Lipoff, Rosen & Quentel, P.A.

I. GENERATION OF MATTER

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This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a sua sponte submission filed by counsel representing Thomas Kramer, averring inter alia, that Mr. Kramer was solicited by individuals associated with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Greenberg, Traurig") to make political contributions.

II. ANALYSIS

According to the sua sponte submission, Mr. Kramer, a German foreign national, made contributions, either personally, through other individuals or through his companies, to local, State, and Federal political committees in excess of \$400,000, a portion of which were solicited by Greenberg, Traurig. (For a complete list of Thomas Kramer's contributions see attached schedule.)

The Federal Election Campaign Act of 1971, as amended ("the Act"), states that it shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value in connection with any election to any local, State or Federal political office; or for any person

to solicit, accept, or receive any such contribution from a foreign national. 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under Section 611(b), a "foreign principal" includes a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States. The Act further provides that resident aliens are excluded from the definition of "foreign national." See 2 U.S.C. § 441e(b)(2).

Thomas Kramer is a German citizen<sup>1</sup> and fits squarely within the definition of a foreign national. In an affidavit accompanying the sua sponte submission, Mr. Kramer avers that

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

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

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individual associated with Greenberg, Traurig solicited him for political contributions. Mr. Kramer states:

During this period, I was represented by several law firms on business matters, including Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel . . . . The Greenberg, Traurig firm was my principal counsel, and handled my immigration matters among other things. Principals at that firm from time-to-time solicited from me and suggested that I make certain political contributions. I did not specifically request election law advice from Greenberg, Traurig . . . . However, I generally requested Greenberg, Traurig to take all appropriate action to assure that my activities of which they were aware were conducted in a fashion fully compliant with the law. At no time did any attorney advise me that there was any issue as to my legal ability to make political contributions or that foreign nationals were prohibited from making such contributions.

(Affidavit of Thomas Kramer dated December 27, 1994, at ¶ 6.)

Because the firm represented Mr. Kramer on immigration matters, it conducted these solicitations with the full knowledge that he was a foreign national. The Act prohibits the solicitation of contributions from a foreign national. 2 U.S.C. § 441e.

**III. CONCLUSION**

Accordingly, there is reason to believe Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. violated 2 U.S.C. § 441e.

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**CONTRIBUTIONS ATTRIBUTABLE TO THOMAS KRAMER  
DURING 1993-94 ELECTION CYCLE**

**Federal Committee Contributions**

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3-4/93	25,000
Terri Bradley	Democratic Senatorial Campaign Committee (Non-federal account)	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee (Non-federal account)	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	100,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	5,000
Thomas Kramer	Democratic Senatorial Campaign Committee (Federal account)	9/17/93	3,000
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/12/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/16/93	1,500
Thomas Kramer	Friends of Connie Mack	1/24/94	1,000
Thomas Kramer	Republican Party of Florida (Federal/non-federal account)	3/03/94	100,000 <sup>1</sup>

1. This contribution was split between the state party's federal and non-federal accounts, with \$5,000 deposited in the federal account, and the remaining \$95,000 deposited in the state account.

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35 Star Island, Inc.	Democratic National Cmte. (Non-federal account)	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3/15/94	<u>40,000</u>
		<b>Sub Total:</b>	<b>\$384,000</b>

State and Local Committee Contributions

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	Stuart Blumberg Campaign Fund	1/29/93	\$500
Olympus Holding Corporation	Stuart Blumberg Campaign Fund	1/29/93	500
Sun & Fun, Inc.	Bretos Campaign	4/14/93	500
Playa Del Sol, Ltd.	Conchi Bretos	4/14/93	500
New Fiesta, Inc.	Charles Dusseau Campaign	4/14/93	100
Playa Del Sol, Ltd.	Charles Dusseau Campaign	4/14/93	100
Olympus Holding Corporation	Charles Dusseau Campaign	4/14/93	100
New Fiesta, Inc.	Maurice Ferre Campaign	4/14/93	500
Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500
Intermediaries	Neisen Kasdin	April 1993	? <sup>2</sup>
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500

2. Mr. Kramer states that he does not recall the exact date or amount of this contribution. He also does not identify through whom he made this contribution. Mr. Kramer notes "intermediary" as the contributor where he believes he made a state or local campaign contribution through another.

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

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

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

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Olympus Holding  
Corporation

Jeb Bush Gubernatorial  
Campaign

9/27/94 100

Sub Total: \$34,600

TOTAL: \$418,600

98047874138

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

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904 681-0888

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MIAMI, FLORIDA 33133  
(305) 856-1100

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-3132†  
(703) 684-1204

July 18, 1996

\*P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4398: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

Our firm has been retained to represent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Respondent" or "the Firm") in connection with the above-referenced matter. In that regard, enclosed please find a Statement of Designation of Counsel which was executed on Wednesday, July 17, 1996 by Larry Hoffman, the Firm's President.

It is our understanding that the Firm received the Commission's "reason-to-believe" notification on July 9, 1996, and thus that its response is due to be filed with your office by Wednesday, July 24, 1996.

We respectfully request a twenty-day extension of time, until August 13, 1996, in which to file a response to the Commission's "reason-to-believe" determination. This extension-of-time is necessary for us to review the facts in this matter (which involves alleged activity from 1993 and 1994) and then prepare a response on behalf of the Firm.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
\_\_\_\_\_  
Leslie J. Kerman

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
JUL 18 3 33 PM '96

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**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR:** 4398

**NAME OF COUNSEL:** Leslie J. Kerman

**ADDRESS:** Epstein Becker & Green, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, D.C. 20037

**TELEPHONE:** (202) 861-1877

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OFFICE OF GENERAL  
COUNSEL  
JUL 18 3 34 PM '96

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

**GREENBERG, TRAURIG, HOFFMAN,  
LIPOFF, ROSEN & QUENTEL, P.A.**

July 17, 1996  
Date

By:

Signature

Name:

Title:

[Handwritten Signature]  
LARRY HOFFMAN  
President

**RESPONDENT'S NAME:** Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.

**ADDRESS:** 1221 Brickell Avenue  
Miami, Florida 33131

**HOME PHONE:** N/A

**BUSINESS PHONE:** (305) 579-0500

98043874170



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 19, 1996

Leslie J. Kerman, Esq.  
Epstein, Becker & Green  
1227 25th Street., N.W.  
Washington, D.C. 20037-1156

RE: MUR 4398  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

This is in response to your letter dated July 18, 1996, which we received on the same date, requesting an extension of twenty days to respond to the Commission's Reason to Believe finding. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on August 13, 1996.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

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Board of County Commissioners  
METROPOLITAN DADE COUNTY-FLORIDA

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

JUL 30 3 25 PM '96

SENATOR JAVIER SOUTO  
COMMISSIONER

DISTRICT 10  
111 N. W. FIRST STREET, SUITE 320  
MIAMI, FLORIDA 33128-1263  
(305) 375-4835  
FAX (305) 375-4838

July 29, 1996

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

Re: MUR 4398

Dear Mr. Rodriguez:

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

Your letter dated July 25, 1996, was the first communications that I received from the Federal Election Commission on this issue. The checks in question were collected by the law firm of Greenberg & Traurig in a fund raiser held on my behalf which collected close to \$20,000 in contributions. My understanding is that the fund-raiser was strictly among the law firm's clients. I have never met Mr. Kramer, I had no knowledge of Mr. Kramer's nationality, and I had no knowledge that these corporations belonged to Mr. Kramer. I assumed that all the checks were legal and from corporations that could contribute to my campaign, since they were collected by one of the oldest and most respected law firms in the State of Florida.

Your letter states that the Campaign account for Commissioner Javier Souto issue a check for the sum of \$3,500 to the United States Treasury, care of the Federal Elections Commission within 30 days. Unfortunately, the campaign account was closed on October 31, 1994 as required under Florida election laws. I was re-elected in October of 1994, so I chose to contribute the unexpended balance of contributions, approximately \$53,104, by donating them to charitable organizations within the South Florida community, as permitted under state law. I am attaching the final campaign report which shows the contributions to the non-profit organizations, as well as a zero balance remaining in the campaign account. Therefore, I cannot issue a campaign account check to the Federal Elections Commission. For me to pay the \$3,500 out of my personal funds would present an extreme hardship, since my total salary as a Commissioner consist of a \$5,000 annual salary. I am 56 years old and retired. Furthermore, I feel this would be an unjustified penalty, since I had no knowledge that the corporate checks provided by the law firm were for companies owned by a foreign national. I was not even familiar with this law prior to receipt of your letter.

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

Sincerely yours,

Javier Souto  
JS/mg

enclosure

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FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

**EPSTEIN BECKER & GREEN, P.C.**

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ATTORNEYS AT LAW

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(305) 856-1100

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-3132†  
(703) 684-1300

August 13, 1996

†P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4398: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

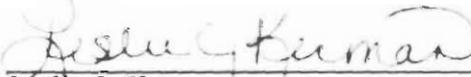
This letter is filed on behalf of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Respondent") in connection with the above-referenced matter.

Please be advised the Respondent is interested in pursuing pre-probable cause negotiations with the Commission at this time.

We look forward to hearing from you regarding this request at your convenience. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Thank you for your assistance.

Sincerely,

  
Leslie J. Kerman

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Greenberg, Traurig, Hoffman )  
Lipoff, Rosen & Quentel, P.A. )

MUR 4398

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 25, 1996, the Federal Election Commission found reason to believe, *inter alia*, that Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Greenberg & Traurig") violated 2 U.S.C. § 441e by soliciting contributions from Mr. Thomas Kramer, a foreign national, and corporations controlled by Mr. Kramer to various local, state and Federal committees and candidates. Greenberg & Traurig was notified of the Commission's findings by letter dated July 2, 1996, and provided with a Factual and Legal Analysis containing a list of all known contributions by Mr. Kramer (totaling \$418,600). Since notification, this Office has had several conversations with counsel representing Greenberg & Traurig.

II. ANALYSIS

In telephonic conversations, counsel for Greenberg & Traurig has expressed an interest in entering into pre-probable cause conciliation

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III DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY

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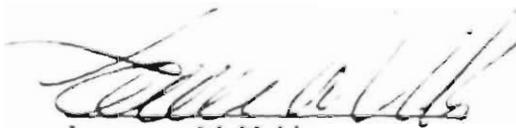
This Office has independent confirmation that one of the two excluded contributions was not solicited by the firm. This involves the April 28, 1997 \$20,000 contribution to the Democratic Senatorial Campaign Committee made by Mr. Kramer in the name of his secretary, Terry Bradley. In his *via sponte* submission, Mr. Kramer confirms that this contribution was not solicited by Greenberg & Traurig, but instead by an unknown agent of the DSCC.

IV. RECOMMENDATIONS

- 1. Enter into conciliation prior to a finding of probable cause to believe with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.
- 2. Approve the attached conciliation agreement and the appropriate letter.

Date

10/16/96



Lawrence M. Noble  
General Counsel

Attachments:

- 1. Schedule of Contributions.
- 2. Proposed Conciliation Agreement.

Staff Assigned: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE ROSS   
COMMISSION SECRETARY

DATE: OCTOBER 22, 1996

SUBJECT: MUR 4398 - General Counsel's Report dated October 16, 1996.

The above-captioned document was circulated to the Commission  
on Friday, October 18, 1996

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

- Commissioner Aikens —
- Commissioner Elliott —
- Commissioner McDonald —
- Commissioner McGarry XXX
- Commissioner Thomas XXX

This matter will be placed on the meeting agenda for

Tuesday, October 29, 1996

Please notify us who will represent your Division before the Commission on this  
matter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Greenberg, Traurig, Hoffman, ) MUR 4398  
Lipoff, Rosen & Quentel, P.A. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 29, 1996, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Enter into conciliation prior to a finding of probable cause to believe with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.
2. Approve the conciliation agreement and the appropriate letter as recommended in the General Counsel's October 16, 1996 report.

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

Attest:

10-29-96  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 30, 1996

**VIA FACSIMILE &  
FIRST CLASS MAIL**

Leslie L. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4398  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

On June 25, 1996, the Federal Election Commission found reason to believe that your client violated 2 U.S.C. § 441e. Based on your client's interest in conciliation and based on information provided by your client, on October 29, 1996, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3690.

Sincerely,

  
Jose M. Rodriguez  
Attorney

Enclosure  
Conciliation Agreement

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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COMMISSION  
SECRETARIAT

FEB 25 11 05 AM '97

February 25, 1997

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel

SUBJECT: MUR 4398  
Termination of Pre-Probable Cause to Believe Conciliation with  
Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.

In response to Respondent's expressed interest in pre-probable cause conciliation, on October 29, 1996 the Commission voted to enter into conciliation with Respondent concerning numerous violations of 2 U.S.C. § 441e, and approved a proposed conciliation agreement dated October 16, 1996. The following day, Respondent was provided with the Commission approved agreement.

*See General Counsel's Report in this matter*

Accordingly, because the period for pre-probable cause conciliation has expired with no indication that a resolution may be achieved, this Office is terminating conciliation and commencing an investigation into Respondent's activities. This Office will notify Respondent by letter that it is terminating pre-probable cause conciliation.

Staff Member: Jose M. Rodriguez

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 4, 1997

Leslie L. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4398  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

As previously discussed, because of our failure to reach settlement, the Commission has terminated pre-probable cause conciliation. Accordingly, this Office has begun an investigation into your client's activities in this matter.

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

Sincerely,

  
José M. Rodríguez  
Attorney

23043874131

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Thomas Kramer, et al. )

MUR 4398

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This matter was generated by a *sua sponte* submission filed by counsel for Thomas Kramer noting that, as a foreign national, Mr. Kramer made extensive contributions to Federal, State and local elections during the 1993-1994 election cycle. Based on this information, on June 25, 1996, the Commission found reason to believe against Mr. Kramer, his assistant Ms. Terri Bradley, his wife Mrs. Catherine Burda Kramer, the various corporations under his control, the various Federal, State and local recipients and Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traurig"), a law firm retained by Mr. Kramer to handle his immigration matters that appeared to have solicited a number of the contributions at issue. The Commission took no further action against all respondents except for Mr. Kramer, Ms. Bradley, one recipient committee -- the Republican Party of Florida -- and Greenberg & Traurig.<sup>1</sup>

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<sup>1</sup> The *sua sponte* submission contained information noting that an unidentified individual associated with the Democratic Senatorial Campaign Committee ("DSCC") had suggested that Mr. Kramer funnel a \$20,000 contribution through his assistant. See First General Counsel's Report in this matter dated June 7, 1996, at 17-21. This Office made no recommendations concerning the DSCC at that time, informing the Commission that recommendations would follow as warranted by any new information discovered. *Id.* at 20-21. Because successful conciliation with various respondents obviated the need for a full investigation until now, no additional information has been discovered concerning this transaction. This Office intends to inquire into this transaction as part of the proposed investigation.

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All remaining respondents requested pre-probable cause conciliation, including Greenberg & Traurig. Accordingly, this Office at that time advised the Commission to forgo an investigation in order to explore the expeditious resolution of the matter through conciliation. Except for Greenberg & Traurig, the Commission has settled with all respondents concerning whom the Commission took enforcement action. Because of the inability to reach settlement with Greenberg & Traurig, a full investigation is now necessary into this respondent's activities in connection with Mr. Kramer's contributions. This report addresses the proposed investigation and submits for the Commission's approval various formal discovery requests. Because such an investigation may prove lengthy, in order to avoid prejudicing the already successfully completed portion of MUR 4398, this report also recommends that the Greenberg & Traurig investigation be severed into a new MUR and that the balance of MUR 4398 be closed.

## II. BACKGROUND

In his *sua sponte* submission Mr. Kramer admits to making a total \$417,600 in contributions, including \$21,000 in contributions in the name of his assistant -- Terri Bradley. On June 25, 1996 the Commission found reason to believe Mr. Kramer violated 2 U.S.C. §§ 441e by making numerous contributions individually and through his corporations and 441f by making two contributions through his assistant, and that his assistant, Ms. Bradley, violated 2 U.S.C. § 441f by allowing her name to be used to make the two contributions. The Commission also found reason to believe Mr. Kramer's wife, Mrs. Catherine Burda Kramer, violated 2 U.S.C. § 441e by making \$2,000 in contributions, but decided to take no further action because of the small amount involved.

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The Commission additionally found reason to believe that numerous recipients violated section 441e by accepting these contributions, but decided to take no further action against the majority of these recipients. Instead, the Commission admonished the various recipients that receipt and acceptance of foreign national contributions is a violation of the Act and, to the extent that the tainted contributions had not already been refunded, requested that the recipients disgorge the remaining funds to the United States Treasury. However, the available evidence concerning Mr. Kramer's contributions to the Republican Party of Florida ("RPF") suggested that a portion of Mr. Kramer's contributions was in fact legitimate in that it was used for exempt reapportionment expenses. Accordingly, the Commission proceeded against the RPF to allow the state party an opportunity to clarify this issue. See the First General Counsel's Report in this matter dated June 7, 1996, at 26-28. Last, to gain a better understanding of Greenberg & Traurig's involvement in the contributions, the Commission also proceeded against this respondent. See *Id.* at 24-25.

On the same date the Commission also entered into conciliation with both Mr. Kramer and Ms. Bradley, and supplied respondents with separate conciliation agreements

Information derived through the conciliation process, and information derived from other sources, clarified that Mr. Kramer's contributions to one Federal candidate committee was overstated by \$1,000 and that a portion (\$95,000) of Mr. Kramer's contributions to RPF was used for redistricting purposes and was therefore not in violation of the Act.<sup>2</sup> See the General

<sup>2</sup> The Commission has held that funds used solely for non-election influencing purposes, such as redistricting issues, do not constitute contributions and, therefore, the foreign national prohibition at 2 U.S.C. § 441e would not apply. See, e.g., A.O. 1981-35, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5619 (Sept. 28, 1981).

Counsel's Report in this matter dated August 15, 1996, at 2. The amount in violation was accordingly adjusted to \$323,000 as concerned Mr. Kramer's violations, and on August 20, 1996 the Commission accepted a signed conciliation agreement and a \$323,000 civil penalty payment from Mr. Kramer in settlement of the matter. See the Commission's Certification in this matter dated August 20, 1996. At the same time the Commission also accepted a signed conciliation agreement and a \$21,000 civil penalty payment from Ms. Bradley in settlement of her violations. See *Id.*

During this period, the Commission received responses from both RPF and Greenberg & Traurig. Based on the information received from RPF, and from other sources, concerning Mr. Kramer's contributions to this recipient, on October 22, 1996, the Commission entered into pre-probable cause conciliation with RPF, supplying respondent with a proposed conciliation agreement

See the General Counsel's Report

in this matter dated October 9, 1996. Similarly, based on Greenberg & Traurig's expressed interest in conciliation, and certain representations by the firm concerning the scope of its activity, on October 29, 1996, the Commission also entered into conciliation with Greenberg & Traurig, supplying respondent with a proposed conciliation agreement

See the General Counsel's Report in this matter dated October 16, 1996.

After numerous conciliation discussions, this Office recommended acceptance of a conciliation agreement with RPF See the General Counsel's Report in this matter dated February 3, 1997. On February 7, 1997, the Commission accepted the proposed conciliation agreement. During this period, this Office also engaged in

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extended conciliation discussions with Greenberg & Traurig. However, despite these efforts, settlement was not reached and this Office terminated pre-probable cause conciliation. See Memorandum to the Commission in this matter dated February 25, 1997.

Therefore, except for Greenberg & Traurig, the Commission has resolved this matter with respect to all respondents, obtaining a total of \$426,000 in civil penalty payments.<sup>3</sup>

III. GREENBERG & TRAUIG CONCILIATION

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<sup>3</sup> The Commission also received a total \$3,893,000 in disgorgements.

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#### IV. PROPOSED DISCOVERY

As noted, during the conciliation period, beginning on January 30, 1997, this Office took a preliminary look into respondent's activities. As an initial matter, this Office informally contacted several of the local recipients requesting information concerning the solicitation of Mr. Kramer's contributions. While in many instances the witnesses' recollections are vague, there is some evidence suggesting that respondent was involved in the solicitation of these

contributions. For example, four of the local recipients have informed this Office that while they cannot be certain, it may have been Mr. Rosen who solicited the contributions. Moreover, one recipient specifically recalls being given numerous contributions from Mr. Kramer's corporation directly by Mr. Rosen. According to the witness, these contributions were handed over to a committee representative at Greenberg & Traurig's offices.

Consequently, the initial information gathered by this Office thus far suggests Mr. Rosen's involvement in the solicitations. Clearly, further inquiry is necessary to understand the full extent of Mr. Rosen's -- and Greenberg & Traurig's -- involvement in the solicitations. Accordingly, in addition to continued informal inquiry of the local and State recipients, this Office also proposes formal discovery directed to Greenberg & Traurig, the various Federal recipient committees, and Ms. Terri Bradley.

Attached for the Commission's approval is a Subpoena to Produce Documents and Order to Submit Written Answers to Greenberg & Traurig seeking information concerning respondent's involvement in Mr. Kramer's various contributions and the production of all records relating to these contributions. Similarly, attached is a sample Subpoena and Order for the recipient committees seeking solicitation information and related documents concerning contributions associated with Mr. Kramer. This sample Subpoena and Order will go to the DNC, the DSCC, the National Republican Senatorial Committee, the RPF, Friends of Connie Mack, Kerrey for U.S. Senate Committee, Ros-Lehtinen for Congress, and Mitchell for Senate.<sup>6</sup> Last, attached for the Commission's approval is a Subpoena and Order to Mr. Kramer's assistant,

<sup>6</sup> Mitchell for Senate filed a termination report in July 1995. This Office intends to address the proposed Subpoena and Order to the former committee's last treasurer of record.

Ms. Terri Bradley, concerning the circumstances surrounding her two contributions, most significantly the \$20,000 contribution in her name to the DSCC. Because Mr. Kramer's whereabouts are not presently known, this Office does not recommend any discovery directed to him at this time.

V. SEVERANCE

As discussed, the only remaining respondent in this matter is Greenberg & Traurig. Because of both the scope of the proposed investigation and the suggested possibility that Greenberg & Traurig may not be a cooperative respondent, this investigation is unlikely to be of short duration. Accordingly, as previously noted, so as not to further delay full resolution of the matter as concerns those respondents whose violations have already been settled, or adversely affect the already completed portion of this matter, this Office recommends severing the Greenberg & Traurig investigation into a separate MUR and closing the remaining balance of MUR 4398.

VI. RECOMMENDATIONS

1. Open a MUR comprised of the activity of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel.
2. Approve the attached Subpoenas for the Production of Documents and Orders to Submit Written Answers to Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, Terri Bradley, the Democratic National Committee and Carol Pemsy, as treasurer, the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer, the National Republican Senatorial Committee and Stan Huckaby, as treasurer, the Republican Party of Florida and James H. Stelling, as treasurer, Friends of Connie Mack and Robert I. Watkins, as treasurer, Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, and Mitchell for Senate and Barbara Keefe, as treasurer.
3. Close MUR 4398.

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4. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

Date 5/9/97

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments:

1. Subpoena and Order to Greenberg & Traurig
2. Subpoena and Order to Terri Bradley
3. Sample Subpoena and Order to recipient committees

Staff Member: Jose M. Rodriguez

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Thomas Kramer, et al. ) MUR 4398

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 19, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4398:

1. Open a MUR comprised of the activity of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel. MUR 4638
2. Approve the Subpoenas for the Production of Documents and Orders to Submit Written Answers to Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, Terri Bradley, the Democratic National Committee and Carol Pinsky, as treasurer, the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer, the National Republican Senatorial Committee and Stan Huckaby, as treasurer, the Republican Party of Florida and James H. Stelling, as treasurer, Friends of Connie Mack and Robert I. Watkins, as treasurer, Kerrey for U.S. Senate Committee and Jim Weaver, as treasurer, Ros-Lehtinen for Congress and Antonio L. Argiz, as treasurer, and Mitchell for Senate and Barbara Keefe, as treasurer.

(continued)

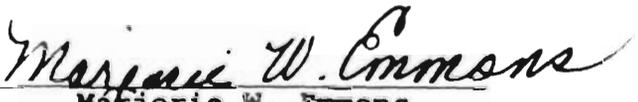
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3. Close MUR 4398.
  
4. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 13, 1997.

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

Attest:

5-19-97  
Date

  
Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat:	Tues.,	May 13, 1997	4:07 p.m.
Circulated to the Commission:	Wed.,	May 14, 1997	11:00 a.m.
Deadline for vote:	Mon.,	May 19, 1997	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Joseph E. Sandler, General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4398  
MUR 4638

Dear Mr. Sandler:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires the Democratic National Committee to provide certain information in connection with the investigation it is conducting. The Commission does not consider the DNC a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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

Sincerely,



José M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
) MUR 4638  
)

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Joseph E. Sandler, General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

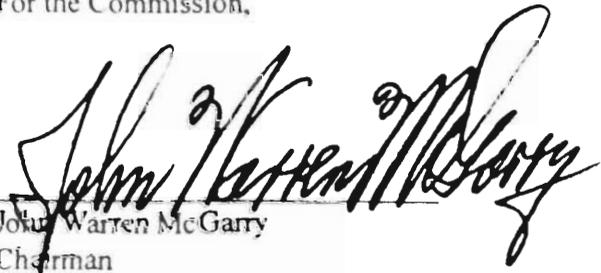
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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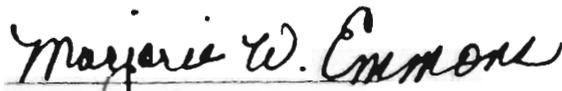
WHEREFORE, the Chairman of the Federal Election Commission has heretofore  
set his hand in Washington, D.C. on this 9th, day of June, 1997.

For the Commission,



John Warren McGarry  
Chairman

ATTEST:



Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1993 through May 1, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"The Democratic National Committee" shall mean the named witness in this action to whom these discovery requests are addressed, including all federal and non-federal accounts, officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or positions of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following listed contributions made to The Democratic National Committee:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	March/April 93	\$25,000
35 Star Island, Inc.	3/4/94	\$60,000
Portofino Group, Inc.	3/15/94	\$40,000

For each listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Craig M. Engle, General Counsel  
National Republican Senatorial Committee  
425 Second Street, N.E.  
Washington, D.C. 20002

RE: MUR 4398  
MUR 4638

Dear Mr. Engle:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires the National Republican Senatorial Committee to provide certain information in connection with the investigation it is conducting. The Commission does not consider the NRSC a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

*Celebrating the Commission's 20th Anniversary*  
YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED.

6043874203

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
)  
)

MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Craig M. Engle, General Counsel  
National Republican Senatorial Committee  
425 Second Street, N.E.  
Washington, D.C. 20002

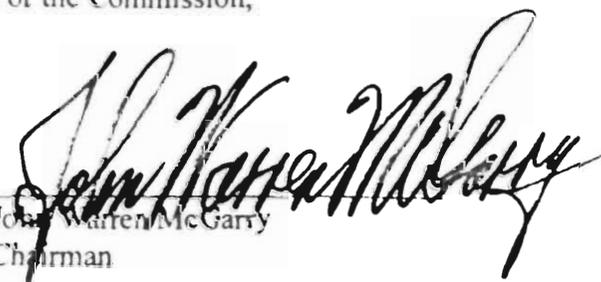
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

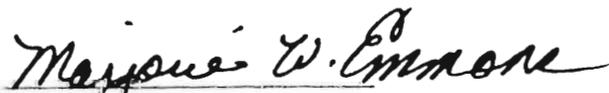
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this 9<sup>th</sup> day of June, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from May 1 through July 31, 1993.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"The National Republican Senatorial Committee" shall mean the named witness in this action to whom these discovery requests are addressed, including all federal and non-federal accounts, officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following contribution made to the The National Republican Senatorial Committee:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	6/4/93	\$25,000

For the listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

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8.
  - a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

RE: MUR 4398  
MUR 4638

Dear Mr. Ginsberg:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires your client, the Republican Party of Florida, to provide certain information in connection with the investigation it is conducting. The Commission does not consider your client a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
) MUR 4638  
)

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Republican Party of Florida  
c/o Benjamin L. Ginsberg, Esq.  
Patton Boggs  
2550 M. Street, N.W.  
Washington, D.C. 20037-1350

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

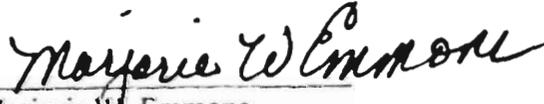
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this 9th, day of June, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

2004874216

## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from May 1, 1993 through April 30, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"The Republican Party of Florida" shall mean the named witness in this action to whom these discovery requests are addressed, including all federal and non-federal accounts, officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following listed contributions made to The Republican Party of Florida:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	6/4/93	\$100,000
Portofino Group, Inc.	6/4/93	\$ 5,000
Thomas Kramer	3/3/94	\$100,000

For each listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

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8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

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

RE: MUR 4398  
MUR 4638

Dear Mr. Witten:

On May 19, 1997, the Federal Election Commission severed the portion of MUR 4398 concerning the solicitation of foreign national contributions by Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel into a new matter, designated MUR 4638, and closed the balance of MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to the unsevered portion of MUR 4398 and that matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, the Commission is conducting an investigation pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case. The Commission may seek information from your client, Thomas Kramer, in connection with this investigation. However, the Commission does not consider your client a respondent in this matter, but rather a possible witness only.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

93043874223

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

Sincerely,



Jose M. Rodriguez  
Attorney

cc: Margaret L. Ackerley, Esq.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

RE: MUR 4398  
MUR 4638

Dear Mr. Argiz:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires Ros-Lehtinen for Congress to provide certain information in connection with the investigation it is conducting. The Commission does not consider Ros-Lehtinen for Congress a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)

MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Antonio L. Argiz, Treasurer  
Ros-Lehtinen for Congress  
P.O. Box 52-2784  
Miami, FL 33152-2748

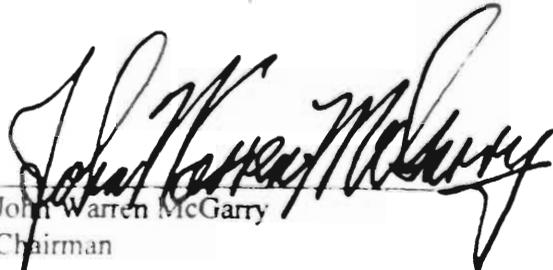
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

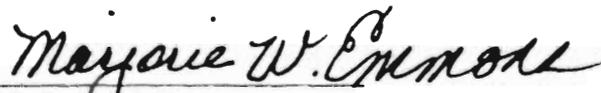
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this 14, day of July, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from September 1 through November 30, 1993.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

93053374229

## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Ros-Lehtinen for Congress" shall mean the named witness in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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## DOCUMENT REQUESTS AND INTERROGATORIES

These Document Requests and Interrogatories refer to the following listed contribution made to Ros-Lehtinen for Congress:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Thomas Kramer	10/12/93	\$1,000

For the listed contribution separately:

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1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
  2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
  3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
  4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  
  7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

RE: MUR 4398  
MUR 4638

Dear Ms. Watkins:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires Friends of Connie Mack to provide certain information in connection with the investigation it is conducting. The Commission does not consider Friends of Connie Mack a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,

  
Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)

MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

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

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

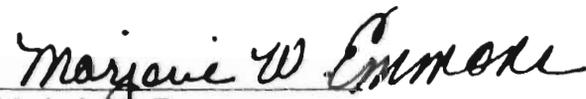
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this *9th*, day of *April*, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from October 1, 1993 through January 31, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Friends of Connie Mack" shall mean the named witness in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following listed contributions made to Friends of Connie Mack:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Thomas Kramer	11/12/93	\$ 500
Thomas Kramer	12/16/93	\$1,500
Catherine Burda Kramer	12/16/93	\$1,500

For each listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

RE: MUR 4398  
MUR 4638

Dear Ms. Livingston:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires Kerrey for U.S. Senate Committee to provide certain information in connection with the investigation it is conducting. The Commission does not consider Kerrey for U.S. Senate Committee a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

*Celebrating the Commission's 20th Anniversary*  
YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
) MUR 4638  
)

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

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

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this *7th*, day of *June*, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from November 1, 1993 through January 31, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Kerrey for U.S. Senate Committee" shall mean the named witness in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following listed contribution made to Kerrey for U.S. Senate Committee:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Thomas Kramer	12/2/93	\$1,000

For the listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

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8.
  - a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Louis V. Vendittelli, Esq.  
Simon, Hart & Sheehe  
One Biscayne Tower, Suite 1684  
2 South Biscayne Boulevard  
Miami, FL 33131

RE: MUR 4398  
MUR 4638

Dear Mr. Vendittelli:

This is to advise you that MUR 4398 is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires your client, Terri E. Bradley, to provide certain information in connection with the investigation it is conducting. The Commission does not consider your client a respondent in this matter, but rather a witness only.

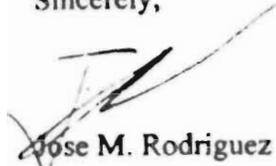
Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

*Celebrating the Commission's 20th Anniversary*  
YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

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If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Terri E. Bradley  
c/o Louis V. Vendittelli, Esq.  
Simon, Hart & Sheehe  
One Biscayne Tower, Suite 1684  
2 South Biscayne Boulevard  
Miami, Florida 33131

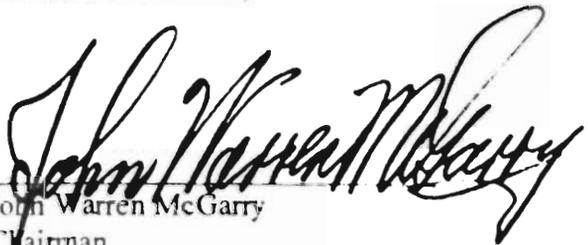
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

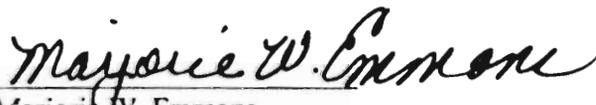
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this 14<sup>th</sup>, day of June, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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### INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1993 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named witness in this action to whom these discovery requests are addressed, including all attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

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"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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### DOCUMENT REQUESTS AND INTERROGATORIES

These Document Requests and Interrogatories refer to the following listed contributions made by you or made by Thomas Kramer in your name:

Recipient	Date	Amount
Mitchell for Senate	3/20/93	\$1,000
Democratic Senatorial Campaign Committee	4/28/93	\$20,000

For each listed contribution separately:

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- State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.
    - If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
  - State if the contribution was transmitted to Greenberg & Traurig and identify the person receiving the contribution.
    - If not transmitted to Greenberg & Traurig, identify the person receiving the contribution.
  - State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
  - State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  
  7. Concerning Mr. Kramer's \$20,000 contribution to the Democratic Senatorial Campaign Committee of 4/28/93 made in your name, please describe the details surrounding the making of the contribution. Also:
    - a) Identify the person who suggested that the contribution be made in your name.
  
    - b) Identify any person associated with Greenberg & Traurig present when the suggestion was made that the contribution be made in your name, and describe in detail their substantive participation in the conversation.

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- c) Identify and produce all documents, including but not limited to all fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing the contribution. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
8. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
9. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
10. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Paul Johnson, Treasurer  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4638

Dear Mr. Johnson:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena and order which requires you to provide certain information in connection with an investigation it is conducting. The Commission does not consider the DSCC a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

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

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

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MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Paul Johnson, Treasurer  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

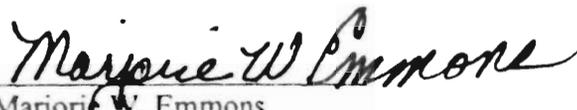
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this *7th*, day of *June*, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## **INSTRUCTIONS**

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from March 1 through October 31, 1993.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"The Democratic Senatorial Campaign Committee" shall mean the named witness in this action to whom these discovery requests are addressed, including all federal and non-federal accounts, officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following listed contributions made to The Democratic Senatorial Campaign Committee:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	4/28/93	\$20,000
Thomas Kramer	9/17/93	\$ 3,000

For each listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.  
b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  
  7. Concerning Mr. Kramer's \$20,000 contribution to the The Democratic Senatorial Campaign Committee of 4/28/93 made in the name of his assistant Terri E. Bradley, please describe the details surrounding the making of the contribution. Also:
    - a) Identify each person, including their association with the DSCC, who suggested that the contribution be made in Ms. Bradley's name.
    - b) Identify any person associated with Greenberg & Traurig present when the suggestion was made that the contribution be made in Ms. Bradley's name, and describe in detail their substantive participation in the conversation.

