



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4685

DATE FILMED 10/5/78 CAMERA NO. 2

CAMERAMAN EES

98043895073

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: MAR 19 1997

ANALYST: Kathy Carothers

I. COMMITTEE: Dal LaMagna for Congress
(C00313148)
Frank M. Suttell, Treasurer
55 Sea Cliff Avenue
Glen Cove, NY 11542

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to file Forty-Eight Hour Notification

Dal LaMagna for Congress ("the Committee") has failed to file one (1) 48-Hour Notification for a \$100,000 candidate loan received prior to the 1996 General Election.

The candidate was involved in the 1996 General Election held on November 5, 1996. Prior Notice was sent to the Committee on September 30, 1996 (Attachment 2). The Notice includes a section titled "48 Hour Notices on Contributions". This section reads "Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 17 through November 2. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

Schedule C of the 1996 30 Day Post-General Report indicates that the Committee failed to file one (1) 48-Hour Notice for a candidate loan received during the aforementioned period (Attachment 3). The following is the loan for which a 48-Hour Notice was not filed:

9 8 0 4 3 8 9 5 0 7 4

<u>Contributor Name</u>	<u>Date</u>	<u>Amount</u>
Dal LaMagna (personal funds)	10/18/96	\$100,000

On December 23, 1996, a Request for Additional Information ("RFAI") was sent to the Committee (Attachment 4). The RFAI notes on an informational basis that the Committee may have failed to file one or more of the required 48-Hour Notices for "last minute" contributions of \$1,000 or more. The notice requests the Committee to review their procedures for checking contributions received during the aforementioned time period. In addition, the notice states that although the Commission may take legal steps, any response would be taken into consideration.

On January 6, 1997, the Treasurer for the Committee, Mark M. Suttell, telephoned a Reports Analysis Division Analyst to inquire about the missing 48-Hour Notice. Mr. Suttell stated that he would look into the matter on the missing 48-Hour Notice and respond with a detailed letter as soon as possible (Attachment 5).

On January 16, 1997, a Reports Analysis Division Analyst telephoned the Committee's Treasurer, Mr. Suttell, to inquire on the status of the missing 48-Hour Notice (Attachment 6). Mr. Suttell stated that he was still inquiring into the matter, and he would send a response that afternoon detailing the situation.

On January 17, 1997, Mr. Suttell telephoned a Reports Analysis Division Analyst to further discuss the missing 48-Hour Notice. He stated that he accidentally wrote down the wrong beginning date for the 48-Hour Notice period, and that he would definitely send a detailed response that day (Attachment 7).

On January 21, 1997, the Commission received a response from the Committee (Attachment 8). The response restates that the treasurer failed to file the 48-Hour Notice regarding the candidate loan because he believed that the reporting period began on October 21, 1996.

98043895075

FEDERAL ELECTION COMMISSION
1995-1996
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 10/09/97

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS			DISBURSEMENTS			COVERAGE DATES	8 OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/	PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL	GENERAL			
LAMAGNA, DAL ANTHONY	HOUSE 03 DEMOCRATIC PARTY			NEW YORK			1996 ELECTION	IDB HGMV0312Z	
1. STATEMENT OF CANDIDATE 1996 STATEMENT OF CANDIDATE							20FEB96	2 96HSE/593/3950	
2. PRINCIPAL CAMPAIGN COMMITTEE									
DAL LAMAGNA FOR CONGRESS							ID BC00313140	HOUSE	
1996 STATEMENT OF ORGANIZATION							20FEB96	2 96HSE/593/3952	
48 HOUR CONTRIBUTION NOTICE							3SEP96	2 96HSE/620/5310	
48 HOUR CONTRIBUTION NOTICE							21OCT96	2 96FEC/105/1500	
48 HOUR CONTRIBUTION NOTICE							28OCT96	2 96FEC/121/0626	
48 HOUR CONTRIBUTION NOTICE							1NOV96	2 96FEC/124/3940	
APRIL QUARTERLY		104,606		7,794			1JAN96 -31MAR96	11 96HSE/603/2858	
APRIL QUARTERLY - AMENDMENT		104,606		7,994			1JAN96 -31MAR96	5 96HSE/603/4337	
APRIL QUARTERLY - AMENDMENT							1JAN96 -31MAR96	2 96HSE/608/0144	
REQUEST FOR ADDITIONAL INFORMATION							1JAN96 -31MAR96	2 96FEC/056/1044	
JULY QUARTERLY		16,630		93,306			1APR96 -30JUN96	17 96HSE/612/2202	
PRE-PRIMARY		75,744		75,945			1JUL96 -21AUG96	15 96HSE/620/0712	
OCTOBER QUARTERLY			204,901				22AUG96 -30SEP96	17 96FEC/099/4307	
PRE-GENERAL			262,648				106,023 10OCT96 -16OCT96	19 96FEC/112/1131	
PRE-GENERAL - AMENDMENT			263,094				106,409 10OCT96 -10OCT96	5 97FEC/100/4607	
POST-GENERAL			406,768				400,103 17OCT96 -25NOV96	22 96FEC/147/3377	
POST-GENERAL - AMENDMENT							-17OCT96 -25NOV96	5 97FEC/100/0073	
POST-GENERAL - AMENDMENT			417,904				491,300 17OCT96 -25NOV96	5 97FEC/100/4602	
REQUEST FOR ADDITIONAL INFORMATION							17OCT96 -25NOV96	3 96FEC/163/4252	
REQUEST FOR ADDITIONAL INFORMATION 2ND							17OCT96 -25NOV96	4 97FEC/167/2541	
YEAR-END			527				5,216 25NOV96 -31DEC96	16 97FEC/100/4506	
TOTAL		196,988	886,566	177,325	906,251			158 TOTAL PAGES	
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

