



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 4747

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN EES

98043902041

Donald A. Zagar
11 Luke St.
Prospect, CT 06712-1428

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 1 3 25 PM '98

April 24, 1998

Office of General Counsel
Federal Elections Commission
Washington, DC 20463

To whom it may concern:

The purpose of this letter is to file a complaint that I believe is a violation of the Federal election law or Commission regulations.

My name and address is:

Donald A. Zagar
11 Luke St.
Prospect, CT. 06712-1428

My complaint is filed under the statute 441b-(3)-(B) and (C) of the Federal Election Campaign Laws, Title 2 as stated below:

It shall be unlawful---

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

This complaint is submitted by me to identify a practice of my former employer that started in 1991 and continued until I was released in January of 1997. Only after my dismissal did I inform my former employer of my concerns. Each year the donation was requested, I would hesitate to contribute. Receiving follow-up calls from Mr. Zatina's secretary (and concerned that I would be looked upon negatively if I did not contribute); I would submit my donation.

I am attaching copies of documents that identify the solicitation of contributions by my former immediate supervisor (Thomas Zatina) without reference to any right of refusal. Contrary to a right of refusal the request is worded as it is anticipated to conform to the direction. Including follow-up phone calls by his secretary to insure the donations was made.

9 6 0 4 3 9 0 2 0 4 2

Please note the letter from Bruce A. Gates dated January 19, 1993. On page 2 Mr. Gates states " If you make a contribution of \$1000 or more, you are a member of the Gold Club. In recognition of your efforts, you will receive a plaque, a lapel pin, and a subscription to our election newsletter." I suspect my supervisor received recognition from this PAC for receiving donations from the employees that he supervised.

The persons involved in this violation are:

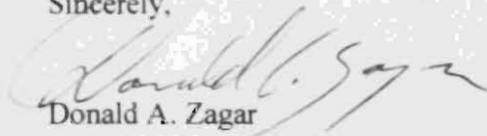
- Thomas Zatina - Bozzuto's Inc. Executive Vice President and Chief Operating Officer
- Michael Bozzuto - Bozzuto's Inc. President
- John R. Block - NAWGA/IFDA President
- Bruce A. Gates - FOODVIP, VP Public Affairs and Committee Treasurer

The addresses of Bozzuto's Inc. and the FOODVIP are:

- | | |
|---------------------|---------------------------------|
| Bozzuto's Inc. | Food Distributors VIP Committee |
| 275 Schoolhouse Rd. | 201 Park Washington Court |
| Cheshire, CT. 06410 | Falls Church, VA 22046 |

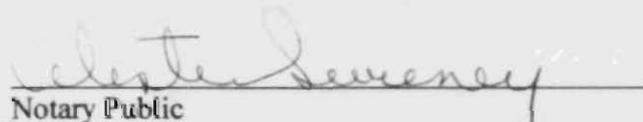
Thank you for your prompt attention to this request.

Sincerely,


 Donald A. Zagar

STATE OF Connecticut
 COUNTY OF New Haven, ss: Amoria

On this 29th day of April, 1998, before me personally appeared Donald A. Zagar, known to me to be the individual described in and who undersigned the above letter, and who acknowledged to me that he signed the above letter for the purpose stated and the matter contained therein are true to the best of his knowledge and belief.


 Notary Public

My commission expires:
9/30/02

98043902043



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 7, 1998

Donald A. Zagar
11 Luke Street
Prospect, CT 06712-1428

Dear Mr. Zagar:

This is to acknowledge receipt on May 4, 1998 of your letter. The Federal Election Campaign Act of 1971, as amended and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

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

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

98043902044

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. If you have any questions concerning this matter, please contact me at (202) 694-1517 or toll free at 1-800-424-9530.

Sincerely,



Retha Dixon
Docket Manager

Enclosure

cc: Food Distributors VIP Committee

Michael Bozzuto

Thomas Zatina

John Block

9 8 0 4 3 9 0 2 0 4 5

Donald A. Zagar
11 Luke St.
Prospect, CT 06712-1428

RECEIVED
FEDERAL ELECTIONS
COMMISSION
MAY 10 3 21 PM '98

May 11, 1998

MUA 4747

Office of General Counsel
Federal Elections Commission
Washington, DC 20463

To whom it may concern:

The purpose of this letter is to file a complaint that I believe is a violation of the Federal election law or Commission regulations.

My name and address is:

Donald A. Zagar
11 Luke St.
Prospect, CT. 06712-1428

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(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

This complaint is submitted by me to identify a practice of my former employer that started in 1991 and continued until I was released in January of 1997. Only after my dismissal did I inform my former employer of my concerns. Each year the donation was requested, I would hesitate to contribute. Receiving follow-up calls from Mr. Zatina's secretary (and concerned that I would be looked upon negatively if I did not contribute); I would submit my donation.

I am attaching copies of documents that identify the solicitation of contributions by my former immediate supervisor (Thomas Zatina) without reference to any right of refusal. Contrary to a right of refusal the request is worded as it is anticipated to conform to the direction. Including follow-up phone calls by his secretary to insure the donations were made.

98043902046

Please note the letter from Bruce A. Gates dated January 19, 1993. On page 2 Mr. Gates states " If you make a contribution of \$1000 or more, you are a member of the Gold Club. In recognition of your efforts, you will receive a plaque, a lapel pin, and a subscription to our election newsletter." I suspect my supervisor received recognition from this PAC for receiving donations from the employees that he supervised.

The persons involved in this violation are:

- Thomas Zatina - Bozzuto's Inc. Executive Vice President and Chief Operating Officer
- Michael Bozzuto - Bozzuto's Inc. President
- John R. Block - NAWGA/IFDA President
- Bruce A. Gates - FOODVIP, VP Public Affairs and Committee Treasurer

The addresses of Bozzuto's Inc. and the FOODVIP are:

- | | |
|---------------------|---------------------------------|
| Bozzuto's Inc. | Food Distributors VIP Committee |
| 275 Schoolhouse Rd. | 201 Park Washington Court |
| Cheshire, CT. 06410 | Falls Church, VA 22046 |

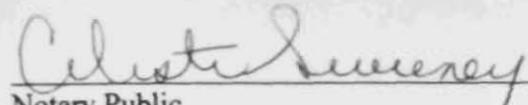
Thank you for your prompt attention to this request.

Sincerely,


 Donald A. Zagar

STATE OF Connecticut
 COUNTY OF New Haven, ss: Derby

Subscribed and sworn to before me on this 13th day of May, 1998.
 Donald A. Zagar, known to me to be the individual described in and who undersigned the above letter. Who acknowledged to me that he signed the above letter for the purpose stated and the matter contained therein are true to the best of his knowledge and belief.


 Notary Public

My commission expires:
Sept 30, 2002

98043902047

FILED
9



Date: February 26, 1996

To: Vice Presidents, Directors and Key Managers

From: Tom Zatina *TZ*

Subject: NAWGA/Food Industry Political Action Committee (FOODVIP)

Purpose of memo: To inform you of our efforts to raise funds for a contribution to the FOODVIP PAC

Background info: With the current administration in Washington, the food industry and the business world in general is experiencing some challenging times. The elections of 1994 produced the most change in decades. And FOODVIP PAC is the only voice representing the food distribution and wholesaling industry in Washington politics. We must support those legislators who have shown consistent support for our priorities. By the same token, the efforts of the enemies of business - legislators who believe in more, rather than less government - must be offset.

At Bozzuto's, we would like to raise a contribution of \$3,000 from our group of Vice Presidents, Directors and Key Managers. Towards this end I am asking each of you to make a contribution to the FOODVIP PAC. Contributions may be made by personal check or may be charged to your VISA, MasterCard or American Express. We will reach our goal if each of us can make a contribution of at least \$100.

Action Requested: Make a voluntary contribution of at least \$100 to the FOODVIP PAC.

Target Date: March 15, 1996

Person responsible: Recipients

cc: Adam Bozzuto
Michael Bozzuto
Jayrie Bozzuto

*4/12/96 Bill called mandary
to know if I will contribute
or not
5/3/96 gave a contribution*

90040703030

DATE: May 26, 1994

TO: Vice Presidents, Directors and Key Managers

FROM: Tom Zatina

SUBJECT: NAWGA/Food Industry Political Action Committee (FOODVIP)

PURPOSE: To inform you of our efforts to raise funds for a contribution to the FOODVIP PAC

BACKGROUND: With the current administration in Washington, the food industry, and the business world in general is experiencing some challenging times. The elections of 1992 produced the most change in decades. And FOODVIP PAC is the only voice representing the food wholesaling industry in Washington politics. We must support those legislators who have shown consistent support for our priorities. By the same token, the efforts of the enemies of business - legislators who believe in more, rather than less government - must be offset.

At Bozzuto's, we would like to raise a contribution of \$3,000 from our group of Vice Presidents, Directors and Key Managers. Towards this end I am asking each of you to make a contribution to the FOODVIP PAC. Contributions may be made by personal check or may be charged to your VISA, MasterCard or American Express. We will reach our goal if each of us can make a contribution of at least \$100.

ACTION REQUESTED: Make a contribution of at least \$100 to the FOODVIP PAC

TARGET DATE: June 10, 1994

PERSON RESPONSIBLE: Recipients

cc: Adam Bozzuto
Michael Bozzuto
Jayne Bozzuto

*Don -
I hope you can
support this. Thanks!
Tom*

98043902049

MEMO

TO: Don Zagar

FROM: Tom Zatina

DATE: July 26, 1994

SUBJECT: NAWGA FOODVIP PAC CONTRIBUTIONS

Thank you for your decision to join us in supporting the NAWGA Food VIP Political Action Committee. I am proud to inform you that together we have sent in contributions totalling \$2,590.00

I know of no better way to support our industry in the halls of government.

Again, thank you

Thank Don!

Tom

9804390205C

~~100~~ 100 ^{exp}

2/5/93

Don

DATE: January 26, 1993

TO: Vice Presidents and Directors

FROM: Tom Zatina

SUBJECT: NAWGA/Food Industry Political Action Committee (PAC)

PURPOSE: To inform you of our efforts to raise funds for a contribution to the NAWGA PAC.

