



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 558

Date Filmed May 12, 1981 Camera No. --- 2

Cameraman SPC

MUR 578 (75)

FEDERAL ELECTION COMMISSION

GC REP. BATES 12/3/80, Proposed Concl. Agmt signed by Respondent
only; Proposed Concl. Agmt, letter to Tom Tomasi dated 12/11/80; CEPT/11/11/80;
Letter ^{John Tomasi dated} 12/29/80; Letter to John Tomasi (no date)

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- (1) Classified Information
- (2) Internal rules and practices
- (3) Exempted by other statute
- (4) Trade secrets and commercial or financial information
- (5) Internal Documents
- (6) Personal privacy
- (7) Investigatory files
- (8) Banking Information
- (9) Well Information (geographic or geophysical)

Signed *[Signature]*
date 4-27-81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 23, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd. W.
Union City, New Jersey 07087

Re: MUR 558

Dear Mr. Tomasin:

On March 18, 1981, the Commission accepted the conciliation agreement signed by you and the civil penalty in settlement of a violation of 2 U.S.C. §§ 432(d), 433, 434 and 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

310301123



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MSJ

John Tomasin, Esquire
4800 Kennedy Blvd. W.
Union City, New Jersey 07087

Re: MUR 558

Dear Mr. Tomasin:

On _____, 1981, the Commission accepted the conciliation agreement signed by you and the civil penalty in settlement of a violation of 2 U.S.C. §§ 432(d), 433, 434 and 441a(a)(1)(A), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

6101010122

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent made contributions to federal candidate Byron Baer in the amount of \$2,450.00 in violation of 2 U.S.C. § 441a(a)(1)(A).

2. Respondent made contributions to federal candidate Joseph LeFante, in the amount of \$704.58, Harrison Williams, Jr. in the amount of \$1,064.40 and Byron Baer in the amount of \$354.79, for the purpose of distributing poll cards.

3. As Respondent made contributions in excess of \$1,000 to several federal candidates, it was required but failed to register and file reports of receipts and expenditures in violation of 2 U.S.C. § 433 and § 434.

4. Respondent is affiliated with the Democratic Hudson County New Jersey Campaign Fund (DCF) since its \$19,210.00 transfer to DCF in 1976 made up 96.8% of DCF's total receipts as promulgated in 11 C.P.R. § 100.14(c)(2)(ii)(E).

5. As a political committee, respondent failed to maintain a complete collection of records and documents pertaining to its expenditures in violation of 2 U.S.C. § 432(d).

WHEREFORE, Respondent agrees to pay a civil penalty to the treasurer of the United States in the amount of one thousand dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(B).

V. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558
Regular Hudson County Civic)
Association)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 18, 1981, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 558:

1. Accept the conciliation agreement.
2. Close the File.
3. Send attached letter to John Tomasin, Esquire.

Commissioners Aikens, Harris, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

3/18/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary:
Circulated on 48 hour vote basis:

3-16-81, 10:44
3-16-81, 4:00

81030041128

March 16, 1981

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached Memo distributed to the
Commission on a 48hour tally basis. Thank you.

81030241129



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel *CNA by KAC*

SUBJECT: HUR 558 - Regular Hudson County Civic Association

On December 16, 1980, the Commission adopted the recommendation of the General Counsel and found probable cause to believe that the respondent violated 2 U.S.C. §§ 432(d), 433, 434 and 441a(a)(1)(A) of the Act. A letter and proposed conciliation agreement stating the Commission's position on this matter were mailed to the respondent on December 18, 1980.

On December 29, 1980, the Office of General Counsel received the conciliation agreement which was signed by the committee treasurer (Attachment I). On March 11, 1981, the Commission received the civil penalty in the amount of \$1,000 (Attachment II).

Accordingly, the Office of General Counsel recommends that the Commission accept the conciliation agreement and that the matter be closed.

RECOMMENDATIONS

1. Accept the conciliation agreement.
2. Close the file.
3. Send attached letter to John Tomasin, Esquire.

Attachments

1. Tomasin Letter with Conciliation Agreement
2. Tomasin Letter with Civil Penalty
3. Letter to John Tomasin

8 MAR 16 AIO: 44

D. Brown
ATTACHMENT I

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W
UNION CITY, N. J. 07087

711110 (2)
JAN 14 12:29

December 29, 1980

(201) 863-1821
1821
1822

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Charles N. Steele, Esq.

RE: Regular Hudson County
Civic Ass'n.
MUR 558

Gentlemen:

I have received the proposed conciliation agreement and have consulted with the Treasurer who has signed same on behalf of the Regular Hudson County Civic Ass'n.

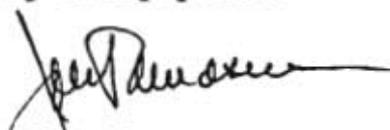
However, since the Hudson County Civic Association discontinued election activities shortly after the General Election of November, 1976 and has not participated since, and has discontinued election activities permanently, and was made up of non-professional unpaid volunteers, who acted in good faith, they are not able to pay the penalty at the present time.

This was their first inadvertent violation, which will never be repeated, as they will no longer participate in Federal Elections. They did not intend to act as a Federal committee on this occasion. Accordingly, may we request that the conciliation agreement be submitted, with our plea that the Commission remit all or part of the penalty, as the penalty appears harsh under the circumstances.

If any part of the penalty cannot be remitted, we would request 60 days to try to raise any balance that may be due.

Please advise.

Very truly yours,


JOHN TOMASIN

JT:vk

01:54:01

31004131

ATTACHMENT II

D. Brown

(6)

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

March 9, 1981

1200 863 1821
822

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Charles N. Steele, Esq.

RE: Regular Hudson County
Civic Ass'n.
MUR 558

Gentlemen:

In the above matter, the final decision was approved and filed.

A recommendation that a \$1,000.00 penalty should be paid was also made, and at the time we forwarded our consent to the entry of Judgment, we asked that \$500.00 of the fine be remitted because:

(a) This was a first experience;

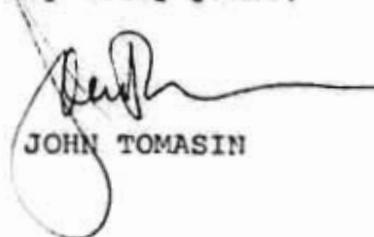
(b) The campaign workers were unpaid non-professionals and it was felt that penalty should be ameliorated in such a contingency;

(c) The committee has ceased operations and has gone out of business permanently.

Pending a decision of whether part of this penalty can be remitted, I am enclosing check for \$1,000.00, in case the full penalty is insisted on.

On behalf of the organization, I request that a part of the penalty be allowed to the extent of \$500.00 for the reasons stated.

Very truly yours,


JOHN TOMASIN

JT:vk
Enclosures

92:22 11/11/81

8 1 0 3 0 0 4 1 3 3

HUDSON COUNTY CIVIC ASS'N.
SPRING 1977 CORP.

126

55-41
270

Jan 28, 1981

PAY TO THE
ORDER OF

Federal Election Commission \$ 1,000.00

One Thousand Dollars and no cents

DOLLARS

COMMERCIAL TRUST

COMMERCIAL TRUST COMPANY OF NEW JERSEY
FIVE CORNERS BANKING OFFICE
680 NEWARK AVENUE
JERSEY CITY, N.J. 07306

Gerald R. Mason

MEMO

⑆0270⑆004⑆⑆ 035⑆⑆31698⑆⑆

7

8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd. W.
Union City, New Jersey 07087

Re: MUR 558

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

01079136

912466

Handwritten initials

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

March 9, 1981

(201) 863 1821
1822

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Charles N. Steele, Esq.

RE: Regular Hudson County
Civic Ass'n.
MUR 558

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A recommendation that a \$1,000.00 penalty should be paid was also made, and at the time we forwarded our consent to the entry of Judgment, we asked that \$500.00 of the fine be remitted because:

(a) This was a first experience;

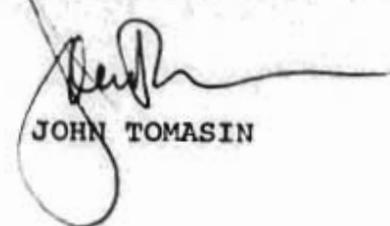
(b) The campaign workers were unpaid non-professionals and it was felt that penalty should be ameliorated in such a contingency;

(c) The committee has ceased operations and has gone out of business permanently.

Pending a decision of whether part of this penalty can be remitted, I am enclosing check for \$1,000.00, in case the full penalty is insisted on.

On behalf of the organization, I request that a part of the penalty be allowed to the extent of \$500.00 for the reasons stated.

Very truly yours,


JOHN TOMASIN

JT:vk
Enclosures

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HUDSON COUNTY CIVIC ASS'N.
SPRING 1977 CORP.

126

Jan 28, 1981 ⁵⁵⁻⁴¹/₂₇₀

PAY TO THE
ORDER OF

Federal Election Commission \$ 1,000.00

One Thousand Dollars and no cents — DOLLARS

COMMERCIAL TRUST

COMMERCIAL TRUST COMPANY OF NEW JERSEY
FIVE CORNER BANK BUILDING
600 NEWARK AVENUE
JERSEY CITY, N.J. 07306

Gerald R. Madden

MEMO

⑆0270⑆004⑆⑆ 035⑆⑆31698⑆ 2 2 1 1 0 0 . 0 1 0

JOHN TOMASIN, ESQ. (P.A.)
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087
(201) 863-1821

December 29, 1980

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Charles N. Steele, Esq.

RE: Regular Hudson County
Civic Ass'n.
MUR 558

Gentlemen:

I have received the proposed conciliation agreement and have consulted with the Treasurer who has signed same on behalf of the Regular Hudson County Civic Ass'n.

However, since the Hudson County Civic Association discontinued election activities shortly after the General Election of November, 1976 and has not participated since, and has discontinued election activities permanently, and was made up of non-professional unpaid volunteers, who acted in good faith, they are not able to pay the penalty at the present time.

This was their first inadvertent violation, which will never be repeated, as they will no longer participate in Federal Elections. They did not intend to act as a Federal committee on this occasion. Accordingly, may we request that the conciliation agreement be submitted, with our plea that the Commission remit all or part of the penalty, as the penalty appears harsh under the circumstances.

If any part of the penalty cannot be remitted, we would request 60 days to try to raise any balance that may be due.

Please advise.

Very truly yours,

JT:vk

JOHN TOMASIN

610:0041140

JOHN TOMASIN, ESQ. (P.A.)

4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

JOHN TOMASIN, ESQ. (P.A.)