All Reports Have Been Reviewed.

Ending Cash-On-Hand as of 12/31/96: \$177

Debts and Obligations Owed to the Committee as of 12/31/96: \$0

Debts and Obligations Owed by the Committee as of 12/31/96: \$993,879.75

96043095076

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 30, 1996

1996 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD*	REG./CERT.	
		MAILING DATE**	FILING DATE
Pre-General	10/01/96 - 10/16/96	10/21/96	10/24/96
	----48 Hour Notices----		
Post-General	10/17/96 - 11/25/96	12/05/96	12/05/96

WHO MUST FILE

All 1996 general election principal campaign committees of congressional candidates (including unopposed candidates) who seek election in the November 5, 1996, General Election must file the Pre- and Post-General Election Reports. If the campaign has an authorized committee(s), in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z and attach the report(s) of the authorized committee(s).

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 17 through November 2.

The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at 202/219-0174. Senate candidates should transmit them to the Secretary of the Senate at 202/224-1851. Note that 48-hour notices are the only FEC documents that may be faxed.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

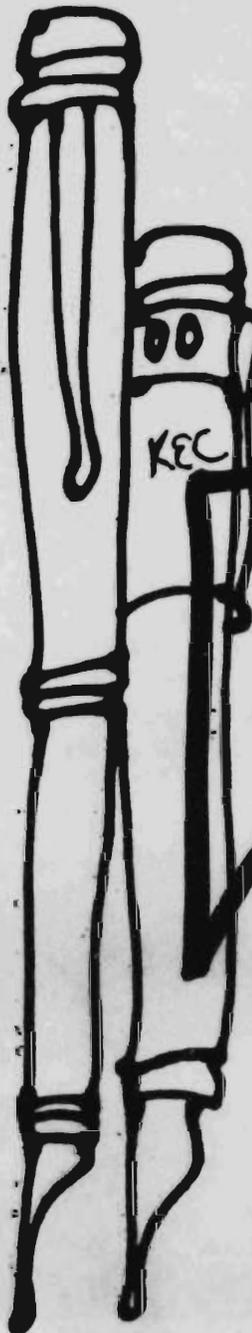
COMPLIANCE

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

*These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered and, if applicable, before the individual became a candidate.

**Reports sent registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

FOR INFORMATION, CALL: 800/424-9530 or 202/219-3420



98043393077

SCHEDULE C
(Revised 3/80)

LOANS

Name of Committee (in Full)

DAL LAMAGNA for Congress

KEC

A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
<i>Dal La Magna (personal funds) 24 Bay Avenue Sea Cliff, NY 11579</i>	<i>\$100,000.00</i>	<i>-</i>	<i>\$100,000.00</i>

Election: Primary General Other (specify):
 Terms: Date Incurred *10/18/96* Date Due *12/3/96* Interest Rate *8* %(apr) *Not Secured*

List All Endorsers or Guarantors (if any) to Item A

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding: \$

B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
<i>Dal La Magna (personal funds) 24 Bay Avenue Sea Cliff, NY 11579</i>	<i>\$100,000.00</i>		<i>\$100,000.00</i>

Election: Primary General Other (specify):
 Terms: Date Incurred *12/25/96* Date Due *12/3/96* Interest Rate *8* %(apr) *Not Secured*

List All Endorsers or Guarantors (if any) to Item B

1. Full Name, Mailing Address and ZIP Code	Name of Employer	Occupation	Amount Guaranteed Outstanding: \$

SUBTOTALS This Period This Page (optional)	<i>\$200,000</i>
TOTALS This Period (last page in this line only)	

Carry outstanding balance only to LINE B, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

96043895078



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Frank M. Suttell, Treasurer
Dal Lamagna for Congress
55 Sea Cliff Avenue
Glen Cove, NY 11542

DEC 23 1996

Identification Number: C00313148

Reference: 30 Day Post-General Report (10/17/96-11/25/96)

Dear Mr. Suttell:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

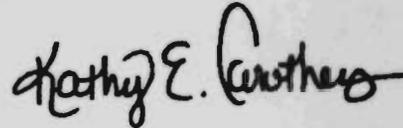
-All contributions received by your committee from 10/17/96 through 11/25/96 are required to be reported on this report. Your committee filed a 48 hour notice disclosing a "last minute" contribution from Dal Lamagna on 11/1/96. This contribution does not appear on a Schedule C of this report. Please amend your report to include this contribution or provide an explanation of this apparent discrepancy.