BACKGROUND: With the new administration in place in Washington, it looks like the food industry, and the business world in general, is about to experience some challenging times. Last year's elections produced the most change in decades. And NAWGA-PAC is the only voice representing the food wholesaling industry in Washington politics. We must support those legislators who have shown consistent support for our priorities. By the same token, the efforts of the enemies of business - legislators who believe in more, rather than less government - must be offset.

At Bozzuto's, we would like to raise a contribution of \$2,000 from our group of Directors and Vice Presidents. Towards this end, I am asking each of you to make a contribution to the NAWGA PAC. Contributions may be made by personal check or may be charged to your VISA, MasterCard or American Express. We will reach our goal if each of us can make a contribution of at least \$100.

ACTION REQUESTED: Make a contribution of at least \$100 to the NAWGA-PAC.

TARGET DATE: February 4, 1993

PERSON RESPONSIBLE: Recipients

cc: Adam Bozzuto
Michael Bozzuto

Don -
Thanks for taking
the time to consider
this
Tom

98043902051

230001

MEMO

TO: Vice President and Directors
FROM: Tom Zatina
DATE: March 3, 1993
SUBJECT: NAWGA/Food Industry Political Action Committee (PAC)

Thanks to all of you who made a contribution to NAWGA PAC. We were able to collect \$1,730 which has already been sent to NAWGA. The NAWGA staff asked me to convey their deep appreciation for your support and, having just returned from Washington myself, I can tell you that this is an important time for business to maintain a strong presence on Capitol Hill.

By the way, I have attached a copy of a full page ad which appeared in "Roll Call", the newspaper on Capitol Hill.

cc: Adam Bozzuto
Michael Bozzuto

98043902052

MEMO

TO: All Directors *Don*
FROM: Tom Zatina
DATE: January 3, 1991
SUBJECT: Contributions to Wholesale Food Industry PAC

Per our discussion at a recent staff meeting, I am forwarding this memo and its attachment for your review and decision to participate in the National-American Wholesale Grocers Association Political Action Committee (NAWGA-PAC).

93043902053
With an increase in unfavorable business legislation looming, its more important than ever that we do what we can to support those in Washington that support the business priorities of our industry. NAWGA, with the help of its member companies, places heavy emphasis on protecting our interests in the nation's capitol. We should all get involved to direct some dollars towards supporting our industry in Washington.

Attached is a fact sheet about NAWGA-PAC and a card on which you can indicate your pledge/contribution. Please respond with your intention by January 11, 1991. It would be nice if we could respond with 100% of our staff directors support and with a total group contribution of at least \$1,000.00

NOTE: For your information - I've also included a listing of Who's Who in the 102nd Congress.

cc: Adam Bozzuto
Michael Bozzuto
Jayne Bozzuto

Tom

1/31/91

Bill called
Chris where was
the PAC contribution



NAWGA-PAC is a bipartisan, multicandidate Federal political action committee authorized by the National-American Wholesale Grocers' Association.

Please check one:

- YES, please accept my voluntary personal contribution of \$1000.
- YES, please accept my voluntary personal contribution of \$500.
- YES, please accept my voluntary personal contribution of \$250.
- YES, please accept my voluntary personal contribution of \$ 50
- I cannot contribute at the moment, but my company is interested in making a corporate contribution to the NAWGA Political Education Fund.

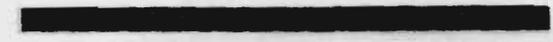
Method of Payment

Please check one:

- Enclosed is a personal check for the full amount.
- Enclosed is \$ _____ of my total contribution of \$ _____.
I will send you the balance in 2 _____ or 4 _____ installments.
- Please bill my VISA / MasterCard for the full amount.
Card Number: _____
Expiration Date: _____
Signature: _____

Name: DON ZAGAR
 Title: DIRECTOR M ES
 Company: BOZZUTO'S INC
 Address: 275 SCHOOL HOUSE Rd
 City: CHESHIRE
 State: CT Zip: 06410
 Telephone: (203) 272-3511

The credit union guarantees deposit about and (money suggestions) do not make it less to contribute more or less than the guidelines suggest and (money) do not make it less to contribute more or less than the guidelines suggest. You should check with your credit union for more information. This is not a solicitation for contributions to NAWGA-PAC and the use of the name (NAWGA-PAC) for money (NAWGA-PAC) is not a solicitation to the name of NAWGA-PAC and its members.



98043902054

247

1/31/91

11-481 18

50.00

5 50

DOLLARS

DONALD A. ZAGAR
ANNIE-MARIE ZAGAR
11 LURE ST.
PROSPECT, CT 06712

NAWGA-PAC

Eighty and 00/100

Connecticut National Bank

MEMO

[Signature]



NATIONAL-AMERICAN WHOLESALE
GROCERY ASSOCIATION
POLITICAL ACTION COMMITTEE

January 19, 1993

Mr. Don Zagar
Bozzuto's Inc.
275 Schoolhouse Road
Cheshire
CT, 06410

Dear Don:

In the past, we knew we could count on you as an important part in our political program when you contributed to NAWGA-PAC. Because so much is at stake with the new political situation and we haven't heard from you since 1991, I wanted to take a moment to personally let you know how urgent this matter is.

If you have been reading the newspaper or watching television, it is impossible not to hear about the Clinton administration. This is a very compelling reminder: the political process never stops. That is why NAWGA-PAC needs your help right now.

Don, your personal involvement and contributions to NAWGA-PAC prove you understand the tremendous impact political decisions have on our industry. Could you renew your sponsorship and make your contribution to NAWGA-PAC today?

Last year's elections produced the most change in decades. NAWGA-PAC was heavily involved in campaigns across the country. We won more than we lost, but in the process our PAC funds were depleted to dangerously low levels.

Many of the candidates we supported have campaign debts. It is vital that we help them overcome this debt and build a strong warchest for 1994.

Also, we must build our own warchest for the '94 elections. A few of the Congressmen we targeted for defeat managed narrow victories. Those enemies of business will still be vulnerable next election, and we must be ready!

You constitute the backbone of our efforts as an association and especially on Capitol Hill. Without your leadership and personal involvement, our efforts suffer.

98043202055

Mr. Don Zagar
Page 2.

Remember, NAWGA-PAC is the only voice of the food distribution industry in politics. We must support those legislators who have shown consistent support for our priorities. By the same token, enemies of business -- legislators who believe in more, rather than less government -- must be defeated.

Year after year, we are dramatically outspent by labor unions, environmental groups and so-called consumer interest organizations. Organized labor alone pumped more than \$35 million into the campaign coffers of anti-business candidates.

But we can fight against those odds and, with your help, we can win. Our goal for 1993 and 1994 is to double the size and effectiveness of NAWGA-PAC.

When I reviewed our list of supporters and didn't see your name, I became concerned because we need your help now more than ever.

Surely you haven't forgotten all that we have been able to accomplish together. With your support, we stopped budget-busting spending bills, tax hikes and costly federal mandates.

I hope you will help us grow by renewing your support for NAWGA-PAC. If you make a contribution of \$1000 or more, you are a member of the Gold Club. In recognition of your efforts, you will receive a plaque, a lapel pin, and a subscription to our election newsletter.

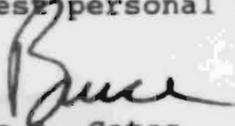
If it would be more convenient, you could make a monthly contribution charged to your credit card or billed direct.

But you can do even more to help. Reach for an employee group Gold Club membership with ten or more of your employees. Your colleagues at companies such as Merchants Distributors, Inc., SUPERVALU, Core-Mark International, and Fleming have begun a program of expanding the NAWGA-PAC donor base by going beyond the President and CEO and asking their employees to make a contribution.

The response from these executives has been terrific. Once the necessity to participate is explained, these executives have been enthusiastic in their support.

Don, thank you for taking the time to consider this most pressing matter. For your convenience, I have included a return envelope. I look forward to hearing from you soon.

Warmest personal regards,


Bruce A. Gates
Vice President
Government Relations

URGENT: Please Respond by February 8th. We Want to Acknowledge All Gold Club Members at the 1993 Annual Convention in San Francisco

NP02L000476

Mr. Don Zagar
Bozzuto's Inc.

Yes Bruce, you can count on me. I have enclosed my voluntary personal contribution of:

_____ \$1000 _____ \$200 _____ \$100 _____ Other

* or *

Please charge my Visa \ Mastercard \ American Express

Card # _____ Exp. Date _____

Signature _____ Date _____

* or *

I want to make a monthly contribution of: ___ \$200 ___ \$100 ___ \$50

_____ Bill me monthly, _____ Charge my credit card monthly

_____ I will ask my employees to make a contribution to NAWGA-PAC

_____ Please contact me about soliciting my employees

_____ I will not solicit my employees for NAWGA-PAC

NAWGA-PAC is your voice in Washington. The amounts stated above are only suggestions. Contributions to NAWGA PAC are completely voluntary and are not deductible for federal tax purposes. Corporate contributions are not allowed.

93043902057



December 8, 1994

Mr. Don Zagar
275 Schoolhouse Road
Cheshire, CT 06410

Dear Don:

We here at NAWGA/IFDA and the Food Distributors Voice in Politics Committee would like to thank you once again for your generous support in helping us achieve our goal of bringing change to Congress.

Thanks to the support we received from you and many others in the food distribution industry, the FOODVIP Committee was extremely successful in the recent mid-term elections. Business friendly legislators will now control the agenda in Congress, and the FOODVIP Committee played an active role in helping to bring this about. During the 1994 election cycle we contributed over \$200,000 to candidates, more than double our total from the last cycle. With our emphasis on open seats and challenger races, we were able to help over 50 new Representatives and 11 new Senators.

We have already begun to look ahead to 1996. Many of these new legislators will need our help to retain their seats, and we will continue the drive to bring even more pro-business lawmakers to Washington. As these elections have demonstrated, we can make a difference, but we will need your help.