A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W
UNION CITY, N.J. 07087

TO

Charles D. Steele, Esq.,
General Counsel
Federal Election Commission
1325 K St., S.W.
Washington, D. C. 20463

ATTACHMENT I

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the)
Regular Hudson County Civic) MUR 558(78)
Association, Inc.)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

This matter was initiated by the Reports Analysis Division ^{1/} for the failure of the Regular Hudson County Civic Association, Inc., to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe the respondent was in violation of 2 U.S.C. § 433 and § 434 on July 25, 1977. On March 14, 1978, the Staff Director's office referred the respondent to the Office of General Counsel. After investigation by OGC, the respondent was referred to the Audit Division. During the course of its fieldwork, Audit gathered information which indicated the respondent may have committed additional violations of the Act. On February 4, 1980, the Commission found reason to believe that the respondent violated 2 U.S.C. § 432(d) and § 441a(a)(1)(A).

^{1/} As the alleged violations occurred before the Federal Election Campaign Act was amended on January 8, 1980, by Pub. Law 96-187, all citations to the Act and the Regulations are to them as they existed before amendment.

C. Affiliation with Committee Supporting Federal Candidates

The Audit Division in its report has ascertained that the respondent may be affiliated with the Democratic Hudson County N.J. Campaign Fund (DCF), a committee which supports Federal candidates and which registered with the FEC on May 13, 1976. Audit's examination of the respondent's expenditure records indicated that the respondent transferred a total of \$18,600 to DCF for the period 05/11/76 - 07/22/76. The \$18,600 transferred to DCF is equivalent to 34.45% of the total expenditure made by the respondent in 1976. More significant is the fact that DCF's total receipts for 1976 were \$19,210. Therefore, the \$18,600 transferred by respondent was 96.8% of DCF's total receipts for 1976. 11 C.F.R. § 100.14 (c)(2)(ii)(E) states that an affiliated committee is one where:

The transfer of funds between committees...represents a substantial portion of the funds of either the transferor or transferee committee...

Since the \$18,600 transfer to DCF was 96.8% of its total receipts in 1976, this amount may be considered "substantial" as contemplated in the regulation and DCF and the respondent may be considered to be affiliated. In addition, DCF engaged in the support of Federal candidates in the amount of \$4,102.32 during the period 05/24/76 - 06/23/76. It was during this same time (05/11/76 - 07/22/76) that the respondent transferred \$18,600 to DCF.

II. Legal Analysis

A. Excessive Contributions

A review by the Audit Division of the respondent's expenditure records indicated that the respondent contributed \$2,450 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's contribution of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in § 441a(a) (1) (A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Requirement to Register and Report

As mentioned above, the respondent made a contribution of \$2,450 to Byron Baer. In addition, an examination of a New Jersey Election Law Enforcement Commission report, Schedule G, indicates that the respondent allocated expenditures for poll cards on behalf of three (3) candidates for federal office. The allocated expenditures were as follows:

Joseph A. LeFante	05/24/76	\$ 709.58
Harrison A. Williams, Jr.	(no date)	\$1,064.40
Byron M. Baer	05/15/76	\$ 354.79

Accordingly, respondent's support of federal candidates required it to file a statement of organization and reports of receipts and expenditures which it failed to do in violation of 2 U.S.C. § 433 and § 434.

D. Failure to Maintain Supporting Documentation for Expenditures

The Audit Division found that the respondent failed to maintain any records or documents, except cancelled checks and bank statements, pertaining to its expenditures. 2 U.S.C. § 432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100. Since supporting documentation for its expenditures was not maintained, the committee appears to have violated 2 U.S.C. § 432(d).

III. Conclusion

As evidenced by the facts set forth in this report, the Regular Hudson County Civic Association qualified as a political committee as defined by 2 U.S.C. § 431(d). Such political committees are required to register with the Commission and file reports of receipts and expenditures as provided in 2 U.S.C. § 433 and § 434. The committee has not filed a statement of organization with the Commission nor has it filed disclosure reports of receipts and expenditures in violation of 2 U.S.C. § 433 and § 434. Further, it appears that Regular Hudson County Civic Association should list the Democratic Hudson County N.J. Campaign Fund as an affiliated committee. In addition, since respondent does not qualify as a multicandidate committee, its transfer of

ATTACHMENT II

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JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

1208 863 1821
1822

October 20, 1980

Federal Election Commission
1325 K St.
Washington, D. C. 20463

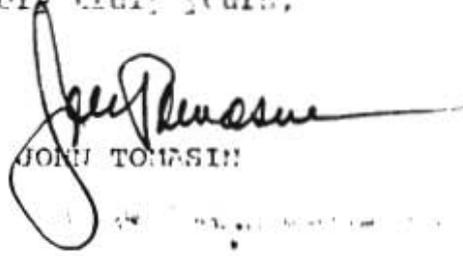
RE: Regular Hudson County
Civic Ass'n.
Your Reference: MUR 558

Gentlemen:

Enclosed please find answering brief on behalf of the
respondent in the above matter (10 copies).

Three copies are also being sent to the office of
Hon. Charles N. Steele, General Counsel, as requested.

Very truly yours,



JOHN TOMASIN

JT:vk
Enc. (10)

cc: Hon. Charles N. Steele,
General Counsel

COPY

8000123 A10:09

RECEIVED
GENERAL COUNSEL

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558(78)
Regular Hudson County)
Civic Association, Inc.)

BRIEF OF RESPONDENT,
REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.,
IN RESPONSE TO
GENERAL COUNSEL'S BRIEF, OCTOBER 8, 1980

- - - - -

STATEMENT OF CASE

The matter was initiated as stated.

The Respondent is a local organization organized and designed to participate in New Jersey State Elections primarily, and registered as such with the New Jersey State Election Law Enforcement Commission, and did not intend to register or operate as a Federal committee.

Respondent at no time intended to be a Federal Election committee, and contends that it made independent expenditures designed to carry out its role as a committee engaged in State election campaigns not intended to be covered by the Federal Elections Campaigns Law.

The transactions occurred in 1976 as detailed below, when the operation of the law and regulations was still somewhat new.

Respondent was a volunteer, grass-roots type organization with unpaid non-professional personnel. After the elections of 1976, the organization disbanded permanently in 1977, and did not

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operate or participate in any elections thereafter, and will not ever in the future.

LEGAL ANALYSIS

A. EXCESSIVE CONTRIBUTIONS

Contributions were made to the Primary Election Campaign of June, 1976 to a Federal candidate for Congress; namely, Byron Baer (ultimately not elected), in the sum of \$2,450.00, an apparent excess of \$1,450.00.

Respondent made such contributions because Mr. Baer was on the ticket with various state election candidates in whom respondent was interested, including hundreds of local precinct committeeman candidates.

Since he was on the same ballot, some interplay between State and Federal candidates was inevitable. Respondent contends that candidate Baer had to and did, "push" the local ticket ("Vote Row A") as well as his own candidacy and that of the \$2,450.00 contributed \$1,000.00 is properly allocated toward his Federal candidacy, and \$1,450.00 toward efforts expended toward and benefits accrued to, purely local State Election candidates, over which jurisdiction was never intended to be exercised under the Federal Act or Regulations.

B. REGISTRATION AND REPORTS-PRIMARY ELECTION OF JUNE, 1976

As stated, Respondent did register and report fully to the New Jersey State Election Law Enforcement Commission.

Although thus organized and concerned with local State election candidates only and not intending to operate as a Federal committee, Respondent realized that in "pushing" the local ticket ("Vote Row A") some inadvertent indirect benefit may have accrued

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to Federal candidates as stated in May, 1976, as follows:

JOSEPH LE FANTE	\$ 709.58
HARRISON WILLIAMS	\$1064.40
BYRON BAER	\$ 354.79.

These were not sums or contributions made directly, but indirect "benefits", estimated and allocated to Federal candidates, resulting from State election campaign activities.

It is suggested by Respondents that consistency requires that "allocations" must operate both ways; namely:

(1) If State election expenditures that indirectly and incidentally benefit a Federal candidate must be "allocated" or estimated under this Point "B", then

(2) The converse should also be recognized, and of the contribution to Byron Baer under "A" above, part should be credited and allocated toward local State election candidates who benefitted.

The fact is that in doing poll cards and election polling place expenditures, hundreds of local precinct candidates in the local State election were intended to be supported, but because Federal candidates were on the ballot also they received incidental benefits, which Respondents then frankly and candidly recognized and allocated.

Respondents could not very well put a disclaimer of indirect support on the poll cards, etc., and it is respectfully submitted that these independent State election expenditures did not make Respondent a Federal committee, nor should the Federal Act and Regulations be so construed.

3171148

C. TRANSFERS TO THE DEMOCRATIC HUDSON COUNTY N.J.
CAMPAIGN FUND, JUNE, 1976

The Democratic Hudson County NJ Campaign Fund, June, 1976 was also a local organization designed to operate locally, primarily in New Jersey State Primary Election Campaign of June, 1976, for local candidates.

It was organized and conducted by unpaid volunteer workers during the Primary Election of June 1976, after which it was disbanded and has not and will not ever be involved in any other election.

The independent transfers cited were designed to primarily cover local New Jersey elections.

Since some Federal candidates were benefitted, said Democratic Hudson County NJ Campaign Fund, June 1976 did register and file Federal reports.

It is suggested that \$18,600.00 transferred to said Campaign Fund by Respondent in 1976 represents a substantial portion of the funds of said Campaign Fund, making Respondent an affiliated committee with Federal Election Law registration and reporting obligations, etc.

Respondent submits this is not a proper conclusion under all the facts.

The transfers made by Respondent to Campaign Fund represent some 34% of Respondent's expenditures in 1976, and would not constitute a substantial portion of its expenditures.

Such transfers represent some 96% of Campaign Fund receipts, and if most of same went for Federal Election expenses, Respondent agrees a case could be made out for affiliation, for

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Federal Campaign purposes.

However, General Counsel's brief goes on to recognize that of the Campaign Fund's 1976 receipts of \$19,210.00, that only \$4,102.32 went for Federal Election candidates, a matter of some 21%, which does not seem substantial.

It is respectfully submitted that the interplay between Federal elections that are intended to be covered; and State elections, not intended to be affected, should be permitted to continue without undue hampering or interference in the local State election process, and such principles requires resolving this question in favor of Respondent.

D. INADEQUATE DOCUMENTATION OF EXPENDITURES

Full and complete verification of all receipts and deposit slips into bank accounts; and expenditures by check, were maintained.

In addition, major expenditures were backed up by bills.

The problem area was the requirement that several thousand pollwatchers and election precinct polling place election workers had to be paid Election Day - many in the \$10.-\$20. category.

These workers must be paid in cash on Election Day as a practical necessity (thousands of small checks were not practical).

Checks could not be given out in advance:

- (a) To make sure they show;
- (b) Some don't appear; substitutes do appear;
- (c) Sheer time and space do not admit of thousands of small checks;
- (d) The polling places were all manned at the

810:24150

Primary Election, June 1976, which is practical verification that the usual small pollwatcher payments were made as usual throughout Hudson County, a county of 600,000 people.

These were practices in 1976, possibly solved in a better manner in more recent elections, and it is submitted that substantial verification and compliance were in fact made, though detailed receipts on the local level were not furnished. The intent of the law was observed and satisfied, we respectfully submit.