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- c) Identify and produce all documents, including but not limited to all fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing the contribution. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
8. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
9. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
10. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4398  
MUR 4638

Dear Ms. Kerman:

This is to advise you that on May 19, 1997, the Federal Election Commission severed the portion of MUR 4398 concerning your client Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel into a new matter, designated MUR 4638. On the same date the Commission closed the balance of MUR 4398. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public.

Pursuant to its investigation of MUR 4638, the Commission has issued the attached subpoena and order which requires your client to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code.

Your client is required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Jose M. Rodriguez  
Attorney

Enclosure  
Subpoena and Order

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 4638  
 )

**SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Greenberg, Traurig, Hoffman, Lipoff,  
Rosen & Quentel, P.A.  
c/o Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

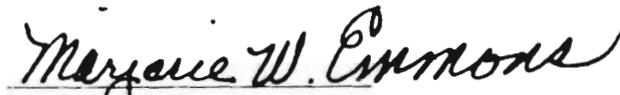
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this *7th*, day of *June*, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments

Document Requests and Interrogatories (8 pages)

Enclosure to Document Requests and Interrogatories (7 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1993 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., the named respondent in this action to whom these discovery requests are addressed, including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (*i.e.*, paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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MUR 4638

Greenberg, Traurig, Hoffman, Lipoff,

Rosen & Quentel, P.A.

Document Requests and Interrogatories

Page 3

"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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## DOCUMENT REQUESTS AND INTERROGATORIES

All of the following Document Requests and Interrogatories refer to the contributions listed in the enclosed schedule. For each listed contribution separately:

1. a) State if the contribution was solicited by Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.
  - b) For each written solicitation, identify and produce the full solicitation, including but not limited to all cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each such solicitation. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  - c) For each solicitation not in writing, separately identify each person involved in the solicitation communication and describe in detail their substantive participation in the communication. For each solicitation, also state the date of the solicitation, the time of the solicitation, the location where the solicitation occurred, and the duration of the solicitation communication.
  - d) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1(c), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the individual making the notation.
2. a) If not solicited directly by Greenberg & Traurig, state if Greenberg & Traurig provided Mr. Kramer's name (or the name of any of his corporations or the name of persons associated with these corporations) to any political committee, or other solicitor for the purpose of seeking a contribution, and identify all persons involved in providing this information. Also state if the recipient of this information was authorized to name the source of the contact (*i.e.*, authorized to use Greenberg & Traurig's name or the name of persons associated with Greenberg & Traurig) in soliciting the contribution and identify the persons whose name could be used in the solicitation.

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- b) Identify and produce all documents including but not limited to all schedules, tally sheets, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each such provision of Mr. Kramer's name. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  - c) Describe in detail the purpose and substance of all non-written communications relating to or referencing the provision of Mr. Kramer's name. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - d) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication described in response to question 2(c), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
3. a) State if the contribution was received and forwarded by Greenberg & Traurig and identify all persons involved in the receipt and forwarding of the contribution.
- b) Identify the person or entity who received the forwarded contribution.
  - c) Identify and produce all documents including but not limited to all schedules, tally sheets, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each such receipt and forwarding of a contribution. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

d) Describe in detail the purpose and substance of all non-written communications relating to or referencing each such receipt and forwarding. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

e) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication described in response to question 3(d), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

4. a) State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

b) Identify and produce all documents including but not limited to all schedules, tally sheets, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each such fundraising commitment or credit. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

c) Describe in detail the purpose and substance of all non-written communications relating to or referencing each such commitment or credit. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

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d) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication described in response to question 4(c), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

5. a) State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

b) Identify and produce all documents including but not limited to all schedules, invitation, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each such fundraising event. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

c) Describe in detail the purpose and substance of all non-written communications relating to or referencing each such fundraising event. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

d) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication described in response to question 5(c), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

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6. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  7. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.  
  
b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
  8. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

CONTRIBUTIONS ATTRIBUTABLE TO THOMAS KRAMER  
DURING 1993-94 ELECTION CYCLE

Federal Committee Contributions

<u>Contributor</u>	<u>Recipient</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	Mitchell for Senate	3/20/93	\$1,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3-4/93	25,000
Terri Bradley	Democratic Senatorial Campaign Committee (Non-federal account)	4/28/93	20,000
Portofino Group, Inc.	National Republican Senatorial Committee (Non-federal account)	6/04/93	25,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	100,000
Portofino Group, Inc.	Republican Party of Florida (Non-federal account)	6/04/93	5,000
Thomas Kramer	Democratic Senatorial Campaign Committee (Federal account)	9/17/93	3,000
Thomas Kramer	Ros-Lehtinen for Congress	10/12/93	1,000
Thomas Kramer	Friends of Connie Mack	11/12/93	500
Thomas Kramer	Kerrey for U.S. Senate Committee	12/02/93	1,000
Thomas Kramer	Friends of Connie Mack	12/16/93	1,500

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Catherine Burda Kramer	Friends of Connie Mack	12/16/93	1,500
Thomas Kramer	Republican Party of Florida (Federal/non-federal account)	3/03/94	100,000 <sup>1</sup>
35 Star Island, Inc.	Democratic National Cmte. (Non-federal account)	3/04/94	60,000
Portofino Group, Inc.	Democratic National Cmte. (Non-federal account)	3/15/94	40,000
			Sub Total: \$384,500

State and Local Committee Contributions

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

<sup>1</sup> This contribution was split between the state party's Federal and non-Federal accounts, with \$3,000 deposited in the Federal account, and the remaining \$95,000 deposited in the state account.

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Olympus Holding Corporation	Maurice Ferre Campaign	4/14/93	500
New Fiesta, Inc.	Bruce Kaplan Campaign	4/14/93	500
Olympus Holding Corporation	Bruce Kaplan Campaign	4/14/93	500
Thomas Kramer	Neisen Kasdin Campaign Fund	4/23/93	500
Portofino Group, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
St. Tropez R/E Fund, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Sandpoint Financial Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
New Fiesta, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Sun & Fun, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
Playa Del Sol, Ltd.	Nancy Leibman Campaign Fund	6/15/93	500
Beachwalk Development Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Olympus Holding Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Santorini Isle, Inc.	Nancy Leibman Campaign Fund	6/15/93	500
7th & 5th Deco Corporation	Nancy Leibman Campaign Fund	6/15/93	500
Portofino Group, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500
St. Tropez R/E Fund, Ltd.	Sy Eisenberg Campaign Fund	6/22/93	500
New Fiesta, Inc.	Sy Eisenberg Campaign Fund	6/22/93	500

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

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Intermediary <sup>2</sup>	Mike Karpel Campaign Fund	10/20/93	500
Intermediary	Mike Karpel Campaign Fund	10/21/93	500
Portofino Group, Inc.	Mike Karpel Campaign Fund	10/21/93	500
St. Tropez R/E Fund Ltd.	Gerald Lewis Campaign	12/08/93	500
New Fiesta, Inc.	Gerald Lewis Campaign	12/08/93	500
Sun & Fun, Inc.	Gerald Lewis Campaign	12/08/93	500
Playa Del Sol, Ltd.	Gerald Lewis Campaign	12/08/93	500
Beachwalk Development Corporation	Gerald Lewis Campaign	12/08/93	500
Olympus Holding Corporation	Gerald Lewis Campaign	12/08/93	500
7th & 5th Deco Corp.	Gerald Lewis Campaign	12/08/93	500
Sandpoint Financial Ltd.	Gerald Lewis Campaign	12/08/93	500
South Beach Creative Group, Inc.	Gerald Lewis Campaign	12/08/93	500
Thomas Kramer	James Burke Campaign Fund	12/15/93	500
St. Tropez R/E Fund, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500
New Fiesta, Inc.	Campaign for Commissioner Javier Souto	3/03/94	500
Playa Del Sol, Ltd.	Campaign for Commissioner Javier Souto	3/03/94	500

<sup>2</sup> "Intermediary" denotes where the contribution was made through an unknown person or entity.

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

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Olympus Holding  
Corporation

Jeb Bush Gubernatorial  
Campaign

9/27/94 100

Sub Total: \$34,600

TOTAL: \$419,100

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 19, 1997

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Barbara J. Keefe, Treasurer  
Mitchell for Senate  
28 Birch Lane  
Portland, ME 04110-1202

Re: MUR 4398 and 4638

Dear Ms. Keefe:

As noted in the enclosed Factual and Legal Analysis, as part of MUR 4398, on June 25, 1996 the Federal Election Commission found reason to believe that Mitchell for Senate, and you as treasurer, violated 2 U.S.C. § 441e by accepting a contribution from Mr. Thomas Kramer, a foreign national, made in the name of his assistant Terri Bradley. However, the Commission decided to take no further action and closed the matter as concerned the committee and you as treasurer. At that time, this Office attempted to notify the committee of the Commission's finding, but because the committee had terminated, was unable to find a current address for notification.

This is to advise you of the Commission's June 25, 1996 finding in MUR 4398 and to further advise you that the matter is now closed. On May 19, 1997, the Federal Election Commission severed a portion of MUR 4398 into a new matter, designated MUR 4638, and closed the balance of MUR 4398. Neither you nor the committee are respondents in MUR 4638. Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Concerning MUR 4638, pursuant to its statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code, the Commission has issued the attached subpoena and order which requires Mitchell for Senate to provide certain information in connection with the investigation it is conducting. As noted, the Commission does not consider you or the committee a respondent in this matter, but rather witnesses only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies to MUR 4638. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosures  
Factual and Legal Analysis  
Subpoena and Order

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Mitchell for Senate and  
Barbara J. Keefe, as treasurer

MUR: 4398

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). On October 5, 1994, the Commission received a *sua sponte* submission from Thomas Kramer disclosing, *inter alia*, that on March 20, 1993 he made a prohibited contribution in the amount of \$1,000 to Mitchell for Senate. This contribution was made in the name of his assistant Terri Bradley.

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

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defined by section 1101(a)(20) of title 8.<sup>1</sup> Moreover, a foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of a corporation with regards to decisions concerning the making of contributions in connection with election for any local, State, or Federal office. 11 C.F.R. § 110.4(a)(3).

Thomas Kramer is a German citizen and fits squarely within the definition of a foreign national. On March 20, 1993 Mr. Kramer made, and Mitchell for Senate accepted, a contribution through Terri Bradley in the amount of \$1,000. Therefore, there is reason to believe Mitchell for Senate and Barbara J. Keefe, as treasurer, violated 2 U.S.C. § 441e.

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

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

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MUR 4638

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Barbara J. Keefe, Treasurer  
Mitchell for Senate  
28 Birch Lane  
Portland, ME 04110-1202

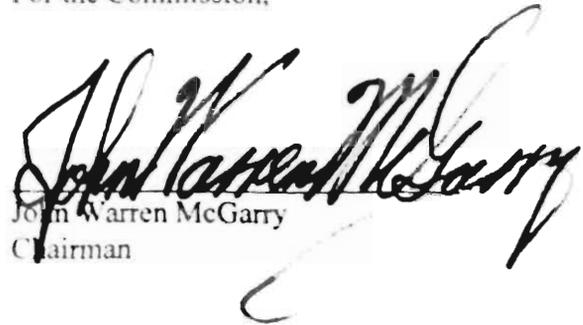
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

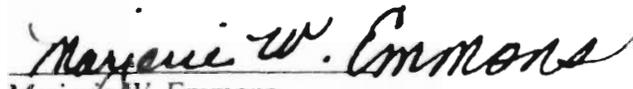
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto  
set his hand in Washington, D.C. on this *19<sup>th</sup>* day of *June*, 1997.

For the Commission,

  
John Warren McGarry  
Chairman

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Document Requests and Interrogatories (6 pages)

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## INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. If you have no responsive information to an interrogatory or document request. Affirmatively state such in response to the interrogatory or document request.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from February 1, 1993 through April 30, 1993.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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## DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Mitchell for Senate" shall mean the named witness in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Greenberg & Traurig" shall mean Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P. A., including all partners, officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean both sides of the original and all non-identical copies, including electronic copies and drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, calendars, appointment books, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. For all types of documentary records requested, if any of these records are maintained on any storage format for computerized information (e.g., hard drive, floppy disk, CD-ROM), provide copies of the records as maintained on that storage format in addition to hard (i.e., paper) copies.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document and the source of any handwritten notations.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the occupation or position of such person at the time of the involvement in the activity at issue. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"Describe" with respect to a communication, including all solicitation communications, shall mean state the subject of the communication, the contribution amount solicited and the date, location and duration of the communication. Identify all persons participating in the communication and state each person's substantive participation in the communication.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following contribution made to Mitchell for Senate:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	3/20/93	\$1,000

For the listed contribution separately:

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- State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.
    - If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.
  - State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.
  - State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.
  - State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

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5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.
  6.
    - a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
    - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.
  7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contribution, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
  - b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.
9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

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FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX (202) 296-2882

DIRECT LINE

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250 PARK AVENUE  
NEW YORK, NEW YORK 10177-00771  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-8861

SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-27041  
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

2 EMBARCADERO  
SAN FRANCISCO, CALIFORNIA 94111-5994  
(415) 398-3500

12750 MERIT DRIVE  
DALLAS, TEXAS 75251-12091  
(972) 490-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-31321  
(703) 684-1204

June 20, 1997

F.P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

**HAND-DELIVERED**

Lawrence M. Noble, Esquire  
General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.  
PETITION TO REMERGE MUR 4398 AND MUR 4638 TO AVOID SERIOUS  
VIOLATIONS OF THE ACT'S CONFIDENTIALITY PROVISIONS**

Dear Mr. Noble:

We are filing this petition on behalf of our client Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("the Firm") for the purpose of preventing a serious breach of the confidentiality provisions set forth at 2 U.S.C. § 437(g)(2)(12), which, if it occurs, will result in significant, adverse speculative publicity regarding the Firm during the pendency of an FEC investigation -- the precise harm that the confidentiality provisions are designed to prevent.

To this end, we are petitioning the Commission:

- (1) to return the Firm to its original status of a Respondent in MUR 4398 (thus reversing its highly unusual decision of May 19, 1997 to sever that portion of MUR 4398 involving the Firm into a new matter -- MUR 4638); and
- (2) to then adhere to its standard procedure for complying with the confidentiality provisions, by releasing information and documents in an enforcement matter, in this instant MUR 4398, only when the matter has been resolved with respect to all the respondents thereto.

5043874305

Lawrence M. Noble, Esquire  
June 20, 1997  
Page 2

The pertinent facts are as follows: According to documents which we received from your office, in December, 1994 Thomas Kramer filed a sua sponte submission with the Commission stating, inter alia, that he was solicited for political contributions "from time-to-time" by individuals associated with the Firm. Based solely on this submission, in June, 1996 the Commission opened a Matter-Under-Review, MUR 4398, involving a number of persons and entities, including the Firm, to determine if any violations of federal election laws had occurred.

Apparently the Commission has concluded this matter with respect to all of the many respondents involved, except for the Firm, by entering into conciliation agreements with certain respondents and by determining to take no further action and to close its files regarding other respondents. By letter from your office dated June 10, 1997, we were formally advised that on May 19, 1997, the Commission "severed the portion of MUR 4398" concerning the Firm "into a new matter, designated MUR 4638. On the same date the Commission closed the balance of MUR 4398." The letter further states that "the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4398 and this matter is now public."

Importantly, the files in MUR 4398 currently are being reviewed by your office and have not yet been placed on the public record. However, absent action by the Commission, we understand that the files in MUR 4398 will be released to the public by or before July 9, 1997. In conjunction therewith, there is a strong likelihood that a stand-alone press release concerning MUR 4398 will be issued by the Commission, thus ensuring substantial media coverage and scrutiny of this matter and the released documents.

Your office currently is wrestling with the issue of how to redact the files in MUR 4398, prior to their public release, in a manner that preserves the Firm's statutory right to confidentiality with respect to its ongoing investigation by the Commission. Due to a variety of competing concerns and the inherent questions raised by redacted documents, this appears to be an impossible task.

## ANALYSIS

We believe that the Commission is prohibited by law from taking the highly irregular step of severing the Firm from MUR 4398 and then releasing to the public what would otherwise be confidential documents, regardless of any redactions made to such documents.

As you are aware, the Federal Election Campaign Act of 1971, as amended ("the Act") provides to respondents in Commission enforcement actions the right to confidentiality during the course of the Commission's proceedings. Specifically, 2 U.S.C. § 437g(a)(12) states that

(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than \$5,000.

The purpose behind the Act's confidentiality provisions is to avoid adverse speculative publicity concerning a respondent during the pendency of the FEC's investigation of that respondent. In *Federal Election Commission v. Illinois Medical Political Action Committee*, 503 F. Supp. 45 (N.D. Ill. 1980), the court noted that

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The legislative history of the [confidentiality] provision clearly establishes that it was not meant to conceal the results or contents of an investigation, but rather that it was meant to *avoid adverse speculative publicity during the pendency of an investigation*. *Id.* at 46. (Emphasis added). See House Conference Report, No. 94-1057, at 50 (94th Cong. Second Session, April 28, 1976), U.S. Code Cong. & Admin. News 1976, p. 946; 122 Cong. Rec. 8566 (March 30, 1976)(statement of Congressman Hays).

To comply with the Act's confidentiality provisions, the Commission has a longstanding practice of maintaining the confidentiality of all of the files in an enforcement action until the matter has been closed with respect to all respondents. See attached letters in MUR 3325 ("Exhibits A and B"). This time-honored practice works to guarantee the right of confidentiality to a respondent where, for whatever reason, the respondent's matter takes longer to resolve than other parties in the same enforcement action.

In its zeal to publicize its action with respect to certain respondents in MUR 4398, the Commission seeks to maneuver around the Act's confidentiality requirement by severing the Firm from the other respondents in MUR 4398. It is clear that this action will result in irreparably compromising the Firm's right to confidentiality, leading to speculation and possibly baseless allegations concerning the Firm by the media. The Firm then will be placed in the difficult position of defending itself in the media while also presenting its case to the Commission in a confidential environment. The Firm's position will be further complicated by the impact that the attorney-client privilege may have on the Firm's ability to respond to inevitable speculation by the press. We believe that the Act prohibits the Commission, its members and its employees from placing a respondent in this position.

In response, your office proposes simply to redact the name of the Firm and select other language from the public record in MUR 4398. Deleting such information from the record will not, however, preserve the confidentiality guaranteed the Firm under the Act. Instead, such redactions will create a record full of holes. A record replete with holes can only lead to the public speculating as to the identity of the party redacted from the record. Since it is well known that the chief respondent in MUR 4398 is a client of the Firm, the speculation undoubtedly will focus on the Firm. This is exactly the kind of speculative publicity that Congress intended to prevent when it enacted the

Lawrence M. Noble, Esquire  
June 20, 1997  
Page 4

confidentiality provisions.

In conclusion, we submit that the Act's confidentiality guarantee to the Firm cannot be maintained if the files in MUR 4398 -- with or without redactions -- are made public by the Commission prior to the resolution of this matter as to the Firm. Therefore, we request that the Firm be returned to its original status as a Respondent in MUR 4398 and that the Commission not deviate in this instant case from its standard practice of maintaining the confidentiality of files in an enforcement action until the matter is resolved with respect to all respondents, including the Firm.

Sincerely,

  
Stuart M. Gerson

  
Leslie J. Kerman

304887438

cc: Vincent J. Convery, Jr., Esquire (w/attachments)  
Jose M. Rodriguez, Esquire (w/attachments)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

EXHIBIT A

JANUARY 26, 1994

Leslie J. Kerman, Esquire  
Epstein Becker & Green, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, DC 20037

RE: MUR 3325

Dear Ms. Kerman:

On August 12, 1993, the Federal Election Commission found that there is reason to believe violated  
violated 2 U.S.C. § 441a(a)(3).

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on January 13, 1994, the Commission revoted to find reason to believe that violated  
2 U.S.C. § 441a(a)(3), and to approve the Factual and Legal Analysis previously mailed to you. Please refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

After considering the circumstances of this matter, however, the Commission also determined to take no further action and closed the file as it pertains to . The file will be made public within 30 days after this matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter.

Leslie J. Kerman, Esq.  
Page 2

If you have any questions, please contact Dawn M. Odrowski,  
the attorney assigned to this matter, at (202) 219-3400.

For the Commission,

  
Trevor Potter  
Chairman

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

EXHIBIT B

April 18, 1995

Leslie J. Kerman, Esquire  
Epstein Becker & Green, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, DC 20037

RE: MUR 3325

Dear Ms. Kerman:

9304-87431  
This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Dawn M. Odrowski  
Attorney

WILMER, CUTLER & PICKERING

2445 M STREET, N.W.  
WASHINGTON, D.C. 20037-1420  
TELEPHONE (202) 663-8000  
FACSIMILE (202) 663-8363

RECEIVED  
FEDERAL ELECTION  
COMMISSION

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WASHINGTON  
BALTIMORE  
LONDON  
BRUSSELS  
BERLIN

June 20, 1997

JUN 20 2 23 PM '97

FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE  
SECRETARY

BY HAND

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

Re: MUR 4398 - Thomas Kramer et al.

Honorable Commissioners:

We are advised that the Commission has taken the very rare, if not unprecedented, action of severing the above-referenced MUR to create a new MUR for one respondent that has failed to reach a conciliation agreement with the Commission. We also understand you may revisit this decision, and we ask that you consider this letter in that regard. While limited time prevents us from setting out our arguments and possible solutions in greater detail here, we would be happy to supplement this letter with further information at your request.

We have been told that in severing this matter into two separate MURs, the Commission will redact from the public record of MUR 4398 certain facts that are essential to a fair understanding of the case as it concerns our client, Thomas Kramer. Specifically, we understand that references in our December 27, 1994 voluntary disclosure letter and in Mr. Kramer's

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accompanying affidavit to his having made contributions at the suggestion and with the advice of counsel will be omitted. (See, Attachment A, our letter and Mr. Kramer's affidavit as they were submitted, and Attachment B, the relevant sections as the staff proposes to edit them.) The planned deletions would omit a critically relevant fact -- that Mr. Kramer made many of his contributions at the suggestion of a law firm that knew of his foreign national status. Because the omissions will obscure the fact that Mr. Kramer had every reason to believe he was acting within the law when he made candidate campaign contributions, the public's understanding of the facts will be skewed in a manner grossly unfair to Mr. Kramer.

Contrary to the staff's position that any injustice to Mr. Kramer will be cured when the second MUR is made public, we submit that the bifurcation unfairly, unnecessarily, and uniquely exposes Mr. Kramer to a double dose of bad publicity in a highly charged political atmosphere relating to foreign national contributions (even though his contributions were unrelated to the '96 campaign and were disclosed to the FEC voluntarily two years earlier). Further, there is no guarantee the record will ever be completed since the Commission may act in the Greenberg, Traurig matter. Even if it does so, the damage to Mr. Kramer will have been done. We maintain that the confidentiality provision of the Federal Election Campaign Act does not necessitate the planned redactions. (See, Attachment C, the relevant sections of our letter and Mr. Kramer's affidavit with our proposed alterations.) However, to the extent the Commission

believes otherwise, fairness and public policy concerns compel a reconsideration of the decision to create a separate MUR.

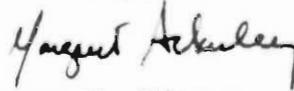
Creating a new MUR in this matter is unjustified. First, the conduct at issue with regard to Mr. Kramer and the Greenberg, Traurig firm are inextricably bound; this is not an instance of respondents involved in separate and separable acts. Further, given the Commission's very broad interpretation of the confidentiality provision, creation of a new MUR will have the perhaps unforeseen effect of harming the party who voluntarily made full disclosure and promptly settled while rewarding the respondent that has refused to conciliate. Surely this is contrary to the incentives the Commission should wish to establish for future respondents. While we appreciate that there are instances in which creation of separate MURs is justified and reasonable, it is difficult to escape the conclusion that in this instance two cases are artificially being created from one to bring public closure of a foreign national case with a large penalty. We submit that the desire for such closure should not overwhelm consideration of the rights of all of the parties involved as well as the probable effects on future matters of actions the Commission takes here.

For the reasons stated above, we ask that the Commission recombine MUR 4398 and MUR 4638. Alternatively, as we are continuing to discuss with your General Counsel's office, the Commission could redact the record in a manner that observes the confidentiality provision with respect to Greenberg, Traurig without sacrificing fairness with regard to Mr. Kramer.

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Finally, we ask that the Commission notify us of how it intends to proceed when such decision has been made so that we can consider further action, if necessary.

Sincerely,



Roger M. Witten  
Margaret L. Ackerley

Counsel for Respondent,  
Thomas Kramer

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 24, 1997

Craig M. Engle, General Counsel  
National Republican Senatorial Committee  
425 Second Street, N.E.  
Washington, D.C. 20002

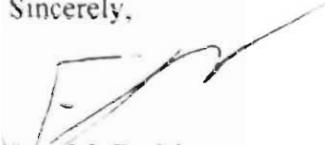
RE: MUR 4638

Dear Mr. Engle:

This is in response to your request for an extension until July 25, 1997 to respond to the Commission's Subpoena and Order in MUR 4638. After considering the circumstances presented by you, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on July 25, 1997.

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

Sincerely,



Jose M. Rodriguez  
Attorney

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REC'D  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

JUN 25 4 10 PM '97

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX (202) 296-2882

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SAN FRANCISCO, CALIFORNIA 94111-5994  
(415) 398-3500

12750 MERIT DRIVE  
DALLAS, TEXAS 75251-12091  
(972) 490-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401  
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75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
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(703) 684-1204

June 25, 1997

250 PARK AVENUE  
NEW YORK, NEW YORK 10177-00771  
(212) 351-4500

875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-8861

SIX LANDMARK SQUARE  
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(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

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**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN,  
LIPOFF, ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

As you are aware, we represent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Respondent" or "the Firm") in the above-referenced matter.

The Firm received the Commission's *Subpoena To Produce Documents and Order to Submit Written Answers* on June 11, 1997, and thus its response is due to be filed with your office by Friday, July 11, 1997. The *Subpoena* requests information and documents relating to the Firm's knowledge of, and involvement concerning, various political contributions made by Mr. Thomas Kramer and several U.S.-based companies.

We respectfully request a twenty-day extension of time, until Thursday, July 31, 1997, in which to respond to the Commission's *Subpoena To Produce Documents and Order to Submit Written Answers*. This extension-of-time is necessary for us to be able to gather the information and documents responsive to the *Subpoena* and then to work on the complex issues raised by the Commission's issuance of a subpoena to a law firm that requests information concerning the law firm's clients.

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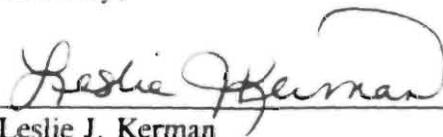
Jose M. Rodriguez, Esquire

June 25, 1997

Page 2

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,



Leslie J. Kerman

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 23, 1997

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner   
Associate General Counsel

SUBJECT: MURs 4398 and 4638 – Motion for Reconsideration of the Commission's actions of May 19, 1997.

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On June 20, 1997, this Office received separate motions from respondents Thomas Kramer and Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traurig") for reconsideration of the Commission's action of May 19, 1997 to sever the portion of MUR 4398 comprised of the activities of Greenberg & Traurig into a new matter (designated MUR 4638) and to close the remaining balance of MUR 4398. MUR 4398 was generated from a *sua sponte* submission by Mr. Thomas Kramer, a foreign national, noting that he made extensive contributions to various local, state, and federal committees and candidates. As part of the *sua sponte* submission, Mr. Kramer explained that he was solicited by the law firm of Greenberg & Traurig for a number of these illegal contributions. Accordingly, on June 25, 1996, the Commission found reason to believe Mr. Kramer violated 2 U.S.C. § 441e by making prohibited foreign national contributions directly and through corporations controlled by him and that Greenberg & Traurig violated 2 U.S.C. § 441e by soliciting foreign national contributions from Mr. Kramer and his corporations. As noted in the General Counsel's Report of May 9, 1997, all respondents involved in MUR 4398 have settled, except for Greenberg & Traurig. See General Counsel's Report dated May 9, 1997, at 2-5.

Because of this, and so as not to adversely affect the already completed portion of this matter, this Office recommended that the Commission further pursue the Greenberg & Traurig activity in a new matter, and close the already resolved balance of MUR 4398. On May 19, 1997, the Commission unanimously approved these recommendations on tally.

In response to notification of the Commission's actions, Greenberg & Traurig has submitted the present motion. Respondent's motion requests two separate actions by the Commission: First, that the Commission essentially undo its prior action and restore Greenberg & Traurig to its original position as a respondent in MUR 4398; Second, that the Commission undo its action to close MUR 4398 and refrain from closing and making public the balance of MUR 4398 until the matter is resolved as to Greenberg & Traurig. Counsel gives no indication in the present motion that resolution with Greenberg & Traurig will be timely, and for the reasons previously explained by this Office the investigation and resolution of this matter is unlikely to be of short duration. *See id.* at 5-10.

Counsel's unusual requests are based on the argument that the Commission's confidentiality provisions at 2 U.S.C. § 437(a)(12) prevent the Commission from making public any information which may lead to speculation concerning possible investigations by the Commission. Counsel's argument rests on an unusually broad reading of the provision, unsupported by any legal precedent. The pertinent portion of the Act's confidentiality provision reads:

Any notification or investigation made under this section [437g] shall not be made public by the Commission or by any person without the written consent of the person receiving such information or the person with respect to whom such investigation is made.

2 U.S.C. § 437g(a)(12)(A). The Commission's regulations at 11 C.F.R. § 111.21(a) elaborate that the confidentiality provision extends to complaints, notifications, investigations and findings made by the Commission.<sup>1</sup> The Commission has historically adopted a conservative reading of these provisions and has retained as confidential any information disclosing the identity of a respondent concerning whom there is an ongoing investigation. Nowhere in the Act or Commission regulations is there any requirement that the Commission retain as confidential information which does not directly identify a respondent in an ongoing matter. The Commission cannot be charged, as counsel would have it, with protecting respondents from any speculation which may arise from Commission action. Indeed, the confidentiality guaranteed at section 437(g)(a)(12)(A) is not absolute. For example, the Commission, pursuant to its regulations at 11 C.F.R. § 111.21(c), may make otherwise confidential information public in the course of subpoena enforcement litigation.

Counsel's request for an expansion of the confidentiality requirement is both unwarranted and runs contrary to the public interest. Moreover, there has been criticism of the Commission for failing to make public successful resolutions in a timely manner. It has often been the case that successful resolutions are not disclosed for years after completion due to the

<sup>1</sup> Counsel does cite to *FEC v. Illinois Medical PAC*, 503 F. Supp. 45 (N.D. Ill., 1980), for the proposition that the confidentiality provision was meant "to avoid adverse speculative publicity during the pendency of an investigation." This subpoena enforcement action did not address what is required to protect information beyond that specifically identified by the Act and the Commission's regulations -- complaints, notifications, investigations and findings (i.e., information necessarily directly disclosing the identity of a respondent).

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actions of one or few respondents in a given matter. This Office has been searching for ways of addressing these concerns; the recommendations in MUR 4398 represent one approach to more effectively conducting the enforcement process.

In a separate response, counsel for Mr. Kramer likewise argues for reconsideration of the Commission's prior decisions. Counsel's chief concern is that in redacting the file in MUR 4398 to protect the confidentiality of Greenberg & Traurig, his client will be denied the release of information clarifying that Mr. Kramer relied on legal advice from that law firm in making the prohibited contributions. Counsel is not requesting that the law firm be identified, only that Mr. Kramer's reliance on legal advice be made clear. Counsel's continuing argument appears to be that if the Commission is unwilling to put such information on the public record, fairness dictates that the Commission reconsider its previous actions and recombine MURs 4398 and 4638.

Counsel's argument fails to acknowledge two essential points. First, as counsel has been advised, this Office has already agreed not to redact information concerning his client's reliance on legal advice, although we will redact information regarding the solicitation allegations, so long as such information does not disclose the identity of Greenberg & Traurig. This Office has directed counsel to language that we will make public directly addressing the stated concern. Second, and most importantly, counsel has every right to supplement the public record, short of disclosing the existence of an FEC investigation regarding Greenberg & Traurig. In light of this ability to explain his client's reliance on legal advice and the file information that will be made public, counsel's alternative argument for reconsideration of the Commission's actions is superfluous as to his client and necessarily fails.

For the stated reasons, this Office recommends that the Commission deny the separate motions for reconsideration.

### **Recommendations**

1. Deny Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel's motion for reconsideration of the Commission's actions of May 19, 1997.
2. Deny Thomas Kramer's motion for reconsideration of the Commission's actions of May 19, 1997.
3. Approve the appropriate letters.

Staff Assigned Jose M. Rodriguez

Enclosures

1. Greenberg, Traurig, Hoffman, Lipoff, Rosen and Quentel's motion for reconsideration of Commission actions.
2. Thomas Kramer's motion for reconsideration of Commission actions.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MURS 4398 and 4638  
Motion for Reconsideration of )  
the Commission's actions of )  
May 19, 1997 )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 24, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to MURS 4398 and 4638:

1. Deny Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel's motion for reconsideration of the Commission's actions of May 19, 1997.
2. Deny Thomas Kramer's motion for reconsideration of the Commission's actions of May 19, 1997.
3. Approve the appropriate letters.

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

Attest:

6-26-97  
Date

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

9304874322



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

**VIA FACSIMILE and  
FIRST CLASS MAIL**

June 26, 1996

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4398  
MUR 4638

Dear Ms. Kerman:

On June 24, 1997, the Commission denied your motion for reconsideration of the Commission's May 19, 1997 action in MUR 4398. Accordingly, the file in MUR 4398 will be made public as scheduled by July 9, 1997.

Concerning your request for a twenty-day extension in which to respond to the Commission's Subpoena and Order of June 9, 1997 in MUR 4638, please note that this Office has granted your request. Accordingly, your full response is due by July 31, 1997.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

2801874393



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 26, 1997

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

RE: MUR 4398  
MUR 4638

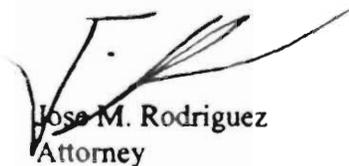
Dear Mr. Witten and Ms. Ackerley:

On June 24, 1997, the Commission denied your motion for reconsideration of its May 19, 1997 action in MUR 4398. Accordingly, the file in MUR 4398 will be made public as scheduled by July 9, 1997.

We remind you that you may submit any factual or legal materials you wish to appear on the public record. We request submission of all such materials prior to July 9, 1997. However, any permissible submissions after July 9 will be added to the public record upon receipt.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

9 8 0 4 3 8 7 4 3 2 4

# Democratic National Committee

Steve Grossman, *National Chair* - Governor Roy Romer, *General Chair*

July 3, 1997

By Hand

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

Re: MUR 4398/ MUR 4638

Dear Mr. Rodriguez:

The undersigned represent the DNC Services Corporation/Democratic National Committee ("DNC").

On behalf of the DNC, we respectfully request an extension of twenty (20) days in which to respond to the subpoena to produce documents and order to submit written answers in connection with the above referenced matters. Given the extremely large caseload before our office, we request this additional time to properly coordinate a search of our files for the documents requested.

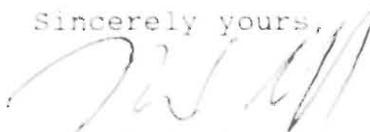
Currently, the DNC is in the process of responding to more than a dozen subpoenas and document requests from federal investigators, two Congressional committees and the FEC itself. The DNC is currently responding to two other FEC subpoenas or document requests in addition to this one.

We are already in the process of searching several million documents for these various requests and it will simply not be possible for the DNC to locate documents responsive to this subpoena in this MUR in the allocated time. Furthermore, the documents requested by the Commission relate to transactions which occurred over three years ago. Consequently, the DNC respectfully requests the additional amount of time to respond to your request.

The DNC received this subpoena on June 13, 1997. If this extension request is granted, our response to your request would be due no later than Monday, August 4, 1997.

Thank you for your time and attention to this request.