98043895079
KEC

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to provide concerning this matter will be considered. (11 CFR. §104.5(f))

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,



Kathy E. Carothers
Reports Analyst
Reports Analysis Division

458

96043695080

January 6, 1997

TELECON

NAME OF COMMITTEE: Dal LaMagna for Congress
SUBJECT: Failure to File 48-Hour Notification
FEC REP: Kathy Carothers
COMMITTEE REP: Frank M. Suttell

Conversation:

Mr. Suttell called and identified himself as the Treasurer for the Dal LaMagna for Congress Committee. He said he had just received the letter regarding the 30 Day Post-General Report, and that his response may be late because he had just returned from a holiday vacation. We then proceeded to discuss the issues involved in the letter which was sent to him. In particular, we discussed the issue involving a missing 48-Hour Notice for a \$100,000.00 candidate loan. Mr. Suttell stated that he didn't exactly know why the 48-Hour Notice wasn't filed. As a result, Mr. Suttell was going to look into the matter of the 48-Hour Notice, and mail in an amendment providing a detailed account of the Committee's failure to file the 48-Hour Notice as soon as possible.

98043895081

January 16, 1997

TELECON

NAME OF COMMITTEE: Dal LaMagna for Congress
SUBJECT: Failure to File 48-Hour Notification
FEC REP: Kathy Carothers
COMMITTEE TREASURER: Frank M. Suttell

Conversation:

I called to inquire into the Committee's response for the missing 48-Hour Notice discussed on January 6, 1997, since no response had been mailed in as of January 16, 1997. Mr. Suttell said he was still looking into the matter of the missing 48-Hour Notice. He pondered it over for a minute and then claimed it to be pure ignorance on his part. He said he would mail in an amendment to explain the absence of the 48-Hour Notice. He said he would mail it in today.

98043895082

January 17, 1997

TELECON

NAME OF COMMITTEE: Dal LaMagna for Congress
SUBJECT: Failure to File 48-Hour Notification
FEC REP: Kathy Carothers
COMMITTEE TREASURER: Frank M. Suttell

Conversation:

Mr. Suttell called to respond once again to the conversation held on January 16, 1997. After pondering the Committee's failure to file the 48-Hour Notice, he found the error to be a result of his confusion as to the beginning date for 48-Hour Notices. I told him that the coverage period started on 10/17/96 and ended on 11/02/96. I also inquired to see if they received their prior notice, and he said they had.

Mr. Suttell realized that he had accidentally wrote down the wrong date on his day calendar for items to do for the Committee. He said he had written down that the start of the 48-Hour Notice period began on 10/21/96. In addition, it seems that the candidate had deposited the loan into the account and was unaware of the procedures involved with filing 48-Hour Notices.

Mr. Suttell admitted it was an error on his part. He then brought up the fact that he had filed 48-Hour Notices for the other loans made during this period, and it was simply the case of not knowing the right date.

In conclusion, Mr. Suttell apologized for not filing the letter yesterday, but said he was confused over the whole situation, and needed time to thoroughly review the incident. He said he would file the letter over the issue today and was sorry for any inconveniences that this may have caused. I told him that I would look for the letter on Tuesday.

98043695083

DAL LAMAGNA FOR CONGRESS

Campaign Headquarters
55 Sea Cliff Avenue
Glen Cove, NY 11542

Net: <http://www.dal-lamagna.com>
Tel: 516-676-8097
Fax: 516-676-8788

JAN 21 10 02 AM '97

January 17, 1997

Kathy E. Carothers, Reports Analyst
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Identification Number: C00313148
Reference: 30 Day Post-General Report (10/17/96-11/25/96)

Dear Ms. Carothers:

The following is my response to the questions raised in your review of the above report.

The contribution made by Dal LaMagna on 11/1/96 was inadvertently omitted from Schedule C. Enclosed is an amendment to the report to correct the omission.

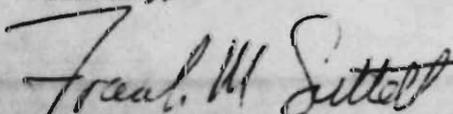
REC
980435084
I failed to report Mr. LaMagna's 10/18/96 loan of \$100,000 to the campaign on a 48 hour notice because I believed that the reporting period began on 10/21/96. Early in the campaign I created a calendar/check list for filing dates and I incorrectly listed the 21st as the start of the reporting period. (I have enclosed a copy of that calendar.) I am unable to determine why I listed the incorrect date and I can only assume that I counted incorrectly.

There was no intention to deceive. I believe the following facts indicate that no deception was intended.

1. The loan was reported with the correct date on the post-election report.
2. Two subsequent loans of \$100,000 each were correctly reported on 48 hour notices.
3. In excess of 90% of the campaign was financed by personal funds of the candidate. Those funds were periodically deposited into the campaign to cover expenses as they occurred. If our Committee wished to hide the loan in question (or the two subsequent ones), the funds could have been contributed prior to the deadline for 48 hour reporting.