CONCLUSION

It is respectfully submitted that, properly construed, there was substantial compliance and that the matter should be concluded administratively on that basis, and that findings of formal violations are not required, proper or necessary.

Any incidental or inadvertent appearance of non-compliance is inherent in the interconnection of State Election activities which are inevitable in our dual federal system. Proper "breathing room" should be left for local election activities and the Federal Act should not be construed or applied so as to "chill", burden, obstruct or impede the election process on the local level. We should not have citizens avoid election activity because of complex unexpected results, until decent citizens say "who needs it" and avoid healthy political activity altogether.

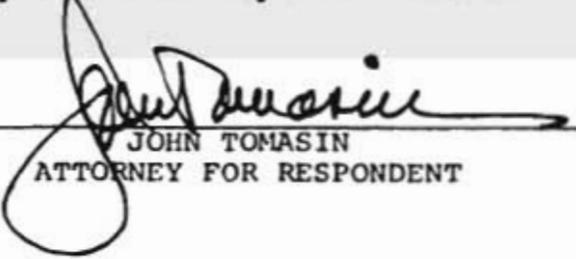
Further, the good faith efforts of Respondent to comply; and not to hide anything; as done by local amateur non-paid volunteers in a conscientious manner; demonstrates that intent is lacking to operate as a Federal Committee; or to willfully or

knowingly violate the Federal Act or Regulations.

Further, since over 3 years passed since the incidents in question, the 3-year Statute of Limitations should permit the matter to be put at rest administratively, since the Respondent has disbanded and will never be involved in any further election.

Accordingly, Respondent submits that properly construed, further charges or enforcement action is neither proper nor necessary, and that further proceedings or enforcement action be dismissed based on Statute of Limitations; the good faith of Respondent; and the proper construction of the State Election activities which have indirectly involved Respondent herein.

10/20/80



JOHN TOMASIN
ATTORNEY FOR RESPONDENT

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3071

08 OCT 23 09:11

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

(201) 863-1821
1822

October 20, 1980

Federal Election Commission
1325 K St.
Washington, D. C. 20463

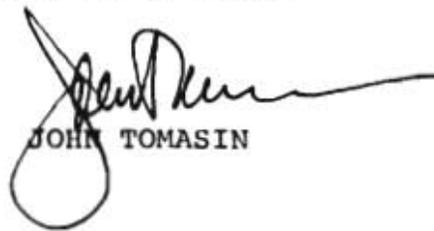
RE: Regular Hudson County
Civic Ass'n.
Your Reference: MUR 558

Gentlemen:

Enclosed please find answering brief on behalf of the
respondent in the above matter (10 copies).

Three copies are also being sent to the office of
Hon. Charles N. Steele, General Counsel, as requested.

Very truly yours,



JOHN TOMASIN

JT:vk
Enc. (10)

cc: Hon. Charles N. Steele,
General Counsel

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80 OCT 23 A 9: 11

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558(78)
Regular Hudson County)
Civic Association, Inc.)

BRIEF OF RESPONDENT,
REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.,
IN RESPONSE TO
GENERAL COUNSEL'S BRIEF, OCTOBER 8, 1980

- - - - -

STATEMENT OF CASE

The matter was initiated as stated.

The Respondent is a local organization organized and designed to participate in New Jersey State Elections primarily, and registered as such with the New Jersey State Election Law Enforcement Commission, and did not intend to register or operate as a Federal committee.

Respondent at no time intended to be a Federal Election committee, and contends that it made independent expenditures designed to carry out its role as a committee engaged in State election companigns not intended to be covered by the Federal Elections Campaigns Law.

The transactions occurred in 1976 as detailed below, when the operation of the law and regulations was still somewhat new.

Respondent was a volunteer, grass-roots type organization with unpaid non-professional personnel. After the elctions of 1976, the organization disbanded permanently in 1977, and did not

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operate or participate in any elections thereafter, and will not ever in the future.

LEGAL ANALYSIS

A. EXCESSIVE CONTRIBUTIONS

Contributions were made to the Primary Election Campaign of June, 1976 to a Federal candidate for Congress; namely, Byron Baer (ultimately not elected), in the sum of \$2,450.00, an apparent excess of \$1,450.00.

Respondent made such contributions because Mr. Baer was on the ticket with various state election candidates in whom respondent was interested, including hundreds of local precinct committeeman candidates.

Since he was on the same ballot, some interplay between State and Federal candidates was inevitable. Respondent contends that candidate Baer had to and did, "push" the local ticket ("Vote Row A") as well as his own candidacy and that of the \$2,450.00 contributed \$1,000.00 is properly allocated toward his Federal candidacy, and \$1,450.00 toward efforts expended toward and benefits accrued to, purely local State Election candidates, over which jurisdiction was never intended to be exercised under the Federal Act or Regulations.

B. REGISTRATION AND REPORTS-PRIMARY ELECTION OF JUNE, 1976

As stated, Respondent did register and report fully to the New Jersey State Election Law Enforcement Commission.

Although thus organized and concerned with local State election candidates only and not intending to operate as a Federal committee, Respondent realized that in "pushing" the local ticket ("Vote Row A") some inadvertent indirect benefit may have accrued

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to Federal candidates as stated in May, 1976, as follows:

JOSEPH LE FANTE	\$ 709.58
HARRISON WILLIAMS	\$1064.40
BYRON BAER	\$ 354.79.

These were not sums or contributions made directly, but indirect "benefits", estimated and allocated to Federal candidates, resulting from State election campaign activities.

It is suggested by Respondents that consistency requires that "allocations" must operate both ways; namely:

(1) If State election expenditures that indirectly and incidentally benefit a Federal candidate must be "allocated" or estimated under this Point "B", then

(2) The converse should also be recognized, and of the contribution to Byron Baer under "A" above, part should be credited and allocated toward local State election candidates who benefitted.

The fact is that in doing poll cards and election polling place expenditures, hundreds of local precinct candidates in the local State election were intended to be supported, but because Federal candidates were on the ballot also they received incidental benefits, which Respondents then frankly and candidly recognized and allocated.

Respondents could not very well put a disclaimer of indirect support on the poll cards, etc., and it is respectfully submitted that these independent State election expenditures did not make Respondent a Federal committee, nor should the Federal Act and Regulations be so construed.

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C. TRANSFERS TO THE DEMOCRATIC HUDSON COUNTY N.J.
CAMPAIGN FUND, JUNE, 1976

The Democratic Hudson County NJ Campaign Fund, June, 1976 was also a local organization designed to operate locally, primarily in New Jersey State Primary Election Campaign of June, 1976, for local candidates.

It was organized and conducted by unpaid volunteer workers during the Primary Election of June 1976, after which it was disbanded and has not and will not ever be involved in any other election.

The independent transfers cited were designed to primarily cover local New Jersey elections.

Since some Federal candidates were benefitted, said Democratic Hudson County NJ Campaign Fund, June 1976 did register and file Federal reports.

It is suggested that \$18,600.00 transferred to said Campaign Fund by Respondent in 1976 represents a substantial portion of the funds of said Campaign Fund, making Respondent an affiliated committee with Federal Election Law registration and reporting obligations, etc.

Respondent submits this is not a proper conclusion under all the facts.

The transfers made by Respondent to Campaign Fund represent some 34% of Respondent's expenditures in 1976, and would not constitute a substantial portion of its expenditures.

Such transfers represent some 96% of Campaign Fund receipts, and if most of same went for Federal Election expenses, Respondent agrees a case could be made out for affiliation, for

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Federal Campaign purposes.

However, General Counsel's brief goes on to recognize that of the Campaign Fund's 1976 receipts of \$19,210.00, that only \$4,102.32 went for Federal Election candidates, a matter of some 21%, which does not seem substantial.

It is respectfully submitted that the interplay between Federal elections that are intended to be covered; and State elections, not intended to be affected, should be permitted to continue without undue hampering or interference in the local State election process, and such principles requires resolving this question in favor of Respondent.

D. INADEQUATE DOCUMENTATION OF EXPENDITURES

Full and complete verification of all receipts and deposit slips into bank accounts; and expenditures by check, were maintained.

In addition, major expenditures were backed up by bills.

The problem area was the requirement that several thousand pollwatchers and election precinct polling place election workers had to be paid Election Day - many in the \$10.-\$20. category.

These workers must be paid in cash on Election Day as a practical necessity (thousands of small checks were not practical).

Checks could not be given out in advance:

- (a) To make sure they show;
- (b) Some don't appear; substitutes do appear;
- (c) Sheer time and space do not admit of thousands of small checks;
- (d) The polling places were all manned at the

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Primary Election, June 1976, which is practical verification that the usual small pollwatcher payments were made as usual throughout Hudson County, a county of 600,000 people.

These were practices in 1976, possibly solved in a better manner in more recent elections, and it is submitted that substantial verification and compliance were in fact made, though detailed receipts on the local level were not furnished. The intent of the law was observed and satisfied, we respectfully submit.

CONCLUSION

It is respectfully submitted that, properly construed, there was substantial compliance and that the matter should be concluded administratively on that basis, and that findings of formal violations are not required, proper or necessary.

Any incidental or inadvertent appearance of non-compliance is inherent in the interconnection of State Election activities which are inevitable in our dual federal system. Proper "breathing room" should be left for local election activities and the Federal Act should not be construed or applied so as to "chill", burden, obstruct or impede the election process on the local level. We should not have citizens avoid election activity because of complex unexpected results, until decent citizens say "who needs it" and avoid healthy political activity altogether.

Further, the good faith efforts of Respondent to comply; and not to hide anything; as done by local amateur non-paid volunteers in a conscientious manner; demonstrates that intent is lacking to operate as a Federal Committee; or to willfully or

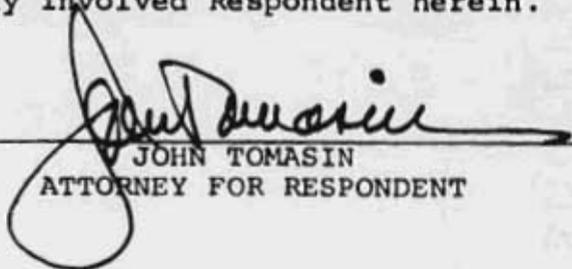
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knowingly violate the Federal Act or Regulations.

Further, since over 3 years passed since the incidents in question, the 3-year Statute of Limitations should permit the matter to be put at rest administratively, since the Respondent has disbanded and will never be involved in any further election.

Accordingly, Respondent submits that properly construed, further charges or enforcement action is neither proper nor necessary, and that further proceedings or enforcement action be dismissed based on Statute of Limitations; the good faith of Respondent; and the proper construction of the State Election activities which have indirectly involved Respondent herein.

10/20/80



JOHN TOMASIN
ATTORNEY FOR RESPONDENT

81030241160

JOHN TOMASIN, ESQ. (P.A.)