Your support of our goal of changing legislation through changing legislators has been crucial to our success. Let's maintain our momentum and ensure that we continue to elect legislators who understand the effects of over-regulation and government interference on business. Together we can continue to change the way things are done on Capitol Hill.

Again, thank you. Without your contribution none of this would be possible.

With kindest regards,

John R. Block
President
NAWGA/IFDA

Bruce A. Gates
Vice President, Public Affairs
FOODVIP Committee Treasurer

98043902050



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

Donald A. Zagar
11 Luke Street
Prospect, CT 06712-1428

RE: MUR 4747

Dear Mr. Zagar:

This letter acknowledges receipt on May 18, 1998, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4747. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Tiptley", is positioned above the typed name.

F. Andrew Tiptley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

98043706059



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

Thomas Zatina, Executive Vice President/COO
Bozzuto's Inc.
275 Schoolhouse Road
Cheshire, CT 06410

RE: MUR 4747

Dear Mr. Zatina:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4747. Please refer to this number in all future correspondence.

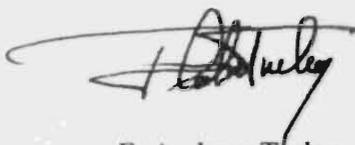
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

9804390206C

If you have any questions, please contact Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

Michael Bozzuto, President
Bozzuto's Inc.
275 Schoolhouse Road
Cheshire, CT 06410

RE: MUR 4747

Dear Mr. Bozzuto:

The Federal Election Commission received a complaint which indicates that Bozzuto's Inc. and you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4747. Please refer to this number in all future correspondence.

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

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

98043902062

If you have any questions, please contact Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

Kevin Burke, Treasurer
Food Distributors Voice in Politics Committee-
The Political Action Committee of Food
Distributors International
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Burke:

The Federal Election Commission received a complaint which indicates that Food Distributors Voice in Politics Committee-The Political Action Committee of Food Distributors International and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4747. Please refer to this number in all future correspondence.

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

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

928645708064

If you have any questions, please contact Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 9 0 2 0 6 5



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

John R. Block, President
NAWGA/IFDA
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Block:

The Federal Election Commission received a complaint which indicates that NAWGA/IFDA and you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4747. Please refer to this number in all future correspondence.

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

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

90043903066

If you have any questions, please contact Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Tirley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 9 0 2 0 6 7



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 21, 1998

Bruce A. Gates, Vice President
Public Affairs
Food Distributors VIP Committee
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Gates:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4747. Please refer to this number in all future correspondence.

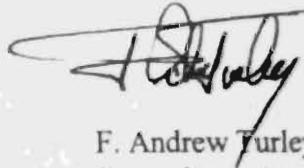
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under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

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

9 8 0 4 3 9 0 2 0 6 3

If you have any questions, please contact Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Furley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043902069

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4747

NAME OF COUNSEL: Kevin R. Daly

FIRM: Bozzuto's, Inc.

ADDRESS: 275 Schoolhouse Road

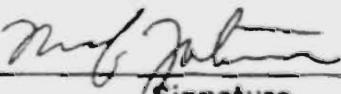
Cheshire, CT 06410

TELEPHONE: (203) 250-5109

FAX: (203) 250-2953

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.

6/9/98
Date


Signature

RESPONDENT'S NAME: Thomas A. Zatina

ADDRESS: Bozzuto's, Inc.
275 Schoolhouse Road

Cheshire, CT 06410

TELEPHONE: HOME _____

BUSINESS (203) 250-5107

98043902070

RS. [unclear] P. 10/9



BOZZUTO'S INC.

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL



275 SCHOOLHOUSE ROAD
CHESHIRE, CONN. 06410-0340

JUN 6 3 28 PM '98

TELEPHONE: 203-272-3511

June 4, 1998

Ms. Jennifer H. Boyt
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 4747

Dear Ms. Boyt:

Please be advised that I am an Attorney employed by Bozzuto's, Inc. as Vice President and General Counsel. In such capacity, I am representing the interests of Michael A. Bozzuto and Thomas A. Zatina with respect to the complaint filed with the Federal Election Commission by Don Zagar dated May 11, 1998 - MUR 4747. I am currently in the process of investigating the allegations contained in the complaint and reviewing documents on file at Bozzuto's. As a result of the travel schedule of Michael A. Bozzuto, President and Chief Executive Officer of Bozzuto's, Inc., I have not been able to meet with him to discuss this complaint. I am also scheduled to attend a business conference outside the State of Connecticut from June 6 - 10.

In light of these facts and to allow adequate time to prepare a proper response to Mr. Zagar's complaint, I am hereby requesting a thirty (30) day extension. I anticipate that my investigation will be completed and a response filed with the Federal Election Commission's General Counsel's Office by June 26, 1998.

Please feel free to contact me directly with any questions at (203) 250-5109.

Very truly yours,

BOZZUTO'S, INC.

Kevin R. Daly
Vice President and General Counsel

psh

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1998

Kevin R. Daly, Esq.
Vice President and General Counsel
Bozzuto's Inc.
275 Schoolhouse Road
Cheshire, CT 06410

RE: MUR 4747
Michael A. Bozzuto, Bozzuto's Inc. and Thomas A. Zatina

Dear Mr. Daly:

This is in response to your letter dated June 4, 1998, which we received on June 9, requesting an extension until June 26 to respond to the complaint filed in the above-noted matter. 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 June 26, 1998.

If you have any questions, please contact me at (202) 694-1650 or on the toll free number, (800)424-9530.

Sincerely,


Jennifer H. Boyd
Paralegal Specialist

98043902073

OLSSON, FRANK AND WEEDA, P. C.

ATTORNEYS AT LAW
SUITE 400

1400 SIXTEENTH STREET, N.W.
WASHINGTON, D. C. 20036-2220
(202) 789-1212
FACSIMILE (202) 234-3537

Sender's Direct Phone (202) 518-6358
Sender's Direct Facsimile (202) 234-1560

CHRISTINA M. MARKUS
TISH E. PAHL
BRETT T. SCHWEMER
KAREN A. REIS
PAMELA J. FURMAN
NATHAN A. BEAVER*

OF COUNSEL
MICHELE F. CROWN

PHILIP C. OLSSON
RICHARD L. FRANK
DAVID F. WEEDA
DENNIS R. JOHNSON
ARTHUR Y. TSIEN
JOHN W. BODE*
STEPHEN D. TERMAN
MARSHALL L. MATZ
MICHAEL J. O'FLAHERTY
JOHN R. FLEDER
DAVID L. DURKIN
DAVID G. ADAMS
NEIL F. O'FLAHERTY
*ADMITTED IN OREGON AND WASHINGTON
*ADMITTED IN ARIZONA ONLY

June 10, 1998

BY HAND DELIVERY

CONFIDENTIAL

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W., Room 657
Washington, D.C. 20463

Re: MUR 4747

Dear Mr. Turley:

INTRODUCTION

Pursuant to 11 C.F.R. § 111.6, this letter is submitted in response to three May 21, 1998, letters addressed to: Mr. John R. Block, President of NAWGA/IFDA (now Food Distributors International); Mr. Kevin Burke, Treasurer of Food Distributors Voice in Politics Committee-The Political Action Committee of Food Distributors International; and Mr. Bruce A. Gates, former Vice President Public Affairs of Food Distributors VIP Committee. These letters were received on or after May 26, 1998. In each letter, you referenced a complaint received at the Federal Election Commission (Commission) asserting that NAWGA/IFDA, the Food Distributors Voice in Politics Committee-The Political Action Committee of Food Distributors International, and the three individuals identified above may have violated the Federal Election Campaign Act of 1971, as amended (the Act). Each letter was docketed under Matter Under Review (MUR) 4747.

The facts and arguments presented in this letter are based on information that has become available to us in the time we have been permitted to submit this response. We reserve the opportunity to provide additional facts and arguments that become available after we have submitted this letter. As shown in the enclosed signed statements, the individuals and entities described above have designated the undersigned to act as their legal counsel in this matter. Please direct any future correspondence to us.

90040703073

JUN 10 3 06 PM '98

Letter to F. Andrew Turley, Esq.
June 10, 1998
Page 2

THE TRADE ASSOCIATION AND ITS PAC

NAWGA (the National-American Wholesale Grocers' Association) is a not-for-profit trade association, organized under § 501(c)(6) of the Internal Revenue Code, which was founded in 1906. IFDA (the International Foodservice Distributors Association) is an unincorporated trade association founded in 1956. The two associations subsequently merged in 1996 under the name Food Distributors International (NAWGA/IFDA). Today, it is an international trade association comprised of approximately 275 food distribution companies that primarily supply and service independent (nonchain) grocers and food service operations throughout the United States and Canada and firms that sell food and related products to the institutional, away from home, foodservice market, including restaurants. We will hereinafter refer to the Association as FDI. FDI is headquartered at 201 Park Washington Court in Falls Church, Virginia 22046.

In 1985 FDI's Board of Directors created a Political Action Committee that was called NAWGA-PAC. The name of the PAC was changed to FOODVIP PAC in 1994.

THE COMPLAINT

The complaint referenced in your letters was submitted by Donald A. Zagar, who was previously employed by Bozzuto's, Inc. (Bozzuto's) of Cheshire, Connecticut. Bozzuto's has been, at all times pertinent to this matter, a member of FDI. It appears as if Mr. Zagar actually filed two virtually identical complaints with the Commission. One was dated April 24, 1998 and signed by him on April 29. The other complaint was dated May 11, 1998 and was signed on May 13. For simplicity, we will hereinafter refer to Mr. Zagar's complaints as the "May 11, 1998 complaint."