Thank you for your help in sorting out this unfortunate error.

Sincerely,


Frank M. Suttell
Treasurer

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

FEDERAL ELECTION COMMISSION FORM

JAN 21 10 01 AM '97

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) OAL LAMAGNA For CONGRESS		2. FEC IDENTIFICATION NUMBER C00213148
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 55 Sec Cliff Avenue		
CITY, STATE and ZIP CODE Glen Cove, NY 11542	STATE/DISTRICT NY/03	
3. IS THIS REPORT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

4. TYPE OF REPORT

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> 12-Day Pre-Election Report for the _____ (Type of Election)
<input type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input checked="" type="checkbox"/> 30-Day Post-Election Report for the <u>general</u> (Type of Election)
<input type="checkbox"/> January 31 Year End Report	election on <u>11/5/96</u> in the State of <u>New York</u>
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

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

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<u>10/17/96</u> through <u>11/25/96</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	6,768.00	78,646.00
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	6,768.00	78,646.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	480,103.78	1,066,519.71
(b) Total Offsets to Operating Expenditures (from Line 14)		1,739.80
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	480,103.78	1,064,779.91
8. Cash on Hand at Close of Reporting Period (from Line 27)	4,866.09	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	99,5428.20	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3400

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

Type or Print Name of Treasurer FRANK M. SUTTELL	
Signature of Treasurer <i>Frank M. Suttell</i>	Date 1/17/97

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.

98043895085

LOANS

Name of Committee (in Full) DEL LA MAGNA for CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source Del La Magna (personal funds) 24 Bay Avenue Sea Cliff, NY 11579		Original Amount of Loan \$4,428.20	Balance Outstanding at Close of This Period \$4,428.20
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Cumulative Payment To Date	
Terms: Date Incurred 11/1/96 Date Due 12/31/96 Interest Rate 8 % (apr)		Not Secured	
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Cumulative Payment To Date	
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr)		- Secured	
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	
		Occupation	
		Amount Guaranteed Outstanding: \$	
SUBTOTALS This Period This Page (optional)		4,428.20	
TOTALS This Period (last page in this line only)		995,428.20	
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

98043395086

KEC

April 15, 1996 - FEC3 for first quarter (as of March 31)	Done
May 15 - Financial Disclosure Form	Done
July 11 - filling deadline for primary ballot access	Done
July 15 - FEC3 for second quarter (as of June 30)	Done
August 26 - Pre-primary report (as of August 21) 48 hour notices on contributions-Done: 9/3	Done
October 15 - FEC3 for third quarter (as of September 30)	Done
October 15 - IRS payment to bank	Done
October 21 - Pre-general election report (as of October 16) 48 hour notices	Done
October 31 - IRS 941	Done
November 15 - IRS payment to bank	Done
December 5 - Post-General election report (as of November 25)	Done
December 15 - IRS payment to bank	Done
January 31, 1997 - FEC3 for fourth quarter (as of December 31)	
January 31 - IRS 941	

98043695087

REC'D
FEDERAL
ELECTION COMMISSION

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 97L-01
DATE ACTIVATED: September 12, 1997

STAFF MEMBER: Tracey Ligon
Clinett Short

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Dal LaMagna for Congress
and Frank M. Suttell, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)
11 C.F.R. § 104.5(f)

I. GENERATION OF MATTER

The Office of the General Counsel received this referral from the Reports Analysis Division ("RAD") on March 19, 1997. The basis for the referral is the failure of Dal LaMagna for Congress and Frank M. Suttell, as treasurer ("Committee"), to file one forty-eight hour notification ("48 Hour Notice") for a contribution totaling \$100,000 from the personal funds of the candidate. The candidate, Anthony Dal LaMagna lost the 1996 General Election in the 3rd Congressional District in the State of New York with 42 percent of the vote.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends that the Commission find reason to believe the respondents violated 2 U.S.C. § 434(a)(6)(A).

98043095088

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

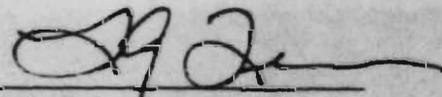
In addition to the reason to believe recommendation, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Dal LaMagna for Congress and Frank M. Suttell, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

10/15/97
Date

BY: 
Lois G. Lerner
Associate General Counsel

- Attachments:
1. Factual and Legal Analysis
 2. Proposed Conciliation Agreement

98043895089

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dal LaMagna for Congress and) RAD Referral
Frank M. Suttell, as treasurer.) #97L-01

MUR 4685

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 20, 1997, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral #97L-01:

1. Open a MUR.
2. Find reason to believe that Dal LaMagna for Congress and Frank M. Suttell, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter, as recommended in the General Counsel's Report dated October 15, 1997.