Sincerely yours,



Joseph E. Sandler, General Counsel  
Neil P. Reiff, Deputy General Counsel

JUL 3 10 48 AM '97

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 7, 1997

Neil P. Reiff, Deputy General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4638

Dear Mr. Reiff:

This is in response to your request for an extension until August 4, 1997 to respond to the Commission's Subpoena and Order in MUR 4638. After considering the circumstances presented by you, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on August 4, 1997.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

98046874326

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

JUL 14 2 20 PM '97

28 Birch Lane  
Cumberland Foreside, Maine 04110  
July 10, 1997

COPY BY FAX; ORIGINAL BY MAIL

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

Re: Mitchell for Senate and Barbara J. Keefe as Treasurer -  
MUR 4398 and MUR 4638

Dear Mr. Rodriguez:

I received your letter and attachments on the above-referenced matters on Thursday, July 3, 1997. Please note that the city in which I live is Cumberland Foreside, Maine and not Portland.

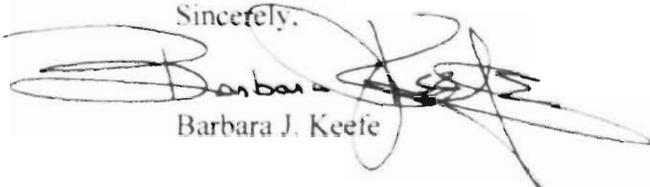
We have already begun tracking down the information requested of us in the subpoena and will respond by the August 7th deadline, unless we feel more time is needed to provide a complete response.

Please note that I and Mitchell for Senate want to be represented by Attorney Estelle A. Lavoie and want her to receive any and all notifications and other communications from the Commission on the above-referenced matters. Her name, address and telephone number are:

Estelle A. Lavoie, Esq.  
Preti, Flaherty, Beliveau & Pachios, LLC  
443 Congress Street  
P.O. Box 11410  
Portland, Maine 04104-7410  
(207) 791-3000  
(207) 791-3111 (fax)  
e-mail: elavoie@pfbpnet.com

Thank you for your cooperation in this regard.

Sincerely,



Barbara J. Keefe

cc: Hon. George J. Mitchell  
EAL.GJM.Rodr0710

9 8 0 4 3 8 7 4 3 2 7

PATTON BOGGS, L.L.P.  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-1350

(202) 457-6000

FACSIMILE (202) 457-6315

WRITER'S DIRECT DIAL

(202) 457-6405

July 11, 1997

Jose M. Rodriguez, Esquire  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4638

Dear Mr. Rodriguez:

Enclosed please find the responses of the Republican Party of Florida to the  
Federal Election Commission's third party subpoena.

Sincerely,



Benjamin L. Ginsberg

BLG:jmt

Enclosures

JUL 11 3 21 PM '97

BEFORE

THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF

Greenberg & Traurig

MUR 4638

**RESPONSE OF THE REPUBLICAN PARTY OF FLORIDA TO INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

The Republican Party of Florida hereby submits the following responses to the Federal Election Commission's Interrogatories and Request for Production of Documents, as follows:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Portofino Group, Inc.	6/4/93	\$100,000
Portofino Group, Inc.	6/4/93	\$5,000

1. a) The Republican Party of Florida has no documents or information concerning these contributions, which were for its annual Statesmen's Dinner. Accordingly, the Florida GOP has no knowledge concerning whether a person associated with Greenberg & Traurig solicited the contributions and cannot identify any persons involved in the solicitation of this contribution.

b) See response to a), above

2. The Florida GOP does not know if the contributions were transmitted from Greenberg & Traurig and cannot identify the person transmitting the contributions.

3. The Florida GOP has no knowledge concerning this interrogatory.

4. These contributions resulted from the 1993 Republican Party of Florida's annual Statesmen's Dinner, which took place on June 5, 1993 in Ft. Lauderdale, Fla. The Republican

Party of Florida has no records indicating whether anyone associated with Greenberg & Traurig was involved with the event.

5. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

6. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

7. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

8. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

9. Information for these responses was provided by Barbara Morrison, Director of Administration of the Republican Party of Florida.

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Thomas Kramer	3/3/94	\$100,000

1. The Republican Party of Florida does not know and has no information concerning who solicited this contribution.

b) See response to a), above.

2. The Florida GOP does not know if the contribution was transmitted from Greenberg & Traurig and cannot identify the person transmitting the contribution.

3. The Florida GOP has no knowledge concerning this interrogatory.

4. The Republican Party of Florida does not believe this contribution resulted from a fundraising event. It has no information or knowledge concerning whether this contribution resulted from an in-person solicitation or from a mail solicitation. The Republican Party of Florida has no records indicating whether anyone associated with Greenberg & Traurig was involved with this contribution.

5. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

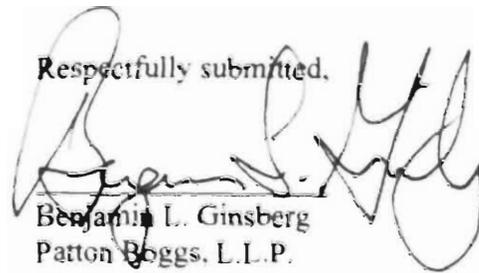
6. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

7. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

8. The Republican Party of Florida has no documentation or information responsive to this interrogatory.

9. Information for these responses was provided by Barbara Morrison, Director of Administration of the Republican Party of Florida.

Respectfully submitted,



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

Counsel for the Republican Party  
of Florida

Dated: July 11, 1997

1012874381

**VERIFICATION OF WRITTEN ANSWERS**

I, Barbara Morrison, Director of Administration of the Republican Party of Florida, hereby declares under penalty of perjury that the foregoing Republican Party of Florida Responses to the Federal Election Commission's Interrogatories and Request for Production of Documents are true and correct to the best of my knowledge and belief.

July 9, 1997

By: Barbara Morrison  
Barbara Morrison

STATE OF FLORIDA        )  
                                  )        ss.  
                                  )

The foregoing Response was subscribed and sworn to before me this 9 day of July 1997, by Barbara Morrison.

Angela J. Gossett  
Notary Public

 **Angela J. Gossett**  
MY COMMISSION # 00316851 EXPIRES  
December 18, 1999  
BONDED THRU TROY FAIR INSURANCE, INC.

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RECEIVED  
Patton Boon

# FRIENDS OF CONNIE MACK

July 3, 1997

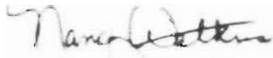
Jose M. Rodriguez, Esquire  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Re MUR 4638

Dear Mr. Rodriguez:

In response to your letter dated June 10, 1997, and the Commission's Subpoena to Produce Documents/Order to Submit Written Answers dated June 9, 1997, I am providing the accompanying information and documents.

Sincerely,

  
Nancy H. Watkins  
Assistant Treasurer

JUL 11 1 02 PM '97

3743-3

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>	Page 1 of 3
Thomas Kramer	11/12/93	\$ 500	

1. The contribution was not solicited by a person associated with Greenberg & Traurig. Friends of Connie Mack has no knowledge or information that Greenberg & Traurig had any involvement in the solicitation. My records indicate the contribution was solicited by Jorge Arrizurieta of Miami, Florida, who is employed by The Florida Marlins as Director of Community Relations.
2. The contribution was not transmitted from Greenberg & Traurig.
3. Friends of Connie Mack has no knowledge or information that the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig.
4. The contribution resulted from a fundraising event titled "Courtelis Barbeque" which was held at the home of Alec and Louise Courtelis, 8800 S.W. 100 St., Miami, FL on November 13, 1993 at 1:30 p.m. Mr. Courtelis was the host of the event, however all costs of the event were paid by Friends of Connie Mack.

The only two people of which I am aware that were associated with Greenberg & Traurig and were involved with the event are Oscar Levin and Robert H. Traurig. To the best of my knowledge, the extent of their involvement was to contribute \$250 and \$1,000, respectively, to attend the event. I am not aware of any fundraising or any other activity related to the event engaged in by either Mr. Levin or Mr. Traurig.

5. Documents ordered in this subpoena and produced are:
  - a. The original invitation to the November 13, 1993 event.
  - b. The response card enclosed with the invitation.
  - c. The attendee list provided via fax to Friends of Connie Mack by the event host, Alec Courtelis, which lists the contributors to the event, the amount pledged by and collected from each contributor, and the name of the person who was given credit by the event host for raising the contribution.
  - d. A copy of the original contribution and the response device transmitted with that contribution.
6. There is no documentation of any communication not in writing.
7. All responsive items available have been produced.
8. There is no documentation of any communication not in writing.
9. This information has been provided by Nancy H. Watkins, C.P.A., 610 S. Boulevard, Tampa, FL 33606, employed by Robert Watkins & Company.

9304387434

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
<b>Thomas Kramer</b>	<b>12/16/93</b>	<b>\$1,500</b>

1. The contribution was not solicited by a person associated with Greenberg & Traurig. The contribution was solicited by the finance staff of Friends of Connie Mack in a direct mail piece produced internally by Jamie Wilson, who was Finance Director at that time, and Susan Dubin, who was Deputy Finance Director at that time. Friends of Connie Mack has no knowledge or information that Greenberg & Traurig had any involvement in the solicitation.
2. The contribution was not transmitted from Greenberg & Traurig.
3. Friends of Connie Mack has no knowledge or information that the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig
4. The contribution did not result from a fundraising event.
5. Documents ordered in this subpoena and produced are:
  - a. The text of the direct mail letter sent to Mr. Kramer soliciting the contribution. The handwritten notation on the copy was made by Jamie Wilson who was Finance Director of Friends of Connie Mack at that time.
  - b. A copy of the original contribution and response device received with that contribution.
6. There is no documentation of any communication not in writing.
7. All responsive items available have been produced.
8. There is no documentation of any communication not in writing.
9. This information has been provided by Nancy H. Watkins, C.P.A., 610 S. Boulevard, Tampa, FL 33606, employed by Robert Watkins & Company.

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<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Catherine Burda Kramer	12/16/93	\$1,500

1. Friends of Connie Mack has no knowledge or information that Greenberg & Traurig had any involvement in the solicitation. The contribution was not solicited by any person, including any person associated with Greenberg & Traurig.
2. The contribution was not transmitted from Greenberg & Traurig.
3. Friends of Connie Mack has no knowledge or information that the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig.
4. The contribution did not result from a fundraising event.
5. Documents ordered in this subpoena and produced are:
  - a. A copy of the original contribution and response device received with that contribution.
6. There is no documentation of any communication not in writing.
7. All responsive items available have been produced.
8. There is no documentation of any communication not in writing.
9. This information has been provided by Nancy H. Watkins, C.P.A., 610 S. Boulevard, Tampa, FL 33606, employed by Robert Watkins & Company.

98944787436

The above statements are true and correct to the best of my knowledge.

*Nancy H. Watkins*  
 \_\_\_\_\_  
 Nancy H. Watkins

*Sharon L. Sheffield*  
*Sharon L. Sheffield*

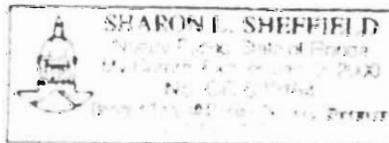


EXHIBIT 5a  
PAGE 1

9 8 0 4 7 8 7 4 3 5 7

Alec and Louise Courtelis  
and our Co-Chairmen and Host Committee  
Cordially invite you to attend a

## BIRTHDAY BARBECUE

honoring

### U.S. Senator Connie Mack

Saturday, November 13, 1993  
1:30 p.m.

at our home  
8800 S.W. 100 Street  
Miami, Florida

R.S.V.P. 305/379-8467  
Reply Card Enclosed

\$250 per person  
No Charge for Children under 16

Donations are not deductible as charitable contributions for federal income tax purposes.  
Paid for and authorized by Friends of Connie Mack.

EXHIBIT 5b  
PAGE 1

I/We will be able to attend the Barbecue honoring Senator Connie Mack on November 13, 1993. Enclosed is my check payable to Friends of Connie Mack for \_\_\_\_\_ persons at \$250 per person.

I/We are unable to attend; however, I/we have enclosed a contribution of \$ \_\_\_\_\_.

Federal Law Requires We Report The Following Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Employer: \_\_\_\_\_

Occupation: \_\_\_\_\_

Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_

W334

*FEDERAL LAW PROHIBITS CORPORATE CHECKS*

*Paid for and authorized by Friends of Connie Mack.*

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

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LAST NAME	FIR NAME	A. NET	PAID	SPONSOR
Abrams	Elliot & Robert			Jeff
Allen	Bill & Beverly	\$ 400		ABC
Arbelya	M. & Mrs. Carlos	\$ 500	Paid	ABC
Arguello	Robert	\$ 500	Paid	ABC
Attanetta	George			Sold
Attanetta	John (8 people)			Sold
Babin	Fred & Carol	\$ 500		At Perez
Bastone	Warren	\$ 250	Paid	
Beech	Miguel Sam			Sold
Bonoges	Mike (5 other people)	\$9,000	Paid	SELL
Berlin	Betty			
Bernard	Alvin & Ernest	\$ 500	Paid	
Bourgeois	Greg	\$ 250	Paid	Berogen
Brady	Maria	\$ 250	Paid	
Bucato	Arnando	\$ 250		At Perez
Bulas	John (15 people)			Sold
Burnette	Ernie & Barbara	\$ 500	Paid	
Bush	Lee			ABC
Conetto da Cunha	Jose M. (4 people)	\$1,000	Paid	

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Castillo	Temple				Co de La Torre
Castro	Bob	\$ 1,750		Paid	Castro
CT PAC	(4 people)	\$1,000		Paid	
Chambers	G. L. (4 people)	\$1,000		Paid	
Coates	Armando				
Coit	Samuel E.	\$ 500		Paid	
Cooley	Tom	\$ 250		Paid	ATC
Cooley	Jose A.	\$ 250		Paid	
Cooley	Alonzo (2 people)			Paid	ATC
Cooley	Paul	\$1,000		Paid	Coit
Cooley	James & Robert	\$ 500			AT Temple
Cooley	William G.	\$ 250		Paid	
Cooley	Nancy (1 person)				ATC
Cooley	Carlton	\$ 250		Paid	Moore
Cooley	Tom				Coit
Cooley	Carlton (20 people)				Coit
Cooley	Miguel	\$ 250		Paid	Cooley
Cooley	Walter	\$2,500		Paid	
Cooley	Bartolo	\$ 500		Paid	
Cooley	William H.	\$1,000		Paid	
Cooley	Alonzo	\$ 250		Paid	Cooley
Cooley	Alonzo	\$ 250		Paid	Moore

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Name	Address (if people)	Price	Status	Notes
Booth	Ed			
Booth	Abelle	\$ 250	Sold	ATC
Booth	Bernie & Janet			ATC
Booth	John & Chris Foss	\$ 500	Sold	ATC
Booth	John & Frances	\$ 500	Sold	Will mail
Booth	George & Mrs.	\$ 500	Sold	Robert
Booth	Tony (30 people)			Sold
Booth	Alan (3 people)			Sold
Booth	Barbara			Sold
Booth	John (20 people)			Sold
Booth	Charlotte (4 people)			Sold
Booth	Pat	\$ 250	Sold	ATC
Booth	E. G. ...	\$ 500		All people
Booth	Arb ...			
Booth	John (4 people)	\$1,500	Sold	
Booth	Tom	\$ 500	Sold	ATC
Booth	Ed	\$ 250	Sold	
Booth	Henry & Kathleen	\$1,000	Sold	ATC
Booth	Thomas ...	\$ 200		Robert

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✓	Ischer	Joe	\$ 900		Partique
✓	Isner	Chuck			
✓	Isidore	Isidore			AMB
✓	Isig	(ACT People Security)			SOUL
✓	Iselin	Oscar (8 people)			AMB
✓	Isip	Jules			Les Am. La Bond
✓	Isman	Tony & Robert			
✓	Ismanley	Robert & Robert	\$ 900	Paid	
✓	Ischido	Mr. & Mrs. (14 vol.)			SOUL
✓	Isch	Conrad & Patricia			Genes of Honor
✓	Isch's Assistant	Javier (10 people)			SOUL
✓	Ischell	Robert & Mrs.	\$1,000		SOUL
✓	Ischique	Match (10 people)	\$2,500	Paid	
✓	Ischirez	Everance (w/Robert)			AMB
✓	Ischiro	Callon	\$ 750	Paid	Mexico
✓	Ischroy	Cliff & Betty Galtier	\$ 900	Paid	
✓	Ischler	Mary			
✓	Ischler	Robert (4 people)	\$1,000	Paid	AMB
✓	Ischler	Mr. & Mrs. William	\$ 900	Paid	
✓	Ischler	Tony	\$ 250	Paid	
✓	Ischler	Robert & Robert			AMB
✓	Ischler	Frank	\$ 750		At 3000

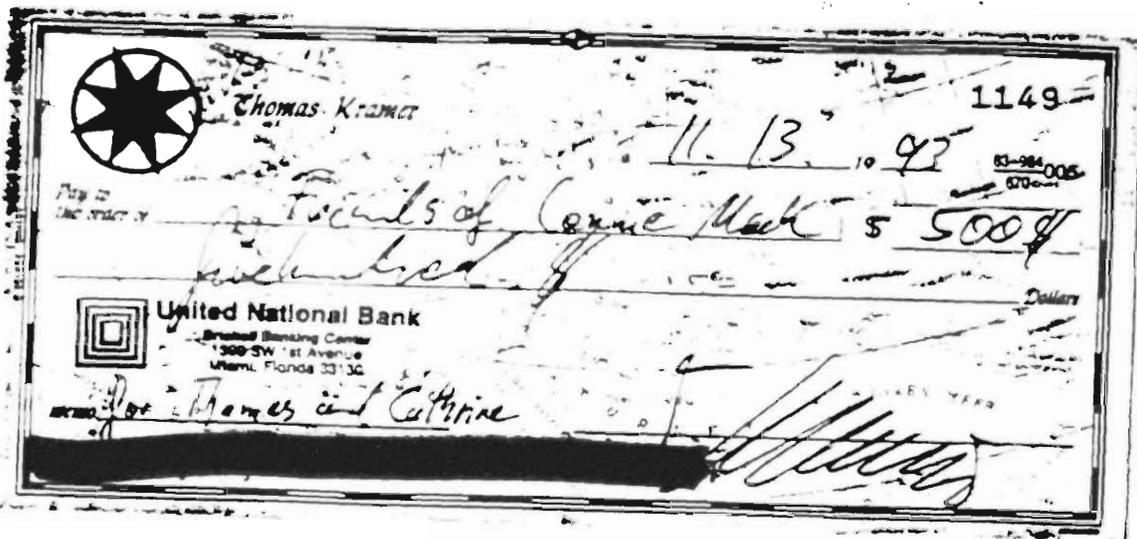
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Podreza	Adela	\$ 750		Al Perez
Podreza	George	\$ 250		Al Perez
Peters	Al			Sell
Pipes	Dr. & Mrs. Riccardo	\$ 500		Alv
Potomkin	Mat	\$ 250	Paid	
Powell	George (6 people)			Alv
Ramirez	Richard	\$2,500		Al Perez
Razook	Richard & guest	\$ 500		Al Perez
Rebulla	Julio (6 people)			Sell
Reinach	Judit	\$ 250	Paid	Bedate Jacobson
Sahy	Jay	\$ 250	Paid	
Sahy	Jeanne	\$ 250	Paid	
Salmán	J. & Guest	\$ 500		Al Perez
Samuelsen	Kirk (6 people)	\$1,500		Alv
Schultz	John (for James Rodman)	\$ 250	Paid	John Schultz
Shay	Rodger & Mrs.			
Silva	Arnaldo & Hilda	\$ 500	Paid	Alv
Taraball	José			Alv
Torre	Vanessa & guest			Lez de la Poma
Ullich	Sylvia	\$ 250	Paid	
Velozel	Ralph	\$2,000		Luizgo
VI - 111	Co. of 6 participants	500		Sell

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Williamson	Carlton & Alexandria				
MILNER	JOE				SAULT
MURPHY	MARY				SAULT
MURPHY	MURPHY	\$1,000			AVE
MILLER	ADRIAN				AVE
MILLER	BILLY				AVE
MILLER	MICHAEL & GARY				AVE
MILLER	Zachariah	\$ 250		PAID	



**FRIENDS OF CONNIE MACK**  
**Personal Contribution Card**

( ) Connie, I want to help in your re-election campaign to the U.S. Senate! Enclosed is my contribution of \$ \_\_\_\_\_

- Federal law prohibits corporate checks •
- Please make checks payable to "Friends of Connie Mack" and return with this form in the enclosed reply envelope •

**Federal law requires that we report the following information:**

Name \_\_\_\_\_

Address 440 S. ...

City MIAMI State FL Zip 33139

Occupation PROPERTY MGMT

Employer POSTAL ...

Optional: Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

What is your preferred salutation? \_\_\_\_\_

Federal law prohibits corporate checks • Paid for and authorized by Friends of Connie Mack.  
 Donations are not deductible as charitable contributions for federal income tax purposes.

W334

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MACK Urgent Gross - Final

JW

DEAR (NAME):

NO REPUBLICAN HAS EVER BEEN RE-ELECTED TO THE UNITED STATES SENATE FROM THE STATE OF FLORIDA. BUT WE HAVE THE OPPORTUNITY TO CHANGE THAT. WITH YOUR HELP, (NAME), WE CAN MAKE HISTORY IN 1994.

AT THE END OF THIS MONTH, MY CAMPAIGN IS REQUIRED TO FILE A YEAR-END REPORT THAT WILL SHOW HOW MUCH MONEY WE HAVE ON HAND. WHEN THAT REPORT IS MADE PUBLIC, POTENTIAL OPPONENTS WILL DECIDE WHETHER OR NOT TO CHALLENGE ME NEXT YEAR. WE MUST SHOW A STRONG AND ORGANIZED CAMPAIGN TO MAKE THEM THINK TWICE.

IT IS VITALLY IMPORTANT THAT MY CAMPAIGN, "FRIENDS OF CONNIE MACK", HAS AS MUCH MONEY IN THE BANK AS POSSIBLE. AND I NEED YOUR HELP.

YOU HAVE BEEN A LOYAL AND TRUSTED SUPPORTER AND FOR THAT I AM VERY GRATEFUL. I AM ASKING YOU TO DO ALL YOU CAN TO HELP ME REACH OUR GOAL -- IN THE NEXT TEN DAYS IF AT ALL POSSIBLE.

YOUR GENEROUS CONTRIBUTION WILL HELP TO ENSURE THAT WE WILL BE PREPARED FOR OUR VICTORY NEXT YEAR. MANY POTENTIAL CANDIDATES ARE TALKING ABOUT RUNNING -- AND THEY WILL MOST LIKELY DECIDE AFTER THE FIRST OF THE YEAR. LET'S SEND THEM A STRONG MESSAGE THAT WE ARE READY.

WE MUST CONTINUE TO FIGHT FOR LESS TAXES, LESS GOVERNMENT, LESS SPENDING AND MORE FREEDOM. PLEASE JOIN WITH ME TO ENSURE THAT OUR UNIFIED, CONSERVATIVE VOICE CONTINUES TO BE HEARD.

THANK YOU FOR YOUR HELP.

SENATOR CONNIE MACK

1304387436

CATHERINE BURDA - KRAMER

2196



DATE	DESCRIPTION	AMOUNT	DEDUCTION	NET AMOUNT
12/10/93	CONTRIBUTION SENATOR CONNIE MACHS	1500.00		1500.00
12/10/93	TOTALS			1500.00

THOMAS KRAMER  
CATHERINE BURDA - KRAMER

UNITED NATIONAL BANK  
BRICKELL BANKING CENTER  
MIAMI, FLORIDA 33130  
63-964-670 - 05

2192

PAY  
TO THE  
ORDER OF

FRIENDS OF CONNIE MACHS

DATE 12/10/93

CONTROL NO.

AMOUNT 1500.00

ONE THOUSAND FIVE HUNDRED 00/100

KL397

EXHIBIT E0 (ART)  
PAGE 2

**Friends of Connie Mack**  
**1211 North Westshore Boulevard**  
**Suite 314**  
**Tampa, FL 33607**  
**813-878-0355**

**To:**  
Senator Connie Mack

**From:**  
Thomas Kramer  
446 Collins Avenue  
Miami Beach, FL 33139

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✓  
wc  
Connie, I want to help you reach your goal by December 31, 1993.  
Enclosed is my check made payable to "Friends of Connie Mack" in  
the amount of \$1,500.<sup>00</sup> each. 1) From Thomas Kramer  
2) From Catherine Surda-Kramer

0743  
I would like additional information on the Finance Committee in Orlando  
on January 14, 1994.

**FEDERAL LAW REQUIRES US TO REPORT  
THE FOLLOWING INFORMATION:**

Employer: individuals  
Occupation: \_\_\_\_\_  
Phone: (Optional) (W) \_\_\_\_\_ (H) \_\_\_\_\_

**FEDERAL LAW PROHIBITS CORPORATE CHECKS.**

Paid for and authorized by Friends of Connie Mack.  
Contributions or gifts to Friends of Connie Mack are not deductible as charitable  
contributions for Federal income tax purposes.

THOMAS KRAMER  
CATHERINE BURDA - KRAMER

2193

DATE	DESCRIPTION	AMOUNT	DEDUCTION	NET AMOUNT
12/10/93	CONTRIBUTION SENATOR CONNIE MACK	1500.-		1500.-
CHECK DATE 12/10/93	CONTROL NUMBER	TOTALS		1500.-

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THOMAS KRAMER  
CATHERINE BURDA - KRAMER

UNITED NATIONAL BANK  
BRICKELL BANKING CENTER  
MIAMI, FLORIDA 33130  
63-984-870 - 05

2193

PAY  
TO THE  
ORDER OF

FRIENDS OF CONNIE MACK  
ONE THOUSAND FIVE HUNDRED

DATE 12/10/93 CONTROL NO.

AMOUNT 1500.00

00/100

C. Freda - Kramer

N397

Exhibit 3a (Part 1302)  
Page 3





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FACSIMILE and**  
**FIRST CLASS MAIL**

July 11, 1997

Louis V. Vendittelli, Esq.  
Simmons, Hart & Sheehe  
One Biscayne Tower -- Suite 1684  
2 South Biscayne Boulevard  
Miami, Florida 33131

RE: MUR 4638

Dear Mr. Vendittelli:

This is in response to your request for an extension until July 18, 1997 to respond to the Commission's Subpoena and Order in MUR 4638. After considering the circumstances presented by you, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on July 18, 1997.

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

Sincerely,



Jose M. Rodriguez  
Attorney

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# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011  
TELEPHONE 202 628-6600 FAX/SIMILE 202 434-1690

July 16, 1997

Jose M. Rodriguez, Esq.  
Office of the General Counsel  
Federal Election Commission  
6th Floor  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: **MUR 4638**

Dear Mr. Rodriguez:

Enclosed please find Kerrey for U.S. Senate Committee's response to your subpoena dated June 10, 1997 in connection with MUR 4638.

If you have any questions, please do not hesitate to contact me at (202) 434-1625.

Very truly yours,



Marc E. Elias

MEE:dml  
Enclosure

**KERREY FOR U.S. SENATE COMMITTEE'S RESPONSE  
TO FEDERAL ELECTION COMMISSION'S DOCUMENT  
REQUESTS AND INTERROGATORIES IN MUR 4638**

1. a) State if the contribution was solicited by a person associated with Greenberg and Traurig and identify all persons involved in the solicitation and describe their substantive involvement.
- b) If not solicited by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg and Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.

Response:

a) The Kerrey for U.S. Senate Committee (the "Committee") is unaware of any person associated with Greenberg & Traurig being involved in the solicitation of this contribution.

b) The Committee believes that Thomas Daly may have been involved in the solicitation of this contribution. The Committee does not know whether there was any mention of Greenberg & Traurig as part of the solicitation, or if Greenberg & Traurig had any other involvement in the solicitation.

2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.

Response:

The Committee has no information to suggest that the contribution was transmitted from Greenberg & Traurig.

3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

9804387433

Response:

The contribution did not count against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig.

4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

Response:

The Committee believes that the contribution resulted from a fundraising event held in the conference room of Mitchell Berger at 100 N.E. Third Avenue, Suite 400, Ft. Lauderdale, Florida. The Committee is unaware of any involvement by Greenberg & Traurig in this event.

5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to each question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Response:

The Committee does not possess any documents responsive to this request.

- 9 3 0 4 3 8 7 4 3 5
6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions, drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.

Response:

The Committee does not possess any information or materials responsive to this request.

7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such a document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Response:

The Committee has attached, as potentially responsive to this request, the entry from the Committee's database for this contribution. The Committee has also attached, as potentially responsive to this request, a chart listing Mr. Kramer as having

attended this event. Finally, the Committee has attached, as potentially responsive to this request, a copy of the check from Mr. Kramer as well as correspondence related to its refunding.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

Response:

Other than the documents provided in response to interrogatory no. 7, the Committee does not possess any additional information or materials responsive to this request.

9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

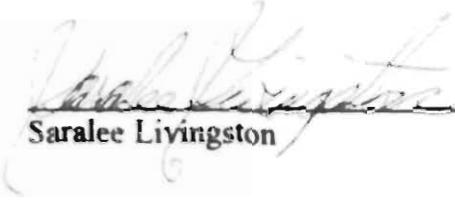
Response:

Saralee Livingston and Melissa Maxfield.

0 3 0 4 3 8 7 4 3 5 6

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 1997.

  
Saralee Livingston

93043874357



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 18, 1996

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

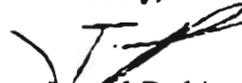
RE: MUR 4398

Dear Ms. Livingston:

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

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

039467488

NON-RESPONSIVE MATERIAL HAS BEEN REDACTED.

---

Kramer Self Record #:54736  
Thomas Developer

Coding history:  
Date !----- Codes -----! Document Issue Author  
12/08/93 1000.00 TP94 1802 NF53 BADD 1158 A0078

Case notes:  
09/28/94 contribution was refunded to him; see  
disbursement record

Thomas Tel1: - -  
Thomas Kramer Tel2: - -  
43 Star Island  
Miami Beach, FL 33139

---

9301507430

	<i>Thomas Kramer</i>	NFS	1158
		<i>Dec 2 1993</i>	SI-24005 673
Pay to the order of	<i>Kerrin for U.S. Senator</i>	<i>\$1,000.00</i>	
	<i>One Thousand &amp; 00/100</i>		Dollars
	<b>United National Bank</b> Brickell Banking Center 1300 SW 1st Avenue Miami, Florida 33130	<i>[Signature]</i>	



**Bob Kerrey**

FOR UNITED STATES SENATE

7802 Pacific Street - Lower Level B  
Omaha, NE 68114

File Copy

July 9, 1996

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

RE: MUR 4398

Dear Mr. Rodriguez:

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

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

Sincerely,

Saralee Livingston

sl/encl.

Paid for by Kerrey for Senate  
Contributions are not tax deductible

• 17-C

DT 24 11

AMERICAN SAVINGS BANK 10151000101

66600195 FNB MERIT  
DT 24 11 154  
1 00000004

01 55042480 10-07-94

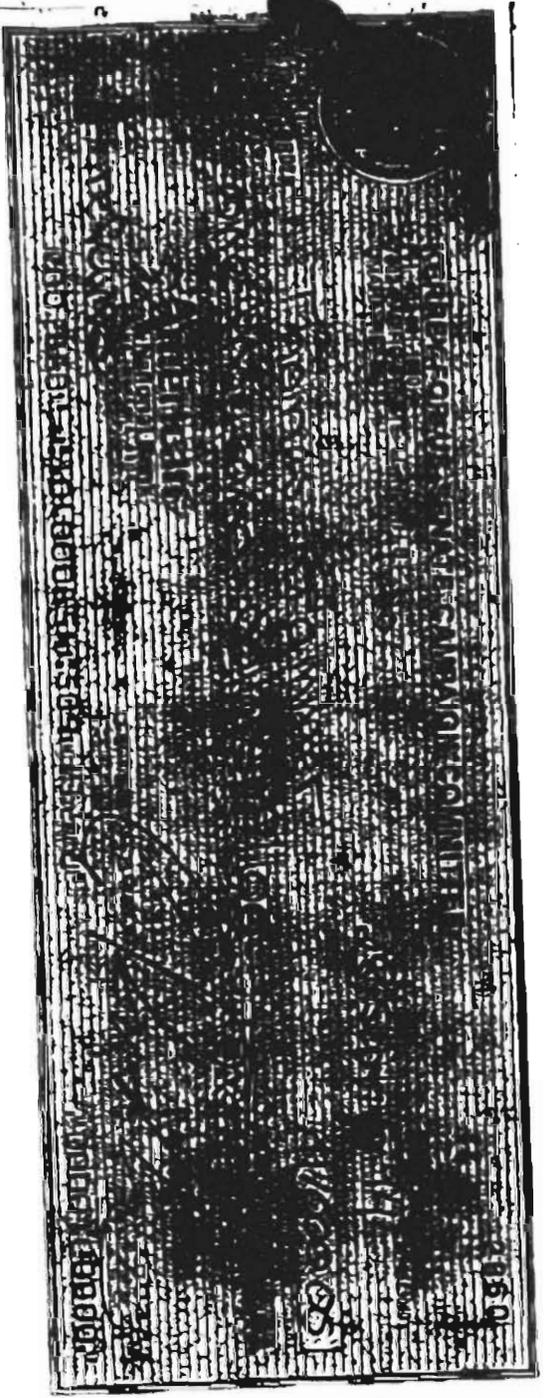
07 01 00000000  
UNITED NATL BANK  
WALKER, N.J. 3014  
0001362430  
000009816

0021 0 7 7 3

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

FOR DEPOSIT ONLY  
THOMAS THOMAS  
005-801-2440

ENDORSE HERE



8 / 4 ) 3 - 3

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011  
TELEPHONE 202 628-6600 FACSIMILE 202 434-1690

July 16, 1997

Jose M. Rodriguez, Esq.  
Office of the General Counsel  
Federal Election Commission  
6th Floor  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **MUR 4638**

Dear Mr. Rodriguez:

Enclosed please find Democratic Senatorial Campaign Committee's response to your subpoena dated June 10, 1997 in connection with MUR 4638.

If you have any questions, please do not hesitate to contact me at (202) 434-1625.

Very truly yours,



Marc E. Elias

MEE:dml  
Enclosure

**DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE'S RESPONSE  
TO FEDERAL ELECTION COMMISSION'S DOCUMENT  
REQUESTS AND INTERROGATORIES IN MUR 4638**

1. a) State if the contribution was solicited by a person associated with Greenberg and Traurig and identify all persons involved in the solicitation and describe their substantive involvement.
- b) If not solicited by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg and Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.

Response:

The Democratic Senatorial Campaign Committee's ("DSCC" or the "Committee") records do not reflect any involvement by Greenberg & Traurig or any person associated with Greenberg & Traurig in the solicitation of these contributions. The Committee believes that these contributions may have been solicited by Howard Glicker.

2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.

Response:

The Committee has no information or materials that suggest that the contribution was transmitted from Greenberg & Traurig.

3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

0 3 0 4 8 7 4 3 5

Response:

The Committee has no information or materials that would suggest the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig.

4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

Response:

0 3 0 5 7 8 7 4 3 6

From the available records, it does not appear that Ms. Bradley's contribution resulted from any particular fundraising event. The available records do reflect that Mr. Kramer's \$3,000 contribution resulted from the DSCC's annual Fall dinner. That event is sponsored by the DSCC. The Committee cannot respond to your request to "identify all persons associated with Greenberg & Traurig involved in the event." While it is possible that some members or employees of Greenberg & Traurig may have contributed to or attended the event, it is not clear if this is what is meant by "involvement." The event is a DSCC fundraising event that is organized and sponsored solely by the DSCC.

5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to each question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure

and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Response:

The DSCC does not possess any documents responsive to this request.

6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions, drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.

Response:

The DSCC does not possess any information or materials responsive to this request.

7. Concerning Mr. Kramer's \$20,000 contribution to The Democratic Senatorial Campaign Committee of 4/28/93 made in the name of his assistant, Terri E. Bradley, please describe the details surrounding the making of the contribution. Also:
- a) Identify each person, including their association with the DSCC, who suggested that the contribution be made in Ms. Bradley's name.