The May 11, 1998 complaint alleges a violation of two subsections of the Act. These subsections of 2 U.S.C. § 441b(b)(3) provide that it shall be unlawful:

- (B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of the solicitation; and
- (C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

Letter to F. Andrew Turley, Esq.
June 10, 1998
Page 3

11 C.F.R. § 114.8(c)(1998) authorizes trade associations or a separate segregated fund of a trade association to solicit contributions from executive and administrative personnel of member corporations. The Commission's implementing regulations set forth requirements when employers solicit funds. 11 C.F.R. § 114.5(a)(1998). These regulations are applicable to trade associations. 11 C.F.R. § 114.8(e)(4)(1998).

Mr. Zagar asserts the alleged unlawful practices started in 1991 and continued until he was terminated from Bozzuto's in January 1997. Mr. Zagar admits he did not raise with Bozzuto's the "concerns" he alleges in the May 11, 1998 complaint until after he left the company.

Most of Mr. Zagar's May 11, 1998 complaint centers around fund raising memoranda and phone calls he allegedly received from Bozzuto's. He complains, *inter alia*, about alleged undue pressure placed on him by his former supervisor to contribute money to the NAWGA-PAC, and that his former employer did not, in written solicitation documents, inform him of his right to refuse to make a contribution to the PAC without reprisal. See the February 26, 1996 Memo from Tom Zatina to "Vice Presidents, Directors and Key Managers"; the May 26, 1994 Memo from Mr. Zatina to the same people; the July 26, 1994 Memo from Mr. Zatina to Mr. Zagar; the January 26, 1993 Memo from Mr. Zatina to Bozzuto's Vice Presidents and Directors; the March 3, 1993 Memo from Mr. Zatina to Bozzuto's Vice Presidents and Directors; and the January 3, 1991 Memo from Mr. Zatina to All Bozzuto Directors.

There is no indication on the face of any of the above correspondence that any of the respondents represented by the undersigned drafted, approved, or even received (prior to May 1998) any of this correspondence. As a result, the respondents represented by the undersigned are not herein commenting on the legality of that correspondence. Nor are these respondents in a position to address the telephone calls that Mr. Zagar alleges he received from Mr. Zatina's secretary. Mr. Zagar has not alleged that the respondents represented by the undersigned participated in, encouraged, or even knew about those telephone calls.

It is important that the May 11, 1998 complaint does not make similar allegations against any of the respondents represented herein. The only factual allegations against these respondents is that Mr. Zagar alleges he received two letters from FDI and that respondents John R. Block and Bruce A. Gates were somehow "involved in" the violations Mr. Zagar alleges Bozzuto's committed. Mr. Zagar presents no facts to support this allegation, other than to enclose two letters he received from these respondents. The undersigned will, therefore, address the legality of the two letters written by these respondents.

Letter to F. Andrew Turley, Esq.
June 10, 1998
Page 4

With regard to one letter, on December 8, 1994, Mr. Block and Mr. Gates wrote Mr. Zagar, thanking him for his earlier support of the Food Distributors Voice in Politics Committee. The letter did not solicit funds from Mr. Zagar or anyone else. Mr. Zagar makes no claim that this letter violates the Act; rather, he simply asserts that the letter shows that his supervisor received recognition from the PAC for receiving donations from Bozzuto's employees. Whether or not Mr. Zagar's supervisor received such recognition, there would be no violation of the Act if these respondents conferred recognition on Bozzuto's. The letter clearly does not violate the Act or the Commission's implementing regulations.

The other document was a January 19, 1993 letter from former FDI Vice President Bruce A. Gates, which stated that if people contribute \$1,000 or more, they would receive a plaque, a lapel pin, and a subscription to FDI's election newsletter. This letter did seek contributions to the NAWGA PAC.¹ The third page of the letter states that any contribution would be voluntary: "[t]he amounts stated above are only suggestions. Contributions to NAWGA PAC are completely voluntary."

Both before and after FDI sent the January 1993 solicitation to Mr. Zagar, FDI had stated in writing to him all the required disclosures contained in 2 U.S.C. § 441b(b)(3)(B) and (C) and 11 C.F.R. § 114.5(a).

The materials Mr. Zagar submitted to the Commission include a card that potential contributors, such as Mr. Zagar, were asked to sign in 1991. The card states in pertinent part:

The contribution guidelines stated above are merely suggestions. An individual is free to contribute more or less than the guidelines suggest and NAWGA will not favor or disadvantage anyone by reason of the amount of his or her contribution. You have the right not to contribute without reprisal by NAWGA.²

¹ We recognize that 11 C.F.R. § 114.5(a)(2) imposes requirements when a solicitor suggests guidelines for contributions. The May 11, 1998 complaint does not allege that the respondents represented herein violated that regulation in the January 19, 1993 solicitation. It is clear that this letter did not suggest any guidelines for contributions. Rather, the attachment to the letter identifies a number of possible contribution amounts (\$1,000, \$200, \$100 or "other"). Moreover, the letter identified the political purposes of the fund, pursuant to 2 U.S.C. § 441b(b)(3)(B).

² The version of the card we received, that Mr. Zagar included in the May 11, 1998 complaint, is difficult to read. We have enclosed as Exhibit 1 an original, unsigned version of the card used in FDI's 1990 solicitation.

Letter to F. Andrew Turley, Esq.
June 10, 1998
Page 5

Similarly, in 1994, Mr. Zager was solicited for a contribution. Mr. Zagar made a \$100 contribution, but apparently did not fill out the card described above. (Exhibit 2). Nevertheless, as part of the same solicitation, Bozzuto's did forward to its managers an FDI card which was similar to the FDI card used in 1991. See Exhibit 3 which states:

The contribution amounts stated above are merely suggestions. An individual is free to contribute more or less than the guidelines suggest, and NAWGA/IFDA will not favor or disadvantage anyone because of the amount of the contribution. You have the right not to contribute without reprisal from NAWGA/IFDA.

Thus, both before and after FDI solicited contributions from Bozzuto's managers in 1993, FDI provided these persons (including Mr. Zagar) with all the information required by the Act and its implementing regulations. We believe that of the solicitations described above, in two of the three solicitations, FDI clearly made all required disclosures to Mr. Zagar. In the other solicitation, sent in January 1993, FDI informed Mr. Zagar that any contribution he made would be voluntary. In 1993, Mr. Zagar was undoubtedly aware, based on his receipt of the earlier solicitation, that no reprisal would be taken against him if he failed to make a contribution. The May 11, 1998 complaint does not dispute this assertion. Moreover, it is certainly possible that Mr. Zagar did in fact receive a card in 1993, advising him that there would be no reprisal if he did not contribute to the NAWGA PAC. We base this view on the fact that Mr. Zagar received the proper card in both 1990 and 1994, and there would be no good reason for FDI to intentionally omit disclosures that it provided both before and after the 1993 solicitation. Although FDI does not have any documentary proof that the proper card was given to Mr. Zagar in 1993, we are continuing our search for that record.

It is also important to note that while the Commission's solicitation disclosure regulations do apply to trade associations, there is little harm posed when a trade association, soliciting contributions from its members' employees, fails to notify those employees that no reprisal will be taken if the employee fails to contribute. Obviously, the trade association cannot easily take reprisal against a member's employee, as the trade association does not employ the person. The "no reprisal" concern is much more clearly needed when an employer is soliciting a contribution from one of its employees. FDI is not, and never was, Mr. Zagar's employer. For this reason alone, even if the Commission believes that the January 1993 FDI solicitation should have contained "no reprisal" language, the absence of that language from the solicitation is at most

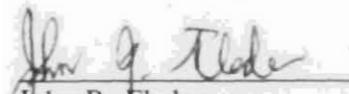
Letter to F. Andrew Turley, Esq.
June 10, 1998
Page 6

technical and of no material significance.³ This view is strengthened by the fact that FDI made all the necessary disclosures in both the 1990 and 1994 solicitations it made to Mr. Zagar.

CONCLUSION

The respondents submit that the allegations raised in the May 11, 1998 complaint are without merit insofar as the complaint alleges that the respondents represented by the undersigned have violated the Act. We submit that no further action by the Commission should be taken against these respondents. Because this matter does not warrant the further use of Commission resources, the complaint against the respondents represented herein should be dismissed. Respondents do request that this matter, including but not limited to this letter, should remain confidential pursuant to the Commission's rules.

Respectfully submitted,


John R. Fleder

Counsel for John R. Block, Kevin Burke,
Bruce A. Gates, Food Distributors International,
and Food Distributors Voice in Politics Committee

³ The applicable statute of limitations, 28 U.S.C. § 2462, would bar the Commission from seeking civil penalties for solicitations sent more than five years before the Commission seeks to impose a civil penalty. *Federal Election Commission v. Williams*, 104 F.3d 237 (9th Cir. 1996), cert. denied, 118 S. Ct. 600 (1997); *Federal Election Commission v. The Christian Coalition*, 965 F. Supp. 66 (D.D.C. 1997).

NAWGA-PAC is a bipartisan, multicandidate Federal political action committee authorized by the National-American Wholesale Grocers' Association.

Please check one:

- YES, please accept my voluntary personal contribution of \$1000.
- YES, please accept my voluntary personal contribution of \$500.
- YES, please accept my voluntary personal contribution of \$250.
- YES, please accept my voluntary personal contribution of \$ _____
- I cannot contribute at the moment, but my company is interested in making a corporate contribution to the NAWGA Political Education Fund.

Method of Payment

Please check one:

- Enclosed is a personal check for the full amount.
- Enclosed is \$ _____ of my total contribution of \$ _____ I will send you the balance in 2 _____ or 4 _____ installments.
- Please bill my VISA / MasterCard for the full amount.

Card Number: _____

Expiration Date: _____

Signature: _____

Name: _____

Title: _____

Company: _____

Address: _____

City: _____

State: _____

Telephone: (_____) _____ Zip: _____

The contribution guidelines stated above are merely suggestions. An individual is free to contribute more or less than the guidelines suggest, and NAWGA or NAWGA-PAC will accept or discontinue any money for the amount contributed. NAWGA-PAC will have the right to contribute to any candidate for federal office who are sympathetic to the needs of NAWGA-PAC and its members.