4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087



JOHN TOMASIN, ESQ. (P.A.)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

TO

Federal Election Commission
1325 K St., N.W.
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

MEMORANDUM TO : THE COMMISSION

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mw*

DATE: OCTOBER 8, 1980

SUBJECT: MUR 558 - General Counsel's Brief,
Memorandum to the Commission dated
10-7-80

The attached documents are circulated for your information.

ATTACHMENTS:

1) Memo; 2) Brief; 3) Letter

8100010163

October 7, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached Memo distributed to the
Commission on an informational basis. Thank you.

81030244163



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

80 OCT 7 P2:57

October 7, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel *CS*

SUBJECT: MUR 558

Attached for the Commission's information is a brief indicating the position of the General Counsel on the factual and legal issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on October 7, 1980. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

7
9
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1
6
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II. Legal Analysis

A. Excessive Contributions

A review by the Audit Division of the respondent's expenditure records indicated that the respondent contributed \$2,450 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's contribution of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in § 441a(a) (1) (A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Requirement to Register and Report

As mentioned above, the respondent made a contribution of \$2,450 to Byron Baer. In addition, an examination of a New Jersey Election Law Enforcement Commission report, Schedule G, indicates that the respondent allocated expenditures for poll cards on behalf of three (3) candidates for federal office. The allocated expenditures were as follows:

Joseph A. LeFante	05/24/76	\$ 709.58
Harrison A. Williams, Jr.	(no date)	\$1,064.40
Byron M. Baer	05/15/76	\$ 354.79

Accordingly, respondent's support of federal candidates required it to file a statement of organization and reports of receipts and expenditures which it failed to do in violation of 2 U.S.C. § 433 and § 434.

C. Affiliation with Committee Supporting Federal Candidates

The Audit Division in its report has ascertained that the respondent may be affiliated with the Democratic Hudson County N.J. Campaign Fund (DCF), a committee which supports Federal candidates and which registered with the FEC on May 13, 1976. Audit's examination of the respondent's expenditure records indicated that the respondent transferred a total of \$18,600 to DCF for the period 05/11/76 - 07/22/76. The \$18,600 transferred to DCF is equivalent to 34.45% of the total expenditure made by the respondent in 1976. More significant is the fact that DCF's total receipts for 1976 were \$19,210. Therefore, the \$18,600 transferred by respondent was 96.8% of DCF's total receipts for 1976. 11 C.F.R. § 100.14 (c) (2) (ii) (E) states that an affiliated committee is one where:

The transfer of funds between committees...represents a substantial portion of the funds of either the transferor or transferee committee...

Since the \$18,600 transfer to DCF was 96.8% of its total receipts in 1976, this amount may be considered "substantial" as contemplated in the regulation and DCF and the respondent may be considered to be affiliated. In addition, DCF engaged in the support of Federal candidates in the amount of \$4,102.32 during the period 05/24/76 - 06/23/76. It was during this same time (05/11/76 - 07/22/76) that the respondent transferred \$18,600 to DCF.

D. Failure to Maintain Supporting Documentation for Expenditures

The Audit Division found that the respondent failed to maintain any records or documents, except cancelled checks and bank statements, pertaining to its expenditures. 2 U.S.C. § 432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100. Since supporting documentation for its expenditures was not maintained, the committee appears to have violated 2 U.S.C. § 432(d).

III. Conclusion

As evidenced by the facts set forth in this report, the Regular Hudson County Civic Association qualified as a political committee as defined by 2 U.S.C. § 431(d). Such political committees are required to register with the Commission and file reports of receipts and expenditures as provided in 2 U.S.C. § 433 and § 434. The committee has not filed a statement of organization with the Commission nor has it filed disclosure reports of receipts and expenditures in violation of 2 U.S.C. § 433 and § 434. Further, it appears that Regular Hudson County Civic Association should list the Democratic Hudson County N.J. Campaign Fund as an affiliated committee. In addition, since respondent does not qualify as a multicandidate committee, its transfer of

\$2,450 to a federal candidate, being in excess of the \$1000 limitation provided in 2 U.S.C. § 441a(a)(1)(A), is in violation of that provision. Finally, since the respondent has failed to maintain a complete collection of records and documents pertaining to its expenditures as is required of a committee by 2 U.S.C. § 432(d), the respondent is in violation of 2 U.S.C. § 432(d).

IV. Recommendations

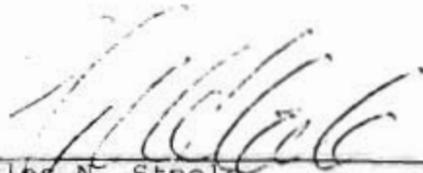
It is recommended:

1. That the Commission find probable cause to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. § 433 and § 434;

2. That the Commission find probable cause to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. § 441a(a)(1)(A);

3. That the Commission find probable cause to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. § 432(d).

8 October 1970
Date


Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 7, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd. West
Union City, New Jersey 07087

Re: MUR 558

Dear Mr. Tomasin:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by the Regular Hudson County Civic Association, Inc., the Federal Election Commission, on July 25, 1977 found reason to believe that your clients violated 2 U.S.C. § 433 and § 434 and on February 4, 1980, found reason to believe that your clients violated sections 432(d), and 441a(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies to such Counsel). The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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Letter to: John Tomasin
Page: Two

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Duane A. Brown at (202) 523-4057.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

Brief

61030041171

Mu 558 P. Brown

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
 Show to whom and date delivered.
 Show to whom, date and address of delivery.
 RESTRICTED DELIVERY
 Show to whom and date delivered.
 RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John Tomasin, Esq

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
946763

I have received the article described above.
SIGNATURE Addressee Authorized agent
KA

4. DATE OF DELIVERY: *10-9-80* POSTMARK: *1980 100*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS: *JD*

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1500 : 879-28-048



FEDERAL ELECTION COMMISSION

1125 K STREET, N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY
DATE: AUGUST 25, 1980
SUBJECT: OBJECTIONS TO MUR 558

810:704:172
Prior to receipt of your memorandum withdrawing MUR 558, General Counsel's Report dated August 15, 1980, Commissioners Aikens and Harris submitted objections to the document. Since the report has been withdrawn MUR 558 will not be placed on the Executive Session Agenda.

cc: Commissioners
Aikens & Harris



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
F. M. ...
80 AUG 25 P12: 26

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CNS*
General Counsel

RE: MUR 558- Regular Hudson County Civic Association

DATE: August 25, 1980

The Office of General Counsel requests that the General Counsel's Report of August 15, 1980, regarding MUR 558 be withdrawn from the Commission's consideration. In the alternative, the Office of General Counsel will submit a brief on the factual and legal issues in this matter.

81977041173

August 21, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis.
Thank you.

81030244174

*Erin's
Case*

BEFORE THE FEDERAL ELECTION COMMISSION

August 19, 1980 ^{80 AUG 21} P12: 45

In the Matter of the)	
)	
Regular Hudson County Civic	)	MUR 558 (78)
Association, Inc.)	

GENERAL COUNSEL'S REPORT

I. Statement of the Case

This matter was initiated by the Reports Analysis Division for the failure of the Regular Hudson County Civic Association, Inc., to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe the respondent was in violation of 2 U.S.C. § 433 and § 434 on July 25, 1977.^{1/} On March 14, 1978, the Staff Director's office referred the respondent to the Office of General Counsel. After investigation by OGC, the Respondent was referred to the Audit Division. During the course of its fieldwork, Audit gathered information which indicates the respondent may have committed additional violations of the Act. The Audit Report is included as Attachment 1.

^{1/} The Federal Election Campaign Act was amended by Pub. L. No. 96-187, effective January 8, 1980. All citations to the Act and Regulations in this report refer to the Act and the Regulations as they existed prior to Pub. L. No. 96-187.

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II. Legal Analysis

A. Excessive Contributions

A review by the Audit Division of the respondent's expenditure records indicated that the respondent contributed \$2,450 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's contribution of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in § 441a(a)(1)(A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Requirement to Register and Report

As mentioned above, the respondent made a contribution of \$2,450 to Byron Baer. In addition, an examination of a New Jersey Election Law Enforcement Commission report, Schedule G, indicates that the respondent allocated expenditures for poll cards on behalf of three (3) candidates for federal office. The allocated expenditures were as follows.

Joseph A. LeFante	05/24/76	\$ 709.58
Harrison A. Williams, Jr.	-	\$ 1,064.40
Byron M. Baer	05/15/76	\$ 354.79

Accordingly, respondent's support of federal candidates required it to file a statement of organization and reports of receipts and expenditures which it failed to do in violation of 2 U.S.C. § 433 and § 434.

C. Affiliation with Committee Supporting Federal Candidates

The Audit Division in its report has ascertained that the respondent may be affiliated with the Democratic Hudson County

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<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>TREASURER</u>
Regular Hudson County Democratic Committee	Bernard Hartnett, Jr.	Joseph Simunivich
Democratic Hudson County Campaign Fund (DCF-6/76)	Dominick Pugliese	William Macchi
Democratic Hudson County Campaign Fund (DCF-11/76)	Bernard Hartnett, Jr.	William Macchi

C. Failure to Maintain Supporting Documentation for Expenditures

The Audit Division found that the respondent failed to maintain any records or documents, except cancelled checks and bank statements, pertaining to its expenditures. 2 U.S.C. § 432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100. Since supporting documentation for its expenditures was not maintained, the committee appears to have violated § 432(d) of the United States Code.

III. Conclusion

As evidenced by the facts set forth in this report, the Regular Hudson County Civic Association qualified as a political committee as defined by 2 U.S.C. § 431(d). Such political committees are required to register with the Commission and file reports of receipts and expenditures as provided in 2 U.S.C. § 433 and § 434. The committee has not filed a statement of organization with the Commission nor has it filed disclosure reports of receipts and expenditures in violation of 2 U.S.C. § 433 and § 434. Further, it appears that Regular Hudson County Civic Association should list the Democratic Hudson County N.J.

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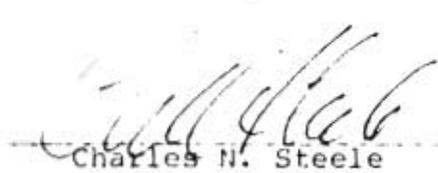
Campaign Fund as an affiliated committee. In addition, since respondent does not qualify as a multicandidate committee, its transfer of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in 2 U.S.C. § 441a(a)(1)(A), is in violation of that provision. Finally, since the respondent has failed to maintain a complete collection of records and documents pertaining to its expenditures as is required of a committee by 2 U.S.C. § 432(d), the respondent is in violation of 2 U.S.C. § 432(d).

IV. Recommendations

It is recommended:

1. That the Commission find reason to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. § 432(d); and
2. That the Commission find reason to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. § 441a(a)(1)(A).

20 August 1980
Date


Charles N. Steele
General Counsel

Attachments

1. Audit Report
2. Notification of RTB finding
3. Letter to Respondent

Handwritten signatures and initials at the top of the page.