3043874337

- 030187438
- b) Identify any person associated with Greenberg & Traurig present when the suggestion was made that the contribution be in Ms. Bradley's name, and describe in detail their substantive participation in the conversation.
  - c) Identify and produce all documents, including but not limited to all fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing the contribution. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Response:

The DSCC is without any specific information responsive to this request other than to state its belief that Howard Glicken may have been involved in soliciting these contributions. The only information or materials the Committee maintains regarding either of these contributions is contained in the documents that have been attached. The DSCC has attached, as potentially responsive, several documents related to how these contributions were tracked and ultimately refunded. To the extent that these documents are responsive, they constitute the only responsive documents within the possession of the DSCC.

8. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such a document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Response:

Other than documents produced pursuant to request no. 7, the DSCC does not have any responsive materials.

9. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.
- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

Response:

Other than documents produced pursuant to request no. 7, the DSCC does not have any responsive materials.

10. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

Response:

The answers to these interrogatories are derived largely from the documents provided herewith. Stephanie Cooper provided information for all requests. Darlene Setter, the Committee's Comptroller, provided information regarding what documents

93017874319

the Committee maintains that may be responsive to these requests or might aid in providing information that might be responsive to these requests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 1997.

  
Paul Johnson

304-3/4370

06/16/97 5:29 PM

Page 1

**Democratic Senatorial Campaign Committee  
Contributions by Batch--Proofing Report**

Batch: **05-001**

193BR2299  
**BRADLEY, TERRI E.**  
43 Star Island  
Miami Beach, FL 33139

Portofino Group

Evt: 0001  
Club: MT  
Trans: CO

05/04/93 \$ 20,000.00

930487431

NONRESPONSIVE MATERIAL HAS BEEN REDACTED



# DSCC CHECK REQUEST

Vendor: Terri F. Bradley

Date: 2/27/96

Address: 9871 N.W. 1st Ct.

Needed: 2/27/96

Plantation, FL 33324

Amt: \$ 20,000.00

EVENT: MT-general

**Description:**

Contribution refund from 1993

5/4/93

MT 0001

Batch 05001

Acct Code: \_\_\_\_\_

Submitted By Kew

Exec. Dir. Approval \_\_\_\_\_

Division Approval \_\_\_\_\_

Comptroller \_\_\_\_\_

93948743/2



DSCC Finance Division - Check Tracking Memorandum

Check amount

From: \_\_\_\_\_ Date: 5/3

Fundraiser Cooper Lehner (auth.) mm

\$ 20000

PAC/Contributor Name: Timi Bradley

Business Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Home Address: 9871 NW 15<sup>th</sup> Court

Plantation, FL 33324 Spouse: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Occupation Information Requested

Employer \_\_\_\_\_

Attribute the following program and event code:

Majority Trust- MT0001  Women's Council \_\_\_\_\_

Leadership Circle- \_\_\_\_\_  Labor Council \_\_\_\_\_

Business Roundtable- \_\_\_\_\_  Miscellaneous \_\_\_\_\_

Fall/Spring Dinner- \_\_\_\_\_  Building Fund \_\_\_\_\_

Road Show- \_\_\_\_\_  Other \_\_\_\_\_

Club \_\_\_\_\_  
Active \_\_\_\_\_  
Exp. Date \_\_\_\_\_

Tally: Credit Senator/Challenger \_\_\_\_\_

Through \_\_\_\_\_ Lehner(auth.) \_\_\_\_\_

Raised by \_\_\_\_\_ Batch # \_\_\_\_\_

11A

05-001

**I93BR2299**

TERRI E. BRADLEY 10-82 0244

April 25 1993

TO THE Democratic Senatorial Campaign Committee \$ 2,000.00

OF Twenty Thousand & 00/100 DOLLARS

First Union National Bank of Florida Plantation, Florida 33324

Reggie Ford Membership Tim Bradley

Date	Invoice No	Description	Amount	Discount	Net Amount
02/27/96	SD022796		20,000.00		20,000.00
02/29/96		*** CHECK 000813 TOTALS:	20,000.00		20,000.00

Detach stub before depositing

DEMOCRATIC SENATORIAL CAMP. COMM.

**DEMOCRATIC SENATORIAL CAMP. COMM.**

430 South Capitol Street, S.E.  
Washington, D.C. 20003

NATIONSBANK  
WASHINGTON, DC

000813

15-120/540

Date	Check No.	Payee I.D.
02/29/96	000813	Bradley

\*\*\*20,000 DOLLARS AND NO CENTS

Pay This Amount
\$*****20,000.00

PAY TO THE ORDER OF

Bradley, Terri  
9871 N.W. 1st Ct.  
Plantation, FL 33324

⑈000813⑈ ⑆054001204⑆ 0002721112⑈

Vendor: Bradley Bradley, Terri Check No.: 000813 Check Date: 02/29/96

Date	Invoice No	Description	Amount	Discount	Net Amount
02/27/96	SD022796		20,000.00		20,000.00
02/29/96		*** CHECK 000813 TOTALS:	20,000.00		20,000.00

Detach stub before depositing

DEMOCRATIC SENATORIAL CAMP. COMM.



**Democratic Senatorial Campaign Committee**  
430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

September 27, 1994

Chairman

Bob Graham, FL

Ex-Officio

George Mitchell, ME

Program Chairs

John D. Rockefeller IV, WV  
Richard Shelby, AL  
Majority Trust

Chris Dodd, CT  
Max Baucus, MT  
Leadership Circle

David Pryor, AR  
Patty Murray, WA  
Business Roundtable

Tom Harkin, IA  
Ben Nighthorse Campbell, CO  
Labor Council

Barbara Mikulski, MD  
Barbara Boxer, CA  
Women's Council

Past Chairs

Charles S. Robb, VA  
John Breaux, LA  
John Kerry, MA

Mr. Thomas Kramer  
43 Srar Island  
Miami Beach, FL 33139

Dear Mr. Kramer:

Enclosed is a refund of a \$3,000 contribution made September 17, 1993, to the Democratic Senatorial Campaign Committee (DSCC).

We are refunding this contribution per Title 2, Section 441e of Federal Election Campaign Law.

For your records, the September 17, 1993, contribution was drawn on check No. 1977 of the United National Bank, Brickell Banking Center, Miami, Florida.

Sincerely,

Donald J. Foley  
Executive Director

DJF/j



# DSCC CHECK REQUEST

Vendor: Mr. Thomas Kramer Date: 9/29/94  
 Address: 43 Star Island Needed: \_\_\_\_\_  
Miami Beach, FL 33139 Amt: \$ 3000.<sup>00</sup>

EVENT: \_\_\_\_\_

**Description:**  
 Refund - 1993 Contribution  
 Ctr #09027  
 MT 9330

930687436

Acct Code: \_\_\_\_\_

Submitted By \_\_\_\_\_

Exec. Dir. Approval [Signature]

Division Approval \_\_\_\_\_

Comptroller \_\_\_\_\_

DSCC Finance Division - Check Tracking Memorandum

Check amount

From: \_\_\_\_\_ Date: 9/27  
Fundraiser MJV Lehner (auth.) KC

\$ 3000

PAC/Contributor Name: Thomas Kramer

Business Address: 83

Contact: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Home Address: 43 Starr at Starr Island

Miami Beach, FL 33139 Spouse: \_\_\_\_\_

Home Phone: 305 538-4422 Fax: \_\_\_\_\_

Occupation \_\_\_\_\_

Employer \_\_\_\_\_

Attribute the following program and event code:

Dinner

MT 9330

Majority Trust- \_\_\_\_\_  Women's Council \_\_\_\_\_

Leadership Circle- \_\_\_\_\_  Labor Council \_\_\_\_\_

Business Roundtable- \_\_\_\_\_  Miscellaneous \_\_\_\_\_ Club \_\_\_\_\_

Fall/Spring Dinner- \_\_\_\_\_  Building Fund \_\_\_\_\_ Active \_\_\_\_\_

Road Show- \_\_\_\_\_  Other \_\_\_\_\_ Exp. Date \_\_\_\_\_

Tally: Credit Senator/Challenger \_\_\_\_\_

Through \_\_\_\_\_ Lehner(auth.) \_\_\_\_\_

I93CR 6793

THOMAS KRAMER  
CATHERINE BURDA - KRAMER

UNITED NATIONAL BANK  
BRICKELL BANKING CENTER  
MIAMI, FLORIDA 33130  
83-964-870 - 03

1977

PAY TO THE ORDER OF THE DSCC SENATE MAJORITY DINNER  
THREE THOUSAND 00/100

DATE 9/17/93 CONTROL NO. \_\_\_\_\_

AMOUNT 3,000.00

11A  
09-027

[Redacted signature area]



November 7, 1994

1063874376  
The Democratic Senatorial Campaign Committee  
c/o Judith Corley  
Perkins & Coie  
607 14th Street, N.W.  
Suite 800  
Washington, D.C. 20005

Re: The DSCC Senate Majority Dinner

Dear Ms. Corley:

As you discussed with my counsel, Brian A. Hart, I have recently learned that a foreign national like myself may not make contributions in connection with candidate elections in the United States. I was not aware of this prohibition at the time I personally contributed \$3,000.00 to The DSCC Senate Majority Dinner. In the circumstances, I must ask that you promptly return the contribution I made. I regret any inconvenience this may cause them.

Thank you for your cooperation.

Very truly yours,

*Thomas Kramer*

Thomas Kramer

446 COLLINS AVENUE  
MIAMI BEACH, FL 33139  
PHONE 305 532 2519  
FAX 305 532 4676

07/14/97 1:57 PM

**Democratic Senatorial Campaign Committee  
Contributions by Batch-Proofing Report**

Page 3

Batch: **09-027**

NONRESPONSIVE MATERIAL HAS BEEN REDACTED

7 0 0 4 0 0 / 4 0 0 / 9

153CR6793  
**KRAMER, THOMAS**  
One South Point Drive  
Miami Beach, FL 33139

President  
Portofino Group

Ev: 9230  
Club: MT  
Trans: CO

09/27/93 \$ 3,000.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 16, 1997

Estelle A. Lavoie, Esq.  
Preti, Flaherty, Beliveau & Pachios  
443 Congress Street  
P.O. Box 11410  
Portland, Maine 04104-7410

RE: MUR 4638  
Mitchell for Senate

Dear Ms. Lavoie:

As requested, enclosed please find redacted copies of the *Sua Sponte* submission and the First General Counsel's Report in MUR 4398. The discussion concerning your client can be found beginning on page twenty-one of the First General Counsel's Report. As part of that discussion, this Office noted its initial intent to admonish your client and request a disgorgement of the contribution amount. See FGCR at n. 22. However, as you are aware, after further consideration this Office did not follow that course.

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

Sincerely,

Jose M. Rodriguez  
Attorney

Enclosures

9 3 0 4 8 7 4 3 0

MORRISON, BROWN, ARGIZ & COMPANY  
 CERTIFIED PUBLIC ACCOUNTANTS

Post Office Box 560068  
 9795 South Dixie Highway  
 Miami, Florida 33156  
 Telephone (305) 667 3500  
 FAX (305) 661 9542

SunBank Center  
 200 South Orange Avenue  
 Suite 1400  
 Orlando, Florida 32801  
 Telephone (407) 649 2100  
 FAX (407) 649 4202

Antonio L. Argiz, CPA  
 Edward Blum, CPA  
 Ajay Lloyd Brown, CPA  
 Rick Covert, CPA  
 Albert Morrison, Jr., CPA  
 Manuel Rodriguez, Jr., CPA  
 Kenneth R. Rosenfield, CPA  
 Kenneth J. Strauss, CPA  
 Charles Tishgan, CPA  
 Joseph S. Zapper, CPA

Beet S. Brown, CPA  
 Retired  
 Sanford Caplan, CPA  
 1932-1980

Juan R. Aguerrebere, Jr., CPA  
 Maria F. Ando, CPA  
 Kashvap D. Bakhan, CPA  
 Joel E. Boniske, CPA  
 Gerald E. Bowers, CPA  
 Joseph Boyer, CPA  
 Ontha M. Cano, CPA  
 Michele Levitt Cohen, CPA  
 Marc S. Dickler, CPA  
 Mark A. Fenaughty, CPA  
 Ana Gancedo, CPA  
 Hilda Gilpin, CPA  
 Randi K. Grant, CPA  
 Maria T. Hevia, CPA  
 Fanny A. Kerbel, CPA  
 Maria Magdalena Lopez, CPA  
 Jessica B. Lewis Rodriguez, CPA  
 Antonio Martell, CPA  
 Martha Valdes Martin, CPA  
 Steven E. Martin, CPA  
 Santiago E. Martinez, CPA  
 Rochelle S. Matza, CPA  
 Michael E. O'Rourke, CPA  
 Patricia M. Rubirosa, CPA  
 Carlos M. Paez, CPA  
 Armen K. Penderion, CPA  
 Ricardo Porras, CPA  
 Kristina L. Rice, CPA  
 Claudia I. Sotolongo, CPA  
 Mitchell Stein, CPA  
 Sabra S. Stewart, CPA  
 Alexander Suarez, CPA

July 15, 1997

Jose M. Rodriguez, Esquire  
 Office of the General Counsel  
 Federal Elections Commission  
 999 E Street, NW  
 Washington, DC 20463

RE: MUR #4638

Dear Mr. Rodriguez:

As a witness in your MUR #4638 investigation of Mr. Thomas Kramer, the Ros-Lehtinen for Congress campaign is responding to your letter and subpoena dated June 10, 1997, which was received on Wednesday, June 18, 1997. As you requested, to the best of my knowledge and in reliance on the review of the attached campaign records, here are the written answers and documents, submitted within the required 30 days from receipt of your letter.

DOCUMENT REQUESTS AND INTERROGATORIES

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Thomas Kramer	10/12/93	\$1,000.00

1. a) The records reviewed do not indicate that the contribution was solicited by the Ros-Lehtinen for Congress campaign or by any supporter of the campaign. There is no record of any involvement by the law firm of Greenberg, Traurig, et al or any persons associated with Greenberg, Traurig, et al in the receipt of this contribution.

This contribution was received directly from Mr. Thomas Kramer at a campaign event on October 12<sup>th</sup>, 1993. In a September 27<sup>th</sup>, 1993 "Report of Hosts & Guests," it shows that Mr. Kramer, himself, had made some contact with the campaign asking about the event. In an October 8<sup>th</sup>, 1993 "Report of Hosts & Guests," it shows that the campaign had received a reservation for a party of three under the name of Mr. Thomas Kramer. The other names were Heinrich Hanau and Marshall McAlpine. At the event, a check of \$1,000 was received at the check-in table and deposited on 10/13/93. *Attachments: #1 Event Invitation, #2 9/27/93 Report of Hosts and Guests, #3 10/8/93 Report of Hosts and*

Members

American Institute of  
 Certified Public Accountants

SEC Practice Section

Florida Institute of  
 Certified Public Accountants

Accounting Firms  
 Associated, Inc.

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
Federal Elections Commission  
Page 2

*Guests, #4 FEC Report reflecting receipt of \$1,000 from Mr. Thomas Kramer, #5 Photocopy of October 13<sup>th</sup>, 1993 deposit, which includes a copy of Kramer's check.*

2. Mr. Kramer paid at the door. The contribution was not transmitted from Greenberg, Traurig, et al. *Attachments: #4 FEC Report reflecting Kramer's contribution, #5 Photocopy of October 13<sup>th</sup>, 1993 deposit slip, which includes a copy of Kramer's check.*
  
3. Mr. Kramer's contribution was not counted against any fund-raising commitments, or any other credit or tracking system, of any person associated with Greenberg, Traurig, et al. This Ros-Lehtinen for Congress event had a group of co-hosts, all leading business and professional people in the community, who were asked by the candidate to try to sell five tickets (5 seats) at \$150 per person. The event invitation lists an early list of co-hosts. *Attachments: #1 Event Invitation.*

Kramer, himself, was offered the honorary title of "co-host" four days before the event, due to the fact that he reserved for three people, but wanted to contribute a \$1,000 instead of the \$450 required for himself and his two guests. He was not printed on the invitation's list of co-hosts because he was added too late and his name missed the printer's deadline. Mr. Kramer and his guests were not counted against any fund-raising commitments of any other co-hosts. *Attachments: #1 Event Invitation, #2 9/27/93 Report of Hosts and Guests, #3 10/8/93 Report of Hosts and Guests.*

4. The Kramer contribution was received at a campaign fundraising event, with a reception at 12:30 and a luncheon held at 1:00 p.m. at the Biscayne Bay Marriott Hotel on October 12<sup>th</sup>, 1993 honoring HUD Secretary Jack Kemp. There was no one sponsor of the event, instead a group of independent co-hosts helped sell seats or full tables, at the request of the candidate, in addition to whatever responses and reservations and contributions were received from the invitation mailings. *Attachments: #1 Event Invitation, #5 Photocopy of October 13<sup>th</sup>, 1993 deposit slip, which includes a copy of Kramer's check, #6 Sample set of request letters, information memos and response forms to co-hosts (6 pages).*

Records show there were two people at the event associated with Greenberg, Traurig, et al. One was co-host, Sue Cobb, an attorney employed by Greenberg, Traurig, et al and the other was, Bob Traurig, who came as the guest of yet another co-host, Norman Braman. Ms. Cobb had her own party of five, separate from Thomas Kramer. The records do not indicate anywhere, that Sue Cobb solicited Thomas Kramer. As reflected in our FEC Report, Sue Cobb paid her own \$750 for herself and 4 other guests. She and her party, and Mr. Thomas Kramer and his party, were on opposite ends of the room (see seating chart). None of the records evidence any ties between Kramer and Greenberg, Traurig, et al. *Attachments: #1 Event Invitation, #7 FEC Report reflecting receipt of \$750 from Sue Cobb for her party of five, #8 Photocopy of September 13<sup>th</sup>, 1993 deposit slip, which includes a copy of Cobb's check, #9 FEC Report reflecting receipt of \$500 from Norman Braman for his party of 3 (\$450 rounded up), #10 Photocopy of September 17<sup>th</sup> deposit slip, which includes a copy of Braman's check, #11 FEC Report reflecting receipt of \$150 for Robert H. Traurig's seat at Braman's table, #12 Photocopy of September 14<sup>th</sup> deposit slip, which includes a copy of Traurig's check, #13 Seating Chart.*

The fundraising event had no contribution cards or pledge cards or other similar documents attributing a contribution to a solicitor, other than the two Reports of Hosts & Guests, mentioned earlier, both attached. There was one invitation to the public, which was mailed to many lists, including but not limited to, Chamber member lists, "Top 100" business lists, previous contributors, prospects the candidate had met, and so forth. The co-hosts also had the invitation to mail or hand-out, which could be used to encourage their peers to come and join their table. The candidate produced several letters and memos encouraging the co-host prospects to commit to the effort. *Attachments: #1 Event Invitation, #2 & #3 Reports of Hosts & Guests, #6 Sample set of request letters, information memos and response forms to co-hosts (6 pages).*

5. At the end of each reply in this Interrogatory, is a listing of all attached documents that are or could be responding, regarding or referenced to that question. The following is a list of all attached documents, indicating to which question they respond in the Interrogatory.

#1 Event Invitation: invitation card (flag on cover) including early host list, RSVP card, RSVP return envelope and carrier envelope not included. *Responsive to Questions 1, 3, 4, and 6.*

- #2 9/27/93 Report of Hosts and Guests listing Thomas Kramer as a possible host. *Responsive to Question 3.*
- #3 10/8/93 Report of Hosts and Guests listing Thomas Kramer as a pledged host with a party of three (3): Thomas Kramer, Heinrich Hanau and Marshall McAlpine. *Responsive to Question 3.*
- #4 Copy of FEC Report 07/01/93 to 12/31/93 Ros-Lehtinen for Congress, page 26 of 56, Itemized Receipts, Schedule A, For line #11 (a) i, Item #D, Thomas Kramer, 43 Star Island, Miami Beach, FL 33139, Portofino Group, Businessperson, 10/13/93, \$1,000.00, Primary Period. *Responsive to Questions 1 and 2.*
- #5 Copy of \$1,000 check deposited on October 13<sup>th</sup>, 1993. Mr. Thomas Kramer's check has no address. It is dated 10/12/93, check number 1134. The bank is United National Bank, Brickell Banking Center, 1399 S.W. 1<sup>st</sup> Avenue, Miami, Florida 33130. Account #  
*Responsive to Questions 2 and 4.*
- #6 Sample set of request letters, information memos and response forms to co-hosts (6) pages (1) Letter inviting people to be co-hosts and detailed information about the luncheon. (2) Accompanying response memo answering whether or not they agree to co-host. (3) Follow-up request to people not reached. (4) Accompanying response memo, (similar to 2). (5) Letter thanking people for agreeing to be a co-host. (6) Follow-up thank you letter, 14 days before event, with reminders about the event.  
*Responsive to Question 5.*
- #7 Copy of FEC Report 07/01/93 to 12/31/93 Ros-Lehtinen for Congress, page 11 of 56, Itemized Receipts, Schedule A, For line #11 (a) i, Item #E, Sue M. Cobb. *Responsive to Question 4.*
- #8 Copy of \$750 check deposited on September 13<sup>th</sup>, 1993. Ms. Sue M. Cobb, 8 Tahiti Beach Island Rd., Coral Gables, FL 33143. Dated 8/30/1993, check number 122. The bank is Northern Trust Bank of Florida N.A. Account #  
*Responsive to Question 4.*

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Jose M. Rodriguez, Esquire  
Office of the General Counsel  
Federal Elections Commission  
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- #9 Copy of FEC Report 07/01/93 to 12/31/93 Ros-Lehtinen for Congress, page 7 of 56, Itemized Receipts, Schedule A, For line #11 (a) i, Item #D, Norman Braman. *Responsive to Question 4.*
  - #10 Copy of \$500 check deposited on September 17<sup>th</sup>, 1993. Mr. Norman Braman, One SE 3<sup>rd</sup> Avenue, #2130, Miami, FL 33131. Dated September 15, 1993, check number 1374. The bank is City National Bank of Florida. Account # *Responsive to Question 4.*
  - #11 Copy of FEC Report 07/01/93 to 12/31/93 Ros-Lehtinen for Congress, page 100 of 106, Itemized Receipts, Schedule A, For line #11 (a) i, Item #D, Robert H. Traurig. *Responsive to Question 4.*
  - #12 Copy of \$150 check deposited on September 14<sup>th</sup>, 1993. Mr. Robert H. Traurig, Attorney At Law, 1221 Brickell Avenue, 22<sup>nd</sup> Floor, Miami, FL 33131. Dated September 10<sup>th</sup>, 1993, check number 4609. The bank is Capital Bank, Main Office. Account # *Responsive to Question 4.*
  - #13 The table seating chart of circles showing the Cobb table on the left side, and the Kramer table on the right side. Mr. Bob Traurig is at a third table with his host, Mr. Norman Braman. *Responsive to Question 4.*
  - #14 Copy of FEC Report 08/20/94 to 09/30/94 Ros-Lehtinen for Congress, page 1 of 1, Itemized Disbursements, Schedule B, For line #20 (a), Item #B, Thomas Kramer, 43 Star Island, Miami Beach, FL 33139, Return of Contribution, \$1,000.00, Check #1410, from Ros-Lehtinen for Congress to Thomas Kramer. *Regarding MUR #4398.*

- 6. The campaign solicitations were made by the candidate, with mailed and faxed letters, memos and invitations, and solicitations were made by the co-hosts. *Attachments: #1 Event Invitation (with early co-host list), #6 Sample set of request letters, information memos and response forms to co-hosts (6 pages).*
- 7. There are no response faxes or call records or additional records remaining, other than the previously mentioned Reports of Co-hosts and Guests, dated 9/27/93 and 10/8/93.

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
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*Attachments: #2 9/27/93 Report of Hosts and Guests, #3 10/8/93 Report of Hosts and Guests.*

8. To our knowledge all non-written communication for the campaign was conducted by the candidate when she followed-up her letters and memos to prospective hosts and to thank them for helping, or to encourage them to commit. There is no way to know the individual efforts made by each co-host.
10. Treasurer Antonio L. Argiz's and candidate Ileana Ros-Lehtinen's records maintained in warehoused campaign files.

Sincerely,



Antonio L. Argiz, CPA  
Morrison, Brown, Argiz and Company

Treasurer  
Ros-Lehtinen for Congress

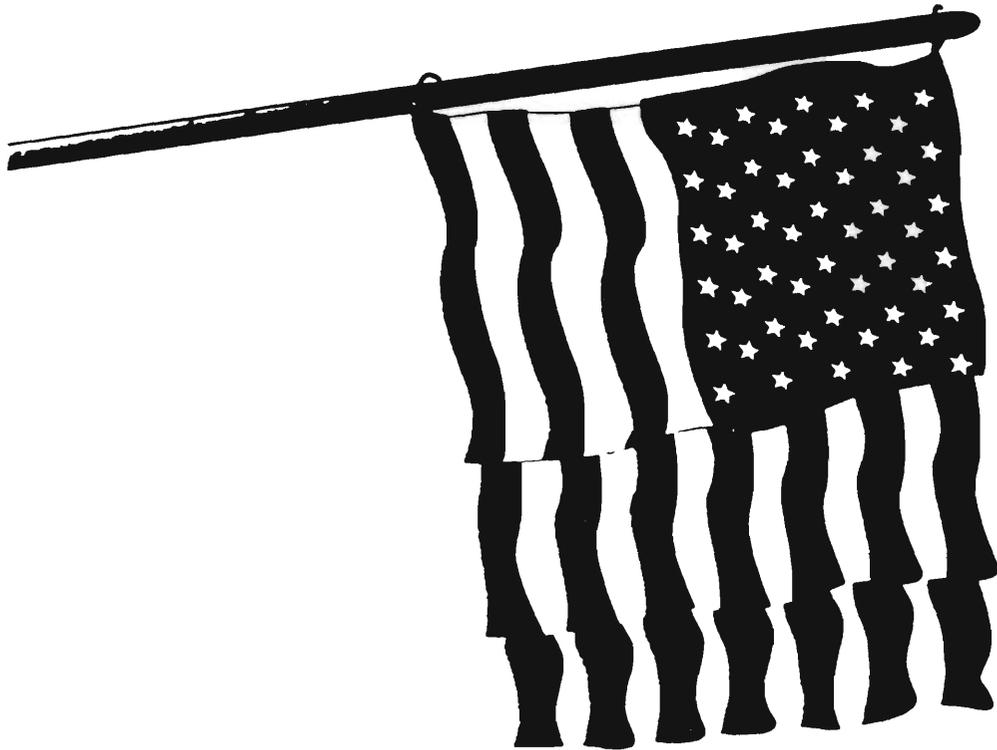
c: Congresswoman Ileana Ros-Lehtinen  
P.O. Box 52-2784  
Miami, Florida 33152-2784

#1

(1 of 2)

Event  
Invitation  
(cover)

9304387437



#1 Event Invitation  
(2 of 2)

## Co-Host COMMITTEE

Tony and Conchy Argiz  
Willy and Daysi Bermello  
Rolando and Mercedes Blanco  
Greg and Georgia Borgognoni  
Shepard Broad  
Armando and Beatriz Bucelo  
Manuel and Aida Capo  
Charles and Sue Cobb  
Jorge and Yvonne de Cespedes  
Alfredo and Teresa Estrada  
Ronald and Regina Frazier  
Don and Vicky Gaetz  
Thomas and Mary Herald  
Jay and Jean Kislak  
Fausto Sanchez and Dr. Aida Levitan  
Edward and Victoria London  
Joseph and Iris Martory  
Rodolfo and Linda Milani  
Dr. Frank Moya  
Demetrio Perez  
Judy Reinach  
Luis and Mary Sabines  
Norman and Jane Tripp  
Dr. Fernando and Maruchy Valverde  
Ray and Josey Velazquez  
Tony and MariElena Villamil  
Octavio and Tere Zubizarreta

## THE HONORABLE JACK KEMP

*Invites You to Join Him  
For a Luncheon Honoring*

## CONGRESSWOMAN ILEANA ROS-LEHTINEN

*at the*

*Biscayne Bay Marriot Hotel  
1633 North Bayshore Drive  
Miami, Florida*

*Tuesday, October 12th  
12:30 p.m. Reception  
1:00 p.m. Lunch*

*\$150 Per Person  
Personal checks only, please.  
R.S.V.P. (305) 460-3245*

#2

## Hosts for Jack Kemp Event / \$ In / # of Guests &amp; Names 9/27/93

LAST	DEAR	EVENTS
Argiz	Tony and Conchy	
Batchelor	George and Marianne	HJack/750/5
Bermello	Willy and Daysi	
Blanco	Rolando and Mercedes	
Borgognoni	Greg and Georgia	
Broad	Shepard	HJack/150/1
Bucelo	Armando and Beatriz	
Capo	Manuel and Aida	Jack/750/5:Manuel,Aida,Julio,Carlos&GerardoCapo
Cobb	Chuck and Sue	HJack/750/5
De Cespedes	Jorge and Yvonne	
Estrada	Freddy and Teresa	
Frazier	Ronald and Regina	
Gaetz	Don and Vicky	
Herald	Thomas and Mary	
Kislak	Jay and Jean	HJack/750/5
Kramer	Thomas	
Levitan	Fausto and Aida	
London	Ed and Victoria	
Martory	Joe and Iris	
Milani	Rodolfo and Linda	
Moya	Frank	
Perez	Demetrio	HJack/750/5
Planas	Raul and Betty	
Reinach	Judy	HJack/150/1
Sabines	Luis and Mari	HJack/300/2
Tripp	Norman and Jane	HJack/750/1
Valverde	Fernando and Maruchy	HJack/1050/7:JoseArmas,ReinaldoPaya,GeorgettPid al,MariaPiedra,Guillermo& BarbaraSalazar,ReneValverde.
Velazquez	Ray and Josey	
Villamil	Tony and MariElena	
Zubizarreta	Octavio and Tere	

---

 \$ 6150.00

Total (3 pages)

Hosts &	
Their Guests	\$6150.00
Paid/Going	\$5450.00
Paid/Not	\$2165.00
Going	±+++++±
	\$13,765.00

# HOSTS & GUESTS

#3

LAST	DEAR	EVENTS
Argiz	Tony and Conchy	<b>PAC check@ DOOR</b>
Batchelor	George and Marianne	HJack/750/5
Bermello	Willy and Daysi	<b>4 COMING</b>
Blanco	Rolando and Mercedes	Jack/150/1
Borgognoni	Greg and Georgia	<b>5 COMING</b>
Broad	Shepard	HJack/150/1
<u>Bucelo</u>	<u>Armando</u> and Beatriz	HJack/ <del>500/10</del> :4toHostRecep, bringing \$1500
Capo	Manuel and Aida	HJack/750/5:Manuel,Aida,Julio,Carlos&Gerard oCapo
Cobb	Chuck and Sue	HJack/750/5
<u>De Cespedes</u>	<u>Jorge</u> and Yvonne	HJack/500/ <u>10</u> :Jorge,RobertoMartin-Perez,Paul oRos,JulioCurrais,GeorgeEvans JorgeBorrón,AllanRoss,BruceOr. <i>early</i>
Estrada	Freddy and Teresa	HJack/2:Eva&Steve(c)
Feig	Steve and Eva	
Frazier	Ronald and Regina	
Gaetz	Don and Vicky	
Herald	Thomas and Mary	HJack/450/3:Tom,Mary,Bing,Sara&BillHerald,D ennisMcCarthy,Gary&LindaThomas
Kislak	Jay and Jean	HJack/750/5
Kramer	Thomas	HJack/\$/3:ThomasKramer,Heinrich Hanau,Marshall McAlpine
Levitan	Fausto and Aida	BBJack/300/2:AidaLevitan&FaustoSanchez;
London	Ed and Victoria	HJack/\$None/5:EdLondon,SteveBrodie,HerbLevi n,MarvinDavidson,IkeFisher;
Martory	Joe and Iris	Jack/300/2:Joseph&IrisMartory and(Thomas&EmeriaDowell)
<u>Milani</u>	<u>Rodolfo</u> and Linda	HJack/\$/2ViaIncentive:Rodolfo&Linda; <u>10 IN</u> <i>ea</i>
Moya	Frank	HJack/No\$/5:IraLevenshon,JohnYanopoulos,Gwy nethC.Bell,MichaelFernandez,E ElizabethMoya
<u>Perez</u>	<u>Demetrio</u>	HJack/750/5 <i>early</i>
Planas	Raul and Betty	
Reinach	Judy	HJack/150/1
Sabines	Luis and Mari	HJack/300/2
Skubish	Pat	HJack
<u>Tripp</u>	<u>Norman</u> and Jane	HJack/750/1 <i>early</i>
<u>Valverde</u>	<u>Fernando</u> and Maruchy	HJack/ <u>1050/7</u> :JoseArmas,ReinaldoPaya,Georget tPidal,MariaPiedra,Guillermo& BarbaraSalazar,ReneValverde.
Velazquez	Ray and Josey	
<u>Villamil</u>	<u>Tony</u> and MariElena	HJack/\$Door/8:JAntonio&MariElenaVillamil,Os car&MaggieBaisman,NaomiNixon, Juan&FrancesGarcia,StevenMorell
Zubizarreta	Octavio and Tere	NOJack/300

IRH/Kemp  
Table!

SCHEDULE A

ITEMIZED RECEIPTS # 4

For line # 11(a) i

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

Name of Committee (in full): ROS-LEHTINEN FOR CONGRESS

A. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Peter Kilissanly 6101 Blue Lagoon Dr. Suite 300 Miami, FL 33126	Physician Corp of Am Occupation President/CEO	12/07/93	200.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify):			
		Aggr YTD >\$	400.00

B. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Jay Kislak P.O. Box 025409 Miami, FL 33102-5409	Kislak Organization Occupation Realtor	09/17/93	400.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify):			
		Aggr YTD >\$	1,000.00

C. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Jean H. Kislak 2 Palm Bay Ct., Apt. 21-W Miami, FL 33138	Occupation Homemaker	09/17/93	350.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify):			
		Aggr YTD >\$	350.00

D. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Thomas Kramer 43 Star Island Miami Beach, FL 33139	Portofino Group Occupation Businessperson	10/13/93	1,000.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify):			
		Aggr YTD >\$	1,000.00

E. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Lisa Landsman 12525 SW 62nd Avenue Miami, FL	BEST EFFORTS Occupation Unknown	12/15/93	500.00
Receipt for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General			
<input type="checkbox"/> Other (specify):			
		Aggr YTD >\$	500.00

Subtotal of Receipts This Page (optional).....\$ 2,450.00  
 Total This Period (last page this line number only).....\$

#5 10.13.93 A

PLEASE ENDORSE ALL CHECKS AND LIST SEPARATELY

Donor	Cents
# AICPA	150000
Kramer, Tom	100000
Nesslein, David	75000
Jamies, Angela	60000
Bradley, Philis	50000
Ajamil, Luis	30000
Baismann, Oscar	30000
Bermello, Doyi	30000
Dowell, Emerio	30000
# Firefighters Assoc	30000
Garcia, Juane	30000
Hernandez, Lilitino	30000
# INSUR PAC	30000
Levitan, Aida	30000
Planas, Carlos	30000
Poliakoff, Gary	30000
<b>TOTAL</b>	<b>765000</b>

ENTIRETY OF CHECKS HERE

Bank/Miami, N.A.  
 200 Park Avenue, New York, New York 10017  
 Miami, FL 33152-2784

DATE 10-13-93 (A)

	DOLLARS	CENTS
CURRENCY		
COINS		
FRONT SIDE TOTAL	7650	00
TOTAL DEPOSIT	7650	00

ROS-LEHTINEN FOR CONGRESS 12-11-92  
 P.O. BOX 52-2784  
 MIAMI, FL 33152-2784

INPUT V  
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 ENV  
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back 10

AICPA EFFECTIVE LEGISLATION COMMITTEE

**Bankers Trust Company**  
 280 Park Avenue, New York, New York 10017

1-103  
210

020311

\*\*\*1,500 DOLLARS AND NO CENTS

09/16/93

020311

ROSLE061

\*\*\*\*\*1,500.00

ROS-LEHTINEN FOR CONGRESS

Donna H. Borowicz SIGNER  
 Gilman Ruben COURTESIGNER

⑆020311⑆ ⑆02⑆00⑆033⑆ 672⑆00049402⑆

back

Thomas Kramer

1134

Oct 12 1993

Pay to the order of Ros-Lehtinen for Congress One Thousand <sup>00</sup>/<sub>100</sub> Dollars

United National Bank  
 Robert Building Center  
 1300 SW 1st Avenue  
 Miami, Florida 33130

10000

#6 (10f6)



HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

July 30, 1993

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

Mr. and Mrs. Andrew E. Grigsby  
8421 S.W. 140 Street  
Miami, FL 33158

Dear Andy and Lorraine:

On Tuesday, October 12th, I will be holding a special fundraiser luncheon in Miami with one of this nation's brightest political superstars, Jack Kemp.