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DONALD A. ZAGAR
ANNEMARIE ZAGAR
11 LUKE ST
PROSPECT, CT 06712

81-7010/2111 8

0233

6/20 19 94

PAY TO THE
ORDER OF

NAWGA SAC

\$ 100 ⁰⁰/₁₀₀

One hundred ⁰⁰/₁₀₀

DOLLARS



FIRST FEDERAL BANK

First Federal Bank, FSB
Waterbury, CT 06702

FOR

Donald A. Zagar

RECEIVED
ENTERED
TKU

9/17/94
9/16/94

2

THE FOODVIP Committee
 is a bipartisan, multicandidate
 political action committee authorized by the
 National-American Wholesale Grocers'
 Association and the International Foodservice
 Distributors Association.

MEMO _____

Southington Savings Bank
 SOUTHINGTON, CONNECTICUT 06489

PAY TO THE ORDER OF FOODVIP INC

Forty and no/100

24 94

\$ 40.00

DOLLARS

THOMAS A. PATTERSON
 HOPE A. PATTERSON
 540 BERLIN ST
 SOUTHINGTON, CT 06489

2379
 51-7423/2111

Hope Patterson

- Yes, I want to be a FOODVIP. Please accept my voluntary contribution of:
 - \$1500 \$1000 \$500 \$250
- Yes, I want to be a FOODVIP. Please accept my voluntary contribution of \$ 40.00
- Please contact me about involving my employees in the FOODVIP Committee
- I do not wish to contribute to the FOODVIP Committee.

Method of Payment

- Enclosed is a personal check for the full amount.
- Bill my AMEX / Mastercard / Visa for the full amount.
- Bill my AMEX / Mastercard / Visa for the amount in _____ monthly installments.

Name on Card _____
 Card# _____
 Exp. Date _____
 Signature _____

Name Hope Patterson
 Title Mgr Retail Support Services
 Company Corzuet's, Inc
 Address 275 Schoolhouse Rd
Cheshire, CT 06610

Corporate Contributions Are Not Allowed

The contribution amounts listed above are merely suggestions. An individual is free to contribute more or less than the guidelines suggest, and NAWGAFDA will not force or disadvantage anyone because of the amount of their contribution. You have the right not to contribute without penalty from NAWGAFDA.

RECEIVED
 ENTERED
 TKU

5/12/94

9/16/94

28020637096

Jun 10 3 06 PM '98

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4747

NAME OF COUNSEL: John R. Fleder

FIRM: Olsson, Frank and Weeda, PC

ADDRESS: 1400 Sixteenth Street, N.W.

Suite 400

Washington, D.C. 20036-2220

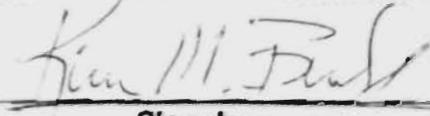
TELEPHONE: (202) 518-6358

FAX: (202) 234-1560

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.

June 9, 1998

Date



Signature

RESPONDENT'S NAME: Kevin M. Burke

ADDRESS: Food Distributors International

201 Park Washington Court

Falls Church, VA 22046

TELEPHONE: HOME (

BUSINESS (703) 532-9402

9
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0
0
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3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4747

NAME OF COUNSEL: John R. Fleder

FIRM: Olsson, Frank and Weeda, P. C.

ADDRESS: 1400 Sixteenth Street, N. W.

Suite 400

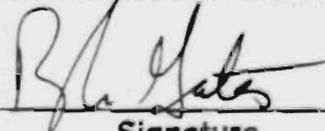
Washington, DC 20036-2220

TELEPHONE: (202) 789-1212

FAX: (202) 234-3537

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.

Date 6-10-98


Signature

RESPONDENT'S NAME: Bruce Gates

ADDRESS: Washington Counsel, P. C.

1150 Seventeenth Street N. W. Suite 601

Washington, DC 20036

TELEPHONE: HOME

BUSINESS (202) 293-7474

93043902084

Jun 10 3 20 11 98

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4747

NAME OF COUNSEL: John R. Fleder

FIRM: Olsson, Frank and Weeda, P.C.

ADDRESS: 1400 Sixteenth Street

Suite 400

Washington, D.C. 20036-2220

TELEPHONE: (202) 518-6358

FAX: (202) 234-1560

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.

6-9-98

Date

John R. Block
Signature

RESPONDENT'S NAME: John R. Block, individually and for Food Distributors International and Food Distributors Voice in Politics

ADDRESS: Food Distributors International Committee.

201 Park Washington Court

Falls Church, VA 22046

TELEPHONE: HOME

BUSINESS (703) 532-9400

98 JUN 10 10 01 AM '98

98043902085

June 26, 1998

Mr. F. Andrew Tarley, Esq.
Supervisory Attorney
Central Enforcement Docket
General Counsel's Office
Federal Election Commission
999 East Street, NW
Washington, DC 20463

Re: MUR 4747

Dear Attorney Tarley:

Please be advised that I am an Attorney employed by Bozzuto's, Inc. as Vice President and General Counsel since 1993. I represent the interests of Michael A. Bozzuto, President and Chief Executive Officer of Bozzuto's, Inc. and Thomas A. Zatina, Executive Vice President and Chief Operating Officer of Bozzuto's, Inc. with respect to the above-referenced Matter Under Review - MUR 4747.

I have received and reviewed the complaint from Donald A. Zagar, 11 Luke Street, Prospect, CT 06712-1428 dated May 11, 1998 and offer the following:

- 1) Mr. Zagar was terminated as an employee of Bozzuto's, Inc. on January 10, 1997. At the time of his termination, his title was Director of Technology Development for Bozzuto's, Inc. The cause for his termination was his lack of job performance and his inability to get along with fellow employees/customers. Subsequent to his termination, Mr. Zagar brought an action with the State of Connecticut Commission on Human Rights and Opportunities alleging age discrimination and pressure to contribute to the FOODVIP PAC. On December 16, 1997, the State of Connecticut Commission on Human Rights and Opportunities dismissed Mr. Zagar's case for No Reasonable Cause based upon the merits of the case (See Affidavit of Michael A. Bozzuto dated June 25, 1998 and letter from Connecticut Commission on Human Rights and Opportunities dated December 16, 1997.)
- 2) Thomas A. Zatina, Executive Vice President and Chief Operating Officer of Bozzuto's, Inc. has participated in the Government Relations activities of National-American Wholesale Grocers' Association (NAWGA), now known as Food Distributors International (FDI) since 1991. Mr. Zatina and his secretary, Jill R. Lieberman, were the only parties responsible for the solicitation of Bozzuto's employees for contributions to the FOODVIP PAC during the period

JUN 23 10 55 AM '98

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Mr. F. Andrew Tarley, Esq.

June 26, 1998

Page 2.

commencing January 1991 and ending in December 1996. Those solicitation activities included written memorandums in 1991, 1993, 1994 and 1996, tabulating responses and/or contributions, and follow up calls in cases where no response was received. He always identified the FOODVIP PAC as an entity which represented the interests of the food industry in Washington. All solicitations by Mr. Zatina, both orally and in writing, indicated that contributions were on a voluntary basis. No reprisals were taken against any employees who chose not to contribute to the FOODVIP PAC. (See Affidavits of Thomas A. Zatina dated June 26, 1998 and Jill R. Lieberman dated June 25, 1998).

3) Doug Vaughan, Director of Human Resources at Bozzuto's, Inc. has provided Organizational Structure Charts for the years 1993, 1994 and 1996 (See Attached). In 1993, Adam J. Bozzuto, Chairman of the Board and President, Jayne A. Bozzuto, Vice President and George Motel, Vice President, all chose not to contribute to the FOODVIP PAC. In 1994, Jayne Bozzuto, Keith Froscono, Director of Produce, Serge Chevalier, Grocery Warehouse Manager and Lou Piscatano, Meat Sales Manager, all chose not to contribute to the FOODVIP PAC. In 1996, Adam Bozzuto, Keith Froscono, Lou Piscatano and Hope Patterson, Retail Support Manager all chose not to contribute. All of the aforementioned individuals are still employed by Bozzuto's and in fact Keith Froscono has been promoted to Vice President - Produce for Bozzuto's, Inc. Mr. Vaughan also recalls a question raised by Keith Froscono at a weekly Staff Director's Meeting in March 1996. After several years of choosing not to contribute to the FOODVIP PAC, Keith Froscono asked his supervisor, Thomas A. Zatina, in the presence of Bozzuto's management team as to whether contributions were voluntary. Mr. Zatina responded unequivocally that contributions were voluntary and no action would be taken against those who chose not to participate. (See Affidavits of Keith Froscono and Doug Vaughan dated June 25, 1998).

In summary, Bozzuto's, Inc., through the efforts of Thomas A. Zatina and Jill R. Lieberman, has always attempted to support the business and political efforts of FDI f/k/a NAWGA. By raising money through the solicitation of voluntary contributions to the FOODVIP PAC, it hoped to promote the business interests of the wholesale food industry in Washington, DC. Mr. Zatina attempted to be as clear as possible that the efforts of the FOODVIP PAC were political in nature and tended to coincide with the needs of businesses such as Bozzuto's, Inc. Although he may not have effectively communicated in writing the fact that no reprisals would result for choosing not to contribute, it is our position that this fact was communicated verbally. It is also our position that Bozzuto's has never nor will it ever discriminate against any employee who chooses not to contribute to the FOODVIP PAC.

90043904087

Mr. F. Andrew Tarley, Esq.
June 26, 1998
Page 3.

In the event that the Federal Election Commission determines that a violation of the Federal Election Campaign Act of 1971, as amended, has occurred, Bozzuto's, Inc. would be interested in discussing conciliation. Please feel free to contact me with any questions or requests for additional information at (203) 250-5109.

Very truly yours,

BOZZUTO'S, INC.