FEDERAL ELECTION COMMISSION

105 E. STREET, N.W.
WASHINGTON, D.C. 20543

October 5, 1979

MEMORANDUM

TO: WILLIAM OLDAKER

THROUGH: ORLANDO B. POTTER
STAFF DIRECTOR

FROM: BOB COSTA/CRAIG RUSSELL/JIM COMMERED

SUBJECT: REGULAR HUDSON COUNTY CIVIC
ASSOCIATION (RESPONDENT IN MUR 558(78))

A. Background

During the course of fieldwork concerning the Regular Hudson County Civic Association, Inc. ("the Committee"), the auditors noted matters pertinent to questions generated by MUR 558(78) regarding Sections 433 and 434 of the Act. Other matters were developed and are herewith submitted to your Office for consideration as warranting inclusion in MUR 558(78), or other action you may deem necessary.

John Tomasin, Counsel for the Committee, explained to the auditors that under New Jersey statute, party related political committees are prohibited from involvement in primary elections. Because the Committee claimed no party affiliation, they could become involved in primary elections. Mr. Tomasin characterized this as a "loophole" in the New Jersey law, and that the Hudson County Democratic Committees used it as a means of influencing primary elections.

Mr. Tomasin also stated the Civic Association was not affiliated with any of the Hudson County Democratic Party Committees. However, the auditors believe the Civic Association is affiliated with the Gen. Hudson County N.J. Campaign Fund, June 1976 (DCF) which registered with the FEC on May 13, 1976. Our examination of Committee expenditure records (i.e., cancelled checks) indicated that the Committee transferred \$18,600 to the DCF as follows:

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5/11/76	\$ 100.00	<u>1/</u>
5/19/76	2,500.00	<u>1/</u>
6/7/76	6,000.00	<u>1/</u>
6/8/76	2,000.00	<u>2/</u>
7/22/76	500.00	<u>1/</u>
7/22/76	5,000.00	<u>1/</u>
7/22/76	2,500.00	<u>2/</u>
	<hr/>	
Total 5/11-7/22/76	<u>\$18,600.00</u>	

The auditors believe that \$18,600 (34.45% of total 1976 expenditures) is a material amount, and therefore, considered "substantial", as contemplated by 11 CFR 100.14(c)(2)(ii)(B).

B. Support of Federal Candidates

1. Direct Transfers to Federal Candidate

Our review of Committee expenditure records (i.e., cancelled checks) indicated that the Committee transferred funds to the campaign committee of Byron Baer, a candidate for the House of Representatives, as follows:

5/26/76	-	\$2,000.00
9/14/76	-	450.00

Copies of negotiated Committee checks used to transmit these funds are available from the auditors upon request.

1/ - Transferred from "Regular" account.

2/ - Transferred from "Corporate" account.

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2. Expenditures on Behalf of Federal Candidates

Our examination of a New Jersey Election Law Enforcement Commission report, schedule G, indicated an allocation of expenditures by the Committee for poll cards on behalf of three (3) candidates for Federal office. The Enforcement Commission report was filed by the Civic Association, and a copy was submitted to the Federal Election Commission by the Byron Baer for Congress Committee. These allocated expenditures are as follows:

Joseph A. LePante	5/24/76	\$ 709.58
Harrison A. Williams, Jr.	-	1,064.40
Byron H. Baer	5/15/76	354.79

The auditors were not able to verify these expenditures from documentation provided during fieldwork, nor were samples of the poll cards provided. 3/

3. Transfers to a Political Committee Supporting Federal Candidates

As previously mentioned, our examination revealed that the Committee made seven (7) transfers of funds, totaling \$18,600, to the DCF, a political committee registered with the Federal Election Commission. These transfers occurred during the period 5/11-7/22/76. The DCF engaged in support of Federal candidates in the amount of \$4,102.32 during the period 5/24-6/23/76, according to information compiled by the Reports Analysis Division from reports filed by the DCF and the candidate's committees. Since the DCF was not the subject of our audit, we cannot state if it engaged in Federal activity prior to 5/24 or subsequent to 6/23/76, however, an audit of the DCF is planned.

3/ If the Committee is deemed affiliated with one or more of the Hudson County Committees, then it could qualify as a local committee for a political party and these transactions would then possibly fall under the slate card exemption to the definition of contribution in the Act, as set forth in 2 U.S.C. 431(e)(5)(E). However, if deemed unaffiliated, then the exemption for slate cards would not apply (since the Committee might not then be considered a local party committee), and the transactions could be considered as contributions influencing Federal elections.

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4. Transfers in Excess of Limitation

As indicated in B. 1., the Committee transferred in excess of \$1,000 to a Federal candidate. This is an apparent violation of Section 442a(a)(1)(A) as the Civic Association does not qualify as a multicandidate committee.

5. Failure to Register and Report as a Political Committee

As evidenced by the facts set forth in this memo, the Hudson County Civic Association apparently qualifies as a political committee as defined by 2 U.S.C. 431(4). Such political committees are required to register with the Federal Election Commission and file reports of receipts and expenditures as specified in 2 U.S.C. 433 and 434. The Committee has not filed a statement of organization with the Commission, nor has it filed disclosure reports of receipts and expenditures.

C. Other Matters (Apparent Violations Concerning the Civic Association as a Political Committee)

1. Acceptance of Funds as Prohibited by 2 U.S.C. 441b

During the course of our examination, the Treasurer of the Committee said that business entity contributions were accepted and deposited into an account designated "corporate". The Committee did not provide sufficient records and documentation; therefore, the auditors could not determine the identity of the business entity contributors, and thus could not verify if any corporate contributions were in fact deposited into the corporate account.

As indicated in section A, two (2) transfers (totaling \$4,500) were made to the Hudson County Democratic Campaign Fund - June 1976 on 4/8/76 and 7/22/76 from the corporate account. As mentioned in section B, the DCF engaged in Federal activity at a date subsequent to the first transfer from the corporate account. Thus, the possibility exists that funds prohibited by 2 U.S.C. 441b may have been used in Federal elections.

The "regular" account maintained by the Committee was used to transfer funds to candidates and committees as identified in section B. Again, because the Committee did not provide sufficient documentation, the auditors could not determine if FECA - prohibited funds were deposited into the regular account.

181 28 11th Nov 0 1.0 1.8

2. Failure to Maintain Supporting Documentation
For Expenditures

The Committee did not have available any records or documents (except cancelled checks and bank statements) pertaining to expenditures. 2 U.S.C. 412(d) requires the treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100.

If you have any questions in this matter, please call Jim Commerce or Craig Russell at extension 3-4155.

81030044184

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE August 5, 1980

MUR NO. 558
STAFF MEMBER(S) & TEL. NO.
Duane A. Brown

RESPONDENT Regular Hudson County Civic
Association, Inc.

(202) 523-4057

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

This matter was initiated by the Reports Analysis Division for the failure of the Regular Hudson County Civic Association, Inc., to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe the respondent was in violation of 2 U.S.C. § 433 and § 434 on July 25, 1977. On March 14, 1978, the Staff Director's Office referred the respondent to the Office of General Counsel. After investigation by OGC, the respondent was referred to the Audit Division. During the course of its fieldwork, Audit gathered information which indicates the respondent may have committed additional violations of the Act.

FACTUAL BASIS AND LEGAL ANALYSIS

A review by the Audit Division of the respondent's expenditure records indicated that the respondent contributed \$2,450 to the 1976 campaign committee of Byron Baer, a candidate for

the House of Representatives. It appears that respondent's contribution of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in § 441a(a)(1)(A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Requirement to Register and Report

As mentioned above, the respondent made a contribution of \$2,450 to Byron Baer. In addition, an examination of a New Jersey Election Law Enforcement Commission report, Schedule G, indicates that the respondent allocated expenditures for poll cards on behalf of three (3) candidates for federal office.

The allocated expenditures were as follows:

Joseph A. LeFante	05/24/76	\$ 709.58
Harrison A. Williams, Jr.	-	\$1,064.40
Byron M. Baer	05/15/76	\$ 354.79

Accordingly, respondent's support of federal candidates required it to file a statement of organization and reports of receipts and expenditures which it failed to do in violation of 2 U.S.C. § 433 and § 434.

C. Affiliation with Committee Supporting Federal Candidates

The Audit Division in its report has ascertained that the respondent may be affiliated with the Democratic Hudson County N.J. Campaign Fund (DCF), a committee which supports Federal candidates and which registered with the FEC on May 13, 1976. Audit's examination of the respondent's expenditure records

indicated that the respondent transferred a total of \$18,600 to DCF for the period 05/11/76 - 07/22/76. The \$18,600 transferred to DCF is equivalent to 34.45% of the total expenditure made by respondent in 1976. More significant is the fact that DCF's total receipts for 1976 were \$19,210. Therefore, the \$18,600 transferred by respondent was 96.8% of DCF's total receipts for 1976. 11 C.F.R. § 100.14(c)(2)(ii)(E) states that an affiliated committee is one where:

The transfer of funds between committees...represents a substantial portion of the funds of either the transferor or transferee committee...

Since the \$18,600 transfer to DCF was 96.8% of its total receipts in 1976, this amount may be considered "substantial" as contemplated in the regulation and DCF and the respondent may be considered to be affiliated. In addition, DCF engaged in the support of Federal candidates in the amount of \$4,102.32 during the period 05/24/76 - 06/23/76. It was during this same time (05/11/76 - 07/22/76) that the respondent transferred \$18,600 to DCF.

C. Failure to Maintain Supporting Documentation for Expenditures

The Audit Division found that the respondent failed to maintain any records or documents, except cancelled checks and bank statements, pertaining to its expenditures. 2 U.S.C. § 432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or

aggregating in excess of \$100. Since supporting documentation for its expenditures was not maintained, the committee appears to have violated § 432(d) of the United States Code.

III. Conclusion

As evidenced by the facts set forth in this brief, the Regular Hudson County Civic Association qualified as a political committee as defined by 2 U.S.C. § 431(d). Such political committees are required to register with the Commission and file reports of receipts and expenditures as provided in 2 U.S.C. § 433 and § 434. Further, it appears that Regular Hudson County Civic Association should list the Democratic Hudson County N.J. Campaign Fund as an affiliated committee. The committee has not filed a statement of organization with the Commission nor has it filed disclosure reports of receipts and expenditures in violation of 2 U.S.C. § 433 and § 434. In addition, since respondent does not qualify as a multicandidate committee, its transfer of \$2,450 to a federal candidate, being in excess of the \$1,000 limitation provided in 2 U.S.C. § 441a(a)(1)(A), is in violation of that provision. Finally, since the respondent has failed to maintain a complete collection of records and documents pertaining to its expenditures as is required of a committee by 2 U.S.C. § 432(d), the respondent is in violation of 2 U.S.C. § 432(d).

Based on the foregoing analysis, the Federal Election Commission has found:

1. Reason to believe that respondent violated 2 U.S.C. § 441a(a)(1)(A).
2. Reason to believe that the respondent violated 2 U.S.C. § 432(d).