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

Attest:

10-20-97
Date

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

Received in the Secretariat: Wed., Oct. 15, 1997 2:39 p.m.
Circulated to the Commission: Wed., Oct. 15, 1997 4:00 p.m.
Deadline for vote: Mon., Oct. 20, 1997 4:00 p.m.

lrd

9804369509C



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1997

Dal LaMagna for Congress
Frank M. Suttell, Treasurer
55 Sea Cliff Avenue
Glen Cove, NY 11542

RE: MUR 4685
Dal LaMagna for Congress
and Frank M. Suttell, as treasurer

Dear Mr. Suttell:

On October 20, 1997, the Federal Election Commission found that there is reason to believe Dal LaMagna for Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434 (a) (6) (A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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

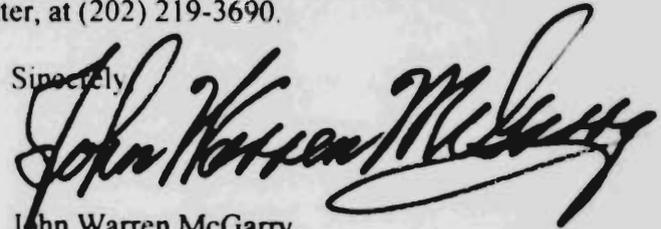
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other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

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

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

Sincerely,



John Warren McGarry
Chairman

Enclosures

- Factual and Legal Analysis
- Procedures
- Designation of Counsel Form
- Conciliation Agreement

cc: Candidate

98043895092

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dal LaMagna for Congress
and Frank M. Suttell, as treasurer

MUR: 4685

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).

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The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Commission, Secretary of the Senate, and the Secretary of State, as appropriate, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A), and aa C.F.R. § 104.5(f). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

The General Election in the state of New York was held on November 5, 1996. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of \$1,000 or more received from October 17 to November 2, 1996, within 48 hours of their receipt. A review of the Committee's 1996 30 Day Post-General

Report identified one contribution received on October 18, 1996, of \$1,000 or more totaling \$100,000. The contribution was reported on Schedule C, with the candidate, Dal LaMagna, listed as the maker of a \$100,000 loan to the Committee. The Committee did not submit a 48 Hour Notice for this contribution. In response to the RFAI, the treasurer stated that he accidentally wrote down the wrong date on his day calendar for items to do for the Committee. Respondents state that it was simply the case of not knowing the right date in which to file the report, but acknowledged receipt of the Commission's prior notice of the 48 Hour reporting requirement.

Based on the foregoing, there is reason to believe that Dal LaMagna for Congress and Frank M. Suttell, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report a campaign contribution of \$1,000 or more, received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contribution.

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DAL LAMAGNA FOR CONGRESS

Campaign Headquarters
55 Sea Cliff Avenue
Glen Cove, NY 11542

Net: <http://www.dal-lamagna.com>
Tel: 516-676-8097
Fax: 516-676-8788

November 13, 1997

John Warren McGarry, Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 4685
Dal LaMagna for Congress
and Frank M. Suttell, as Treasurer

Dear Mr. McGarry:

Pursuant to your letter dated October 28, 1997, we are interested in expediting the resolution of this matter by pursuing a preprobable cause conciliation.

The Committee's failure to file one, out of numerous, 48 hour reports was the result of an inadvertent clerical error. This was a first-time campaign without the benefit of any reporting staff members with prior campaign experience. When I, as Treasurer, first organized the campaign Committee in February of 1996, I studied the reporting requirements and created a reporting calendar. On that calendar I listed the reporting period for 48 hour notices as beginning on October 21 instead of October 17. In the heat of the campaign, the calendar was taken as official, and we started our 48 hour reporting on the 21st. All other last minute reporting was accurately and timely reported.

The contribution in question, a \$100,000 loan from the candidate, was accurately reported on the next regular FEC Form 3 Report. Two subsequent \$100,000 loans from the candidate were reported on 48 hour notices. Therefore, the public was on notice that the candidate was personally supporting his campaign. There was no question of outside interest groups.

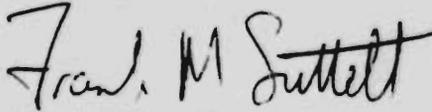
The contribution in question did not come from an unknown source, whose identity was hidden by the Committee's error. As of the 12-day Pre-Election report, the candidate had already loaned his campaign a total of \$591,000. It was apparent that the campaign had the personal support of the candidate.

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The last minute reporting requirements are intended to inform the public about a campaign's sources of income up to the day before the election. The public was already aware of the candidate's financial support for his campaign. There was no question that the public policy objectives of the last minute reporting requirements had been fulfilled.