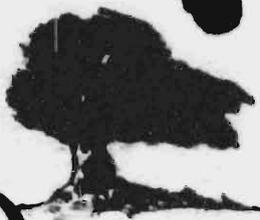


Kevin R. Daly
Vice President and General Counsel

psh

Enclosure

98043902080



Donald Zagar
11 Luke St.
Prospect, CT 06712-1428
Cert # Z 424 749 282

December 16, 1997

RE: NOTICE OF FINAL AGENCY ACTION
NO REASONABLE CAUSE/ADMINISTRATIVE DISMISSAL DETERMINATION
CHRO NO.: #9730520 - Zagar vs. Bozzuto's Inc.
EEOC NO.: #16a973339

Dear Mr. Zagar

The investigator of this agency assigned to the above entitled complaint has completed the processing of the complaint and the complaint has been closed today as:

- Dismissed for No Reasonable Cause - On The Merits
- Dismissed for No Reasonable Cause - Lack of Jurisdiction
- Administratively Dismissed

A copy of the written summary of the findings is enclosed.

The Complainant may apply for reconsideration of the disposition by filing at the Commission's Regional office (see above for address) within fifteen (15) calendar days from the date of this letter, a written application stating specifically the grounds upon which the application is based and accompanied by all relevant documents in support thereof. A request for reconsideration must be rejected as untimely without review of the specific grounds stated if it is not received by the Commission within fifteen (15) days of the mailing of this notice. It is the Complainant's responsibility to file a timely request. An application for reconsideration may be granted or denied at the discretion of the Commission. Any request for reconsideration must be submitted to the regional office issuing this notice.

A copy of your request for reconsideration must be mailed to the respondent and respondent's attorney, if any, at the address listed at the bottom of this letter. You should certify that you have done so in your request for reconsideration filed with the Commission.

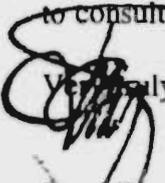
F484(3)



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Instead of filing a timely request for reconsideration, the complainant may appeal this disposition to the Superior Court of the State of Connecticut. Any appeal must strictly comply with all of the applicable statutory procedures, requirements and time frames. You may wish to consult an attorney regarding the proper filing of an administrative appeal.

Very truly yours,


Fern Bogle-Assegai,
Regional Manager

cc:

Bozzuto's Inc.
275 Schoolhouse Rd
Cheshire, CT 06410
Cert# Z 424 749 281

Eugene D. Micci
6 Elizabeth St.
P.O.Box 321
Derby, CT 06418

Diana Garfield
Kainen, Starr, Garfield, Wright, Escalera
55 Farmington Ave
Hartford, CT 06105

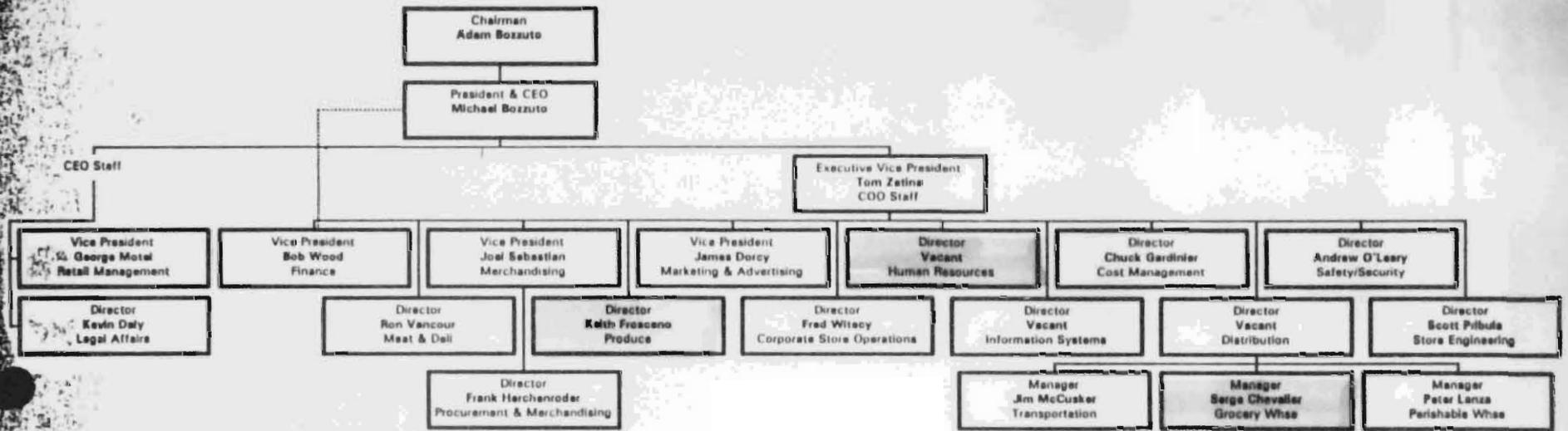
Enclosure: Complainant'(s)/Respondent(s)' Certification of Mailing
Case Summary Form 401(6)

Form #004

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Names highlighted in pink did not contribute to FOODVIP PAC

Bozzuto's, Inc.
Organizational Structure
Effective November 7, 1994



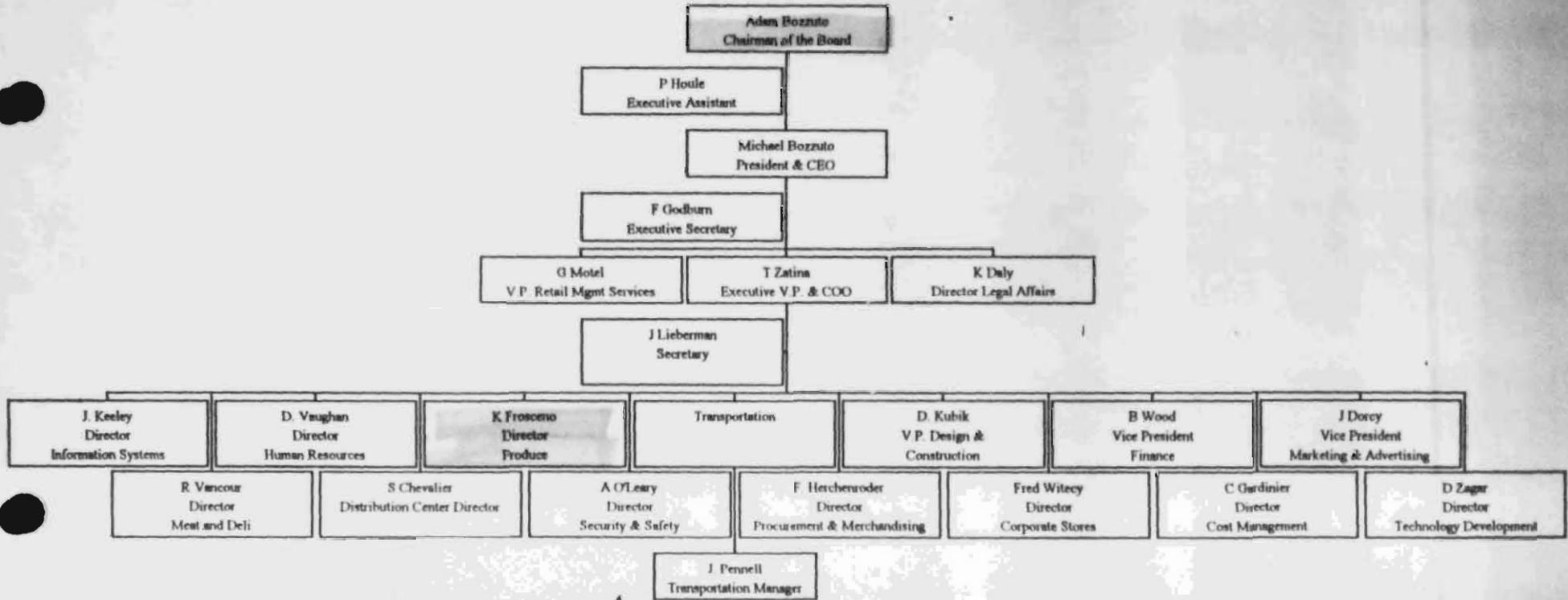
Jayne Bozzuto

Don Zagar - Dir. Technological Dev.