61030041189



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MW E*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *me*
DATE: JUNE 3, 1980
SUBJECT: MUR 558 - Interim Investigative Report #1,
dated 5-29-80; Signed 5-30-80; Received
in OCS 6-2-80, 11:02

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, June 2, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline.

611100010

June 2, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Jane Colgrove
SUBJECT: MUR 558

Please have the attached Interim Investigative Report on MUR 558 distributed to the Commission on a 24 hour no-objection basis.

Thank youj.

81030244193

BEFORE THE FEDERAL ELECTION COMMISSION

May 29, 1980

RECEIVED
OFFICE OF THE
COMMISSIONER

80 JUN 2 11:02

In the Matter of the)	
	)	MUR 558
Regular Hudson County)	
Civic Association)	

INTERIM INVESTIGATIVE REPORT #1

Based on information obtained by the Audit Division and from the Respondents, the General Counsel's Office has determined that a further coordination of Audit documents regarding the respondent committee coupled with a further clarification as to whether the respondent is a member of a state party organization would need to be determined.

When this information is obtained, a report will be presented to the Commission for its review.

29 May 1980
Date



Charles N. Steele
General Counsel

610:341192

March 21, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

81030244196

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 588
The Regular Hudson County)
Civic Association, Inc.)

INTERIM INVESTIGATIVE REPORT #1

On February 4, 1980, the Commission found RTB that the respondent association violated 2 U.S.C. § 432(d) and § 441a(a)(1)(A) and the appropriate letters of notification were mailed.

Recently the Office of General Counsel received respondent's reply accompanied by supporting documentation.

Once General Counsel staff reviews the materials submitted, a report on the disposition of this matter will be made to the Commission.

20 March 1980
Date

Charles N. Steele
General Counsel

8103041197

8 1 0 3 0 2 4 4 1 8

000#
412

JOHN TOMASIN, ESQ. (P.A.)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

February 14, 1980

(201) 863-1821
FEB 19 PM 1:14

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Robert Q. Tiernan,
Chairman

RE: THE REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.
YOUR REFERENCE NO.: MUR 558

Dear Sir:

In response to your letter of February 5, 1980 and the findings attached thereto, please be advised as follows:

1. FEDERAL REGISTRATION AND VIOLATION

This committee was organized for a brief period of time for State election purposes only.

The committee did not register as a Federal committee, because it did not intend to operate as a Federal committee, but was organized primarily for local State non-Federal election purposes, under the jurisdiction of the New Jersey State Election Law Enforcement Commission, to whom it reported in detail.

Since the entire Democratic ticket unavoidably contained Federal, as well as non-Federal candidates, there may have been incidental benefit to Federal candidates, but it is the submission of this committee that the overall purpose and intent of the committee should govern; and inadvertent and subordinate involvement with a Federal candidate, that is unavoidable, should not make the local entity a Federal committee. We recognize this is often difficult to assess and enforce. However, a ruling that State election activity invariably makes you a Federal committee may not be sustainable.

In addition, the Federal rule that if monies are expended or transferred, that a proportionate part can be assigned to, or treated as, a Federal expenditure, whether or not so designated or intended, should take into consideration the reciprocal situation; namely, that if a Federal candidate receives monies or support, that a proper proportion must be allocated to local candidates if they are supported by the Federal candidate; and it is also submitted that if such allocations are not made or given effect, that the entire allocation system would not afford due process. This is what we feel happens in this case.

This committee feels that its support of Byron Baer as a candidate for the House of Representatives included his efforts and expenditures that were necessarily made in favor of his fellow local candidates, who were State candidates, and that this should be recognized, and thus a violation should not be found, or pursued, under these circumstances, in this case.

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

(201) 663-1821
1822

Federal Election Commission

- 2 -

February 14, 1980

In addition, in mitigation, if a technical violation is found, it should be mentioned that this committee was a grassroots committee, whose committee members were laymen, acting on a volunteer basis, without experience. They disbanded permanently shortly after this election, and they have never participated in any election process, Federal or State since; and the committee will never participate in any future election, Federal or State.

2. LACK OF RECORDS - The committee did exhibit cancelled checks for all expenditures, and it is respectfully submitted that such records demonstrate the good faith of the committee.

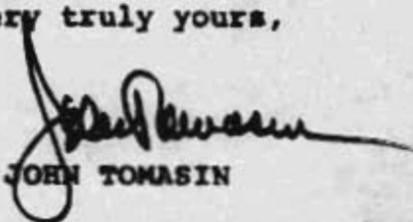
In addition, according to local custom and practice in this area, small payments such as \$35.00 to an offduty policeman to keep order at a meeting or the like, just do not have any other formal receipts, nor do purchasing of tickets for various dinners or functions, have receipts, other than the checks themselves.

However, we have searched our records and have located additional receipts, and I am attaching same herewith for your file, to show, with the cancelled checks, that the efforts of this committee were done in good faith, on a grassroots level, by volunteer personnel.

3. STATUTE OF LIMITATIONS - We feel that more than three years have passed since the 1976 election, and that the Statute of Limitations of three years should be applied as to any sanctions, especially in light of the fact that this committee has been out of existence for several years; and it will never again be reactivated.

If there is any further information that you desire, please let me know.

Very truly yours,



JOHN TOMASIN

JT:vk
Enclosures

cc: Duane A. Brown, Esq.

JOHN TOMASIN, ESQ. (P.A.)

A PROFESSIONAL CORPORATION

4800 KENNEDY BLVD W

UNION CITY, N. J. 07087

Federal Election Commission

1325 K St., N. W.

Washington, D. C. 20463

Attn: Duane A. Brown, Esq.

8 1 0 0 0 4 4 0 0 0

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

30 883 1821
622

Federal Election Commission

- 2 -

February 14, 1980

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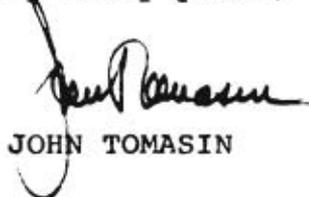
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If there is any further information that you desire, please let me know.

Very truly yours,



JOHN TOMASIN

JT:vk
Enclosures

cc: Duane A. Brown, Esq.

ACCOUNT # 100-7613006--406H000 1

DATE 07/22/76

DESCRIPTION	PRICE	QTY	=	EXTENSION	TAX	POSTAGE AND SERVICE	SUMMARY
EXPL CRSE SPCL. IMPV 1-12	57.00	1		57.00	2.05	2.36	
INVOICE 5257043	PAYMENT SCHEDULE- \$2.10 EACH MONTH UNTIL			62.21	BALANCE DUE ON:	PAID- 8/01	31.11
# 108					2	PAY THIS AMOUNT	31.11

Calif Use Tax SZ OMB 78 046081

Ky. Use Tax 40157

Ohio Use Tax P319950

BUREAU OF BUSINESS PRACTICE /

We certify complete compliance with Fair Labor Standards Act of 1938 as amended

NATIONAL FOREMEN'S INSTITUTE / NATIONAL SALES DEVELOPMENT INSTITUTE

WATERFORD, CONNECTICUT 06384

TEAR OFF AT PERFORATION AND MAIL ABOVE STUB WITH REMITTANCE

DATE	ACCT NO	CHARGES			CREDITS	BALANCE
		SERVICE	SALES TAX	TOTAL		
				PAID	#120	4120
				12/6/76		
11/30	62 TRV 5211	37.40		37.40		7860
	PREVIOUS BALANCE					
	SUBSCRIPTION RENEWAL					
	CLIPPINGS FOR					
	SCRAP BOOKS					
	RUBBER CEMENT					
	POSTAGE			PAID	#121	
				12/22		

120 + 121

NEW JERSEY CLIPPING SERVICE

99 EAST NORTHFIELD AVENUE
LIVINGSTON, NEW JERSEY 07039

▲
PAY LAST
AMOUNT
IN THIS
COLUMN

TEAR OFF AT PERFORATION AND MAIL ABOVE STUB WITH REMITTANCE

DATE	ACCT NO	SERVICE	CHARGES		TOTAL	CREDITS	BALANCE
			CLIPPING	TAX			
PREVIOUS BALANCE							
SUBSCRIPTION RENEWAL							
CLIPPINGS FOR							
10/31 81 Oct	5211	4120			41.20		41.20
NEWSPAPERS							
GUMBER CEMENT							
POSTAGE							

NEW JERSEY CLIPPING SERVICE
 99 EAST NORTHFIELD AVENUE
 LIVINGSTON, NEW JERSEY 07039

PAY LAST
 AMOUNT
 IN THIS
 COLUMN

TEAR OFF AT PERFORATION AND MAIL ABOVE STUB WITH REMITTANCE

DATE	ACCT NO.	CHARGES			CREDITS	BALANCE
		SERVICE	TILES TAX	TOTAL		
		PREVIOUS BALANCE	.	.	.	.
←		SUBSCRIPTION RENEWAL	.	.	.	.
		CLIPPINGS FOR	.	.	.	.
←	1/31	138 Jan	52.60	.	52.60	52.60
←		WRAP BOOKS	.	.	.	.
←		RUBBER CEMENT	.	.	.	.
←		POSTAGE	.	.	.	.
←		

Paid 2/14/ NEW JERSEY CLIPPING SERVICE
 # 131
 89 EAST NORTHFIELD AVENUE
 LIVINGSTON, NEW JERSEY 07039

▲
 PAY LAST
 AMOUNT
 IN THIS
 COLUMN

0
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 9

3
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1
0
0
1
0
0
6
1
3

0	01.39	2
0	01.39	2
0	01.39	2
0	01.39	2
0	01.39	2
J	06.95	II
	00.35	4
	07.30	II
J	10.00	AM TD

SABRETT FOOD PRODUCTS

Main Office 50 Golden Street, Jersey City, N J 07302. 201-434-7062 - 212-344-0796 - 646-293-7252

DATE 7/30
17

NAME J. C. Civic Assoc

ADDRESS _____

DESCRIPTION	QUAN	UNIT PRICE	AMOUNT
Frankfurter Rolls	doz		
SLR Rolls*	doz		
ARBY/SLRTS	doz		
4 1/2 YS	doz		
TDS	doz		
SSS	doz		
K Rolls	doz		
Hoega	doz		
Med Rd	doz		
Steak Roll			
Casing Frks	lbs		
ABSK/AMSK	lbs		
Hot Saus	lbs		
C G Frks	lbs		
Cocktails/Knockwurst	lbs		
Sab Hamb	lbs		
Sab Ch Mt	lbs		
TOTAL			

Handwritten notes on table:
 Pd in advance
 530.00
 For order to be delivered today
 (Signature)

B 09130

Rec'd By X _____
Sales Unlimited - 914/948-5840

STATE LIQUOR & DELI

222 WEST SIDE AVENUE
JERSEY CITY, N. J. 07305

~~July 30~~

~~Beer - 271.00~~

~~Paid in full~~

JERRY

DeROSA

Liquor

Store

227 OLD BERGEN ROAD, JERSEY CITY, N. J. 03702

433 4564

PHONES

433 2927

Ap'l No

Date

7/31 1978

M

Cash

Address

City

N. J. Sales Tax Included In Price Of Beer & Liquor

5 cases Beer

33.00

TAX

TOTAL

CREDITS

NET TOTAL

01010244214

1300

650

65

2015





CHARLES WEINACHT STATIONERY CO., INC.