As you know, Jack is the former Secretary of Housing and Urban Development in the Bush Administration and had been a long term Congressman from New York. Jack is now the Co-Chairman of Empower America, a nationwide organization which seeks to find a stronger voice for liberals, moderates, and conservatives who feel disenchanting with the status quo.

It would be a real honor if you would agree to serve as a co-host for this special luncheon for my re-election to Congress. The event will be at a Miami hotel at noon and after lunch we will hear Jack Kemp's inspiring words on the issue of how to bring about greater economic prosperity to all and how to more aggressively deal with our ever-growing deficit crisis.

The tickets for the October 12th luncheon will be \$150 and, as a co-host, I would appreciate it if you would sell 5 tickets.

I will be in contact with you in the coming weeks to see if you can serve as a co-host and if we can list you as such on our printed invitation.

Your help has always been valuable to me and I sincerely appreciate all that you have done.

*Lorraine + Andy  
Thanks!*

Sincerely,  
*[Signature]*

Ileana Ros-Lehtinen  
Member of Congress

P.S. Please remember that our campaign telephone number is (305) 460-3245 and our fax number is (305) 667-2645. I am enclosing a sheet for your response if you care to get back to me in this manner. I will call you next week!



#6 (2 of 6)

HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

**TO:** Ileana  
**FROM:** Andy and Lorraine  
**RE:** Co-Hosting the Jack Kemp Luncheon

Ileana, yes, I will be a co-host for the October 12th luncheon featuring Jack Kemp as the guest of honor. I will try to sell 5 tickets at \$150 each.

Ileana, no, I will not be able to serve as a co-host.

**MESSAGE FROM ILEANA:** Please fax this response sheet to me at fax number (305) 667-2645. Thanks again, as always!

I'll call you next week - Thanks again!

Lorraine + Andy  
Thank you!  
Ileana

#6 (3 of 6)



HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

August 20, 1993

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

Dr. and Mrs. Lee Pearce  
11880 Bird Road  
Suite 201  
Miami, FL 33175

Dear Lee and Nora:

I am sorry that I was not able to connect with you when I called the other day to ask you to be a co-host for a luncheon I am having on Tuesday, October 12th at noon at the Biscayne Bay Marriott where our very special guest will be Jack Kemp.

As you know, Jack is the former Secretary of Housing and Urban Development under President George Bush and is rumored to be one of the leading contenders for the Republican nomination in 1996. He is now active in Empower America, an organization which deals with the important issues of our day, such as empowerment, health care and the economy.

I am greatly pleased that Jack Kemp will be in Miami expressively to help me in my re-election campaign effort.

The tickets are \$150 each and as a co-host, I would appreciate it if you would try to sell five tickets.

The luncheon is sure to be an interesting one and we all look forward to hearing Jack's speech on October 12th.

Thanks Again!

*Nora + Lee  
I hope  
you can help!*

Sincerely,

Ileana Ros-Lehtinen  
Member of Congress



#6 (4 of 6)

HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

August 23, 1993

Ileana Ros-Lehtinen  
Miami, Florida  
Via Fax (305) 667-2645

Dear Ileana:

Yes, I'd like to serve as a co-host and I'll try to sell 5 tickets at \$150 each.

No, I cannot serve as a co-host at this time but I will send a contribution.

No, but please keep me in mind as a co-host for future events.

Sincerely,

Lee and Nora

MESSAGE FROM ILEANA:

Please fax this response sheet to me at fax number (305) 667-2645.

Thanks so much.

*Nora + Lee -  
all the  
best!  
Ileana*

#6 (Sof6)



HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

September 21, 1993

Ms. Judith Fischer Reinach  
365 Harbor Lane  
Key Biscayne, FL 33149

Dear Judy:

Thank you again for agreeing to serve as a co-host for our special luncheon with future Presidential candidate, Jack Kemp. The October 12th event is sure to be talked about for weeks because Jack is always a provocative speaker.

Just as a reminder, tickets are \$150 each and if you could sell five tickets, it would greatly be appreciated.

If you have any questions, please leave me a message in the campaign's voice mail at 460-3245 and we'll get right back to you.

Thanks again for your gracious help.

I look forward to seeing you at the private co-host reception with photos with Jack. That will take place in the Hibiscus Island Room at the Biscayne Marriott at 12:30 p.m. before the luncheon.

See you there!

Sincerely,  
  
Ileana Ros-Lehtinen  
Member of Congress

*Thanks so much!*

#6 (6 of 6)



HOUSE OF REPRESENTATIVES

ILEANA ROS-LEHTINEN

September 28, 1993

P.O. Box 52-2784  
Miami, FL 33152-2784  
(305) 460-3245

Mr. and Mrs. Raul Planas  
11964 S.W. 99th Terrace  
Miami, Florida 33186

Dear Raul and Betty:

We are only 14 days away from our spectacular Jack Kemp luncheon and it looks like it will be a phenomenal success, but only if you can help us all you can.

I spoke to Jack a few days ago and he is very excited about our event and he is especially thrilled with our private reception before the luncheon which is only for you, the co-hosts.

As I informed you, the private co-host reception will be at 12:30 p.m. at the Hibiscus Room in the Bayside Bay Marriott. We will have our photographer snapping photos and I know that by the time 1996 comes around, you will treasure that memento.

Thanks again for your help!

Sincerely,

*Carinos*

Ileana Ros-Lehtinen  
Member of Congress

*Gracias!*

P.S. By the way, please make your checks out to Ros-Lehtinen for Congress (personal checks only please) and fax us your guests names at (305) 667-2645

SCHEDULE A

ITEMIZED RECEIPTS

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

Name of Committee (in full): ROS-LEHTINEN FOR CONGRESS

A. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Joseph L. Caruncho 1200 W. Ave., #526 Miami Beach, FL 33139	Self Occupation Attorney	08/06/93	60.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 210.00

B. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Joseph L. Caruncho 1200 W. Ave., #526 Miami Beach, FL 33139	Self Occupation Attorney	12/29/93	150.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 210.00

C. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Roger C. Cary 483 Center Island Golden Beach, FL 33160	Hialeah Hosp. Ambul. Occupation CEO	12/29/93	400.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 400.00

D. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Paul L. Cejas 1740 W. 25 St. Sunset Island Miami Beach, FL 33140	Care Florida Occupation President/CEO	07/22/93	120.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 370.00

E. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Sue M. Cobb 8 Tahiti Beach Island Road Coral Gables, FL 33143	Greenberg, Traurig Occupation Attorney	09/13/93	750.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 750.00

Subtotal of Receipts This Page (optional).....\$ 1,480.00  
 Total This Period (last page this line number only).....\$

# 8

9/13/93

Checks and other items are received for deposit subject to the rules and regulations of this financial institution  
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL



SunBank/Miami, N.A.  
Doral Office  
8899 N.W. 36th Street  
Miami, FL 33166

DATE 9-13-93

	DOLLARS	CENTS
CURRENCY		
COINS		
FRONT SIDE TOTAL	1535	00
TOTAL DEPOSIT	1535	00

ROS-LEHTINEN FOR CONGRESS 12-11-92  
P O BOX 52-2784  
MIAMI, FL 33152-2784

PLEASE ENDORSE ALL CHECKS AND LIST EACH SEPARATELY

Check #	Payee	Dollars	Cents
5	Cobb, Sue	750	00
2	Milanes, Maria	300	00
2	Sabines, Luis	300	00
1	Muvarro, Ant	150	00
NO	Ramos, Alfredo	300	00
NO	Alonso, Rosario	500	00
		ENTER TOTAL OF CHECKS HERE 1535.00	

@066000604:0045007317094

INPUT  
ENC  
4

Checks

Sue M. Cobb

8/30 1993

ILEANA ROS-LEHTINEN FOR CONGRESS \$ 750.00

Seven hundred and fifty + 00/100

Northern Trust Bank of Florida N.A.

OCTOBER 12 1993

Sue M. Cobb

Checks

Previous Months

Maria R. Milanes or  
Fernando J. Milanes physician  
VA Hospital

9/9 1993

PAY TO THE ORDER OF Ros-Lehtinen for Congress \$ 300.00

Three hundred

Interamerican Bank

FOR [Signature]

#9

SCHEDULE A

ITEMIZED RECEIPTS

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

Name of Committee (in full): ROS-LEHTINEN FOR CONGRESS

A. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Gregory P. Borgognoni 6950 S.W. 107th St. Miami, FL 33176	Ruden, Barnett Occupation Attorney	10/13/93	150.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 650.00

B. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Phil S. Bradley 13043 San Jose Street Gables By the Sea, FL 33146	Advance Petroleum Occupation Executive	10/13/93	500.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 750.00

C. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Phil S. Bradley 13043 San Jose Street Gables By the Sea, FL 33146	Advance Petroleum Occupation Executive	10/13/93	250.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 750.00

D. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Norman Braman One SE 3rd Avenue #2130 Miami, FL 33131	Braman Enterprises Occupation Executive	09/17/93	500.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 500.00

E. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Shepard Broad 1200 Lincoln Road, Suite 200 Miami Beach, FL 33139	Occupation Retired	09/10/93	150.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 400.00

Subtotal of Receipts This Page (optional).....\$ 1,550.00  
Total This Period (last page this line number only).....\$

#10 9/17/93

Checks and other items are received for deposit subject to the terms and regulations of this financial institution. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

Bank/Miami, N.A. 045  
1000 W. 30th Street  
MIAMI, FL 33135

PLEASE ENDORSE ALL CHECKS AND LIST EACH INDIVIDUALLY	Dollars	Cents
1. Braman, N.	500 00	
2. Kislak, Jay	400 00	
3. Kislak, Jean	350 00	
4. Garcia, Carlos	150 00	
5. Rodriguez, Mario	150 00	
6. Abella, Rosa H.	50 00	
7. Moragues, Pedro	20 00	
8. Diaz-Cruz, Andres	50 00	
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

ENTER TOTAL OF CHECKS HERE → 167000

DATE 9/17/93

	DOLLARS	CENTS
CURRENCY		
COINS		
FRONT SIDE TOTAL	1670	00
TOTAL DEPOSIT	1670	00

ROS-LEHTINEN FOR CONGRESS 12-11-92  
P.O. BOX 52-2784  
MIAMI, FL 33152-2784

⑆066000604⑆00450073⑆7094⑆ 0

INPUT  
ENTRY

back 3+

NORMAN BRAMAN  
IRMA BRAMAN

Auto Dealer  
Braman Management

September 15, 1993

THE ORDER OF Res-Lehtinen for Congress

Five Hundred \$500.00

City National Bank  
OF FLORIDA  
25 WEST FLAGLER STREET  
MIAMI, FLORIDA 33138

FOR Contribution

374

back 5

JAY I. KISLAK 1-88

1626

Sept 13, 1993

PAY TO THE ORDER OF Ileana Ros-Lehtinen for Congress \$400.00

Four hundred and no/100s DOLLARS

KISLAK NATIONAL BANK  
13480 N.W. 7th AVENUE  
NORTH MIAMI, FLORIDA 33188

MEMO

SCHEDULE A

ITEMIZED RECEIPTS

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

Name of Committee (in full): ROS-LEHTINEN FOR CONGRESS

A. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Antonio Toledo 549 55th st West New York, NJ 07093	Occupation	11/27/93	66.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 198.00

B. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Gabriel Torres 110 Kamp Pl. North Bergen, NJ 07047	Occupation	11/27/93	33.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 33.00

C. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Gelacio S. Torres 121-70th Street Guttenberg, NJ 07093	Occupation	12/10/93	33.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 33.00

D. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Robert H. Traurig 1221 Brickell Ave., 22nd Floor Miami, FL 33131	Occupation	09/14/93	150.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 150.00

E. Full Name, Address and ZIP Code	Name of Employer	Date	Amount
Aaron Tuckler 1033 Bayamo Avenue Coral Gables, FL 33146	Occupation	07/16/93	120.00

Receipt for:  Primary  General  
 Other (specify): | Aggr YTD >\$ 120.00

Subtotal of Receipts This Page (optional).....\$ 402.00  
Total This Period (last page this line number only).....\$



# 12

(2 of 2)

Jack  
1  
P

Angel Nello Pardo

7981

9-10-93

63-26512

PAY TO THE ORDER OF

*ROS-LEHTINEN FOR CONGRESS* \$150.00

Northern Trust Bank of Florida N.A.  
President

MEMO DMR - Doctor Medical Rentals

*[Signature]*

Jack  
1

DR. EROTIDA PEREZ  
OR JORGE L PEREZ

3118

Sept 10 19 93

63-26678

PAY TO THE ORDER OF

*ROS-LEHTINEN FOR CONGRESS* \$150.00  
*One hundred fifty 00/100*



827-666  
1 East 4th Street  
Miami, Florida, 33133

FOR

*Erotida Perez*

Jack  
1

ROBERT H. TRAUIG

*Attorney  
Greenberg Traurig*

4609

63-24101  
570

September 10, 19 93

PAY TO THE ORDER OF

ROS-LEHTINEN FOR CONGRESS

\$150.00

ONE HUNDRED FIFTY AND 00/100-----DOLLARS



CAPITAL BANK

Main Office  
1221 Brickell Avenue, Miami, FL 33131  
(305) 538-1550

FOR

*Robert H. Traurig*

# MASTER

BERNELLO  
MARTORY 4  
(10) **5**

ARGIZ <sup>introd IRL</sup>  
10 **4**

ARMANDO J. BUCELO  
(10) **3** <sup>MC introd Argiz</sup>

DE CESPEDES  
(10) **2**

VILLAMIL & SABINES 2  
(10) **1**

COBB 5  
HERALD 3  
FEIG 2  
(10) **11**

MILANI  
(10) **10**

KEMP  
B. Batelebr  
M. Bathebr  
S. Broad  
Rodolfo  
LINDA MILANI  
CAPO  
TAPU  
TRIP  
PEREZ  
**9**

IRL  
VALVERDE  
JUDY REINACH  
P. A. BOI FELIG  
(10) **8**

KISLAK & VELAZQUEZ 5  
(10) **7**

ESTRADA 5  
LEVITAN 2  
71 **6**

PLANAS 2  
ROS 5  
**17**

GAETZ 6  
LOPEZ-S  
(6) **16**

Enriquez  
Capo 2 & 5  
Milani 2  
3 **15**

LONDONI  
MOYA  
(10) **14**

BRAMAN  
TRAMPIS 1  
CONESLI  
ARGIZI  
MAY **13**

Katy And.  
KRAMER 3  
FRANZINI  
Grant Miller **12**

MOREPA  
FRANZINI  
**22**

MUSGROVE  
**21**

ELECTED  
OFFICIALS  
**20**

BLANCO  
**19**

BORGOGNONI  
**18**

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. #14

Name of Committee (in full): ROS-LEHTINEN FOR CONGRESS

A. Full Name, Address and ZIP	Purpose of	Date	Amount
Elena Diaz-Verson Amos 1932 Wynnton Road Columbus, GA 31999	Disbursement RET. OF CONTR.	09/30/94	900.00

Disbursement for:  Primary  General  Other (specify)

B. Full Name, Address and ZIP	Purpose of	Date	Amount
Thomas Kramer 43 Star Island Miami Beach, FL 33139	Disbursement RET. OF CONTR.	09/27/94	1,000.00

Disbursement for:  Primary  General  Other (specify)

Subtotal of Disbursements This Page (optional).....\$ 1,900.00  
Total This Period (last page this line number only).....\$ 1,900.00

# SIMMONS, HART & SHEEHE

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

ATTORNEYS AT LAW

ONE BISCAYNE TOWER - SUITE 1684

2 SOUTH BISCAYNE BOULEVARD

MIAMI, FLORIDA 33131

(305) 379-3515

FAX (305) 379-5404

## OCALA OFFICE

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

## MAILING ADDRESS

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

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

DEBRA M. LEDER  
JEFFREY SKATES

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

July 18, 1997

Jose M. Rodriguez, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **MUR 4638**

Dear Mr. Rodriguez:

For the reasons we discussed on the telephone, my client will not be responding by the July 18 deadline. I look forward to hearing from you with respect to further inquiries you are making into this matter and establishing a new date for a response.

Very truly yours,



Louis V. Vendittelli

LVV/ebr

cc: Terri Bradley

JUL 21 3 20 PM '97

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE (202) 662-6291

CHARLES D. HALEY

DIRECT DIAL NUMBER

202 662 5143

CHALEY@COV.COM

SECOND FLOOR HOUSE

CURZON STREET

LONDON W1P 8AS

ENGLAND

TELEPHONE 44 (7) 495 2655

FACSIMILE 44 (7) 495 3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE 32 (2) 549 5230

FACSIMILE 32 (2) 502 1599

July 25, 1997

VIA HAND DELIVERY

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

Re: **MUR 4638 -- Subpoena to Produce Documents  
and Order to Submit Written Answers**

Dear Mr. Rodriguez:

Attached to this letter is the response of the National Republican Senatorial Committee to the Subpoena to Produce Documents and Order to Submit Written Answers received on June 9, 1997, from Commission Chairman John Warren McGarry regarding the above-captioned Matter Under Review ("MUR").

Given our full cooperation in this matter, we hope that this will conclude the National Republican Senatorial Committee's involvement in MUR 4638.

Sincerely,

*Charles D. Haley*

Charles D. Haley

3 / 4 4 9

16, 11 TO 7 11

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 4638  
 )

JUL 25 5 02 PM '97

RESPONSE OF  
NATIONAL REPUBLICAN SENATORIAL COMMITTEE  
TO SUBPOENA TO PRODUCE DOCUMENTS  
AND ORDER TO PRODUCE WRITTEN ANSWERS

The National Republican Senatorial Committee ("NRSC") submits this General Responses to the Subpoena to Produce Documents and Order to Submit Written Answers (the "Subpoena") dated June 9, 1997, in connection with MUR 4638.

GENERAL OBJECTIONS

1. NRSC understands the Subpoena to be concerned chiefly with any role the law firm of Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("Greenberg & Traurig"), may have played in the June 4, 1993, contribution of \$25,000 by the Portofino Group, Inc., to NRSC (the "contribution"). NRSC has conducted a search of its computer database for the names of Greenberg & Traurig; the Portofino Group, Inc.; and Thomas Kramer. No reference of any kind to Greenberg & Traurig resulted. Nor does NRSC have any reason to believe that Greenberg & Traurig played a role in the solicitation or transmittal of the contribution to NRSC. All available written documentation relating to the contribution is hereby produced to the Commission and is attached as an appendix hereto. To the extent a document does not relate to the contribution, NRSC objects to the request, because the information may be confidential and certainly is irrelevant to the inquiry of MUR 4638. Pursuant to this objection, two documents have been produced in redacted form.

20043874410

2. To the extent that the Subpoena might require an extensive search for non-written information on the contribution, NRSC objects to the request as being unduly burdensome and expensive, particularly in light of the absence of any written reference to Greenberg & Traurig.

3. The NRSC generally objects to the Subpoena as overly broad, unduly burdensome and, particularly with respect to questions 6 and 8, duplicative.

4. The NRSC objects to the Subpoena to the extent it calls for the production or inspection of information or material protected by the attorney-client privilege.

5. The NRSC objects to the Subpoena to the extent it calls for the production or inspection of information or material protected by the attorney work-product doctrine.

These General Objections are hereby incorporated into every individual response to Questions 1-9 of the Subpoena.

**RESPONSES AND OBJECTIONS TO SPECIFIC DOCUMENT REQUESTS AND INTERROGATORIES**

**Question 1.a.** State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.

**RESPONSE**

NRSC has no knowledge of any involvement of a person associated with Greenberg & Traurig in the contribution. See Response to Question 1.b.

**Question 1.b.** If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or

20043874411

if Greenberg & Traurig had any other involvement in the solicitation.

**RESPONSE**

NRSC has no knowledge of whether the contribution was actively solicited or, if it was, by whom. The contribution appears to have been transmitted to then NRSC Executive Director William Harris by Jorge L. Arrizurieta, at the suggestion of "Mitch" (whom we believe to be Mitchell B. Bainwol). NRSC has no knowledge of any involvement by Greenberg & Traurig in the solicitation or transmittal of the contribution.

**Question 2** State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.

**RESPONSE**

To the knowledge of NRSC, the contribution was not transmitted from Greenberg & Traurig. See Response to Question 1.b.

**Question 3** State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

**RESPONSE**

No.

**Question 4** State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

9304874412

**RESPONSE**

NRSC has no knowledge of any fundraising event connected with the solicitation or receipt of the contribution, and no knowledge of any role of Greenberg & Traurig employees in the contribution. See Response to Question 1.b.

**Question 5**

Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

**RESPONSE**

All documents connected to the contribution uncovered by a reasonable search of NRSC's files are attached as an appendix hereto and should be self-explanatory.

**Question 6.a.**

For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and

0 3 0 4 7 8 7 4 4 1 3

describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

**RESPONSE**

See General Objections and Response to Question 5.

**Question 6.b.**

Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.

**RESPONSE**

See General Objections and Response to Question 5.

**Question 7.**

To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

**RESPONSE**

See General Objections and Response to Question 5.

0 3 7 4 3 8 7 4 4 1 4

**Question 8a.** To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

**RESPONSE**

See General Objections and Response to Question 5.

**Question 8.b.** Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

**RESPONSE**

See General Objections and Response to Question 5.

**Question 9** Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

**RESPONSE**

In addition to counsel, the following persons provided information used in the preparation of this response: Mary Margaret Dotter, Assistant Treasurer of NRSC; Heather

93043874415

Pinsker, an employee of the NRSC Finance Division; and Jan McBride, FEC Compliance Director of NRSC.

*Bobby R. Burchfield*

Bobby R. Burchfield  
Charles D. Haley  
COVINGTON & BURLING  
P.O. Box 7566  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20044  
(202) 662-6000

Craig M. Engle, General Counsel  
National Republican Senatorial Committee

Of counsel

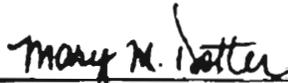
July 25, 1997

93043874416

---

**DECLARATION**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed in Washington, D.C., on this 25th day of July 1997.

  
\_\_\_\_\_  
Mary M. Dotter  
Custodian of Records

93043074417

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 1997, I served a copy of the foregoing Response of the National Republican Senatorial Committee to a Subpoena to Produce Documents and Order to Submit Written Answers by first-class mail, prepaid on the following:

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

  
Charles D. Haley

93045874418

APPENDIX

RESPONSE OF  
NATIONAL REPUBLICAN SENATORIAL COMMITTEE  
TO SUBPOENA TO PRODUCE DOCUMENTS  
AND ORDER TO PRODUCE WRITTEN ANSWERS

93042874419



**PORTOFINO**  
GROUP

November 8, 1994

Republican Senatorial Committee  
c/o Edwina Rogers  
Ronald Regan Republican Center  
425 Second Street, N.E.  
Washington, D.C. 20002

Re: Republican Senatorial Committee

Dear Ms. Rogers:

I have recently learned that a foreign national like myself may not make contributions in connection with candidate elections in the United States. I was not aware of this prohibition at the time Portofino Group, Inc. contributed \$25,000.00 to The Republican Senatorial Committee. In the circumstances, I must ask that you promptly return the contribution made by Portofino Group, Inc. I regret any inconvenience this may cause them.

Thank you for your cooperation.

Very truly yours,

Thomas Kramer

446 COLLINS AVENUE  
MIAMI BEACH, FL 33139  
PHONE 305 532 2519  
FAX 305 532 4678

980138/4490

CF-0140-0611  
1230  
4290-T43

DEPOSIT TICKET 58-4081411  
560

NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE  
NON FEDERAL CONTRIBUTIONS

CF

**SIGNET BANK**

ACH APT 251008718 Virginia

DATE 6/11 1993

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWALS  
LIST CHECKS SINGLY OR ATTACH LIST  
DOLLARS CENTS

CURRENCY

CPN  
Pontefino  
Comp. Inc.

2500000

93042874421

⑆500006779⑆ 6520016936⑈

\$ 2500000

\$ 25000.00

PLEASE ENTER TOTAL HERE

Checks and other items are received for deposit  
subject to the provisions of the Uniform Commercial  
Code or any applicable collection agreement.

PORTOFINO GROUP, INC.

1574

DATE	DESCRIPTION	AMOUNT	DEDUCTION	NET AMOUNT
------	-------------	--------	-----------	------------

4-93

\$25,000.00

Thomas Kramer  
 Portofino Group  
 446 Collins Ave.  
 Miami Beach, FL

CHECK DATE	CONTROL NUMBER	TOTALS
------------	----------------	--------

33139

305/532-2519

PORTOFINO GROUP, INC.

1574

Real Estate Development Group

PAY TO THE ORDER OF *Republican Senatorial Committee* DATE *6-4-93* CONTROL NO. AMOUNT *\$25,000.00*

*Twenty Five Thousand 00/100*

874422

Jorge L. Arrizurieta  
Director of State Projects



UNITED STATES SENATOR  
CONNIE MACK  
FLORIDA

Brickell Avenue  
Suite 704  
Miami, Florida 33131  
(305) 540-7101

Connie Mack  
United States Senator  
Florida

MEMORANDUM

TO: Bill Harris  
Executive Director  
National Republican Senatorial Committee

FROM: Jorge L. Arrizurieta  
Director of State Projects 

DATE: June 8, 1993

RE: Thomas Kramer contribution

I trust all is going well with you and your family. You may recall I worked with you and Hector in Houston for a few months, I have been back with the Senator since.

Mitch asked that I forward you the attached \$25,000 contribution that was raised in Miami for the Committee.

The contribution is from:

Thomas Kramer  
45 Star Island  
Miami Beach, Florida 33139

Occupation: Investor/Trader

Look forward to seeing you soon. Please call on your visits to Florida.

28041874423

**NATIONAL REPUBLICAN SENATORIAL COMMITTEE**

**NON-FEDERAL EXPENDITURES**  
425 2ND ST., NE.  
WASHINGTON, DC 20002

**SIGNET BANK**  
Virginia

1322

NOVEMBER 30 1994

800-408/560 1411

PAY \*\*TWENTY FIVE THOUSAND AND 00/100\*\*\*\*\* DOLLARS \*\*25,000.00\*

TO  
THE  
ORDER  
OF

PORTOFINO GROUP, INC.  
THOMAS KRAMER  
45 STAR ISLAND  
MIAMI, BEACH, FL 33139

⑆00001322⑈ ⑆056004089⑆ 652⑈0169944⑈

NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE  
NON-FEDERAL EXPENDITURES

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS A PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DELUXE - FORM WVCP-2 V-2

DATE	DESCRIPTION	AMOUNT
11/30/94	REFUND - 024290T09	25,000.00

3058744

NATIONAL REPUBLICAN SENATORIAL COMMITTEE  
CHECK AUTHORIZATION FORM

*Non fed*

Vendor Name & Address:

Mr. Thomas Kramer  
Portofino Group Inc  
45 Star Island  
Miami Beach, FL 33139

Division: Finance  
Contact Person: Lin  
Date: 11/8/94  
Due Date: ASAP - TODAY

Telephone No.: \_\_\_\_\_

P.O. Number: \_\_\_\_\_

Amount: \$25,000

Account No.: \_\_\_\_\_

Purpose: Refund for Corporate Card that came from Conors - not Amer. Citizen

IN BUDGET The amount should be charged to the 02-4290729 line(s) on my budget  
\_\_\_\_\_ line(s) on my budget

AUTHORIZED FOR PAYMENT

Edwina Rogers A ah  
Division Director Executive Director Deputy Executive Director Controller  
Director

FOR ACCOUNT PURPOSES ONLY

- P.O. (FULL PAYMENT)
- P.O. (PARTIAL PAYMENT)

PAID  
NOV 30 1994

VENDOR #: \_\_\_\_\_

ENTERED MANUAL CHECK

Invoice #	Inv. Date	Inv. Total	G/L Code	FEC Code	Amount	PO #
<b>TOTAL</b>						

Mail to Vendor

**THOMSON MURARO RAZOOK & HART, P.A.**

One Southeast Third Avenue, 17th Floor  
Miami, Florida 33131

**TELEPHONE**  
**(305)350-7200**

**FACSIMILE**  
**(305)374-1005**

The information contained in this facsimile message is intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.

TELECOPIER COVER LETTER

Please deliver the following page(s) to:

NAME: Ms. Edwina Rogers

ADDRESS: Republican Senatorial Committee  
Ronald Regan Republican Center  
425 Second Street, N.E.  
Washington, D.C. 20002

TELECOPIER NUMBER: 202-675-6058

CONFIRMATION NO.: 202-675-6000

FROM: Brian A. Hart

COMMENTS: Please see attached.

Total Number of Pages Including Cover Letter: 3

Date: November 8, 1994

T M Reference: 4765.003

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AS POSSIBLE.

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NATIONAL REPUBLICAN SENATORIAL COMMITTEE  
NON-FEDERAL

PAGE 13 OF 19  
LINE 1

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

REPORT COVERING PERIOD FROM 6/ 1/93 THRU 6/30/93

NAME AND ADDRESS	DATE	THIS PERIOD	CALENDAR YR-TO-DATE
PORTOFINO GROUP, INC. 446 COLLINS AVENUE MIAMI BEACH, FL 33139	6/11/93	\$25000.00	\$25000.00

[REDACTED]

9 3 0 4 3 8 7 4 4 2 7



EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX (202) 296-2882

DIRECT LINE

JUL 31 5 11 PM '97

250 PARK AVENUE  
NEW YORK, NEW YORK 10177-0077  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-886

SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-2704  
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

2 EMBARCADERO  
SAN FRANCISCO, CALIFORNIA 94111-5994  
(415) 398-3500

12750 MERIT DRIVE  
DALLAS, TEXAS 75251-12091  
(972) 490-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-31321  
(703) 684-204

P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

July 31, 1997

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W., Room 657  
Washington, D.C. 20463

**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

This constitutes a partial response to the Subpoena to Produce Documents and Order to Submit Written Answers ("the Subpoena") issued by the Commission to Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("the Firm").

Specifically, enclosed please find a document which is responsive to Interrogatory No. 6.

As you are aware, the Firm requires additional time to gather information and documents in connection with the Subpoena and to resolve the complex issues raised by the Commission's issuance of a subpoena to a law firm that requests information concerning the law firm's clients. I will call you tomorrow to discuss this matter further, including our outstanding proposal.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
\_\_\_\_\_  
Leslie J. Kerman

Enclosure

03013874429

April 29 Gore Dinner

930487440

Last Name	Check Covers:	Amount	Money Cltd	Reception	Dinner	Sol
	Scott Benyon		\$1,000.00	1		rinker mat
AN Garcia Properties	Ron Shapo	\$1,000.00		1	1	mr/sp
Abrams	Steve Matzkin	\$5,000.00		1	1	ldaiy
Acura	Francisco Acura	\$1,000.00		1		lgeller
Adler	Michael Adler, Judy Adler	\$10,000.00		2	2	madler
Adler	Sarah Adler	\$5,000.00		1	1	madler
Adorno & Zeder	George Yoss	\$1,000.00		1		hg
Airocar	Tom McDonald Jim Kane	\$2,500.00		2	2	mb
Airocar Same	Haywood Benson, Mattie Benson			2		c
Alarcon	Oscar Levin/Howard Vine (mr/sp)	\$1,000.00		2	1	mr/sp
Alexander	Nancy Alexander, Leslie Alexander		\$2,000.00	2		ismith
Almar Interservice		\$1,000.00		0	0	jb
Altehuier	Hamilton Forman, Doris Forman	\$5,000.00		2	2	mb
Alvares	Julio Alvares		\$1,000.00	1		ef
Alvarez	Fernando Alvarez		\$5,000.00	1	1	ef
American Equity	Haim Weiner	\$1,000.00		1	0	mr/sp
Amlong	William Amlong, Karen Amlong (c. Baetwood)	\$5,000.00		2	2	berger
Anclote Psychiatric Ho	Dee Goldberg	\$2,500.00		1	1	mr/sp
Aran	Fernando Aran	\$1,000.00		1		met
Archuleta	Celestino Archuleta	\$1,900.00		1		met
Arison	Mickey Arison		\$5,000.00	1	1	berlin
Arnalz		\$250.00		1		met
Aronson		\$200.00		0	0	mr
Ashland	Dan Ashland	\$5,000.00		1	1	mberger
Baccus	Representative Jim Baccus	\$0.00		1		c
Baena	Scott Baena (needs 1)	\$2,000.00		2		madler
Barakat	Russ Barakat Lee Barakat	\$0.00		2	2	c
Barr	orence	\$200.00				lacourshon
Bascher	Claudine Bascher, Fred Bascher		\$2,000.00	2		
Beach	Marcia Beach		\$1,000.00	1		gsheldon
Becerra	Rudy Becerra		\$5,000.00	1	1	
Beck	Charlie Lydecker	\$1,000.00		1		berlin
Becker	Alan Becker	\$5,000.00		1	1	mberger
BellSouth	Alan Rubin	\$10,000.00	\$5,000.00	1	1	hglicken
Bercow	Jeff Bercow		\$1,000.00	1		madler
Berga	Frank Berga	\$5,000.00	\$20,000.00	1	1	
Berger	Lloyd			1		mhc
Berger	James			1		mhc
Berger	Mitch Berger, Hope Berger	\$5,000.00		2	2	mberger 1
Berkowitz Developmen		\$1,000.00		1		hg
Berlin	Jerry Berlin, Gwen Berlin, Bret Berlin, Mike Pecaro, past Bickford		\$15,000.00	4	4	c
Blockbuster Video	Jim Blosser Nancy Blosser	\$10,000.00		2	2	berger
Blue Organization		\$500.00				mb

April 27, 1993

April 29 Gore Dinner

9304787441

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Get
Bolanos	Jorge Bolanos		\$5,000.00	1	1	bolanos
Book		\$2,000.00		0	0	mr
Book	Ron Book	\$1,000.00		1	1	mr/sp
Braceres	Willie Braceres		\$5,000.00	1	1	bolanos
Brady	Terry Brady	\$0.00		1	1	c
Brogan		\$200.00		0	0	mr
Brown	Alvin Brown	\$0.00		1	1	c
Burnside	Joe Burnside, Gwen Calloway			2		c
Burr	Thomas Burr (needs 1)	\$2,000.00		2		rbarakat
Butterworth	Bob Butterworth, Marta Parda		\$2,000.00	2		jberlin
Campbell	Walter Campbell	\$1,000.00		1		rbarakat
Capital Bankcorp	Abel Holtz	\$5,000.00		1	1	mr/sp
CareFlorida	David Wester, Sharon Wester, Warren Stowell	\$5,000.00		3	3	pcejas
CareFlorida Health Sys	Paul Cejas, Trudy Cejas, Larry Kries, Linda Kries	\$5,000.00		4	4	pcejas
Caronia Corp.	Ron LaFace	\$2,500.00	\$2,500.00	1	1	mr/sp
Carruthers	Scott Carruthers			1		tlawc
Cassel	Marwin Cassel	\$1,000.00		1	0	mr
Castro	Louis Castro			1		c
Cayard	Ringo Cayard		\$1,000.00	1		jberlin
Cayon	Roberto Cayon		\$1,000.00	1		sf
Ceasar	Mitchell Ceasar	\$1,000.00		1		rBarakat
Chapman	Jimmy Barr, Bill Spann, Raymond Powell, Joe Chapman	\$20,000.00	\$7,000.00	4	4	chapman
Chiles	Lawton Chiles	\$0.00		1	1	c
Chizner	Michael Chizner	\$5,000.00		1	1	mb
Clarkson	Don McClure	\$5,000.00		1	1	x
Clavero	Cesar Clavero	\$1,000.00		0	0	met
Clinicare Medical		\$500.00				mb
Coffey	Kendall Coffey, Joannie Coffrey	\$1,000.00		2		ggeller
Coffey	Kendall Coffey	\$1,000.00		1	0	mr/sp
Coffey	Joni Coffey	\$1,000.00		1	0	mr/sp
Cofrin	Christopher Ross, Gladys Cofrin	\$10,000.00		2	2	mberger
Cohen	Michele Cohen	\$5,000.00		1	1	mf
Cohen	Ruth Cohen	\$1,000.00		1		x
Coleman	Phillip Coleman		\$1,000.00	1		forman
Collins	Art Collins	\$1,000.00		1		bif
Coopersmith	Connie Coopersmith			1		c
Copeland	Mary Copeland	\$1,000.00		1		rbarakat
Cosgrove	Representative Cosgrove	\$0.00		1		c
Courshon	Arthur Courshon (needs 1)	\$10,000.00		2	2	coushon
Courtland Group		\$1,000.00		1		hg
Creative Ideas Advertis		\$500.00		0	0	mr
Cross		\$10.00				dmail
Crotty	Bill Crotty	\$5,000.00	\$5,000.00	1	1	hglicken