Lu Piscitano Meat Sales Manager

Bozzuto's Inc
 Organizational Structure
 April 22, 1996

Names highlighted
 in pink did not
 contribute to
 FOOD VIP PAC



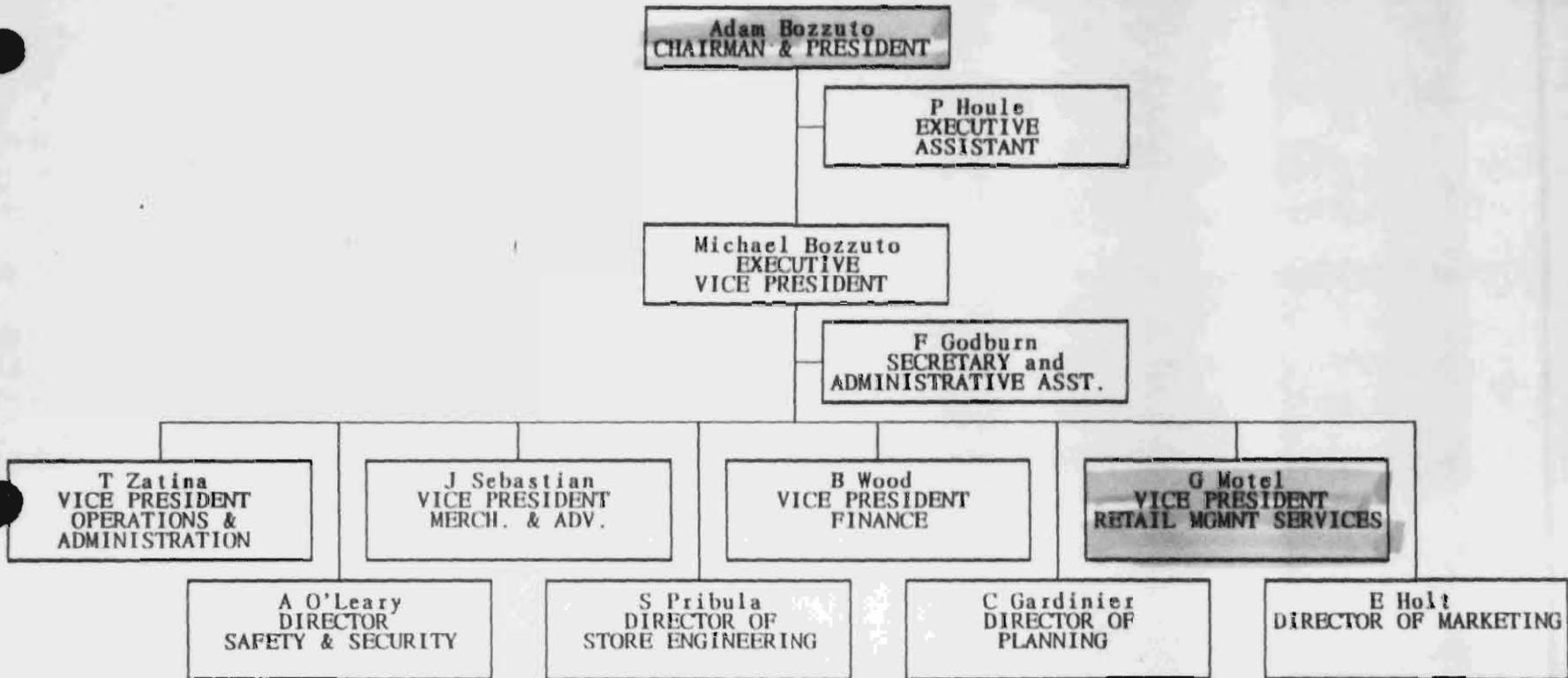
Hope Patterson
 Retail Support Manager

Low Pisartano
 Meat Sales Manager

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Names highlighted
in pink did not
contribute to
FOOD VIP PAC

BOZZUTO'S INC
DEPARTMENT STRUCTURE
June 29, 1993



Kevin Daly
Director of
Legal Affairs

Jayne
Bozzuto

EXECUTIVE TEAM

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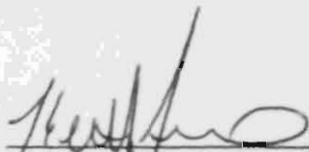
County of New Haven)
ss.: Cheshire
State of Connecticut)

June 25, 1998

AFFIDAVIT

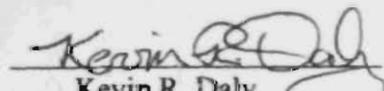
I, Keith Frosceno, being duly sworn do state:

- 1) I am over the age of eighteen (18) years and believe in the obligations of an oath.
- 2) I have been an employee of Bozzuto's, Inc. since August 1984. During my period of employment, I have held various positions including Produce Director.
- 3) Throughout my career at Bozzuto's, I have chosen not to contribute to the FOODVIP PAC. It has been made clear to me by Thomas Zatina, Executive Vice President and Chief Operating Officer, that participation is voluntary and I would not be penalized for choosing not to contribute. I was also made aware of the political purposes of the fund by Mr. Zatina.
- 4) In May 1998, I was promoted to Vice President-Produce.
- 5) I am not aware of any reprisals being taken by the management of Bozzuto's, Inc. against employees who fail to contribute to the FOODVIP PAC.



Keith Frosceno

Subscribed and sworn to this
25th day of June, 1998.


Kevin R. Daly
Notary Public

KEVIN R. DALY
NOTARY PUBLIC
MY COMMISSION EXPIRES SEP. 30, 2000

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OLSSON, FRANK AND WEEDA, P. C.

PHILIP C. OLSSON
RICHARD L. FRANK
DAVID F. WEEDA
DENNIS R. JOHNSON
ARTHUR Y. TSJEN
JOHN W. BODE*
STEPHEN D. TERMAN
MARSHALL L. MATZ
MICHAEL J. O'FLAHERTY
JOHN R. FLEDER
DAVID L. DURKIN
DAVID G. ADAMS
NEIL F. O'FLAHERTY

* ADMITTED IN OKLAHOMA ONLY
* ADMITTED IN ARIZONA ONLY

ATTORNEYS AT LAW
SUITE 400
1400 SIXTEENTH STREET, N.W.
WASHINGTON, D. C. 20036-2220
(202) 789-1212
FACSIMILE (202) 234-3537

Sender's Direct Phone (202) 518-6358
Sender's Direct Facsimile (202) 234-1560

CHRISTINA M. MARKUS
TISH E. PAHL
BRETT T. SCHWEMER
KAREN A. REIS
PAMELA J. FURMAN
NATHAN A. BEAVER*

OF COUNSEL
MICHELE F. CROWN

July 1, 1998

VIA FIRST CLASS MAIL

Eugene H. Bull, Esq.
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

Dear ^{Eugene}Mr. Bull:

MUR 4747

JUL 6 3 29 PM '98

Pursuant to your request of today, I am returning the Complaint that you sent earlier today.

You stated that you are going to modify the Subpoena that was sent to Food Distributors International on June 24, 1998, and that our time for responding to the Subpoena and/or filing a Motion to Quash will start from our receipt of the revised pages of the Subpoena.

Sincerely yours,

John R. Fleder

JRF:mhh
Enclosure

Donald A. Zagar
11 Luke St.
Prospect, CT 06712-1428

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL

AUG 21 3 18 PM '98

August 19, 1998

Ms. Retha Dixon
Office of General Counsel
Federal Elections Commission
Washington, DC 20463

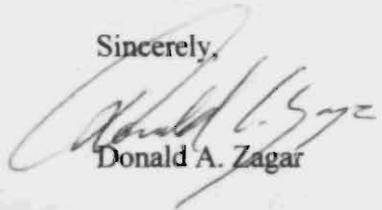
RE: MUR 4747

Dear Ms. Dixon:

Three months have passed since I last received a correspondence regarding my complaint. I am not voicing a criticism but was curious as to what is happening. Would you be kind enough to inform me of the progress with this complaint.

Thank you in advance.

Sincerely,


Donald A. Zagar

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BEFORE THE FEDERAL ELECTION COMMISSION

OCT 21 9 46 AM '98

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing

cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 17 cases that do

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not warrant further action relative to other pending matters.¹ The attachments to this report contain a factual summary of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS also provides us with the means to identify those cases which

remain unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

¹ These cases are: Pre-MUR 365 (*Friends of Marjorie Margolies-Mezvinsky, et al*); MUR 4729 (*Friends of Melinda Katz*); MUR 4730 (*The Capital Times*); MUR 4731 (*Randall Terry Live*); MUR 4732 (*Juneau Democratic District Committee*); MUR 4733 (*Families and Taxpayers for Bob Kilbanks*); MUR 4734 (*Dennis Newinski for Congress*); MUR 4738 (*Friends of Corrine Brown*); MUR 4739 (*Direct Voice/DMAPAC*); MUR 4744 (*Mayor James Hoffman*); MUR 4745 (*Congressional Accountability Project*); MUR 4746 (*Phillip Cyrc*); MUR 4747 (*NAWGA-PAC & FOODVIP PAC*); MUR 4765 (*Gary Miller*); MUR 4767 (*Committee to Elect Glenn Reese To Congress*); MUR 4778 (*Rick Hill for Congress*); and MUR 4784 (*Verticchio for Congress*).

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective October 29, 1998. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴The cases recommended for closure are: Pre-MUR 345 (*Simon Fireman*); MUR 4630 (*Kentucky State Democratic Central Committee*); MUR 4662 (*Democratic Congressional Campaign Cmte*); RAD 97L-08 (*Thomas for Congress*); RAD 97L-11 (*Eggleston for Congress*); RAD 97L-12 (*Massachusetts Democratic Party*); RAD 97L-13 (*McMains for Senate*); RAD 97L-20 (*Republican Party of Arkansas*); and RAD 97NF-24 (*NC Committee Against Extremism*).

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III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

- | | | |
|------------|-------------|-------------|
| RAD 97L-08 | RAD 97L-13 | Pre-MUR 345 |
| RAD 97L-11 | RAD 97L-20 | Pre-MUR 365 |
| RAD 97L-12 | RAD 97NF-24 | |

B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

- | | | |
|----------|----------|----------|
| MUR 4630 | MUR 4732 | MUR 4745 |
| | MUR 4733 | MUR 4746 |
| MUR 4662 | MUR 4734 | MUR 4747 |
| MUR 4729 | MUR 4738 | MUR 4765 |
| MUR 4730 | MUR 4739 | MUR 4767 |
| MUR 4731 | MUR 4744 | MUR 4778 |
| | | MUR 4784 |

10/20/98
Date


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Case Closures Under)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1998, the Commission took the following actions with respect to the General Counsel's October 20, 1998 report on Case Closures under Enforcement Priority:

I. Decided by a vote of 4-0 to:

A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|---------------|----------------|
| 1. RAD 97L-08 | 5. RAD 97L-20 |
| 2. RAD 97L-11 | 6. RAD 97NF-24 |
| 3. RAD 97L-12 | 7. Pre-MUR 345 |
| 4. RAD 97L-13 | 8. Pre-MUR 365 |

B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|-------------|--------------|
| 1. MUR 4630 | 7. MUR 4733 |
| 2. MUR 4662 | 8. MUR 4734 |
| 3. MUR 4729 | 9. MUR 4738 |
| 4. MUR 4730 | 10. MUR 4739 |
| 5. MUR 4731 | 11. MUR 4744 |
| 6. MUR 4732 | 12. MUR 4745 |

(continued)

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Federal Election Commission
Certification for Case Closure Under
Enforcement Priority
October 27, 1998

Page 2

- | | |
|--------------|--------------|
| 13. MUR 4746 | 16. MUR 4767 |
| 14. MUR 4747 | 17. MUR 4778 |
| 15. MUR 4765 | 18. MUR 4784 |

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

Attest:

10/27/98
Date

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

Received in the Secretariat: Wed., Oct. 21, 1998 9:46 a.m.
Circulated to the Commission: Wed., Oct. 21, 1998 11:00 a.m.
Deadline for vote: Mon., Oct. 26, 1998 4:00 p.m.

lrd

98043902106



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald A. Zagar
11 Luke Street
Prospect, CT 06712-1428

RE: MUR 4747

Dear Mr. Zagar:

On May 18, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998. This matter will become part of the public record within 30 days.