CONTRACT STATIONERS AND INSTITUTIONAL SUPPLIERS

FILING SYSTEMS AND OFFICE EQUIPMENT

644-646 NEWARK AVE. JERSEY CITY, N. J. 07308

PHONE (AREA CODE 907) 693-3630 (3621 - 3625)

No. 22903

ORDER NO.

Sold to

Mayors office

DATE

7/23/76

TERMS

ALL PRICES SUBJECT TO CHANGE WITHOUT NOTICE

QUANTITY	DESCRIPTION	UNIT	AMOUNT	TOTAL
<i>1M</i>	<i>#10 White Envelopes</i>		<i>8.15</i>	
			<i>8.15</i>	
			<i>Paul</i>	

4 1 0 1 3
6 1 0 3

United

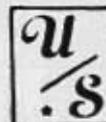
Offset - Letterpress

PRINTING

Service

Service is Part of Our Name

5611 PALISADE AVENUE • WEST NEW YORK, N. J. 07093
(201) 867-4437



COMPLETE
FACILITIES



F

Hudson County Civic Ass'n

L

DATE

4/15/76

OUR ORDER

C 2575

YOUR ORDER

1 H Tickets #2001 - 3000

72.50

1 H Sets Receipts HCR in dup.

47.50
120.00

PAID
#158 5/3/76

Please Pay on This Invoice • Monthly Statements Not Mailed • Interest Charge on Unpaid Balance

Ron

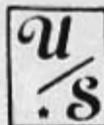
United

Offset - Letterpress

PRINTING

Service

Service is Part of Our Name



COMPLETE FACILITIES

5611 PALISADE AVENUE • WEST NEW YORK, N. J. 07093
(201) 867-4437

Hudson County Civic Ass'n

DATE

3/18/76

OUR ORDER

C 2538

YOUR ORDER

1 M Letterheads & Letters 2 colors

69.50

2 M Tickets - Processed & #

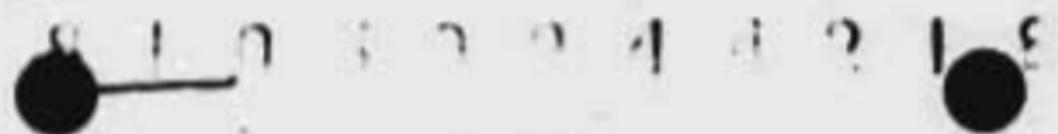
132.50

2 M Sets HCR Receipts in dup.

89.00
291.00

PAID 3/23
#152

Please Pay on This Invoice • Monthly Statements Not Mailed • Interest Charge on Unpaid Balance



THE NEWS
NEW YORK BUSINESS WEEK

JOHN J WAGNER
Financial Advertising Manager

220 EAST 42ND STREET - NEW YORK, N. Y. 10017 - (212) 682-1234

5161400118
Mail to

Gerald M. Madden
Regular / Judson County
Civic Ass'n., Inc.

125 North Street
Jersey City, N. J.

07307

REGULAR HUDSON COUNTY CIVIC ASS'N, INC.

125 NORTH STREET, JERSEY CITY, N. J. 07307

TRUSTEES

DOMINICK J. PUGLIESE
Chairman

GERALD M. MADDEN
Campaign Treasurer

CHARLES K. KRIEGER
FREDERICK W. STEVENS
JAMES A. SUTCLIFFE
RUSSELL W. DORN, Jr.
EDWARD J. GAFFNEY

CALL
MR BILL ZUOASHOK
APPROX 12:30 PM
to 5:00 P.M.

Received \$2000.-
from Lorena Careaga
John Warner
N.Y. News

J E C O H P O C I A I N

104 RAL

Skyline Caterers, Inc.

30 BURMA ROAD

JERSEY CITY, NEW JERSEY

Phone: 432-6800

MAY 7 1976

RECEIVED HUNTER COUNTY CIVIL HOUSE
1211

100	Patrol # 971	13,650.00
100	Administrative Service	971.00
100	6 Boxes of Soda 1976	114.00
100	2 " " " " " " " "	31.00
		<u>14,770.00</u>
	Painting	
	A 14,770.00	

To

Hudson County Park Area
125 North St Jr

Car Katana 792 3737
XY50

5-5-76

Thomas Wilczowski Laminating Co.

88 ESSEX STREET

JERSEY CITY, NEW JERSEY 07302

(201) 438-2888

INVOICE #

004283

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	Plaque	54.30	
1	Plaque		\$ 68.50
	Out Bal.		<u>\$ 122.80</u>

101 REG.

Paid
5-7-76

Feltz Printing Service

ONE MARION PLACE, JERSEY CITY, N. J. 07310



Your Order No.

Dec 30 19 76

Mayor Paul Jordan, M. D.
City Hall - 280 Grove St.
Jersey City, N. J. 07302

TERMS: Net 30. Days

1050

Christmas Cards with signatures

50

Christmas Cards - blank

1700

Envelopes - imprinted - address

467.57

PAID IN FULL 2/1/77

N. J. STATE SALES TAX

INVOICE NO. A 1060

TOTAL

467.57

PHONE 339-1917

STATEMENT

SAY IT WITH FLOWERS



Mount Carmel Florist

THE PYKAS, Prop.

12 EAST 22ND STREET

BAYONNE, N. J. 07002

197

Mr. Casakowski
Public Relations
595 Newark Ave. Jersey City

Return this stub with check. Retain lower portion. Cancelled check is your receipt.

\$ _____

ACCA

Liberty Bell

Roses

2 doz ^② 21

* 78 75

42 -

* 120. 75

Thank you!

1 1/2% INTEREST MONTHLY ON UNPAID BILLS

MOUNT CARMEL FLORIST

RUTGERS • THE STATE UNIVERSITY

NEW BRUNSWICK, N. J. 08903

Check only for University of Rutgers
 Payment for University use only

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

PAY TO: Bureau of Government Research

DATE: 9-27-76

Check
 Address: Sent to: Mr. Thomas J. Leane
 225 St. Paul's Avenue
 Apartment 14K
 Jersey City, New Jersey 07306

Special Instructions

2

1976 Legislative District Data Books

16.00

PAID BY CHECK .. THANK YOU

112

CERTIFIED CORRECT

DEPT. & FUND

CLASSIFICATION

COMMITTED NOT COMMITTED

COLLEGE OF AG. ONLY

1	2	3	4	5	6
---	---	---	---	---	---

AG PROJECT CODE →

	ACCOUNT CODE	Requisition #	AMOUNT
1			
2			
3			
4			
5			
6			

August 2, 1976

Mr. Gerald Madden
125 North Street
Jersey City, New Jersey 07307

Dear Gerry:

The following is a breakdown of expenses for the
Picnic held on Saturday, July 31, 1976:

Given to Jim Sut	\$ 500.00
	+ 300.00
	<u>\$ 800.00</u>
Sabrett	\$ 530.00
State Liquor	321.00
De Rosa Liquor	33.00
U.S. Post Office	20.15
Charles Weinacht	8.05
Progress	50.00
Valley Fair	7.30
	<u>\$ 999.50</u>
	- 800.00 cash
	\$ 199.50 due Jim Sut
	\$ 100.00 to Ralph Lambiase,
	99.50 to Jim Sut

check for \$100 to
↓
+ 91.00 U.S.
Post
Office

Sincerely,

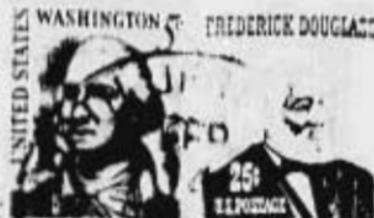
James A. Sutcliffe

JAS:pob

JOHN TOMASIN, ESQ. (P.A.)

A PROFESSIONAL CORPORATION

4900 KENNEDY BLVD. W.
UNION CITY, N. J. 07087



Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

104-100 Reg'd

Attn: Mr. Robert O. Tiernan,
Chairman





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 5, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Boulevard West
Union City, New Jersey 07087

Re: MUR 558

Dear Mr. Tomasin:

The Federal Election Commission notified you in a letter dated July 28, 1977, that your client, The Regular Hudson County Civic Association, Inc., (the "Association") may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code.

Upon further review of the information available to the Commission and information supplied by the Association, the Commission determined, on February 4, 1980, that there is reason to believe that your client may have also violated 2 U.S.C. §§ 432(d) and 441a(a)(1)(A). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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.

John Tomasin, Esquire
Page 2

If you have any questions, please contact Duane A. Brown,
the attorney assigned this matter at (202)523-4057.

Sincerely,

Robert O. Tiernan
ROBERT O. TIERNAN
Chairman

Enclosure

PS Form 3811, Aug 1978

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

1. The following services are available: Show to whom and date delivered Show to whom date and address of delivery RESTRICTED DELIVERY Show to whom and date delivered RESTRICTED DELIVERY Show to whom date and address of delivery \$ _____ CONSULT POSTMASTER FOR FEES		2. ARTICLE ADDRESSED TO <i>John Tomasin Esq.</i>	
3. ARTICLE DESCRIPTION REGISTERED NO. <i>943830</i> CERTIFIED NO. _____ INSURED NO. _____		4. I have received the article described above. SIGNATURE <input checked="" type="checkbox"/> Address <input type="checkbox"/> Authorized agent <i>V. Kephkain</i>	
5. ADDRESS (Complete only if requested) DATE OF DELIVERY _____ POSTMARK _____		6. UNABLE TO DELIVER BECAUSE _____ CLERK'S INITIALS _____	

MW SSS - D. Brown

03040400

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 558
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Regular Hudson County Civic Association, Inc.

Duane A. Brown

(202) 523-4057

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

BACKGROUND

This matter was originally initiated by the Reports Analysis Division (formerly Disclosure) for respondent's failure to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe that the respondent was in violation of 2 U.S.C. §§433 and 434 on July 25, 1977. On March 14, 1978, the Staff Director's office referred respondent Association to the Office of General Counsel (and directed that six other Hudson County organizations be referred to the Audit Division). After investigation by OGC, respondent (itself) was referred for Audit fieldwork. During the course of that fieldwork, information was gathered which indicates that violations of 2 U.S.C. §432 and §441a may also have been committed, as discussed below.

FACTUAL BASIS AND LEGAL ANALYSIS

A. Support of Federal Candidates

A review by the Audit Division of the respondent committees' expenditure records indicates that the respondent transferred \$2450.00 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a)(1)(A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Failure to Maintain Supporting Documentation for Expenditures

Auditors found that the committee failed to maintain any records or documents (except cancelled checks and bank statements) pertaining to its expenditures. 2 U.S.C. §432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100.00. Since supporting documentation for its expenditures was not maintained, the committee appears to have also violated §432(d) of our Act.