Sincerely,



Frank M. Suttell
Treasurer

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Jul 27 10 51 AM '98

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4685

NAME OF COUNSEL: Elien L. Weintraub and B. Holly Schadler

ADDRESS: Perkins Coie

607 14th Street, N.W., Suite 800

Washington, DC 20005-2011

TELEPHONE: (202) 434-1639

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

7/16/98
Date

Frank M. Suttell
Signature

RESPONDENT'S NAME: Dal LaMagna for Congress Committee

ADDRESS: 55 Sea Cliff Avenue

Glen Cove

New York, NY 11542-3695

TELEPHONE: HOME () _____

BUSINESS (516) 676-8097

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 4340
Dal LaMagna for Congress Committee and)	
Frank Suttell, as treasurer;)	
TWEEZERMAN Corporation;)	
Dal LaMagna)	
)	MUR 4685
Dal LaMagna for Congress Committee and)	
Frank Suttell, as treasurer)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This Office believes that having been in settlement negotiations pertaining to MURs 4340 and 4685 with the same Respondents, it would be more efficient to deal with these two matters in the same report. Likewise, dealing with these two MURs concurrently might place the Commission in a better position to reach a settlement acceptable to both the Commission and the Respondents.

A. MUR 4340

On January 7, 1997, the Commission found reason to believe the Dal LaMagna for Congress Committee (the "Committee") and Frank Suttell, as treasurer, violated 2 U.S.C. § 441b(a) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended, (the "Act"). On the same date, the Commission also found reason to believe the TWEEZERMAN Corporation (the "Corporation") violated 2 U.S.C. § 441b(a) and 441d(a), and that Dal LaMagna (the "candidate") violated 2 U.S.C. § 441b(a).¹ On February 24, 1998, the

¹ The Commission further found no reason to believe that the Committee and Frank Suttell, as treasurer, violated 2 U.S.C. § 434(b)(4)(A) and 439a.

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Commission determined to enter into pre-probable cause conciliation negotiations with Respondents and approved a conciliation agreement

B. MUR 4685

On October 20, 1997, the Commission found reason to believe the Dal LaMagna for Congress Committee (the "Committee") and Frank Suttell, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended, (the "Act"), for failure to file one forty-eight hour notification ("48 Hour Notice") for a contribution totaling \$100,000 from the personal funds of the candidate. The Commission simultaneously determined to enter into pre-probable cause conciliation negotiations with Respondents and approved a conciliation agreement

II. DISCUSSION

A. MUR 4340

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Accordingly, this Office recommends that the Commission end conciliation prior to a finding of probable cause to believe and approve the appropriate letters. This Office would then move to the next stage of the enforcement process.

B. MUR 4685

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2. Analysis

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Accordingly, this Office recommends that the Commission end conciliation prior to a

finding of probable cause to believe and approve the appropriate letters. This Office would then move to the next stage of the enforcement process.

III. RECOMMENDATIONS

End conciliation prior to a finding of probable cause to believe in MURs 4340 and 4685.

Approve the appropriate letter.

Lawrence M. Noble
General Counsel

6/30/08
Date

BY: [Signature]
Lois G. Lerner
Associate General Counsel

Staff assigned: Tara Meeker

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Dal LaMagna for Congress Committee and)	MUR 4340
Frank Suttell, as treasurer;)	
TWEEZERMAN Corporation;)	
Dal LaMagna.)	
)	
Dal LaMagna for Congress Committee and)	MUR 4685
Frank Suttell, as treasurer.)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 7, 1998, the Commission decided by a vote of 5-0 to take the following actions in MURs 4340 & 4685:

End conciliation prior to a finding of probable cause to believe in MURs 4340 and 4685.

Approve the appropriate letter, as recommended in the General Counsel's Report dated June 30, 1998.

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

Attest:

7-7-98
Date

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

Received in the Secretariat:	Wed., July 01, 1998 11:22 a.m.
Circulated to the Commission:	Wed., July 01, 1998 4:00 p.m.
Deadline for vote:	Tues., July 07, 1998 4:00 p.m.

98043395104



FEDERAL ELECTION COMMISSION
Washington, DC 20463

B. Holly Schadler, Esq.
Perkins Coie
607 14th Street, N.W.
Suite 800
Washington, D.C. 20005-2011

July 9, 1998

RE: MUR 4340
Dal LaMagna for Congress Committee and
Frank Suttell, as treasurer;
TWEEZERMAN Corporation;
Dal LaMagna

MUR 4685
Dal LaMagna for Congress Committee and
Frank Suttell, as treasurer

Dear Ms. Schadler:

as the 30 day period for pre-probable cause conciliation has elapsed, these matters **will now** proceed to the next stage of the enforcement process. Insofar

If you have any further questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tara D. Meeker", is written over a horizontal line.

Tara D. Meeker
Attorney

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Aug 27 4 10 PM '98

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4340
Dal LaMagna for Congress Committee and)
Frank Suttell, as treasurer;)
TWEEZERMAN Corporation;)
Dal LaMagna)
) MUR 4685
Dal LaMagna for Congress Committee and)
Frank Suttell, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Dal LaMagna on behalf of himself; the Dal LaMagna for Congress Committee and Frank Suttell, as treasurer; and the TWEEZERMAN Corporation. The conciliation agreements in MURs 4340 and 4685 have been combined into one conciliation agreement.

A check for the civil penalty has not yet been received.