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

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043904107

MUR 4747

NAWGA-PAC AND FOODVIP PAC

Donald A. Zagar alleges that he and his fellow employees were solicited by their employer, Bozzutto's Inc., to contribute to the National American Wholesale Grocers Association PAC (NAWGA-PAC) and Food Distributors VIP Committee PAC (FOODVIP PAC) without being told of their right to refuse to contribute without fear of reprisal.

Bozzutto's responds that Mr. Zagar was terminated from his position as Director of Technology Development from the company for reasons unrelated to the contributions, and later brought an action with the State of Connecticut Commission on Human Rights and Opportunities claiming both age discrimination and pressure to contribute to FOODVIP PAC; this action was subsequently dismissed. Bozzutto's states that Thomas Zatina, Executive Vice President and C.O.O., and his secretary, Jill Lieberman, conducted internal solicitations on behalf of these PACs. These efforts, according to the response, consisted of sending written memoranda, tabulating responses and/or contributions, and making follow-up calls when no response was received. Bozzutto's claims that Mr. Zatina advised those whom he was soliciting, orally and in writing, that all contributions were on a voluntary basis, and that no reprisals would be taken against any employees who chose not to contribute. In support of its position, Bozzutto's listed by name certain senior managers and officers of the company who chose not to contribute, which included the president of the company.

NAWGA provides a response relating to the inclusion of two letters from two of its officers, Bruce Gates and John Block, one of which is a solicitation and the other a thank-you letter. NAWGA, on behalf of NAWGA-PAC and FOODVIP PAC, states that its solicitation materials contained the proper disclosures concerning the voluntariness of any contributions made, and denies any direct involvement with Bozzutto's solicitation of contributions from the complainant.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

John R. Block, President
NAWGA/IFDA
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Block:

On May 21, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against NAWGA/IFDA and you. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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

If you have any questions, please contact Jennifer H. Boyd on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Tarley".

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043904109

MUR 4747
NAWGA-PAC AND FOODVIP PAC

Donald A. Zagar alleges that he and his fellow employees were solicited by their employer, Bozzuto's Inc., to contribute to the National American Wholesale Grocers Association PAC (NAWGA-PAC) and Food Distributors VIP Committee PAC (FOODVIP PAC) without being told of their right to refuse to contribute without fear of reprisal.

Bozzuto's responds that Mr. Zagar was terminated from his position as Director of Technology Development from the company for reasons unrelated to the contributions, and later brought an action with the State of Connecticut Commission on Human Rights and Opportunities claiming both age discrimination and pressure to contribute to FOODVIP PAC; this action was subsequently dismissed. Bozzuto's states that Thomas Zatina, Executive Vice President and C.O.O., and his secretary, Jill Lieberman, conducted internal solicitations on behalf of these PACs. These efforts, according to the response, consisted of sending written memoranda, tabulating responses and/or contributions, and making follow-up calls when no response was received. Bozzuto's claims that Mr. Zatina advised those whom he was soliciting, orally and in writing, that all contributions were on a voluntary basis, and that no reprisals would be taken against any employees who chose not to contribute. In support of its position, Bozzuto's listed by name certain senior managers and officers of the company who chose not to contribute, which included the president of the company.

NAWGA provides a response relating to the inclusion of two letters from two of its officers, Bruce Gates and John Block, one of which is a solicitation and the other a thank-you letter. NAWGA, on behalf of NAWGA-PAC and FOODVIP PAC, states that its solicitation materials contained the proper disclosures concerning the voluntariness of any contributions made, and denies any direct involvement with Bozzuto's solicitation of contributions from the complainant.

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

93043902110



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

Bruce A. Gates, Vice President
Public Affairs
Food Distributors VIP Committee
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Gates:

On May 21, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

9804390211

MUR 4747
NAWGA-PAC AND FOODVIP PAC

Donald A. Zagar alleges that he and his fellow employees were solicited by their employer, Bozzutto's Inc., to contribute to the National American Wholesale Grocers Association PAC (NAWGA-PAC) and Food Distributors VIP Committee PAC (FOODVIP PAC) without being told of their right to refuse to contribute without fear of reprisal.

Bozzutto's responds that Mr. Zagar was terminated from his position as Director of Technology Development from the company for reasons unrelated to the contributions, and later brought an action with the State of Connecticut Commission on Human Rights and Opportunities claiming both age discrimination and pressure to contribute to FOODVIP PAC; this action was subsequently dismissed. Bozzutto's states that Thomas Zatina, Executive Vice President and C.O.O., and his secretary, Jill Lieberman, conducted internal solicitations on behalf of these PACs. These efforts, according to the response, consisted of sending written memoranda, tabulating responses and/or contributions, and making follow-up calls when no response was received. Bozzutto's claims that Mr. Zatina advised those whom he was soliciting, orally and in writing, that all contributions were on a voluntary basis, and that no reprisals would be taken against any employees who chose not to contribute. In support of its position, Bozzutto's listed by name certain senior managers and officers of the company who chose not to contribute, which included the president of the company.

NAWGA provides a response relating to the inclusion of two letters from two of its officers, Bruce Gates and John Block, one of which is a solicitation and the other a thank-you letter. NAWGA, on behalf of NAWGA-PAC and FOODVIP PAC, states that its solicitation materials contained the proper disclosures concerning the voluntariness of any contributions made, and denies any direct involvement with Bozzutto's solicitation of contributions from the complainant.

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

9004090212



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1998

Kevin Burke, Treasurer
Food Distributors Voice in Politics Committee-The
Political Action Committee of Food Distributors International
201 Park Washington Court
Falls Church, VA 22046

RE: MUR 4747

Dear Mr. Burke:

On May 21, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Food Distributors Voice in Politics Committee - The Political Action Committee of Food Distributors International and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

93043902113

MUR 4747

NAWGA-PAC AND FOODVIP PAC

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

98043902114



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

Kevin R. Daly, Esq.
Bozzuto's, Inc.
275 Schoolhouse Road
Cheshire, CT 06410

RE: MUR 4747
Bozzuto's, Inc., Thomas A. Zatina and Michael A. Bozzuto

Dear Mr. Daly:

On May 21, 1998, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043902115

MUR 4747

NAWGA-PAC AND FOODVIP PAC

Donald A. Zagar alleges that he and his fellow employees were solicited by their employer, Bozzutto's Inc., to contribute to the National American Wholesale Grocers Association PAC (NAWGA-PAC) and Food Distributors VIP Committee PAC (FOODVIP PAC) without being told of their right to refuse to contribute without fear of reprisal.

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

90043902116



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4747

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN EEJ

98043902117



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Date: 11/30/98

 Microfilm

 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4747

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Donald A. Zagar
11 Luke St.
Prospect, CT 06712-1428
(203) 758-4928

FEDERAL ELECTIONS COMMISSION
NOV 20 10 20 AM '98

November 23, 1998

Mr. Andrew Turley
Office of General Counsel
Federal Elections Commission
Washington, DC 20463

CLOSED

RE: MUR 4747

Dear Mr. Turley:

I am in receipt of your letter dated November 2, 1998. It was a disappointment to hear the FEC is exercising its prosecutorial discretion and taking no action against the respondent. The reason stated for the no action decision indicates this matter is less significant relative to other matters pending before the commission.

I'm sure there are many complaints, which warrant the FEC's attention, possibly more than mine. However, how many employees experience a situation as mine? How many employees remain silent because they are concerned about the ramifications of not contributing to an employer's request? I don't believe I am the only person who is intimidated in this manner.

Your letter indicates "Bozzuto's claims that Mr. Zatina advised those whom he was soliciting, orally and in writing, that all contributions were on a voluntary basis, and that no reprisals would be taken against any employees who chose not to contribute." I did not receive any such oral or written advice from Mr. Zatina. Isn't the document requesting the solicitation, the appropriate place for such a statement? Mr. Zatina's request (over many years) states "ACTION REQUESTED: Make a voluntary contribution of at least \$100 to the FOODVIP PAC". There are no statements stating the FEC requirements in any of the requests made over the many years. Common sense would dictate that it would not be necessary to communicate separately if the request included the appropriate language. Your letter does not indicate that copies of documents were forwarded but that Mr. Zatina claims. Is a claim the same as documented evidence? Regarding my suit against Bozzuto's, it is awaiting a court date and not dismissed.

After reading your letter I placed a call to you, which was responded to by a Ms. Jennifer Boyt. I requested from Ms. Boyt, information on how to file a petition in the U.S. District Court for the District of Columbia. At the time Ms. Boyt was unable to locate any

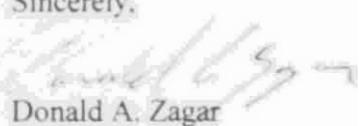
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information and committed to return my call. On Monday the 9th she called to inform me that no one in the office was aware of how to file this petition. She did state that she would forward me a brochure, which should provide me with the information. Today I received a copy of that brochure. This brochure had previously been forwarded to me on my original complaint. From what I can determine there is nothing, which defines the manner in which to file a petition in the District Court. Do you have a recommendation on where I can obtain this information?

I am very interested in pursuing this matter and would appreciate any information you can provide me. If the information for filing a petition is unavailable, and the FEC doesn't have an interest. Would you have information as to how I can contact groups, which would be sympathetic to my cause? Last week, I happened to be viewing a CSPAN program with the FEC Vice chairman, members of the FEC and Common Cause. I found it to be an interesting program and curious if you have the address of someone at Common Cause (or similar organization) that I could contact?

Thanks for the assistance you have provided and in advance for your attention and consideration in this matter.

Sincerely,


Donald A. Zagar

93043703147