April 27, 1993

April 29 Gore Dinner

9 3 0 4 7 8 7 4 4 2

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Sol
<b>Cruz</b>	Luis Cruz		\$1,000.00	1		sf
Cullison	Joe Geller, Debraah Geller, Sarah Lynn Sheaback		\$15,000.00	3	3	y
Culpepper	Bruce Culpepper	\$5,000.00		1	1	gunter
Cummings	James Cummings	\$250.00				mb
<b>Cusick</b>	Mike Cusick			1		c
Daly	Tom Daly, Trudy Daly	\$5,000.00	\$10,000.00	2	2	tdaly
<b>Davis</b>	Larry Davis		\$1,000.00			gsheldon
<b>Davis</b>	Magda Davis	\$3,500.00		1	1	ggeller
<i>Domineses</i>	Don Carson, George Domineses		\$6,000.00	2	2	stc
<b>Doten</b>	Charles Doten, Valerie Doten	\$2,000.00		2		afriedman
Douglas	Dexter Douglas	\$0.00		1	1	c
<b>Druke</b>	Richard Druke	\$500.00		1		ggeller
<b>Druke</b>		\$500.00		0	0	mf
<b>E. Hollywood Medical</b>		\$500.00				mb
<b>Echart Seamans</b>	Brian Belt	\$1,000.00		1		hg
Environmental Sal	David Block, Sandy Block	\$10,000.00		2	2	jberlin
Environmental Waterw	Robert Radler	\$750.00		1	0	mr/sp
<b>Estevez</b>	Tony Estevez		\$5,000.00	1	1	bolanoe
<b>Estrada</b>	Fred Estrada	\$5,000.00		0	0	met
Fairbanks	Nelson Fairbanks	\$0.00		1	1	c
<b>Feinberg</b>		\$250.00				mb
Fenster	Jeff Fenster, Richard Katz	\$2,000.00		2		rbtrakaf
<b>Fenton</b>	David Fenton	\$500.00				x
<b>Ferro</b>	Simon Ferro	\$0.00		1	1	c
Fia Medical Center	Sylvester Lucas, Eddie Dauer, Joanne Dauer	\$15,000.00		3	3	jberlin
<b>Fleetwood Enterprises</b>	Calif guy	\$10,000.00		1	1	mb
<b>Florida Cemetary Ass.</b>		\$2,500.00				mb
<b>Florida Underground P</b>	Andrew Chesler	\$750.00		1	0	mr/sp
<b>Forman</b>	Austin Forman (guest)	\$5,000.00		1	1	mberger
<b>Forman</b>	Collins Forman	\$1,000.00		1		mberger
<b>Fox</b>	John Fox		\$5,000.00	1	1	jberlin
<b>Fox Healthcare</b>		\$1,000.00		1		mb
<b>Friedkin</b>	Monte Friedkin (needs 5)		\$33,000.00	6	6	friedkin
<b>Fried</b>	Ron Fried	\$4,000.00		1	1	hglicken 1
<b>Friedkin</b>	Ada	\$5,000.00		0	0	mfriedkin
<b>Friedkin</b>	Shawn Friedkin	\$5,000.00		1	1	mfriedkin
<b>Friedkin</b>	Lisa Friedkin	\$5,000.00		1	1	mfriedkin
<b>Friedman</b>	Arnold Friedmann	\$5,000.00	\$5,000.00	1	1	afriedman
<b>Gallegos</b>	Mark Gallegos		\$1,000.00	1		met
<b>Garcia</b>		\$500.00		0	0	jb
<b>Gehl</b>	Joseph Gehl	\$5,000.00		1	1	mberger
<b>Gennet</b>	Ining Gennet	\$1,000.00		1		acourshon
<b>Giller</b>	Norman Giller	\$1,000.00		1		acourshon

April 27, 1993

April 29 Gora Dinner

930187443

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Sei
Giller&Giller	Sarah Giller	\$1,000.00		1		acourshon
Gillman	Miles Gillman	\$1,000.00		1		x
Glicken	Howard Glicken (needs 1)	\$0.00		2	2	c
Gold Star Medical Man		\$5,000.00		1		mb
Goldberg	Barton Goldberg	\$1,000.00		1		madier
Guiteras	Jack Guiteras	\$1,000.00		1		met
Guiteras	Greg Guiteras	\$1,000.00		1		met
Gunter	Bart Gunter	\$0.00		1	1	c
Gupta	Rajenda Gupta		\$1,000.00	1		bjohnson
Gupta	Mohan Gupta		\$1,000.00	1		bjohnson
Gupta	M.P. Gupta		\$1,000.00	1		bjohnson
Hall		\$200.00		0	0	mr
Harris	Louis Harris	\$1,000.00		1		acourshon
Hart	John Hart			1		c
Hawkins	Larry Hawkins	\$0.00	\$40,000.00	9	9	c
Health Services Pembr		\$500.00				mb
Herman	Bud Chiles, Jim Eaton	\$25,000.00		2	2	bchiles 3c
Hirt	Fred Hirt	\$1,000.00		1	1	mr/sp
Hoffman		\$1,000.00		0	0	mr
Hogan	Scott Carruthers	\$5,000.00		1	1	hglicken
Holtz	Laurie Holtz	\$1,000.00		1		acourshon
Hopewell	Luz Hopewell	\$1,000.00		1		met
Houlihan	Gerald Houlihan	\$1,000.00		1	0	mr/sp
Humphrey	Dedria Humphrey			1		c
Hvide Shipping		\$2,500.00				mb
Intriago	Charles Intriago (needs 1)	\$10,000.00		2	2	rbarakat
Jacobson	Nancy Jacobson	\$0.00		1	1	c
James	Craig James	\$1,000.00		1		rbarakat
Johnson		\$1,000.00		1	0	mr/comp
Johnson	Bo Johnson (needs 2)		\$15,000.00	3	3	y
Kagan	Bob Kagan	\$5,000.00		1	1	x
Kaltsas	Harvey Kaltsas	\$5,000.00		1	1	berlin
Kaster	Betty Kaster		\$5,000.00	1	1	y
Katcher	Gerald Katcher	\$500.00				acourshon
Katz	Michael Katz	\$1,000.00		1		acourshon
Kessler	Eugene Kessler	\$1,000.00		1		mberger
Knoll	Albert Knoll	\$5,000.00		1	1	hglicken
Knopki	Keenan Knopke		\$1,000.00	1		forman
Knox	George Knox		\$1,000.00	1		slack
Kohnay	Ben Kohnay		\$2,000.00	2		berlin
Kramer	Thomas Kramer, Jim Cassell	\$25,000.00		5	5	hglicken
Kurland	David Kurland (needs 1)	\$0.00		2	2	c
Kutner	Arthur Kutner, Donna Kutner		\$2,000.00	2		bit hat ch

April 27, 1993

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Bot
Kutner	Arno Kutner (+1)	\$2,000.00		2		ba
Lamonica	Don Lamonica			1		tlawc
Larsen	Terre Larsen					
Lash	Alan Lash, Alice Lash	\$0.00		2		c
Lehman	Manfred Lehman		\$1,000.00	1		x
Lehman	Bill Lehman (wife)	\$500.00		2		metorano
Leonard	Mickie Leonard	\$5,000.00		1	1	rbarakat
Levin	George Levin	\$1,000.00		1		mf
Levin	Gayla Sue Levin	\$1,000.00		1		mf
Levy	Buddy Levy, Jim Shore, Jim Claire		\$15,000.00	3	3	gshelson
Lewis	Mary Lewis			1		c/mr
Lewis	Gerald Lewis Mary Lewis	\$0.00		2	2	c
Lewis	Gerald Lewis			1		c/mr
Lindzon	Rino Puig	\$1,000.00		1		met
Lopez-Castro	Amadeo	2000		2		mr
Lowell Construction	needs 1	\$1,000.00		1		mberger
Machado	Richard Machado, Norma Machado	\$10,000.00		2	2	
Machwalter	Michael Machwalter		\$1,000.00	1		jberlin
Macina		\$200.00		0	0	mr
Manu Housing	Jim Skelding, Ken Cashin	\$10,000.00		2	2	berger
Marmol		\$1,000.00		0	0	jb
Martinez	Carlos Martinez		\$1,000.00	1		sf
Martinez	Emilio Martinez		\$1,000.00	1		sf
Mas Conosa	Jorge Mas Conosa		\$5,000.00	1	1	ismith
May	Phil May		\$1,000.00	1		stack
May	Phil May	\$1,000.00		1		babs
McCloud	Laura McCloud			1		tlawc
McDonald	Julie McDonald			1		c
McGregor	Winston McGregor (+3)	\$0.00		3	1	c
McKay	Buddy MacKay	\$0.00		1		c
Medley Management		\$5,000.00		0	0	pcejas
Meigen	Solomon Meigen		\$5,000.00	1		sf
Metro Limo	Ed Steinberg	\$1,000.00		1	0	mr
Metro Limo		\$1,000.00		0	0	mr
MetroFord		\$500.00		0	0	jb
Meyer	Craig Meyer			1		c/mr
Michaels	Mark Michaels		\$5,000.00	1	1	sf
Michels	Mark Michels	\$5,000.00		1	1	sterro
Mitchell	Steve Mitchell	\$500.00		0	0	met
Molinar	Arturo Molinari	\$500.00		1		met
Moody	Carroll Moody	\$5,000.00		1	1	mb
Moses	Ruth Moses		\$1,000.00	1		ba
Munios	Armando Munios	\$0.00				jberlin

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Ref
Munoz Marketing	Jorge Mas	\$1,000.00		1	1	jb
Murphy-McCool	Linda Murphy-McCool Neil McCool ( 13ckts)	\$25,000.00	\$5,500.00	15	2	Immeccool
Myers	Lee Hanna	\$5,000.00		1	1	gerald lew
National Care Centers		\$2,750.00		0	0	pcejas
Nevco Partners2	needs 1	\$5,000.00				rbarakat
Noble Investment	Nico Letscheret	\$1,000.00		0	0	mr
Norwood Medical		\$1,000.00		1		hg
O'Rourke	Dr. O'Rourke		\$1,000.00	1		bjohnson
Orseck	Jeff Orseck		\$5,000.00	1	1	y
Overetto	Brad Overetto			1		mbc
Overton	Jason Overton		\$1,000.00	1		gsheidon
Overton	Larry Overton	\$1,000.00		1		comp/mr
Palkowski	Steve Paikowski			1		c
Pantin	Victor Pantin		\$1,000.00		1	met
Panza	Tom Panza		\$1,000.00	1		bjohnson
Par Pharmaceutical		\$2,500.00				mb
Payne	Bill Payne		\$1,000.00	1		rinker mat
Peasant Construction		\$1,000.00		0	0	jb
Peddle	Ed Peddie		\$1,000.00	1		jberlin
Pena	David Pena					met
Pepper	pat Pepper	\$1,000.00		1		be
Pepper	Pat Pepper		\$1,000.00	1		stack
Peterson		\$200.00		0	0	mr
Phillips	Larry Phillips	\$1,000.00		1		met
Picerno	John Picerno	\$3,750.00		1	1	met
Pines Healthcare Cent		\$2,750.00		0	0	pcejas
Pino	Sergio Pino		\$1,000.00	1		sf
Polote Corporation	Debbie Amboy	\$1,000.00		1	0	mr/sp
Post	Russell Post		\$1,000.00	1		jberlin
Powell		\$250.00				dmail
Preferred Health Provl		\$4,500.00		0	0	pcejas
Prosperi	Paul Prospero		\$5,000.00	1	1	pprosperi
Pugh	Jim Pugh Ted Phelps Ron Saunders Charlie Lydecker	\$10,000.00	\$10,000.00	4	4	bstack
Quang Phi	Dan Quang Phi	\$1,000.00		1		x
Rand	Bill Rand		\$5,000.00	1	1	jberlin
Retreat Psychiatric Ho		\$2,500.00		0	0	mr
Ricci	Ed Ricci		\$5,000.00	1	1	ericci
Richman	Gerald Richman	\$500.00		1		jgeller
Robbie	Janet Robbie	\$6,000.00		1	1	mrosen
Robinson	Anthony Robinson	\$1,000.00		1		be
Rodham	Tony Rodham (date)	\$0.00		2	2	c
Rodham	Marie Aries Rodham, Arlene Kramer, Hugh Rodham	\$0.00		3	3	c
Rodriguez	Nelson Rodriguez		\$5,000.00	1	1	sf

Last Name	Check Covers	Amount	Money Out	Reception	Dinner	Sp
Rodriguez	Frank Rodriguez	\$1,000.00		1		met
Rolnick	Bill Rolnick	\$0.00		1	1	c
Roque	Rosemary Rosque			1		c
Rosen	Marvin Rosen	\$0.00		1	1	c
Rosenbaum		\$100.00		1	0	mr/sp
Rosenthal	Vlar Rosenthal, Ezelina Rosenthal			2		c
Ross	Dennis Ross		\$5,000.00	1	1	y
Rubiner	Laurie Rubiner	\$3,000.00	\$1,000.00	1	1	mrosen
Russell	Linda Russell	\$0.00		1	1	c
Russell	Mary Kay Russell, Terry Russell	\$2,000.00		2		rbarakat
Ruvin	Harvey Ruvin					
SOS Plumbing		\$1,000.00		0	0	jb
Sabarrido	Berlin Sabarrido		\$5,000.00	1	1	jberlin
Salas	Max Salas	\$5,000.00		1	1	met
Santana	Rubin Santana, Maria Santana		\$1,000.00	2		dmail
Sarduy	Pedro Sarduy	\$1,000.00		1		hg
Saturnino	Lucio Saturnino		\$1,000.00	1		dmail
Schaeffer	Rowland Schaeffer	\$1,000.00		1		madler
Scharlin	Howard Scharlin	\$500.00		1		acourshon
Scherer	Bill Scherer		\$1,000.00	1		bjohnson
Schiering	David Schiering		\$5,000.00	1	1	x
Schnapp	Mark Schnapp	\$1,000.00		1	0	mr/sp
Schuster	Elaine Schuster, Gerald Schuster	\$0.00		2	2	c
Scott	xxxxxxx	\$5,000.00		1	1	mberger
Scott	Joe Bearding Sherman Padowsky	\$10,000.00		2	2	mberger
Seaboard Warehouse		\$500.00		0	0	mr
Sepler	Diane Sepler	\$5,000.00		1	1	hg
Shapiro	Ken Shapiro			1		mbc
Shapiro		\$1,000.00		1		mb
Shapo, Freedman et al		\$1,000.00		0	0	mr
Sharkey		\$200.00				dmail
Sharkey	Jeff Sharkey		\$1,000.00	1		
Sheffield	Ronald Sheffield	\$1,000.00		1		hglicken
Sheldon	George Sheldon	\$0.00		1	1	c
Shelton	Ron		\$10,000.00	0	0	
Sherr		\$100.00		0	0	mr
Shih	Issac Shih	\$100.00				dmail
Simon	Nan Simon, Clay Simon			2		c
Singerman	Paul Singerman			1		mbc
Singh	Dr. Singh		\$1,000.00	1		bjohnson
Smith	Larry Smith, Shelia Smith		\$2,000.00	2	2	lsmith 2c
Soffer	Don Soffer	\$1,000.00		1		mberger
Southern Wine	Georganne Matzkin	\$2,500.00		1	1	mr/sp (2 5

April 29 Gore Dinner

9 3 0 4 8 7 4 4 3 7

Last Name	Check Covers:	Amount	Money Out	Reception	Dinner	Sol
Spl Managed Care		\$250.00				mb
Spl Managed Care2		\$250.00				mb
Sports Leisure	Milton Barborash	\$1,000.00		1	0	mr
Stack	Bud Stack (needs 1)	\$0.00		2	2	c
Stein	Jerry Stein, Carol Lee Green			2		hglicken
Stein	Morton Stein	\$1,000.00		1		acourshon
Stewart	George Stewart		\$5,000.00	1	1	gshiedon
Stoltz	Morris Lewis Stoltz	\$5,000.00		1	1	jberlin
Suarez	Amancio Suarez		\$1,000.00	1		sf
Swezy	Ruby Swezy	\$1,000.00		1		rbarakat
Thompson	Craven Thompson	\$1,000.00		1		mb
Thomson	Parker Thomson	\$5,000.00		1	1	met
Tonleab	Belen Saborido	\$1,000.00	\$3,000.00	1	1	jb
Torano	Maria Elena Torano husband	\$5,000.00		2	2	met
TransFlorida Medical		\$500.00				mb
Traynor	A. Rodger Traynor	\$1,000.00		0	0	met
Trial Lawyers	Morris Proenza, Mike Edison	\$1,500.00				
Trial Lawyers	Richard Shapiro, Steve Rossman, Chuck Baumberger	\$2,000.00		3		
Trial Lawyers	Larry Stewart, Pat Stewart	\$10,000.00		2	2	
Trial Lawyers	Neil Roth, Stuart Grossman	\$1,500.00		2		
Trial Lawyers	Ira Leesfield, Cynthia Leesfield	\$10,000.00		2	2	
Tripp	Norm Tripp	\$5,000.00		1	1	rnberger
UTD Tiger/Cope	Pat Tornillo, Elso Lopez, Cindy Hall, Charlie Hall	\$2,000.00		4		ggeller
United Readers	George Anthony, Brenda Anthony	\$2,000.00		2		hg
Urban Constructions	Jaque Thermilus	\$1,000.00		1		bs
Uriteacu	Raymond Uriteacu	\$3,750.00		1	1	met
Vitas Health Care	Ron Fried	\$5,000.00		1	1	Mr/sp4K in
Waldman	Ali Waldman	\$1,000.00		1		rbarakat
Waste Systems	need 2	\$2,000.00				mb
Weaver	Dianne Weaver (needs 1)	\$2,000.00		2		rbarakat
Weiser	Doug Weiser, Sherwood Weiser	\$0.00		2	2	c
Wesley	Ben Wesley, Donna Bullman			2		c
Westbrook	Hugh Westbrook, Carol Shields	\$8,000.00		2	2	hglicken
Wheelbrator TEch		\$1,000.00		0	0	mr
Williams	Joseph Williams, Mary Joyce Williams	\$2,000.00		2		afriedman
Williams	James Williams, Jill Williams	\$2,000.00		2		afriedman
Windmere Corporation	Mike Benages	\$5,000.00		1	1	mr/sp
Wolfberg	David Wolfberg	\$1,000.00		1	0	mr
Wolfson	Louisa Wolfson	\$5,000.00		1	1	jberlin
Wood	Marina Wood	\$1,000.00		1		rbarakat
Zelman	Burton Sacher	\$5,000.00		1	1	hg
Ziff	Sanford Ziff, Cindy Ziff	\$15,000.00		2	2	glicken
		\$683,710.00	\$371,000.00	403	202	

April 27, 1993



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 4, 1997

Joseph E. Sandler, General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4638

Dear Mr. Sandler:

This is in response to your request for an additional extension, until August 18, 1997, to respond to the Commission's Subpoena and Order in MUR 4638. After considering the circumstances presented by you, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on August 18, 1997.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 5, 1997

**BY HAND**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4638  
Greenberg, Traurig, Hoffman, Lipoff  
Rosen & Quentei, P.A., *et al.*

Dear Ms. Kerman:

Per our discussion last Friday, we are amenable to your proposal requesting an extension until September 15, 1997 to respond to the Commission's Subpoena and Order in this matter in exchange for your client's partial waiver of the applicable statute of limitations. A draft agreement is attached providing for a three month waiver from the date of the last contribution at issue (i.e., until December 27, 1999), as to all contributions at issue. If your client agrees to this proposal, please immediately return the signed agreement.

Concerning your client's response of July 31, 1997, to the extent that responsive documents have been located regarding which a privilege is being claimed, please identify these documents by providing the date of the document, and a brief description of the type of document and the document's substantive content. Also, as to each document please state with specificity the legal grounds on which the privilege is being claimed. Last, we request a written statement from Mr. Kramer claiming the stated privileges.

0304 3/449

MUR 4638  
Leslie J. Kerman, Esq.  
Page 2

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

Sincerely,



Jose M. Rodriguez  
Attorney

Attachment  
Waiver agreement

930423744:0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, Lipoff ) MUR 4638  
Rosen & Quentel, P.A., et al. )

CONSENT TO EXTEND THE TIME TO  
INSTITUTE A CIVIL LAW ENFORCEMENT SUIT

Respondent Greenberg, Traurig, Hoffman, Lipoff Rosen & Quentel, P.A., et al. hereby consent to extend the time to institute a civil law enforcement suit as to all contributions at issue for a period of three calendar months from the expiration date of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, as to the last contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6). There shall be no additional consent to extend the time to institute a civil law enforcement suit without the written consent of the Respondents.

\_\_\_\_\_  
Leslie J. Kerman, Esquire

\_\_\_\_\_  
Date

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**PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLC**

**ATTORNEYS AT LAW**

**443 CONGRESS STREET  
P.O. BOX 11410  
PORTLAND, MAINE 04104-7410**

**(207) 791-3000  
TELEFAX (207) 791-3111**

**Internet: www.pfbpnet.com  
E-Mail: admin@pfbpnet.com**

**AUGUSTA OFFICE  
45 MEMORIAL CIRCLE  
P.O. BOX 1058  
AUGUSTA, MAINE 04332-1058  
(207) 623-5300  
TELEFAX (207) 623-2914**

**SENIOR COUNSEL TO THE FIRM  
HON. GEORGE J. MITCHELL**

**COUNSEL**

**ROBERT F. PRETI  
ALBERT J. BELIVEAU, JR.  
ROBERT W. SMITH**

**JEANNE T. COHN-CONNOR  
ROBERT O. NEWTON  
CARRIE A. GREEN  
GREGORY P. HANSEL**

**ASSOCIATE COUNSEL**

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KEITH A. POWERS  
CHRISTOPHER D. NYHAN  
ERIC P. STAUFFER  
JONATHAN S. PIPER  
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MICHAEL L. SHEEHAN  
JOSEPH G. DONAHUE  
DAVID B. VAN SLYKE  
ANN R. ROBINSON  
STEPHEN E. F. LONGSDORF  
JOHN P. McVEIGH  
ELIZABETH A. OULIER  
CHARLES F. DINGUSAN  
MARK B. LEDUC  
NELSON J. LARKINS**

JOHN J. FLAHERTY (1929 - 1995)

August 6, 1997

Aug 11 10 32 AM '97

**COPY BY FAX; ORIGINAL BY MAIL  
(202) 219-3923**

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

**Re: Mitchell for Senate and Barbara J. Keefe as Treasurer -  
MUR 4638**

Dear Jose:

This will confirm our discussion of this date in which you agreed to extend to Thursday, August 14, 1997 the time within which to submit a Response to the Subpoena to Produce Documents and Order to Submit Written Answers in the above-captioned matter.

I requested this one week extension because additional information has come to my attention in the last few days and I want to be certain to include it in the Response for the sake of completeness and accuracy.

Thank you very much for agreeing to my request.

Very truly yours,

*Estelle Lavoie*

Estelle A. Lavoie

0 3 3 3 3 7 4 4 2

**PRETI, FLAHERTY, MELIVEAU & PACHIOS, LLC**

Jose M. Rodriguez, Esq.

August 6, 1997

Page 2

cc: Sen. George J. Mitchell  
Barbara J. Keefe

EAL.GJM.Rodr0806

2304287443



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 8, 1997

**BY HAND**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4638  
Greenberg, Traurig, Hoffman, Lipoff  
Rosen & Quentel, P.A., *et al.*

Dear Ms. Kerman:

As discussed yesterday, we agree to your request for an extension until September 15, 1997 to respond to the Commission's Subpoena and Order in this matter in exchange for your client's partial waiver of the applicable statute of limitations. A draft agreement is attached providing for a three month waiver individually as to each separate contribution. If your client agrees to this proposal, please immediately return the signed agreement.

Additionally, we do not now request the information concerning all claimed privileges sought in our letter of August 5, 1997, but do expect all such information to accompany your client's September 15 response.

0 3 9 4 3 7 4 4 4

MUR 4638  
Leslie J. Kerman, Esq.  
Page 2

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

Sincerely,



Jose M. Rodriguez  
Attorney

Attachment  
Waiver agreement

9 8 7 6 5 4 3 2 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, Lipoff ) MUR 4638  
Rosen & Quentel, P.A., et al. )

CONSENT TO EXTEND THE TIME TO  
INSTITUTE A CIVIL LAW ENFORCEMENT SUIT

Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., et al. hereby consent to extend the time to institute a civil law enforcement suit for a period of three calendar months from the expiration date of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, individually as to each contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6). There shall be no additional consent to extend the time to institute a civil law enforcement suit without the written consent of the Respondents.

\_\_\_\_\_  
Leslie J. Kerman, Esquire

\_\_\_\_\_  
Date

9 3 0 4 3 8 7 4 4 6



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 12, 1997

**BY HAND**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4638  
Greenberg, Traurig, Hoffman, Lipoff  
Rosen & Quentel, P.A.

Dear Ms. Kerman:

Enclosed please find an amended waiver agreement containing the changes discussed earlier today.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez  
Attorney

Attachment  
Waiver agreement

3 / 4 4 7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, Lipoff ) MUR 4638  
Rosen & Quentel, P.A. )

CONSENT TO EXTEND THE TIME TO  
INSTITUTE A CIVIL LAW ENFORCEMENT SUIT

Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. hereby consents to extend the time to institute a civil law enforcement suit for a period of three calendar months from the expiration date of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, individually as to each contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6). There shall be no additional consent to extend the time to institute a civil law enforcement suit without the written consent of the Respondent.

\_\_\_\_\_  
Leslie J. Kerman, Esquire

\_\_\_\_\_  
Date

9 8 0 4 3 8 7 4 4 5 8

**PRET FLAHERTY, BELIVEAU & PACHIOS, LLC**

**ATTORNEYS AT LAW**

**443 CONGRESS STREET  
P.O. BOX 11410  
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**E-Mail: [admin@pfbpnet.com](mailto:admin@pfbpnet.com)**

**◆  
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SUSAN E. LOGIUDICE  
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MICHAEL L. SHEEHAN  
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DAVID B. VAN SLYKE  
ANN R. ROBINSON  
STEPHEN E. F. LANGSDORF  
JOHN P. McVEIGH  
ELIZABETH A. OLIVIER  
CHARLES F. DINGMAN  
MARK B. LEDUC  
NELSON J. LARKINS**

JOHN J. FLAHERTY (1929 - 1995)

August 13, 1997

BY FED EX

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

Aug 14 3 07 PM '97  
FEDERAL ELECTION COMMISSION

Re: Mitchell for Senate and Barbara J. Keefe as Treasurer - MUR 4638

Dear Jose:

I enclose for filing in the above-captioned matter the Response to Subpoena to Produce Documents and Order to Submit Written Answers of Mitchell for Senate and Barbara J. Keefe as Treasurer.

Please let me know if you require anything further.

Very truly yours,

*Estelle Lavoie*  
Estelle A. Lavoie

Enclosure

cc: Sen. George J. Mitchell (w/enc.)  
Barbara J. Keefe (w/enc.)  
Sharon Sudbay (w/enc.)  
Larry Benoit (w/enc.)

EAL.GJM.Rodr0813

**BEFORE THE FEDERAL ELECTION COMMISSION**

REC'D  
FEDERAL ELECTION COMMISSION  
AUG 14 3 07 PM '97

In the Matter of )  
 ) MUR 4638  
 )

**Response of Mitchell for Senate and Barbara J. Keefe, Treasurer  
to Subpoena to Produce Documents and Order to Submit Written Answers**

**DOCUMENT REQUESTS AND INTERROGATORIES**

These Document Requests and Interrogatories refer to the following contribution made to Mitchell for Senate:

<u>Named Contributor</u>	<u>Date</u>	<u>Amount</u>
Terri Bradley	3/20/93	\$1,000

For the listed contribution separately:

1. a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.

To the best of our knowledge, the reception around which the \$1,000 contribution from Terri Bradley (hereafter, the "contribution") came was organized by Capital Communications, a Washington fundraising firm hired by Mitchell for Senate to coordinate fundraising events outside of Maine. Robert L. Redding, Jr. owned Capital Communications at the time and employed Frances Cromartie to record and document contributions from receptions. We do not know if any person associated with Greenberg & Traurig solicited the contribution.

We do not know if Capital Communications still exists today. We understand that Robert Redding presently works as a lobbyist in Washington. While we do not have his address, we have several telephone numbers for him:

(202) 543-7464 (office)  
(202) 543-4575 (fax)

We do not know the whereabouts of Frances Cromartie today

0308/440

- b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.

As set forth in our answer to Question 1(a) above, we do not know if Greenberg & Traurig had any involvement in the solicitation.

2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.

Marvin S. Rosen, Esq. of Greenberg & Traurig did transmit to Frances Cromartie \$74,000 worth of checks collected in conjunction with a fundraising reception held for Senator Mitchell's reelection campaign in Miami, Florida on March 22, 1993. Attached is a true copy of Attorney Rosen's transmittal letter of April 20, 1993 plus his eight page summary of the names and occupations of donors along with contribution amounts for each. Ms. Bradley is listed as an Executive Assistant and having made a \$1,000 contribution. We believe Ms. Cromartie would likely have transmitted these checks to Mitchell for Senate in Maine for deposit.

Attached is a copy of Ms. Bradley's check. There are two handwritten notations on it. One is a date stamp located in the upper right hand corner near the check number 0210. The date stamp would have been done by staff of the Mitchell for Senate campaign to indicate the date the check was received in Maine. As it is, the date is not clearly imprinted. Also, to the right and slightly below the check number 0210 is the number "17." This number, or solicitation code, was assigned by the campaign staff to indicate that the contribution was transmitted from Marvin Rosen for this specific fundraising event in Florida.

3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

We do not know of any fundraising commitment or other credit or tracking system of any person associated with Greenberg & Traurig or anyone else. As suggested in 2 above, a solicitation code was assigned to contributions received from individual fundraising events. This was done so the campaign would know the total amount of contributions received from individual events and was assigned based on the individual who transmitted the checks to the campaign. No individual donor and no person organizing or sponsoring a fundraising event was ever given or held to a fundraising commitment of any kind.

4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the

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time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

The contribution resulted from a fundraising event held at the Biltmore Hotel in Miami, Florida on March 22, 1993. We do not know the sponsor of the event. We do not know of any persons associated with Greenberg & Traurig who were involved in the event other than Marvin Rosen who later transmitted the contribution checks to Ms. Cromartie in Washington.

5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

The only document approximating a contribution card in the possession of Mitchell for Senate is an Individual Receipts Report, copy attached. The campaign's database is stored on computer in binary form that can only be accessed by Informix Software. We could, at your request, supply you with an ASCII dump of the data for this Individual Receipts Report. It should be noted, however, that the computerized report would look no different than the hard copy supplied with this Response.

The documents referred to in the answer to Question 2 relate to that question.

6. a) For each communication not in writing containing, relating to or referencing each solicitation, responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

Also attached are copies of a letter from Attorney Alfred R. Camner dated March 25, 1993 transmitting to Frances Cromartie checks totaling \$25,000 collected in conjunction with the March 22, 1993 fundraiser. Attached to his letter is a three page summary of the donors, their occupations and contribution amounts. These

contributions are unrelated to those of Terri Bradley, but are nonetheless supplied here because they appear to have been raised from the same event.

- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.

There are no other documents relating to or referring each communication responsive to Question 6(a).

7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contribution, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations, and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Following are the other documents in our possession regarding the listed contribution.

First is a copy of a letter from Barbara Keefe to Terri Bradley dated June 4, 1993. This letter requested the name of her employer and occupation. Ms. Bradley's occupation and employer information are provided at the bottom of the letter in what we assume to be her handwriting.

The only other documents we have pertaining to the listed contribution have to do with the refund of that contribution. By letter dated December 6, 1994, Thomas Kramer wrote to Senator Mitchell in Portland, Maine, requesting a refund of the \$1,000 contribution which had been made by Terri Bradley and stating that any questions should be referred to his counsel, Margaret Ackerly, at Wilmer, Cutler & Pickering in Washington. The handwriting on the letter other than Mr. Kramer's signature is that of Sharon Sudbay, an employee of the Mitchell for Senate Campaign, who made handwritten notes of her efforts on the refund.

Mr. Kramer's request was what the campaign considered a "third-party request," that is, it was the request by a third party to return the contribution made by another. It was the practice of Mitchell for Senate in such cases to get a written request for a refund from the original donor. Accordingly, on January 19, 1995, Sharon Sudbay called Attorney Ackerly to request a letter from Terri Bradley, confirming the request for a refund. No response was received. On April 12, 1995, Ms. Sudbay called Attorney Ackerly again

and was told to contact Ms. Bradley directly. Ms. Sudbay immediately called Terri Bradley to ask her for a letter requesting the refund. Ms. Bradley indicated she would fax the request which was received the next day. A copy of Ms. Bradley's letter, dated April 13, 1995, requesting the refund is attached. A check for a refund of the contribution was drawn on April 21, 1995 and signed by Barbara Keefe. A copy of the front and back sides of the check is attached along with a copy of the Payee and Disbursements Report which shows that a \$1,000 refund was made to Ms. Bradley.

We would note that the chart of contributions (Attachment B) accompanying Thomas Kramer's *sua sponte* submission to the Federal Election Commission does not indicate that a refund was made. We further note that in footnote 22 on page 21 of the First General Counsel's Report on Pre-MUR #307, the Commission considered asking Mitchell for Senate to "disgorge to the United States Treasury the unrefunded \$1,000 contribution at issue." We believe it important to set the record straight and inform the Commission that Mitchell for Senate in fact refunded the contribution upon receipt of proper documentation.

- 9 3 0 4 8 7 4 4 3 4
8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time or the duration of the communication, the location where the communication occurred, and the duration of the communication.

The non-written communication associated with the refund is described in the answer to Question 7.

- b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify the person making the notation.

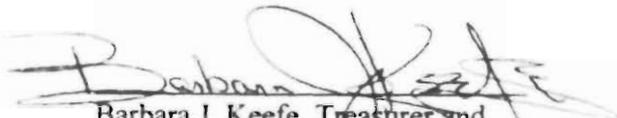
There are no documents referencing such communication. The only handwritten notations were made by Ms. Sudbay on the face of Mr. Kramer's letter.

9. Identify each person who provided any information used in the preparation of the responses to these questions and for each person identified, describe for which question the information was used.

Sharon Sudbay is the individual who would be most capable of furnishing testimony on the answers given to each of the above questions. Sharon Sudbay provided verbal information on all of the above questions and written documents for questions 2, 5, 6(a),

and 7. Barbara Keefe provided verbal information on all of the above questions. Larry Benoit, a volunteer adviser to the campaign, provided verbal information for small portions of questions 5 and 7. Estelle A. Lavoie, Esq. assisted in drafting all responses which were reviewed by Senator George J Mitchell. See Attached Exhibit A for the addresses and telephone numbers of all such individuals.

Dated at Portland, Maine this 13th day of August, 1997.

  
Barbara J. Keefe, Treasurer and  
on behalf of Mitchell for Senate

STATE OF MAINE  
Cumberland, ss.

August 13, 1997

Personally appeared the above-named Barbara J. Keefe and made oath to the truth of the foregoing statements.

Before me,

  
Notary Public/Attorney at Law

DEBORAH J. JEAN  
NOTARY PUBLIC, MAINE  
COMMISSION EXPIRES APRIL 6, 2004

93047874455

**EXHIBIT A**  
**TO RESPONSE TO DOCUMENT REQUESTS AND INTERROGATORIES**

Sharon Sudbay

Business Address and Phone:  
Public Affairs Group  
185 State Street  
Augusta, Maine 04330  
(207) 623-3787

Ms. Sudbay is presently employed as a consultant for the Public Affairs Group, a public and governmental relations consulting firm. At the time of the contribution, she was employed on a part-time basis in Senator Mitchell's Portland, Maine office and was employed on a part-time basis by Mitchell for Senate where she helped to record all contributions and prepare the reports for filing with the Federal Election Commission.