This Office recommends that the Commission approve the attached counteroffer.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement for MURs 4340 and 4685 with Dal LaMagna for Congress Committee and Frank Suttell, as treasurer; the TWEEZERMAN Corporation; and Dal LaMagna.
2. Close the file.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

8/27/98
Date

Lois G. Lerner by AAS
Lois G. Lerner
Associate General Counsel

Attachment

1. Conciliation Agreement

Staff Assigned: Tara Meeker

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dal LaMagna for Congress Committee and) MUR 4340
Frank Suttell, as treasurer;)
TWEEZERMAN Corporation;)
Dal LaMagna.)
)
Dal LaMagna for Congress Committee and) MUR 4685
Frank Suttell, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 2, 1998, the Commission decided by a vote of 5-0 to take the following actions in MURs 4340 & 4685:

1. Accept the conciliation agreement for MURs 4340 and 4685 with Dal LaMagna for Congress Committee and Frank Suttell, as treasurer; the TWEEZERMAN Corporation; and Dal LaMagna, as recommended in the General Counsel's Report dated August 27, 1998.
2. Close the file.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 27, 1998.

(continued)

98043895109

Federal Election Commission
Certification for MURs 4340 & 4685
September 2, 1998

Page 2

Commissioners Aikens, Elliott, Mason, McDonald, and Thomas
voted affirmatively for the decision; Commissioner Sandstrom
did not cast a vote.

Attest:

9-2-98
Date

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

Received in the Secretariat: Thurs., Aug. 27, 1998 4:10 p.m.
Circulated to the Commission: Fri., Aug. 28, 1998 12:00 p.m.
Deadline for vote: Wed., Aug. 02, 1998 4:00 p.m.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

Ellen L. Weintraub, Esq.
B. Holly Schadler, Esq.
Perkins Coie
607 14th Street, N.W.
Suite 800
Washington, D.C. 20005-2011

September 4, 1998

RE: MURs 4340 and 4685
Dal LaMagna for Congress Committee and
Frank Suttell, as treasurer;
TWEEZERMAN Corporation;
Dal LaMagna

Dear Ms. Weintraub:

On September 2, 1998, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. §§ 441b(a), 441d(a) and 434(a)(6)(A), provisions 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.

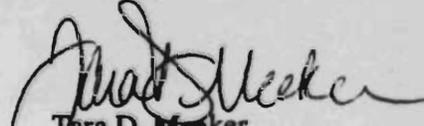
Enclosed you will find a copy of the fully executed conciliation agreement for your files.

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Ms. Weintraub
MURs 4340 and 4685
Page 2

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) 694-1650.

Sincerely,



Tara D. Mcker
Attorney

Enclosure:
Conciliation Agreement

98043895112

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dal LaMagna; Dal LaMagna for) MUR 4340
Congress and Frank Suttell, as treasurer;) MUR 4685
and TWEEZERMAN Corporation)

Aug 21 3 10 PM '98

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

CONCILIATION AGREEMENT

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These matters were initiated by a signed, sworn, and notarized complaint by the National Republican Congressional Committee and by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. In MUR 4340, the Commission found reason to believe that Dal LaMagna for Congress and Frank Suttell, as treasurer; and TWEEZERMAN® Corporation violated 2 U.S.C. §§ 441d(a) and 441b(a); and that Dal LaMagna violated 2 U.S.C. § 441b(a). In MUR 4685, the Commission found reason to believe that Dal LaMagna for Congress and Frank Suttell, as treasurer violated 2 U.S.C. § 434(a)(6)(A).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of these proceedings, and this agreement shall have the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in these matters.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in these matters are as follows:

1. Dal LaMagna for Congress (the "Committee") is a political committee within the meaning of 2 U.S.C. § 431(4), and was the authorized principal campaign committee for Dal LaMagna's 1996 congressional campaign.

2. Frank M. Suttell is the treasurer of the Committee.

3. TWEEZERMAN[®] Corporation (the "Corporation") is incorporated in the state of New York.

4. Dal LaMagna was a candidate for Congress in the 1996 election. Mr. LaMagna is also the President of the Corporation.

5. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits corporations from making expenditures and contributions in connection with federal elections. 2 U.S.C. § 441b(a). This section broadly defines "contribution" as "anything of value." 2 U.S.C. § 441b(b)(2). Section 441b(a) also prohibits officers and directors from consenting to the corporate contribution or expenditure.

6. The Act requires that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through media such as magazines or any other type of general public political advertising, such communication, if paid for and authorized by a candidate or authorized political committee of a candidate, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a).

7. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the

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goods or services at the time of the contribution and the amount charged the political committee.

11 C.F.R. § 100.7(a)(1)(iii).

8. The committee ran campaign advertisements in the April issue of Self and the March issue of Nails without the proper disclaimer, as required in 2 U.S.C. § 441d(a).

9. Respondents contend that these were advertisements run by a first-time candidate, and any omissions were the result of inexperience and inadvertence. All subsequent advertisements bore appropriate disclaimers.