Barbara J. Keefe

Business Address and Phone:  
University of Maine System  
c/o Gov. Baxter School  
for the Deaf  
P.O. Box 799  
Portland, ME 04104  
(207) 781-6209

Ms. Keefe is presently employed as Project Director of a Distance Education Grant for the University of Maine System. At the time of the contribution, she was also employed by the University of Maine System and served as Treasurer of Mitchell for Senate.

Larry Benoit

Business Address and Phone:  
Administrative Assistant  
Office of Cong. John E. Baldacci  
1740 Longworth House Office Bldg.  
Washington, D.C. 20515  
(202) 225-6306

Mr. Benoit is presently employed as Administrative Assistant to Congressman John E. Baldacci of Maine. At the time of the contribution, he was employed as Field

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Representative for Senator Mitchell and served as volunteer adviser to Mitchell for Senate.

Sen. George J. Mitchell

Estelle A. Lavoie, Esq.

Business Address and Phone:  
Preti, Flaherty, Beliveau & Pachios, LLC  
443 Congress Street  
P.O. Box 11410  
Portland, ME 04104-7410  
(207) 791-3000

Ms. Lavoie is today and was at the time of the contribution an attorney with the firm of Preti, Flaherty. She also served as counsel to Mitchell for Senate at the time the contribution was made.

|  
V GJM DISCRESP DOC  
GJM.DiscRes2

98043874457

GREENBERG  
ATTORNEYS AT LAW  
TRAUBIG

Leonard J. Adler  
Fernando C. Alonso  
Cesar L. Alvarez  
Linda C. Andrews  
Liliana Armas  
Daniel H. Aronson  
David C. Ashburn  
David T. Azrin  
Charles M. Auslander  
David T. Azrin  
Fred W. Baggett  
Kerri L. Barsh  
Hilarie Bass  
Norman J. Benford  
Dale S. Bergman  
Bridget Berry  
Mark F. Bideau  
Lorence Jon Bieiby  
Mark D. Bloom  
Howard Bregman  
Blake D. Bringold  
Francis B. Brogan, Jr.  
Burt Bruton  
Promo H. Calica  
Frances M. Casey  
Michael J. Cherniga

Ary Chouke  
Sue M. Cobb  
L. Frank Cordero  
Joanne Reed Dav  
Albert A. del Castillo  
Alan T. Dimond  
Lucia A. Dougherty  
William B. Eck  
Kenneth Edelman  
Charles W. Edgar, III  
Arthur J. England, Jr.  
Gary M. Epstein  
Adrienne L. Fricaner  
Robin F. Frydman  
Robert C. Gang  
Teresita Garcia  
Wendy Garcia  
Richard G. Garrett  
Brian K. Gart  
Jeffrey Gilbert  
Laurie L. Gudan  
Bruce H. Gules-Klein  
Richard J. Giusio  
Lawrence Godofsky  
Joel K. Goldman

Steven E. Goldman  
Steven M. Goldsmith  
Joseph G. Goldstein  
Steven S. Goodman  
Matthew B. Gerson  
Dianne Greenberg  
Melvin N. Greenberg  
Sandra P. Greenblatt  
Robert L. Grossman  
Barbara A. Hall  
Paige A. Harper  
Fred F. Harris, Jr.  
Christyno L. Hayes  
Alberto M. Hernandez  
C. Hernandez-Lonstein  
Keith C. Hetrick  
Kenneth G. Hoffman  
Larry J. Hoffman  
Gerald J. Houlahan  
Keith A. James  
Martin Kalb  
David S. Kenin  
Timothy E. Kish  
Steven J. Kravitz  
Ronald C. LaFace

Steven A. Landy  
Steven B. Lapidus  
Cindy A. Laquidara  
Nancy B. Lash  
Wesley A. Lauer  
David M. Layman  
Alan S. Lederman  
Moshe N. Lehighfield  
James P. S. Leshaw  
Marc S. Levin  
Norman H. Lipoff  
Carlos E. Loumies  
Juan P. Loumies  
Bruce E. Macdonough  
Robert P. Macino  
Alfred J. Malechko  
Ines Mastro-Pneque  
Pedro J. Martinez-Fraga  
Joel D. Maser  
Juan J. Mayol, Jr.  
Robert R. McDonald  
John T. Manager  
Janet L. O'Brien  
Mauro R. Olicter  
Rebecca R. Orand

Shen L. Orlovitz  
Debbie M. Orshelsky  
Stevan J. Pardo  
Marshall R. Pasternack  
Byron G. Petersen  
Albert D. Quentel  
Andrew H. Rapoport  
G. Ryan Reetz  
Mark J. Reisman  
Luís Reiter  
Barry Scott Richard  
A. Jeffrey Robinson  
Kenneth B. Robinson  
Raquel A. Rodriguez  
Alan H. Rojnics  
Merrin S. Rosen  
Richard A. Rosenbaum  
Ronald M. Rosengarten  
David L. Ross  
Gary A. Saul  
Mark P. Schnapp  
Clifford A. Schulman  
Paul E. Shapiro  
Paul A. Sheinowitz  
Enrique Silva

Marlene K. Silverman  
Stuart H. Singer  
Gary A. Siplin  
Holly R. Skolnick  
Laura P. Stephenson  
Joel L. Stocker  
Douglas R. Thornburg  
Robert H. Traurig  
Brian J. Walsh  
Jeffrey Westhorn  
David E. Wells  
Bradford D. West  
Howard W. Whitaker  
Jerrod A. Wiant  
Timothy D. Wolfe  
Linda G. Worton  
David Datta, of Counsel  
Arnold J. Hoffman, of Counsel  
S. K. Roberts, of Counsel  
Allan Salatin, of Counsel  
Brian J. Sherr, of Counsel  
Craig E. Stein, of Counsel  
Marc M. Tasson, of Counsel  
Zachary H. Wolf, of Counsel

Marvin S. Rosen  
305-579-0535

April 20, 1993

**VIA FEDERAL EXPRESS**

Senator George Mitchell  
c/o Frances Cromartie  
321 D Street, NE  
Washington, D.C. 20002

Dear Senator Mitchell:

Enclosed please find checks totalling \$74,000.00 collected in conjunction with the March 22nd cocktail reception. There are still remaining outstanding checks, which had to be returned and recut and others to be collected. I will forward them to you as soon as possible.

Sincerely,

*Marvin*

Marvin S. Rosen

MSR:vlm.

SENATOR GEORGE MITCHELL  
March 22, 1993

**ALVAREZ, CESAR** Attorney 1,000.  
Greenberg Traurig  
1221 Brickell Avenue  
Miami, Florida 33131  
305-579-0500

**BASS, HILARIE** Attorney 250.  
Greenberg, Traurig  
1221 Brickell Avenue  
Miami, Florida 33131  
305-579-0500

**BERGER, JAMES L** Attorney 1,500.  
100 N.E. Third Avenue  
Suite 400  
Fort Lauderdale, Florida 33301  
305-525-9900

**BRADLEY, TERRI E.** Executive 1,000.  
Assistant  
9871 NW 1st Street  
Plantation, Florida 33324  
538-4422

**BROWN, ILIANA** Real Estate 1,000.  
Accountant  
17801 NW 16th Street  
Pembroke Pines, Florida 33029

**CAPLAN, SHEILA** Interior Designer 2,000.  
252 Poinciana Drive  
North Miami Beach, Florida 33160

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 2

<b>CEJAS, PAUL L.</b> Care Florida 7950 NW 53rd Avenue Suite 300 Miami, Florida 33166 305-370-1950	Chairman	1,000.
<b>CUNNINGHAM, ALLEN A.</b> 68 East 3rd Street, No. 23 New York, New York 10003	Real Estate Executive	1,000.
<b>CRUZ, GLORIA</b> Eldorado Trading Co. 7290 NW 43rd Street Miami, FLorida	C.F.O.	250.
<b>COFFEY, JONI ARMSTRONG</b> 6320 SW 99th Terrace Miami, Florida 33156	Housewife	1,000.
<b>DALY, STACY</b> 811 Brookwood Place Ann Arbor, Michigan 48104	Student	2,000.
<b>DALY, THOMAS III</b> c/o 32 Simpson Road Briarcliff Manor, NY 10510	Student	2,000.
<b>DALY, TRUDY</b> 32 Simpson Road Briarcliff Manor, NY 10510	Housewife	2,000.

Senator George Mitchell, March 22, Biltmore Hotel  
page 3

<b>ENGEL, FAITH</b> 13258 S.W. 114 Terrace Miami, Florida 33186	Accountant	1,000.
---	------------	--------

<b>FERNANDEZ, MIGUEL</b> 125 Gavilan Coral Gables, Florida 33143	Health Insurance Executive	1,000.
--	-------------------------------	--------

<b>FLETCHER, PATRICIA</b> Shapo, Freedman & Fletcher Suite 4750 200 South Biscayne Blvd. Miami, Florida 33131 305-358-4440	Attorney	1,000
---	----------	-------

<b>GARCIA, ANTONIO</b> 2828 SW 112th Avenue Miami, Florida 33165	Developer	1,000.
--	-----------	--------

<b>GORSON, MATTHEW B.</b> Greenberg, Traurig 1221 Brickell Avenue Miami, Florida 33131 305-579-0500	Attorney	2,000.
---	----------	--------

<b>GREER, EVELYN LANGLIEB</b> 2400 South Dixie Highway Suite 200 Miami, Florida 33133 305-854-8989	Attorney	1,000.
--	----------	--------

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 4

**GUZMAN, LEO**  
Guzman & Guzman  
701 Brickell Avenue  
Miami, Florida 33131

Investment  
Banker

250.

**HOFFMAN, LARRY J.**  
Greenberg, Traurig  
1221 Brickell Avenue  
Miami, Florida 33180  
305-579-0500

Attorney

1,000.

**ISAZA, LUIS**  
Eldorado Trading Co.  
7290 NW 43rd Street  
Miami, Florida

President

250.

**KALB, MARTIN**  
Greenberg Traurig  
1221 Brickell Avenue  
Miami, Florida 33131  
305-579-0500

Attorney

1,000.

**KRIES, LAWRENCE**  
Care Florida  
7950 NW 53rd Avenue  
Suite 300  
Miami, Florida 33166  
305-470-1950

President

1,000.

**LANNES, ANGELA P.**  
359 Alcazar  
Coral Gables, Florida 33134

Land Surveyor

1,000.

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 5

<b>MARTINEZ, MANUEL</b> 43 Madeira Avenue, No. 2 Coral Gables, Florida 33134	Bockeeper	1,000.
<b>MARTINEZ, OSVALDO</b> 14548 Balgowan Road Miami Lakes, Fl 33016	Health Care Executive	1,000.
<b>McALPINE, M.E.</b> 3410 Creekbriar Houston, Texas 77068	Real Estate Executive	1,000
<b>MCDONALD, THOMAS M</b> 8833 NW 70th Court Parkland, Florida 33067 305-739-6400	President Kraven Thomas Engineers	500.
<b>MEDINA, LISETTE</b> 5 Star Island Miami Beach, Florida 33139	Housewife	2,000.
<b>MEDINA, MANUEL</b> Terremark 44 West Street, Suite 1275 Miami, Florida 33131	Developer	2,000.
<b>MONTERO, HILDA</b> 1605 Blay Road, Apt. 507 Miami Beach, Florida 33139	Executive Assistant	1,000.

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 6

**MURPHY, LINDA F.** Developer 1,000  
200 Leucadendra Drive  
Coral Gables, Florida 33156

**PUGH, JAMES H. Jr.** Developer 1,000  
Epoch Properties Inc.  
359 Carolina Avenue  
Winter Park, Fl.  
407-644-9055

**RELATED GROUP OF FLORIDA** Health Care 1,000  
2828 Coral Way, PH1  
Miami, Florida 33145  
Contact: Mr. Jorge Perez  
305-460-9900

**RUGG, JOSEPH W.N.** Attorney 1,000  
305 Bonnie Brae Way  
Hollywood, Florida 33021

**SCHNAPP, MARK P.** Attorney 500  
Greenberg, Traurig  
1221 Brickell Avenue  
Miami, Florida 33131  
305-579-0500

**SHAPO, RONALD A.** Attorney 1,000  
Shapo, Freedman & Fletcher  
200 South Biscayne Blvd.  
Miami, Florida 33131  
305-358-4440

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 7

**STACK, CHARLES "Bud"** Attorney 1,000.  
3929 Ponce De Leon Blvd.  
Coral Gables, Florida 33134  
305-443-3329

**TANNENBAUM, Dr. JEROME** President 2,000.  
Ren Corporation  
6820 Charlotte Pike  
Nashville, Tennessee 37209

**TAPLIN, MARTIN W** Attorney 1,000.  
Taplin & Associates  
1177 Kane Concourse #201  
Bay Harbor, Florida 33154  
305-865-5760

**WALLACE, MILTON** Attorney 1,000.  
Centrust Financial Center  
100 S.E. 2nd Street  
Suite 2100  
Miami, Florida 33131  
305-371-2223

**WEINSTEIN, MARK** Senior V.P. 1,000.  
Government Affairs  
VIACOM  
1515 Broadway  
New York, New York 10036  
212-258-6110

**WILLIAMS, JAMES** Printer 2,000.  
5441 Buchanan Street  
Hollywood, Florida 33021

Senator George Mitchell, March 22nd, Biltmore Hotel  
page 8

**WILLIAMS, JOSEPH**  
5441 Buchanan Street  
Hollywood, Florida 33021

Printer

2,000.

**ZIFF, Dr. SANFORD L.**  
881 Ocean Drive  
Costa Del Mar Condo-26B  
Key Biscayne, Florida 33149  
305-361-1009

Investor

1,000.

ALLEN BERNKRANT  
BEATRICE BERNKRANT

MARCH 16, 19 93

2035

606/871

THE ORDER OF MITCHELL FOR SENATE COMMITTEE

\$ 500.00

FIVE HUNDRED AND NO/100 DOLLARS



PRIVATE BANKING  
INTERCONTINENTAL BANK  
200 SE 1ST STREET  
MIAMI, FLORIDA 33131

CONTRIBUTION

FOR

*Allen Bernkrant*

ALLEN BERNKRANT  
BEATRICE BERNKRANT

3/22/ 19 93

20407

63-606 670  
45

PAY TO THE ORDER OF MITCHELL FOR SENATE

\$ 500.00

FIVE HUNDRED AND NO/100 DOLLARS



PRIVATE BANKING  
INTERCONTINENTAL BANK  
200 SE 1ST STREET  
MIAMI, FLORIDA 33131

FOR SENATOR GEORGE MITCHELL  
C/O STUZIN & CAMNER, P.A.

*Allen Bernkrant*

BRIAN L. BILZIN  
MARSHA D. BILZIN

APR 29 1993

319817

*March 22, 93*

4006

PAY TO THE ORDER OF

*Mitchell for Senate*

\$ 500.00

*Five hundred and no/100*



United National Bank  
Biscayne Banking Center  
One Biscayne Tower  
Miami, Florida 33131

*Marsha Bilzin*

MEMO



TERRI E. BRADLEY

10-92

*March 30, 93*

021017

1304 1870  
1284

PAY TO THE ORDER OF

*Mitchell for Senate*

\$ 1,000.00

*One Thousand and no/100*

DOLLARS



First Union National Bank  
of Florida  
Plantation, Florida 33324

FOR

*Terri Bradley*

INDIVIDUAL RECEIPTS REPORT  
 PRIMARY AND GENERAL ELECTIONS  
 =====

ACCOUNT NUMBER: 1002040

REPORT DATE: Thu Jul 10 1997

NAME: Terri E. Bradley  
 ADDRESS: 9871 NW 1st Street  
 Plantation, FL 33324

HOME PHONE: (305)538-4422 BUSINESS PHONE:

EMPLOYER: Portofino Group

OCCUPATION: Admin Assistant

DATE REC'D	PRIMARY AMOUNT RECEIVED	GENERAL AMOUNT RECEIVED	TYPE	REC'D YTD	FEC LINE #
04/26/93	1,000.00		CHECK	1,000.00	11a
	----- 1,000.00	-----			

93060874

*Law Offices*  
*Stuzin and Camner*

SUITE 200  
6800 NORTH HIGH STREET  
COLUMBUS, OHIO 43085-2533  
(614) 865-4662

PROFESSIONAL ASSOCIATION  
25TH FLOOR  
1221 BRICKELL AVENUE  
MIAMI, FLORIDA 33131-3258  
(305) 577-0600

SUITE 100  
9894 BISSONNET  
HOUSTON, TEXAS 77036-8229  
(713) 777-9500

ALFRED R. CAMNER

March 25, 1993

\* PARTNERSHIP

PLEASE REPLY TO:

Miami

Mrs. Frances Cromartie  
321 D Street, N.E.  
Washington, D.C. 20002

Re: March 22nd Fund Raising Event for Senator George Mitchell

Dear Mrs. Cromartie:

Enclosed please find checks totaling \$25,500 which Charles Stuzin and I collected in connection with the event we held for Senator Mitchell on March 22nd.

I am also enclosing a list naming the contributors, with their addresses and occupations. If you need any other information, please let me know.

Very truly yours,

*Alfred R. Camner*  
Alfred R. Camner  
*lij*

ARC/liz

Enclosures

MITCHELL CONTRIBUTIONS

Allen Bernkrant (Beatrice) (\$1,000) 11401 S.W. 67th Avenue Miami, Florida 33156	private investor
Marsha Bilzin (\$500) 2324 N. Bay Road Miami Beach, Florida 33140	attorney
Alfred Camner (\$2,000) 6855 S.W. 101 Street Miami, Florida 33156	attorney
Anne Camner (\$2,000) 6855 S.W. 101 Street Miami, Florida 33156	attorney
Danielle Camner (\$1,000) 6855 S.W. 101 Street Miami, Florida 33156	student
Thomas Christensen (Joyce) (\$500) 206 N.W. 110th Way Coral Springs, Florida 33071	savings and loan executive
Norman Davis (Marjorie) (\$250) 8894 S.W. 62nd Terrace Miami, Florida 33173	attorney
Samuel Dubbin (Lori) (\$250) 14000 S.W. 104 Avenue Miami, Florida	attorney
Earline Ford (\$500) 20490 N.E. 22nd Court North Miami Beach, Florida 33180	law office manager
Bruce Friesner (Renee) (\$1,000) 5431 N. 36 Court Hollywood, Florida 33021	real estate management and investment
Nina Gordon (\$500) 4412 Royal Palm Avenue Miami Beach, Florida 33140	attorney
Steve Hayworth (\$500) BankUnited 2324 Ponce de Leon Blvd. Coral Gables, Florida 33134	savings and loan executive

	Richard S. Hirsh (Frances) (\$500)	CPA
	9421 Sea Turtle Manor Plantation, Florida 33324	
	Dennis Holthaus (\$500)	savings and loan executive
	4884 N.W. 89 Terrace Coral Springs, Florida 33067	
	Marc Jacobson (Deborah) (\$1,000)	insurance agent
	2534 Lake Avenue Miami Beach, Florida 33140	
	Henry Klein (\$500)	real estate broker
	1660 Tigertail Coconut Grove, Florida 33133	
1	John Kuczwanski (Gena) (\$1,000)	mortgage banker
4	3628 Royal Palm Avenue Coconut Grove, Florida 33133	
4	Charles Lapham (\$500)	insurance agent
7	10677 N.W. 17th Court Coral Springs, Florida 33071	
8	Harvey Miller (Phyllis) (\$2,000)	CPA
5	10205 S.W. 87th Court Miami, Florida 33176	
9	Nikki Nedbor (\$500)	attorney
6	2081 E. Country Club Drive #503 N. Miami Beach, Florida 33180	
W	Mark Pollack (Billi) (\$500)	attorney
	9700 S.W. 105th Avenue Miami, Florida 33176	
	Neale Poller (\$500)	attorney
	1221 Brickell Avenue 25th Floor Miami, Florida 33131	
	John K. Schulte (\$500)	public relations executive
	3571 N. Prospect Drive Coconut Grove, Florida 33133	
	Judy Schulte (\$500)	medical records transcriber
	3571 N. Prospect Drive Coconut Grove, Florida 33133	
	Eric Stoller (Phyllis) (\$500)	stockbroker
	8180 Erwin Road S. Miami, Florida 33143-6208	

Laura Stuzin (\$1,000)  
10225 S.W. 68th Court  
Miami, Florida 33156

student

Charles Stuzin (\$2,000)  
10225 S.W. 68th Court  
Miami, Florida 33156

savings and loan executive

Roz Stuzin (\$2,000)  
10225 S.W. 68th Court  
Miami, Florida 33156

private investor

Morton Trilling (Joan) (\$1,000)  
207 Bonnie Brae Way  
Hollywood, Florida 33021

savings and loan executive

Bradley Weiss (Jodi) (\$500)  
7741 S. W. 145 Street  
Miami, Florida 33153

real estate management

8 / 4 4

SENATOR GEORGE MITCHELL

June 4, 1993

Ms. Terri E. Bradley  
9871 NW 1st Street  
Plantation, FL 33324

Dear Terri:

I wish to thank you again for your generous contribution to Senator Mitchell's re-election effort.

Federal election law requires that we report the employer and occupation of an individual who contributes more than \$200 to the Mitchell for Senate Committee. So we may comply with the law, I ask that you provide us with your employer and occupation in the space below. Please return this letter in the reply envelope. I am very sorry for this inconvenience.

We appreciate your support and assistance.

With best wishes,

Sincerely,

*Barbara Keefe*

Barbara Keefe  
Treasurer

My occupation is Administrative Assistant

My employer is Portlino Group

PORTOFINO  
GROUP

December 6, 1994

Dear Senator Mitchell:

I am writing to request a refund of a contribution made by my secretary, Terri Bradley, on March 20, 1993, in the amount of \$1,000.00. Ms. Bradley used my money to make this contribution. I am now advised that I am unable to make campaign contributions, directly or indirectly, because of my status as a foreign national. If you have any questions, please contact my counsel, Roger Witten or Margaret Ackerty, at Wilmer, Cutler & Pickering (202/663-6000). I regret any inconvenience this may cause and than you in advance for your cooperation.

Sincerely,

*Thomas Kramer*  
Thomas Kramer

cc: Terri Bradley

*1/19/95 spoke to Margaret Ackerty  
asked for letter from Terri Bradley.*

*12/95 Margaret - asked me to call her directly  
Terri Bradley*

*305/532-2519*

*1/95 will be account*

30448744/4

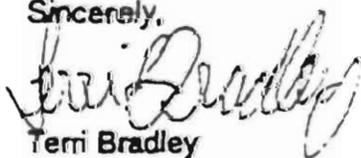
TERRI E. Bradley  
711 5th Street #302  
Miami Beach, FL 33139

April 13, 1995

Dear Senator Mitchell:

I am writing to request a refund of a contribution I made on March 20, 1993 in the amount of \$1,000.00. I made this contribution using Mr. Thomas Kramer's money, on behalf of Mr. Kramer. We have now been advised that Mr. Kramer is unable to make campaign contributions, directly or indirectly, because of his status as a foreign national. I regret any inconvenience this may cause and thank you in advance for your cooperation.

Sincerely,

  
Terri Bradley



cc: Thomas Kramer

980438744/5



9304287447

*See Marking*

REGISTRATION BANKROUND  
CUSTOMER SERVICE OFFICE  
SERIAL 24009  
MAY 15 1993  
CREDITED TO THE ACCOUNT OF  
THE MARYNAVAID PAYEE



0670064324  
FMB FL S.H. 3RD STREET  
05/15/93 POM BEACH FL  
36126122

||| MY 05 14 0  
0112004456  
05190006000 |||

PAYEE AND DISBURSEMENTS REPORT

PRIMARY AND GENERAL ELECTIONS

ACCOUNT NUMBER: TB

REPORT DATE: Thu Jul 10 1997

NAME: Terri Bradley  
ADDRESS: 9871 NW 1st Street  
Plantation, FL 33324

PHONE :

DATE PAID	AMOUNT PAID	PURPOSE OF DISBURSEMENT	TYPE	FEC LINE #	PAID YTD
-----------	-------------	-------------------------	------	------------	----------

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1,000.00

98048744

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE ATTORNEY GENERAL

AUG 15 10 05 AM '97

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX: (202) 296-2882

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250 PARK AVENUE  
NEW YORK, NEW YORK 10177-0077  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-8861

SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-2704  
(203) 348-3737

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(305) 856-1100

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12750 MERIT DRIVE  
DALLAS, TEXAS 75251-1209  
(972) 490-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-3132  
(703) 684-1204

August 14, 1997

9304374479

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W., Room 657  
Washington, D.C. 20463

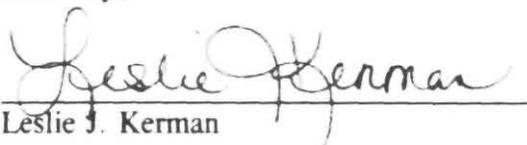
**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

Per our agreement, enclosed please find the "Consent To Extend The Time To Institute A Civil Enforcement Suit" prepared by your office in the above-reference matter which I have executed on behalf of my client, Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A.

Please do not hesitate to call me at (202) 861-1877 if you have any questions regarding this matter.

Sincerely,

  
Leslie J. Kerman

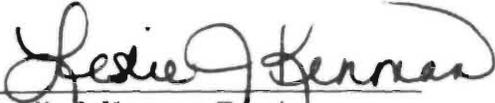
Enclosure (1)

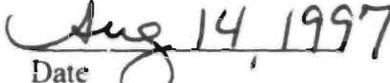
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, Lipoff ) MUR 4638  
Rosen & Quentel, P.A. )

CONSENT TO EXTEND THE TIME TO  
INSTITUTE A CIVIL LAW ENFORCEMENT SUIT

Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. hereby consents to extend the time to institute a civil law enforcement suit for a period of three calendar months from the expiration date of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, individually as to each contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6). There shall be no additional consent to extend the time to institute a civil law enforcement suit without the written consent of the Respondent.

  
Leslie J. Kerman, Esquire  
For  
Respondent Greenberg, Traurig,  
Hoffman, Lipoff, Rosen & Quentel, P.A.

  
Date

98043874430

# Democratic National Committee

Steve Grossman, National Chair \* Governor Roy Romer, General Chair

Aug 19 7 54 AM '97

FEDERAL ELECTION COMMISSION OFFICE OF THE CLERK

August 18, 1997

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

Re: MUR 4638

Dear Mr. Rodriguez:

This letter is a follow-up to our conversation of August 15, 1997. As I explained on Friday, the DNC has undertaken to have approximately two million pages of documents optically scanned into a database for the purpose of quick retrieval in connection with any subpoenas received by the DNC. It is our belief that to the extent that the DNC has documents that are responsive to your request, it is most likely that they will be contained in this database. As I explained, due to payment issues with the vendor, Ibis Consulting, Inc., the DNC has been unable to get access to this database in the past several months (A document that outlines the relationship with DNC and Ibis is attached).

It is our expectation that the situation with Ibis will be resolved shortly, and that the DNC will be able to conclude its search for responsive documents within the next few days. Therefore, the DNC respectfully requests an additional extension of seven to ten days in order to respond to the subpoena.

I am sorry for any inconvenience that this situation may cause. Please contact me at (202) 479-5111, or Joe Sandler, DNC General Counsel at (202) 863-7110, if you have any questions.

Sincerely yours,

Neil P. Reiff, Deputy General Counsel

2304337441

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P.2 P.02

**ibis consulting, inc.**175 Greenwood Avenue  
Washington, DC 20004  
Tel: 1.800.454.8888 Fax: 1.800.454.8878

July 11, 1997

**VIA FACSIMILE**Kevin Abikoff  
Debevoise & Plimpton  
555 13<sup>th</sup> St NW  
Washington, DC 20004Re: DNC Projects

Dear Kevin:

As we discussed, I have set forth below projects grouped into the following categories: projects to be completed; optional projects to complete; items for July 1997; and transition projects. Ibis can schedule work on these once a payment plan is in place.

**Projects to be completed.** These are projects that were approved prior to our hiatus.

1. Five CD-ROMs containing a total of approximately 50,000 images need to be passed through OCR at a cost of \$.25 per image. Project cost: \$12,500.
2. Seventeen CD-ROMs containing approximately 170,000 pages of OCR text need to be loaded into BASIS at a cost of approximately 1.5 hours per CD-ROM at \$145 per hour. Project cost: \$3,765.
3. Data entry completed by temporary employees at Ibis needs to be converted and loaded into BASIS at an estimated cost of approximately 48 hours at \$145 per hour. Project cost: \$7,000.
4. Data entry completed by Alpha Systems needs to be converted and loaded into BASIS at an estimated cost of approximately 34 hours at \$145 per hour. Project cost: \$5,000.
5. Ibis will provide the DNC and Debevoise turnstable T1 access to the DNC database on the following basis: a one time fee of \$5,000 to cover the purchase of DES encryption software, a monthly fee of \$1,500, plus any direct telecommunications costs (estimated to be approximately \$2,900 per month). Debevoise and the DNC will be responsible for providing their own telephonic access from their facility to the Internet.

**Optional projects to complete.** These are projects that were discussed, but not approved prior to the hiatus. With the exception of the first three items, all of these projects would require significant work to provide accurate cost estimates.

1. Design and test custom database views to join coded material in conjunction with existing text records at a cost of 12 hours at \$145 per hour. Project cost: \$1,750.
2. Design and test custom web interface forms to allow searching of coded material at a cost of 6 hours at \$145 per hour. Project cost: \$900.
3. Add a "confidential" field to the BASIS database structure at a cost of approximately 5 hours at \$145 per hour. Project cost: \$725.
4. Alter BASIS database to accommodate suffixed pages and suffixed box numbers. Since suffixing was implemented in a manner inconsistent with the current structure, the database would need to have structural changes made and be completely re-loaded.
5. Alter BASIS to allow images to be excluded from the BASIS system.
6. Review all World Imaging work to ensure that no duplicate image numbers or Bates numbers were used, ensure that all gaps in image and Bates numbers are legitimate, ensure there are no overlaps in image or Bates numbers.

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P. 3 P. 03

Items for July 1997. These are items that would give the DNC and Debevoise access to the current system prior to the images and printing being relocated to the DNC's site. These items are assumed to be paid by retainer.

1. All standard monthly charges for image and data storage consisting of \$100 per CD and \$7,500 for electronic data storage. W0
2. Hard copy blowback of images on request for \$0.08 per page. Printers attended only during regular business hours. Assumes no special packaging or document handling is required. Shipping will be billed at cost. neg
3. Searches and report preparation at regular consulting rates of either \$180 or \$145 per hour. The cost for an average set of searches and reports is approximately \$2,500. Searches available after business hours by prior arrangement and at a cost of 50% markup over standard rates. neg

Transition Projects. These are projects that are associated with the transition of images and image blowback capability to the DNC. Based on my knowledge of the complexity and administrative requirements of this system, I would suggest that the DNC retain a local systems integrator to complete each of these tasks.

1. Image server and jukebox integration and configuration.
2. Print server and printer integration and configuration.
3. Image server and print server subsystem testing.
4. Integration of the image/blowback subsystem with the DNC network.
5. Broadband telephonic system integration.

Kevin, based on all of our discussions over the last several months, I expect that virtually all of the project support (this supplied during the initial phases of this matter) will be assumed by Debevoise or the DNC. For that reason, I have not included costs for any consulting work outside the scope of the projects listed above. This will result in more predictable costs and a more modest level of support.

Please let me know if you have any questions.

Regards,



cc: Richard Licht

9304387443



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FACSIMILE**

August 19, 1997

Neil P. Reiff, Deputy General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4638

Dear Mr. Reiff:

This is in response to your letter of August 18, 1997. Because of the DNC's stated inability to resolve by the extended due date the ongoing dispute with the vendor retaining certain records responsive to the Commission's Subpoena and Order, and based on the DNC's representation that a favorable resolution appears imminent and that access to these records will be granted shortly, the Office of the General Counsel will allow a brief extension until August 29, 1997 for the DNC to respond to the outstanding Subpoena and Order. Accordingly, we expect your full response by the close of business on August 29, 1997.

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

Sincerely,

Jose M. Rodriguez  
Attorney

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# Democratic National Committee

Steve Grossman, *National Chair* • Governor Roy Romer, *General Chair*

September 3, 1997

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

BULK FILE

Attention: Jose Rodriguez

Re: MUR 4638

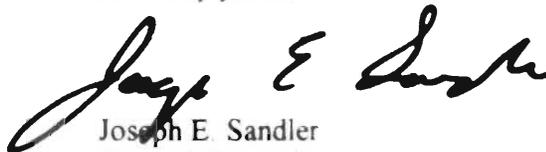
Dear Mr. Rodriguez:

Enclosed are documents that the Democratic National Committee ("DNC") has located which are responsive to the Interrogatories and Request for Documents served on the DNC in the above-referenced MUR. We have identified but have been unable to retrieve and copy an additional handful of responsive documents. We expect to be able to produce those remaining documents to you within the next week to ten days.

Answers to the Interrogatories are also enclosed. As noted therein, the answers were prepared by counsel for the DNC based on the DNC's records and the documents that we have located. To the best of our knowledge, no current employee of the DNC was directly involved in the solicitation of the contributions at issue and, therefore, we were not able to obtain any additional information, for purposes of answering the interrogatories, from any current DNC employee with first-hand knowledge of the circumstances surrounding the solicitation of the contributions at issue.

If you have any questions or need any additional information, please contact the undersigned.

Sincerely yours,



Joseph E. Sandler  
General Counsel

BEFORE THE  
FEDERAL ELECTION COMMISSION

\_\_\_\_\_  
In Re MUR 4638  
\_\_\_\_\_

RESPONSE OF DEMOCRATIC NATIONAL COMMITTEE TO INTERROGATORIES

Interrogatory No. 1

(a) State if the contribution was solicited by a person associated with Greenberg & Traurig and identify all persons involved in the solicitation and describe their substantive involvement.

Answer: According to the records of DNC Services Corporation/Democratic National Committee (the "DNC"), the \$60,000 contribution from 35 Star Island Inc. was solicited by Mr. Marvin Rosen, who is a partner in the Greenberg, Traurig law firm.

(b) If not solicited directly by Greenberg & Traurig, identify the person who solicited the contribution and state if there was any mention of Greenberg & Traurig as part of the solicitation or if Greenberg & Traurig had any other involvement in the solicitation.

Answer: According to the DNC's records, the contribution in the amount of \$40,000 from Portofino Group, Inc., and the contribution in the amount of \$25,000 from Olympus Holdings, Inc. were solicited by Mr. Howard Glicken. There is no indication in the DNC's records of any involvement by Greenberg, Traurig.

2. State if the contribution was transmitted from Greenberg & Traurig and identify the person transmitting the contribution.

Answer: We have no knowledge of who physically transmitted any of these contributions

3. State if the contribution counted against the fundraising commitment, or any other credit or tracking system, of any person associated with Greenberg & Traurig. Identify each such person.

Answer: In the DNC's records, the contribution of \$60,000 from 35 Star Island Inc. Was credited against the fundraising commitment or effort of Mr. Marvin Rosen, a partner in the Greenberg, Traurig firm.

9 3 0 4 3 8 7 4 4 3 6

4. State if the contribution resulted from a fundraising event. If so, state the name or title given the event, the date of the event, the location where the event took place, and the time the event took place. Identify the sponsor of the event. Also, identify all persons associated with Greenberg & Traurig involved in the event and describe their substantive involvement.

Answer: According to the DNC's records, the contribution in the amount of \$60,000 from 35 Star Island, Inc. and the contribution in the amount of \$40,000 from Portofino Group, Inc. were made in connection with a DNC fundraising dinner held on March 21, 1994 in Bal Harbour, Florida with President Clinton as featured speaker and honored guest. The event was sponsored by the DNC. We have no first-hand knowledge of any other persons associated with Greenberg, Traurig involved in the event or the substantive involvement, if any, of any such persons; however, some of the documents being produced in the response to the Commission's subpoena may be useful in answering this question.

According to the DNC's records, the contribution in the amount of \$25,000 from Olympus Holdings, Inc. was made in connection with a DNC fundraising event held on April 29, 1993, in Miami, Florida, with Vice President Al Gore as featured speaker and honored guest. The event was sponsored by the DNC. We have no knowledge of the identity of any persons associated with Greenberg, Traurig who may have been involved in the event or the substantive involvement, if any, of any such persons. We have not located any documents that would provide such information for this event.