10. Nine corporate advertisements appearing in five different magazines included campaign advertisements at the bottom stating "TWEEZERMAN FOR CONGRESS IN '96 Vote for Dal LaMagna in the Third District on Long Island" or slight variations thereof. All nine advertisements were purchased by the corporation, and the campaign reimbursed the corporation on a pro rata basis for its portion of the advertisement. The magazines in which the advertisements appeared do not sell advertising space as small as the space containing just the campaign advertising.

11. Neither the committee nor the corporation websites, both containing campaign messages, included a proper disclaimer, as required in 2 U.S.C. § 441d(a). The disclaimer was subsequently added.

12. The corporation website linked to the campaign website. The campaign did not compensate the corporation for this link, which has some value.

13. At a trade show in New York, the Corporation displayed a banner reading "Dal LaMagna/TWEEZERMAN for Congress."

14. The corporation rented a fax machine to the committee at a rate which was at least \$350 below the market rate for the rental of similar machines.

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15. The Act requires principal campaign committees of candidates for federal office to notify in writing the Commission, the Secretary of the Senate and the Secretary of State, as appropriate, of each contribution totaling \$1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements.

2 U.S.C. § 434(a)(6)(B).

16. According to 2 U.S.C. § 431(8)(A) and 11 C.F.R. § 100.7(a)(1)(B), a loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid.

17. During the 1996 General Election, Respondents were required to report contributions of \$1,000 or more received between October 17 and November 2, 1996, inclusive, within 48 hours of receipt of the contribution.

18. On October 18, 1996 the Respondents received one contribution of \$1,000 or more totaling \$100,000.

19. The contribution was reported on Schedule C, of the 1996 30 Day Post-General Report, with the candidate Dal LaMagna, listed as the maker of the \$100,000 loan to the Committee.

20. The Respondents did not submit a 48 Hour Notice for the contribution.

V. The following violations of the Act occurred:

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1. The Respondents Dal LaMagna for Congress and Frank Suttell, as treasurer, ran two campaign advertisements without the proper disclaimer, in violation of 2 U.S.C. § 441d(a).

2. A total of nine campaign advertisements constituting corporate contributions were run in magazines, as a result of which all Respondents violated 2 U.S.C. § 441b(a).

3. The Respondents Dal LaMagna for Congress and Frank Suttell, as treasurer, and TWEEZERMAN[®] Corporation failed to include proper disclaimers on web sites, in violation of 2 U.S.C. § 441d(a).

4. The Respondents linked campaign and corporate websites, in violation of 2 U.S.C. § 441b(a).

5. The Respondents displayed a campaign banner at a corporate trade show in violation of 2 U.S.C. § 441b(a).

6. The Respondents made and accepted prohibited in-kind contributions in the form of equipment (fax machine) that was rented at less than the normal and usual rates in violation of 2 U.S.C. § 441(b)(a).

7. The Respondents failed to report a campaign contribution of \$1,000 or more received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contribution, in violation of 2 U.S.C. § 434(a)(6)(A).

VI. The Respondents will pay a civil penalty to the Federal Election Commission in the amount of sixteen thousand dollars (\$16,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof

has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner 9/4/98
Lois G. Lerner Date
Associate General Counsel

FOR THE RESPONDENTS:

Ellen L. Weintraub 8/12/98
(Name) Ellen L. Weintraub Date
(Position) Counsel

98043895119

DAL LAMAGNA FOR CONGRESS

55 Sea Cliff Avenue
Glen Cove, NY 11542

September 23, 1998

Tara D. Meeker, Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 20463

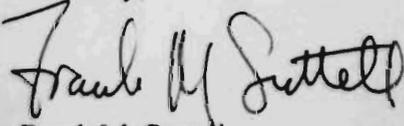
RE: MURs 4340 and 4685
Dal LaMagna for Congress Committee and
Frank M. Suttell, as treasurer;
TWEEZERMAN Corporation;
Dal LaMagna

Dear Ms. Meeker:

Enclosed is a check for \$16,000 for the civil penalty agreed upon in the conciliation agreement dated September 4, 1998 concerning the above referenced matters.

Thank you for your assistance in resolving these matters.

Sincerely,



Frank M. Suttell
Treasurer

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SEP 23 3 20 1998

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CHECK NO.	CHECK DATE	MEMO/PAY TO THE ORDER OF
7495	9/23/98	

Fleet Bank

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CHECK NO. 007495

TWEEZERMAN CORPORATION
 55 Sea Cliff Avenue, Glen Cove, NY 11542
 Phone: (516) 676-7772 • Fax: (516) 676-7998
 http://www.tweezerman.com • info@tweezerman.com



CHECK AMOUNT
\$ 16,000. ⁰⁰ / ₁₀₀

PAY TO THE ORDER OF **SIXTEEN THOUSAND AND ⁰⁰/₁₀₀**
FEDERAL ELECTION COMMISSION

 AUTHORIZED SIGNATURE

THIS DOCUMENT HAS A GRAY BACKGROUND AND A MICROPRINT SIGNATURE. IF NOT NOTED BY MP

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4685

DATE FILMED 10/5/98 CAMERA NO. 2

CAMERAMAN ESS

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