5. Separately identify and produce all documents, including but not limited to all contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor) fundraiser invitations, cover letters, enclosures and handwritten notations, and all other documents, including all electronic copies, versions and drafts, containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4. For each document produced indicate to which above response the document relates. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Answer: We are producing documents located to date responsive to this request. We have no way of verifying the recipient or any document, or the identity of any person making a written notation.

6. a) For each communication not in writing containing, relating to or referencing each solicitation responsive to question 1, each transmission of a contribution responsive to question 2, each commitment or credit responsive to question 3, and each fundraiser responsive to question 4, separately describe in detail the substance of each such communication. Separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of

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the communication, the location where the communication occurred, and the duration of the communication.

Answer: We have not located any documents that would be responsive to item 6(a).

b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each communication responsive to question 6(a), including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the solicitation communication. Concerning each handwritten notation, identify the person making the notation.

Answer: See answer to question 6(a).

7. To the extent not identified and produced in response to the preceding questions, identify and produce all documents, including all electronic copies, versions and drafts, containing, relating to or referencing the listed contributions, including but not limited to contribution cards, pledge cards (or other similar documents attributing a contribution to a solicitor), cover letters, enclosures, calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the activity. For each cover letter, enclosure and note accompanying a communication, indicate the communication containing such document by identifying the communication's recipient. Concerning each handwritten notation, identify the person making the notation.

Answer: All documents relating to Mr. Thomas Kramer, Portofino Group, Inc., or 35 Star Island, Inc., which we have located, and which are responsive to this request, are being produced herewith. We have no way of verifying, other than from information contained in the documents themselves, who the ultimate recipient was, or who made any handwritten notation.

8. a) To the extent not described in response to the preceding questions, describe in detail the purpose and substance of all non-written communications relating to or referencing the listed contributions, both before and after they were made. For each communication, separately identify each person involved in the communication and describe in detail their substantive participation in the communication. For each communication, also state the date of the communication, the time of the communication, the location where the communication occurred, and the duration of the communication.

Answer: We are not aware of, and have not located any documents relating or referring to, any non-written communications that would be responsive to question 8(a).

b) Identify and produce all documents, including but not limited to all electronic copies, versions and drafts, containing, relating to or referencing each such communication, including but not limited to calendar entries, appointment books, telephone logs, meeting agendas, handwritten notations and transcripts of the communication. Concerning each handwritten notation, identify

9 3 0 4 3 8 7 4 4 3 8



REGISTRATION  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE GENERAL COUNSEL

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11561

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SEP 15 10 24 AM '97

250 PARK AVENUE  
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1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
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SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-27041  
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

\*P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
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NEWARK, NEW JERSEY 07102-8401  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-31321  
(703) 684-1204

September 15, 1997

**VIA FACSIMILE (202-219-3923)  
AND HAND-DELIVERED**

4430  
Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W., Room 657  
Washington, D.C. 20463

**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN, LIPOFF,  
ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

As discussed earlier today, enclosed please find a new "Consent To Extend The Time To Institute A Civil Enforcement Suit" in the above-referenced matter which I have executed on behalf of my client, Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. This consent extends the time to institute a civil enforcement suit from three calendar months to one hundred ten days from the expiration of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, individually as to each contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6).

This additional extension of time is provided to the Commission in consideration for your office extending the deadline for Respondent's response to its outstanding FEC subpoena from close-of-business today to close-of-business on this Friday, September 19, 1997.

Please do not hesitate to call me at (202) 861-1877 if you have any questions regarding this matter.

Sincerely,

  
Leslie J. Kerman

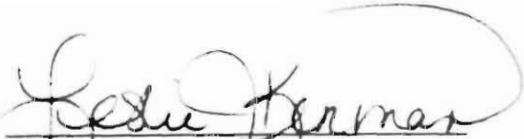
Enclosure (1)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 4638  
 )  
Greenberg, Traurig, Hoffman, Lipoff, )  
Rosen & Quentel, P.A. )

CONSENT TO EXTEND THE TIME TO  
INSTITUTE A CIVIL LAW ENFORCEMENT SUIT

Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. hereby consents to extend the time to institute a civil law enforcement suit for a period of one hundred ten ("110") calendar days from the expiration of the five year statute of limitation found at 28 U.S.C. § 2462, or any other statute of limitation or repose that may be applicable, individually as to each contribution at issue, should the Commission institute a civil law enforcement action against the Respondent in MUR 4638 pursuant to 2 U.S.C. § 437g(a)(6). This supersedes the consent signed by the Respondent on August 14, 1997 in this matter. There shall be no additional consent to extend the time to institute a civil law enforcement suit without the written consent of the Respondent.

  
Leslie J. Kerman, Esquire  
For  
Respondent Greenberg, Traurig,  
Hoffman, Lipoff, Rosen & Quentel, P.A.

September 15, 1997  
Date

9304787441

# Democratic National Committee

Steve Grossman, *National Chair* • Governor Roy Romer, *General Chair*

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SEP 29 1997

SEP 29 4 26 PM '97

September 29, 1997

50437442  
Jose M. Rodriguez, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RE: MUR 4638

Dear Mr. Rodriguez:

Enclosed please find additional documents responsive to your subpoena in connection with the above mentioned matter. If you have any further questions, please call me at (202) 479-5111, or contact me at the address below.

Sincerely,



Neil Reiff  
Deputy General Counsel

10304587443

OLYMPUS HOLDINGS, INC

UNITED NATIONAL BANK  
MIAMI, FL 33130  
83 984 870 - 06

3277

PAY TO THE ORDER OF *DNC / Non-Federal Account* DATE *4/14/93* AMOUNT *\$ 25,000.00*  
*Twenty five thousand and no cents*



NEW HAMPSHIRE OAK, INC.  
Liberty Lane  
Hampton, New Hampshire 03842

MELLOW BANK, N.A.  
MELLOW SQUARE  
PITTSBURGH, PA 15230

No 000502

The sum of *40,000.00* dollars

40,000.00

NEW HAMPSHIRE OAK, INC.  
DNC - NON-FEDERAL ACCOUNT

*Kenneth Theriault*  
*Paula J. Berganck*  
AUTHORIZED SIGNATURES

TO THE ORDER OF

000502 0043301601: 13942907R



DNC 1016336



DEMOCRATIC NATIONAL COMMITTEE  
CHECK TRACKING FORM

NX1  
#2  
Florida 4/28/93  
Gore  
HG  
5,000

PLEASE FILL IN ALL THE FOLLOWING INFORMATION:

Name/Contact: Thomas ~~Kramer~~ Kramer

Company/Employer: Olympus Holdings / self-employed

Main Address: 43 Star Island  
Miami Beach FL 33139

Occupation: Trader/Real Estate Developer

Telephone #s: Home 305/538 4422  
Work 305/532-254  
Fax \_\_\_\_\_

Check Amount: \$ 25,000<sup>00</sup> Federal \_\_\_\_\_  
Non-Federal X  
NFC \_\_\_\_\_ BLF \_\_\_\_\_  
TRUSTEE \_\_\_\_\_

Event: Al Gore / Florida

Solicitor: H. Glicker GRN Howard Glicker

Notes:

93043874444

STAR ISLAND INC.

UNION NATIONAL BANK  
BRICKELL BRANCH CENTER  
MIAMI, FLORIDA 33130  
63-684-678

0119

BY  
OTHER  
NUMBER

Democratic National Committee

DATE  
3/4/94

CONTROL NO.

AMOUNT  
\$69,000.00

- Sixty thousand dollars

*[Handwritten signature]*

CHECK TRACKING FORM

(All information must be provided before deposit)

Name/Contact: Tom Kramer

Company/Employer: 35 Star Island, Inc

Occupation: CEO

Main Address: Portofino Court  
19 Star Island  
Miami Beach 33139

Telephone(s):  
Home: 305 538 4422 Work: 305 538 4422 Fax: 305 532 7844

Social Security #: 598-19-5624 Date of Birth: April 27, 1957

Check Amount: \$60,000 Federal:        Non-Federal: X

Program: NFC        TRU        LAB         
WLF        BLF        SAX       

Event: Florida PONS

Solicitor: Marvin Rosen

DNC Contact: ND PULL Code: 500

93043874425



DNC 0336281

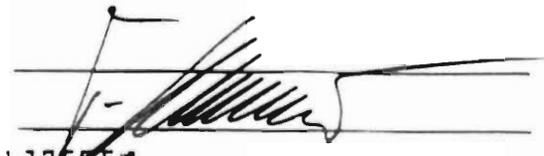
PORT GROUP INC.

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL

NATIONAL BANK  
MI, FL 33130  
83-884-870

1663

PAY TO THE ORDER OF SEP 29 4 26 PM '97  
Democratic National Committee DATE 3/5/94 CONTROL NO. AMOUNT \$40,000.00  
Forty thousand dollars



⑈00⑆66⑆3⑆ ⑆06⑆009646⑆ 005⑆⑆27595⑈

NO1  
3/31/94  
#1

CHECK TRACKING FORM

(All information must be provided before deposit)

93042874476

Name/Contact: Tom Kramer

Company/Employer: \_\_\_\_\_

Occupation: \_\_\_\_\_

Main Address: 35 Star Island  
Miami FL

Telephone(s):  
Home: \_\_\_\_\_ Work: \_\_\_\_\_ Fax: \_\_\_\_\_

Social Security #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Check Amount: \$ \_\_\_\_\_ Federal: \_\_\_\_\_ Non-Federal: \_\_\_\_\_

Program: NFC \_\_\_\_\_ TRU \_\_\_\_\_ LAB \_\_\_\_\_  
WLF \_\_\_\_\_ BLF \_\_\_\_\_ SAX \_\_\_\_\_

Event: \_\_\_\_\_

Solicitor: \_\_\_\_\_

DNC Contact: \_\_\_\_\_ Code: \_\_\_\_\_

⑈00⑆66⑆3⑆ ⑆06⑆009646⑆ 005⑆⑆27595⑈ DNC 0335466



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 30, 1997

Bernardo Escobar  
Office of Commissioner Javier Souto  
9766 Coral Way, Suite 1  
Miami, FL 33165

RE: MUR 4398/4638  
Campaign for Commissioner  
Javier Souto

Dear Mr. Escobar:

This letter supersedes our letter of June 10, 1997, and serves to advise you that while MUR 4398 is closed, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) still apply to all information, including all discussions with this Office, concerning Greenberg Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., and all individuals associated with that firm.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) prohibit making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez  
Attorney

23043874477

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

OCT 27 1 35 PM '97

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, ) MUR 4638  
Lipoff, Rosen & Quentel, P.A. )

GENERAL COUNSEL'S REPORT

**SENSITIVE**

I. INTRODUCTION

The present matter addresses the severed portion of MUR 4398. MUR 4398 was generated by a *sua sponte* submission filed by counsel for Thomas Kramer noting that, as a foreign national, Mr. Kramer made extensive contributions to Federal, state and local elections during the 1993-1994 election cycle. The *sua sponte* also disclosed that Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traurig" or "Respondent"), a law firm retained by Mr. Kramer to handle his immigration matters, had solicited an undisclosed portion of the contributions at issue. Based on this information, on June 25, 1996, the Commission found reason to believe against Mr. Kramer, his assistant Ms. Terri Bradley, his wife Mrs. Catherine Burda Kramer, several corporations under his control, various Federal, state and local recipients and the present respondent, Greenberg & Traurig. The Commission took no further action against all respondents except for Mr. Kramer, Ms. Bradley, one recipient committee -- the Republican Party of Florida -- and Greenberg & Traurig.<sup>1</sup>

930438744/8

<sup>1</sup> The *sua sponte* submission also contained information noting that an unidentified individual associated with the Democratic Senatorial Campaign Committee ("DSCC") had suggested that Mr. Kramer funnel a \$20,000 contribution through his assistant. See First General Counsel's Report in MUR 4398, dated June 7, 1996 ("FGCR"), at 17-21. This Office made no recommendations concerning the DSCC at that time, informing the Commission that recommendations would follow as warranted by any new information discovered. *Id.* at 20-21. The investigation into Greenberg & Traurig's involvement in Mr. Kramer's contributions has provided an initial indication of the identity of the individual responsible for the DSCC transaction. Additional information is presently being gathered corroborating this identity. In any event, it does not appear that the individual soliciting this contribution was associated with Greenberg & Traurig.

All above remaining respondents requested pre-probable cause conciliation, and the Commission successfully settled MUR 4398 as to all respondents, except for Greenberg & Traurig -- obtaining a total of \$426,000 in civil penalty payments.<sup>2</sup> See the General Counsel's Report ("GCR") in MUR 4398, dated May 9, 1997, at 3-5. Because of the inability to reach settlement with Greenberg & Traurig, and so as to not adversely prejudice the successfully completed portion of MUR 4398, the Commission severed the activity concerning Greenberg & Traurig into the present matter, closed MUR 4398 and launched an investigation into the law firm's involvement in Mr. Kramer's contributions. See *id*

Recently, rather than respond to the requested discovery, Respondent expressed a renewed interest in settling this matter at the present stage.<sup>3</sup> Based on the available evidence from the various recipient sources contacted during the investigation, it now appears that Greenberg & Traurig solicited approximately \$92,000 from Mr. Kramer. This report recommends entering into conciliation with Greenberg & Traurig and presents for the Commission's approval a proposed conciliation agreement.

## II. PRIOR CONCILIATION WITH GREENBERG & TRAURIG

---

<sup>2</sup> The Commission also received a total \$3,893,000 in disgorgements.

<sup>3</sup> The discovery to Greenberg & Traurig sought information into Respondent's involvement in all of Mr. Kramer's contributions and the production of all records relating to these contributions. In conversations with this Office, Respondent has represented that it considers much of the requested information to be privileged under the attorney-client privilege, that Mr. Kramer will not waive this privilege, and that therefore it will refuse production on those grounds should settlement not be successful. While this Office disagrees with Respondent's application of the privilege in this matter, it appears that the issue is unlikely to be resolved short of either protracted negotiations or court action.

III. PROPOSED PRESENT CONCILIATION WITH GREENBERG & TRURIG

93042874500

IV. RECOMMENDATIONS

1. Enter into conciliation with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. prior to a finding of probable cause to believe.
2. Approve the attached conciliation agreement and appropriate letter.

Lawrence M. Noble  
General Counsel

Date 10/27/97

BY:   
Lois G. Lerner  
Associate General Counsel

9 8 0 4 3 8 7 4 5 0 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, ) MUR 4638  
Lipoff, Rosen & Quentel, P.A. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4638:

1. Enter into conciliation with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. prior to a finding of probable cause to believe.
2. Approve the conciliation agreement and appropriate letter, as recommended in the General Counsel's Report dated October 27, 1997.

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

Attest:

10-31-97  
Date

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

Received in the Secretariat:	Mon.,	Oct. 27, 1997	1:35 p.m.
Circulated to the Commission:	Mon.,	Oct. 27, 1997	4:00 p.m.
Deadline for vote:	Thurs.,	Oct. 30, 1997	4:00 p.m.

lrd

93043874502



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

October 31, 1997

**VIA FACSIMILE &  
FIRST CLASS MAIL**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4638  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quentel, P.A.

Dear Ms. Kerman:

Based on your client's interest in conciliation, and in response to your client's proposed settlement agreement, on October 30, 1997, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter.

If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3690

Sincerely,

  
Jose M. Rodriguez  
Attorney

Enclosures

93943874503

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX (202) 296-2882

DIRECT LINE

Nov 25 3 25 PM '97

250 PARK AVENUE  
NEW YORK, NEW YORK 10177-00771  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-8861

SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-27041  
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

P.O. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

2 EMBARCADERO  
SAN FRANCISCO, CALIFORNIA 94111-5994  
(415) 398-3500

12750 MERIT DRIVE  
DALLAS, TEXAS 75251-12091  
(972) 490-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-31321  
(703) 684-1204

November 25, 1997

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4638: RESPONDENT GREENBERG, TRAURIG, HOFFMAN,  
LIPOFF, ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

To follow-up on our meeting of Wednesday, November 19, 1997 and subsequent telephone conversations, enclosed please find an executed Conciliation Agreement which we are submitting on behalf of our client Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. in the above-referenced matter.

If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Thank you for your assistance.

Sincerely,

  
Leslie J. Kerman

Enclosure

9301374504

BEFORE THE FEDERAL ELECTION COMMISSION

DEC 22 1997

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, )  
Lipoff, Rosen & Quentel, P.A., *et al* )

**SENSITIVE**  
MUR 4638

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

On October 30, 1997, the Commission entered into conciliation with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel ("Greenberg & Traurig" or "Respondent") in connection with violations of 2 U.S.C. § 441e resulting from Respondent's involvement in contributions made by Thomas Kramer, a foreign national, to Federal, state and local elections during the 1993-1994 election cycle.<sup>1</sup> At the same time Respondent was provided with the Commission's proposed conciliation agreement. See the General Counsel's Report in this matter ("GCR") dated October 27, 1994

9804874505

Additionally,  
this report analyzes the remaining issues and participants involved in Mr. Kramer's contributions and recommends closing the matter without further proceedings.

<sup>1</sup> Mr. Kramer's contributions were addressed in predecessor MUR 4398

## B. Remaining Participants

As noted in previous reports in this matter and in predecessor MUR 4398, in his *sua sponte* submission Mr. Kramer suggests that an unnamed individual associated with the Democratic Senatorial Campaign Committee ("DSCC") had instructed him to make his \$20,000 April 28, 1993 contribution in the name of his secretary, in violation of 2 U.S.C. § 441f. During the course of the matter, this Office sought information concerning this transaction, including the identity of the individual involved. While this Office has discovered information identifying an individual credited for soliciting four of Mr. Kramer's contributions to the Democratic Party (two each to the DSCC and the Democratic National Committee ("DNC")), including the contribution made in the name of his secretary, the available evidence is inconclusive as to this individual's actual involvement in suggesting that the contribution be made in the name of another.<sup>2</sup>

Specifically, the available evidence obtained from the DSCC suggests that Howard Glicken, a south Florida fundraiser, was responsible for both of Mr. Kramer's contributions to the DSCC, including the \$20,000 contribution made in the name of his secretary. However, this information is not conclusive. In its response to the Commission's interrogatories, the DSCC notes that it is "without any specific information responsive to this request other than to state its belief that Howard Glicken may have been involved in soliciting these contributions." DSCC response dated July 16, 1997, at 4. Accompanying this response are documents relating to the contributions; however, these documents do not confirm Mr. Glicken as the solicitor, instead

<sup>2</sup> These contributions include Mr. Kramer's April 28, 1993 \$20,000 contribution (made in the name of his secretary) and September 17, 1993 \$3,000 contribution to the DSCC and Mr. Kramer's April 14, 1993 \$25,000 contribution (made through Portofino Group, Inc.) and March 15, 1994 \$40,000 contribution to the Democratic National Committee.

9 8 7 6 5 4 3 2 1

they show two unidentified entries under the fundraising heading—"Cooper" for the \$20,000 contribution and "MJV" for the \$3,000 contribution.

Moreover, there is only limited evidence regarding the Section 441f scheme. Mr. Kramer in his *sua sponte* submission, while suggesting that he was instructed by a DSCC fundraiser to make his \$20,000 contribution in the name of his secretary -- Terri Bradley, fails to identify this individual or provide details of the conversation. Similarly, in conversations with this Office, counsel for Ms. Bradley, while noting that his client recalls the suggestion being made to Mr. Kramer, refuses to provide further information or the identity of the fundraiser without a grant of immunity from criminal prosecution. While further inquiry of the DSCC may clarify the apparent inconsistency concerning Mr. Glicker's attribution as the solicitor, because of the discovery complications concerning the Section 441f issue, this Office does not believe that sufficient time remains within the statute of limitations period to adequately investigate the more substantial April 1993 contribution made in the name of another.

While this Office would generally recommend a reason to believe finding against Mr. Glicker and conduct an investigation into the two DSCC contributions, because of the discovery complications and time constraints addressed above, and the fact that the transactions at issue took place during the 1993-1994 election cycle, this Office does not now recommend proceeding against this identified individual or the DSCC.

Similarly, this Office does not recommend further proceedings concerning the two DNC contributions apparently solicited by Mr. Glicker. Unlike the DSCC contributions, the larger of these two contributions would not be time barred until March of 1999 -- approximately a year and four months from now. However, because of Mr. Glicker's high profile as a prominent

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Democratic fundraiser, including his potential fundraising involvement in support of Vice President Gore's expected presidential campaign, it is unclear that this individual would agree to settle this matter short of litigation. Therefore, rather than continuing this matter for an unspecified period in pursuit of one participant and because of the low prospect for timely resolution, the age of the matter and the already successful resolution concerning all principals in this case, this Office does not recommend further proceedings concerning these two DNC contributions either. Instead, this Office recommends closing the entire file in MUR 4638

Therefore, this Office recommends that should the Commission agree with the above assessment concerning further proceedings in this matter, it close MUR 4638. Should the Commission not agree with this assessment, this Office recommends that the Commission close the matter only as to Greenberg and Traurig.

III. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. in settlement of MUR 4638 and close the matter as to this Respondent.
2. Close MUR 4638
3. Approve the appropriate letter(s).

Lawrence M. Noble  
General Counsel

12/19/97  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

0 3 0 4 8 7 4 5 8

Attachment:

1. Greenberg & Traurig Proposed Signed Conciliation Agreement

Staff Member: Jose M. Rodriguez

9 3 0 4 7 8 7 4 5 0 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greenberg, Traurig, Hoffman, ) MUR 4638  
Lipoff, Rosen & Quentel, P.A., et al. )  
 )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 31, 1997, the Commission decided by a vote of 4-0 to take the following actions in MUR 4638:

1. Accept the conciliation agreement with the Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. in settlement of MUR 4638 and close the matter as to this Respondent, as recommended in the General Counsel's Report dated December 19, 1997.
2. Close MUR 4638.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 19, 1997.

Commissioners Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

12-31-97  
Date

Lisa R. Davis  
for Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat: Mon., Dec. 22, 1997 10:52 a.m.  
Circulated to the Commission: Mon., Dec. 22, 1997 4:00 p.m.  
Deadline for vote: Tues., Dec. 30, 1997 4:00 p.m.

lrd

874510



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

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

RE: MUR 4638

Dear Mr. Witten:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. Rodriguez".

Jose M. Rodriguez  
Attorney

23043874511



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Louis V. Vendittelli, Esq.  
Simmons, Hart & Sheehe  
One Biscayne Tower -- Suite 1684  
2 South Biscayne Boulevard  
Miami, FL 33131

RE: MUR 4638

Dear Mr. Vendittelli:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

José M. Rodríguez  
Attorney

93043874512



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

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

RE: MUR 4638

Dear Mr. Ginsberg:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez  
Attorney

98047874513



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Estelle A. Lavoie, Esq.  
Preti, Flaherty, Beliveau & Pachios  
443 Congress Street  
P.O. Box 11410  
Portland, Maine 04104-7410

RE: MUR 4638

Dear Ms. Lavoie:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Jose M. Rodriguez  
Attorney

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

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

RE: MUR 4638

Dear Mr. Argiz:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez  
Attorney

93047874515



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Craig M. Engle, General Counsel  
National Republican Senatorial Committee  
425 Second Street, N.E.  
Washington, D.C. 20002

RE: MUR 4638

Dear Mr. Engle:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

Jose M. Rodriguez  
Attorney

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Neil P. Reiff, Deputy General Counsel  
Democratic National Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4638

Dear Mr. Reiff:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,



Jose M. Rodriguez  
Attorney

20042874517



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Marc E. Elias, Esq.  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011

RE: MUR 4638

Dear Mr. Elias:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified your clients, Kerry for U.S. Senate Committee and the Democratic Senatorial Campaign Committee, that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Jose M. Rodriguez".

Jose M. Rodriguez  
Attorney

9306-874513



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

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

RE: MUR 4638

Dear Ms. Watkins:

This is to advise you that MUR 4638 is now closed. On June 10, 1997, the Federal Election Commission notified you that it had severed a portion of MUR 4398 into a new matter, designated MUR 4638. On December 31, 1997, the Commission closed MUR 4638.

Accordingly, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,



Jose M. Rodriguez  
Attorney

93050074519



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

Bernardo Escobar  
Office of Commissioner Javier Souto  
9766 Coral Way, Suite 1  
Miami, FL 33165

RE: MUR 4638

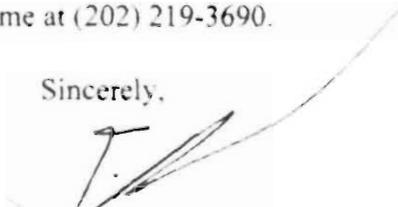
Dear Mr. Escobar:

This is to advise you that on December 31, 1997, the Federal Election Commission closed MUR 4638. On September 30, 1997, the Federal Election Commission notified you that "all discussion with this Office concerning Greenberg, Traurig, Hoffman, Lipoff, Rosen and Quentel" remained confidential pursuant to open MUR 4638.

Because this matter has been closed, the confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply to MUR 4638 and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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

Sincerely,

  
Jose M. Rodriguez  
Attorney

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 20, 1998

**BY HAND**

Leslie J. Kerman, Esq.  
Epstein Becker & Green  
1227 25th Street, N.W.  
Washington, D.C. 20037-1156

RE: MUR 4638

Dear Ms. Kerman:

On December 31, 1997, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441e, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

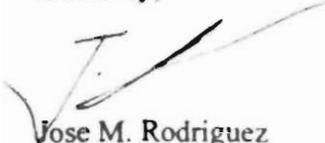
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any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

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez  
Attorney

Enclosure  
Conciliation Agreement

9304374502

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of ) MUR 4638  
)  
Greenberg, Traurig, Hoffman, Lipoff, )  
Rosen & Quentel, P.A. )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("the Respondent") violated 2 U.S.C. § 441e.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. is a professional association engaging in the practice of law.
2. Thomas Kramer is a foreign national as defined at 2 U.S.C. § 441e(b) and 11 C.F.R. § 110.4(a)(4).

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3. Respondent was retained by Thomas Kramer to represent him on immigration matters and other legal matters. The firm lawyers working on the immigration matters were aware of Mr. Kramer's foreign national status.
4. During the 1993-1994 election cycle, from approximately March 1993 through September, 1994, to the best of its knowledge Respondent, through its personnel, participated in conversations with Thomas Kramer and/or his agents which resulted in Mr. Kramer making contributions, directly and through entities related to him, totaling approximately \$91,000 to various local and state candidates and a national political committee. The local and state recipient candidates were both Democrats and Republicans.
5. Several of these solicited contributions were made by Thomas Kramer and his spouse directly. The majority of these contributions were made by various United States corporations owned and controlled by Mr. Kramer.
6. It is unlawful for any person to solicit a contribution from a foreign national in connection with an election to any local, state or Federal political office. See 2 U.S.C. § 441e(a); 11 C.F.R. § 110.4(a). The Commission's regulations prohibit U.S. corporations from making contributions in connection with any election if the corporation's contribution is controlled or directed by a foreign national. 11 C.F.R. § 110.4(a)(3). For purposes of 2 U.S.C. § 441e(a) and 11 C.F.R. §

110.4(a), the term person includes a partnership, association, corporation or any other organization or group of persons. See 2 U.S.C. § 431(11) and 11 C.F.R. § 100.10.

V. Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. solicited approximately \$91,000 in contributions from a foreign national. For purposes of resolving this matter, Respondent admits that this was in violation of 2 U.S.C. § 441e.

VI. Respondent contends that any violation of the law was inadvertent and that it did not intentionally violate 2 U.S.C. § 441e.

VII. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seventy-Seven Thousand Dollars (\$77,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), in full and complete settlement of all matters, transactions or occurrences related in any way to the allegations contained in MUR 4638 which are or could be directed to or against the Respondent or any of its shareholders, members or employees by the Federal Election Commission.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than 30 days from the date this agreement

becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

XII. The terms of this agreement, including any admissions herein, are applicable solely to this proceeding and are not an admission of fact or liability or conclusion of law for any other proceeding, suit or action except by the Federal Election Commission.

**FOR THE COMMISSION:**

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

1-13-98  
Date

**FOR THE RESPONDENT:**

By: Leslie J. Kerman  
Counsel for the Respondent

11/25/97  
Date

374596



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20461

THIS IS THE END OF MUR # 4633

DATE FILMED 2/9/98 CAMERA NO. 2

CAMERAMAN \_\_\_\_\_

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Date: 2/17/98

           Microfilm

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THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4638

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OFFICE OF THE VICE PRESIDENT  
WASHINGTON

February 13, 1998

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

Dear Mr. Noble:

I have reviewed the General Counsel's Report In the Matter of Greenberg, Traurig, et al. I was quite frankly shocked at the gratuitous reference in the Report regarding Mr. Glicken and his status as a supporter of Vice President Gore. The implication, for some, as reflected in the media reports, from this unfortunate language is that Mr. Glicken's past relationship and presumptive future fundraising role was a factor in the General Counsel's decision not to pursue this matter further. Language implying that, whether or not intended, should not be allowed to stand on the record. It is pure speculation as to what, if any, role Mr. Glicken will play in future fundraising activities on behalf of the Vice President. More to the point, an individual's "potential fundraising involvement" on behalf of any candidate should not and could not have formed a proper basis for the FEC's decision in this matter.

For the record, on behalf of the Vice President, I want to make it absolutely clear that we strongly believe that should there be any reasonable grounds for the FEC to pursue a case against an individual the FEC should pursue the matter regardless of any speculative future roles that the individual may or may not have. The Vice President has always stated that government agencies with the appropriate jurisdiction should examine and pursue cases against individuals in either party where there are credible and specific allegations of violations of campaign finance laws or regulations. Furthermore, in such cases, the Vice President has urged people to cooperate fully with any such investigation.

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Lawrence Noble  
February 13, 1998  
Page 2

Please advise as to the corrective action that will be taken to clear the record of these extraneous observations.

Sincerely,



Charles W. Burson  
Counsel to the Vice President

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 17, 1998

Charles W. Burson, Esq.  
Counsel to the Vice President  
Office of the Vice President  
of the United States  
Old Executive Office Building  
Washington, DC 20501

Dear Mr. Burson:

This is in response to your letter of February 13, regarding the General Counsel's Report in MUR 4638, In the Matter of Greenberg, Traurig, et.al. The language in the report to which you refer, and which has been the focus of some press reports, was not intended in any way to imply that I was recommending that the Commission not pursue Mr. Glicken because of concern about fallout due to his past relationship or presumptive future fundraising role with Vice President Gore. Any such implication would be incorrect.

As the report makes clear, there were a number of factors that gave rise to my recommendation that the Commission exercise prosecutorial discretion and not pursue the matter any further. Among those factors were the age of the case, the fact that we had allegations, but little hard evidence, and the unlikelihood of a quick resolution. With regard to Mr. Glicken, we were only at the beginning of what can be a lengthy administrative process and we had to assess the probability that we could reach a timely resolution of any issues that pertained to him. This analysis was particularly important in light of the fact that the contributions in question were made in 1993 and 1994 and we had already resolved the heart of the case with significant civil penalties totaling over \$500,000. The language referred to was meant as an analysis of one of the factors we have learned may affect the likelihood of someone settling early - the possibility of future involvement in fundraising. Frankly, as you can imagine, this factor carries weight on both sides of the equation.

Let me assure you that I share your concerns about any implication that inappropriate consideration of Mr. Glicken's status as a supporter of Vice President Gore influenced the decision not to pursue the matter. Unfortunately, because of our limited resources we regularly find ourselves in the position of having to exercise prosecutorial

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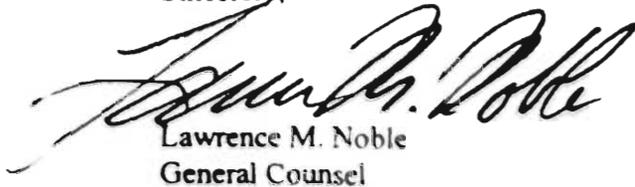
Letter to Charles W. Burson, Esq.  
Page Two

discretion and not pursue matters that might otherwise warrant pursuit. Although this is a decision many prosecutors have to make, what is unusual in the case of the FEC is that our commitment to openness results in some of the more delicate discussions reaching the public record.

The report in question is on the public record, therefore, I will ensure that your letter and this reply is also made part of that record.

If you wish to discuss this matter, please feel free to call me at 202-219-3690.

Sincerely,



Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON - D.C. 20463

Date: 5/4/98

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THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED 4638

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**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX (202) 296-2882

DIRECT LINE

250 PARK AVENUE  
NEW YORK, NEW YORK 10177-00771  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 558-8861

ONE LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-26011  
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 856-1100

P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

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SAN FRANCISCO, CALIFORNIA 94111-5584  
(415) 398-1300

2780 MERTY DRIVE  
DALLAS, TEXAS 75225-1208  
(972) 488-3143

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8640  
(973) 642-1800

75 STATE STREET  
BOSTON, MASSACHUSETTS 02108  
(617) 342-4000

510 KING STREET, SUITE 101  
ALEXANDRIA, VIRGINIA 22304-3187  
(703) 684-1204

February 10, 1998

**HAND-DELIVERED**

Jose M. Rodriguez, Esquire  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, DC 20463

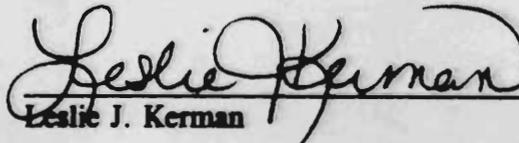
**RE: MUR 4638: RESPONDENT GREENBERG, TRAURIG,  
HOFFMAN, LIPOFF, ROSEN & QUENTEL, P.A.**

Dear Mr. Rodriguez:

Enclosed please find a check from Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A. ("the Firm") made payable to the "Federal Election Commission" in the amount of Seventy Seven Thousand Dollars (\$77,000.00). This check serves to fully satisfy the civil penalty agreed to by the Firm in settlement of the above-referenced matter.

Please do not hesitate to contact me at (202) 861-1877 if you have any questions.

Sincerely,

  
Leslie J. Kerman

Enclosure (1)

2004000333

FEB 10 1998

FEB 10 1998

DATE	DESCRIPTION	REFERENCE	BALANCE
02/09/98	80610.01, MUR 4638		\$77,000.00

DETACH

PLEASE DETACH BEFORE DEPOSITING

90040000334

<b>GREENBERG TRAUIG</b> FIRM ACCOUNT 1221 BRICKELL AVENUE - MIAMI, FLORIDA 33131	<b>No. 118165</b>
PAY TO THE ORDER OF <b>STHLR. &amp; QPA</b> <b>77,000.00</b> <small>dollars</small> <b>00 cts</b> 02/09/98	<small>NOT NEGOTIABLE AFTER 60 DAYS FROM ISSUE</small> CHECK NO. <b>118165</b> AMOUNT <b>\$77,000.00</b> <small>TWO SIGNATURES REQUIRED FOR AMOUNT OVER \$10,000.00</small>
TO THE ORDER OF <b>Federal Election Commission</b>	<b>GREENBERG TRAUIG</b> FIRM ACCOUNT
<small>BRIDGEMONT BANK, S.A.          777 BRICKELL AVENUE          MIAMI, FLORIDA 33131</small>	<i>Fernando</i> <i>Beatriz Sanchez</i>

⑆ 118165⑆ ⑆066000604⑆ 0189001130199⑆

file



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 11, 1998

FEB 11 3 35 11 '98

**TWO WAY MEMORANDUM**

TO: OGC Docket  
FROM: Rosa E. Swinton *RS*  
Accounting Technician  
SUBJECT: Account Determination for Funds Received

We recently received a check from ~~Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quental, P.A.~~, check number 118165, dated February 9, 1998, for the amount of 777,000.00. A copy of the check and any correspondence is being forwarded. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

TO: Rosa E. Swinton                      Leslie D. Brown  
Accounting Technician                  Disbursing Technician  
FROM: OGC Docket  
SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of ~~777,000.00~~ the MUR/Case number is ~~4632~~ and in the name of ~~Respondent Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quental~~. Please place this deposit in the account indicated below:

- Budget Clearing Account (OGC), 95-1099 1160
- Civil Penalties Account, 95-1099 1160
- Other: \_\_\_\_\_

*Franki Houghton*  
Signature

*02-11-98*  
Date

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