CONCLUSION

Respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a) (1)(A), is in violation of that provision since respondent does not qualify as a multicandidate committee. In addition, since the respondent Association has failed to maintain a complete collection of records and documents pertaining to its expenditures as required of the Association's treasurer by 2 U.S.C. §432(d), the Association is therefore in violation of §432(d) of the Act.

Based on the foregoing analysis, the Federal Election Commission has found:

Reason to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. §§432(d) and 441a (a) (1) (A).

0100041032



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Boulevard West
Union City, New Jersey 07087

Re: MUR 558

Dear Mr. Tomasin:

The Federal Election Commission notified you in a letter dated July 28, 1977, that your client, The Regular Hudson County Civic Association, Inc., (the "Association") may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code.

Upon further review of the information available to the Commission and information supplied by the Association, the Commission determined, on February 4, 1980, that there is reason to believe that your client may have also violated 2 U.S.C. §§ 432(d) and 441a(a)(1)(A). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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.

John Tomasin, Esquire
Page 2

If you have any questions, please contact Duane A. Brown,
the attorney assigned this matter at (202)523-4057.

Sincerely,

Enclosure

61000010032

AMM
12/10
2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Regular Hudson County Civic) MUR 558
Association, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 4, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 558:

1. Find REASON TO BELIEVE that the Regular Hudson County Civic Association, Inc. violated 2 U.S.C. §432(d) and §441a(a)(1)(A).
2. Send the letter and notification of reason to believe finding as attached to the General Counsel's Report dated January 30, 1980.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, Peiche, and Tiernan.

Attest:

2-4-80

Date



Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 1-30-80, 12:25
Circulated on 48 hour vote basis: 1-31-80, 11:00

January 30, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Jane Colgrove

SUBJECT: MUR 558

Please have the attached General Counsel's Report on MUR 558 distributed to the Commission on a 48 hour tally basis.

Thank you.

81030244236

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the)
Regular Hudson County Civic)
Association, Inc.)

MUR 558 (98) JAN 30 P12: 25

GENERAL COUNSEL'S REPORT

I. BACKGROUND

37
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3

This matter was originally initiated by the Reports Analysis Division (formerly Disclosure) for respondent's failure to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe that the respondent was in violation of 2 U.S.C. §§433 and 434 on July 25, 1977. On March 14, 1978, the Staff Director's office referred respondent Association to the Office of General Counsel (and directed that six other Hudson County organizations be referred to the Audit Division). After investigation by OGC, respondent (itself) was referred for Audit fieldwork. During the course of that fieldwork, information was gathered which indicates that violations of 2 U.S.C. §432 and §441a may also have been committed, as discussed below.

II. LEGAL ANALYSIS

A. Support of Federal Candidates

A review by the Audit Division of the respondent committees' expenditure records indicates that the respondent transferred \$2450.00 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a)

(1) (A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Failure to Maintain Supporting Documentation for Expenditures

Auditors found that the committee failed to maintain any records or documents (except cancelled checks and bank statements) pertaining to its expenditures. 2 U.S.C. §432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100.00. Since supporting documentation for its expenditures was not maintained, the committee appears to have also violated §432(d) of our Act.

III. CONCLUSION

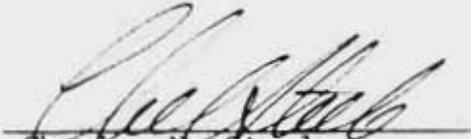
Respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a) (1) (A), is in violation of that provision since respondent does not qualify as a multicandidate committee. In addition, since the respondent Association has failed to maintain a complete collection of records and documents pertaining to its expenditures as required of the Association's treasurer by 2 U.S.C. §432(d), the Association is therefore in violation of §432(d) of the Act.

IV. RECOMMENDATION

1. That the Commission find reason to believe that the Regular Hudson County Civic Association, Inc. violated 2 U.S.C. §432(d) and §441a(a) (1) (A).

2. Send the attached letter and notification of reason to believe finding.

30 January 1980
Date


Charles N. Steele
General Counsel

Attachments

- Notification of Reason to Believe Letter
- Audit Report

61030040039

FEDERAL ELECTION COMMISSION

NOTIFICATION OF REASON TO BELIEVE FINDING

DATE _____

MUR NO. 558
STAFF MEMBER(S) & TEL. NO.

RESPONDENT Regular Hudson County Civic Association, Inc.

Duane A. Brown
(202) 523-4057

SOURCE OF MUR: INTERNALLY GENERATED

BACKGROUND

This matter was originally initiated by the Reports Analysis Division (formerly Disclosure) for respondent's failure to register and file reports of receipts and expenditures with the Commission. The Commission found reason to believe that the respondent was in violation of 2 U.S.C. §§433 and 434 on July 25, 1977. On March 14, 1978, the Staff Director's office referred respondent Association to the Office of General Counsel (and directed that six other Hudson County organizations be referred to the Audit Division). After investigation by OGC, respondent (itself) was referred for Audit fieldwork. During the course of that fieldwork, information was gathered which indicates that violations of 2 U.S.C. §432 and §441a may also have been committed, as discussed below.

FACTUAL BASIS AND LEGAL ANALYSIS

A. Support of Federal Candidates

A review by the Audit Division of the respondent committees' expenditure records indicates that the respondent transferred \$2450.00 to the 1976 campaign committee of Byron Baer, a candidate for the House of Representatives. It appears that respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a)(1)(A), would be in violation of that provision since respondent does not qualify as a multicandidate committee.

B. Failure to Maintain Supporting Documentation for Expenditures

Auditors found that the committee failed to maintain any records or documents (except cancelled checks and bank statements) pertaining to its expenditures. 2 U.S.C. §432(d) requires the committee treasurer to obtain and keep a receipted bill stating the particulars for every expenditure in excess, or aggregating in excess of \$100.00. Since supporting documentation for its expenditures was not maintained, the Committee appears to have also violated §432(d) of our Act.

8107041040

CONCLUSION

Respondent's transfer of \$2450.00 to a federal candidate, being in excess of the \$1,000 limitation provided in §441a(a) (1)(A), is in violation of that provision since respondent does not qualify as a multicandidate committee. In addition, since the respondent Association has failed to maintain a complete collection of records and documents pertaining to its expenditures as required of the Association's treasurer by 2 U.S.C. §432(d), the Association is therefore in violation of §432(d) of the Act.

Based on the foregoing analysis, the Federal Election Commission has found:

Reason to believe that the Regular Hudson County Civic Association, Inc., violated 2 U.S.C. §§432(d) and 441a (a) (1) (A).

6107041041



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Boulevard West
Union City, New Jersey 07087

RE: MUR 558

Dear Mr. Tomasin:

The Federal Election Commission notified you in a letter dated July 28, 1977, that your client, The Regular Hudson County Civic Association, Inc., (the "Association") may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code.

Upon further review of the information available to the Commission and information supplied by the Association, the Commission determined, on January , 1980, that there is reason to believe that your client may have also violated 2 U.S.C. §§432(d) and 441a(a)(1)(A). A report on the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

In the absence of any information which demonstrates that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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.

John Tomasin, Esquire
Page 2

If you have any questions, please contact Duane A. Brown,
the attorney assigned this matter at (202) 523-4057.

Sincerely,

610110111243

A-601

Handwritten signatures and initials: "Frank H.", "Mushka + Duong", "P", "JW", "RC", "COP", "J"



FEDERAL ELECTION COMMISSION
1125 K STREET NW
WASHINGTON, D.C. 20463

*include in
MUR 558*

October 5, 1979

MEMORANDUM

TO: WILLIAM OLDAKER
THROUGH: ORLANDO B. POTTER
STAFF DIRECTOR
FROM: *RC* BOB COSTA/CRAIG RUSSELL/JIM COMMERE *COP*
SUBJECT: REGULAR HUDSON COUNTY CIVIC
ASSOCIATION (RESPONDENT IN MUR 558(78))

A. Background

During the course of fieldwork concerning the Regular Hudson County Civic Association, Inc. ("the Committee"), the auditors noted matters pertinent to questions generated by MUR 558(78) regarding Sections 433 and 434 of the Act. Other matters were developed and are herewith submitted to your Office for consideration as warranting inclusion in MUR 558(78), or other action you may deem necessary.

John Tomasin, Counsel for the Committee, explained to the auditors that under New Jersey statute, party related political committees are prohibited from involvement in primary elections. Because the Committee claimed no party affiliation, they could become involved in primary elections. Mr. Tomasin characterized this as a "loophole" in the New Jersey law, and that the Hudson County Democratic Committees used it as a means of influencing primary elections.

Mr. Tomasin also stated the Civic Association was not affiliated with any of the Hudson County Democratic Party Committees. However, the auditors believe the Civic Association is affiliated with the Dem. Hudson County N.J. Campaign Fund, June 1976 (DCF) which registered with the FEC on May 13, 1976. Our examination of Committee expenditure records (i.e., cancelled checks) indicated that the Committee transferred \$18,600 to the DCF as follows:



5/11/76	\$ 100.00	<u>1/</u>
5/19/76	2,500.00	<u>1/</u>
6/7/76	6,000.00	<u>1/</u>
6/8/76	2,000.00	<u>2/</u>
7/22/76	500.00	<u>1/</u>
7/22/76	5,000.00	<u>1/</u>
7/22/76	2,500.00	<u>2/</u>

Total 5/11-7/22/76 \$18,600.00

The auditors believe that \$18,600 (34.45% of total 1976 expenditures) is a material amount, and therefore, considered "substantial", as contemplated by 11 CFR 100.14(c)(2)(ii)(E).

B. Support of Federal Candidates

1. Direct Transfers to Federal Candidate

Our review of Committee expenditure records (i.e., cancelled checks) indicated that the Committee transferred funds to the campaign committee of Byron Baer, a candidate for the House of Representatives, as follows:

5/26/76	-	\$2,000.00
9/14/76	-	450.00

Copies of negotiated Committee checks used to transmit these funds are available from the auditors upon request.

-
- 1/ Transferred from "Regular" account.
2/ Transferred from "Corporate" account.

2. Expenditures on Behalf of Federal Candidates

Our examination of a New Jersey Election Law Enforcement Commission report, schedule G, indicated an allocation of expenditures by the Committee for poll cards on behalf of three (3) candidates for Federal office. The Enforcement Commission report was filed by the Civic Association, and a copy was submitted to the Federal Election Commission by the Byron Baer for Congress Committee. These allocated expenditures are as follows:

Joseph A. LeFante	5/24/76	\$ 709.58
Harrison A. Williams, Jr.	-	1,064.40
Byron M. Baer	5/15/76	354.79

The auditors were not able to verify these expenditures from documentation provided during fieldwork, nor were samples of the poll cards provided. 3/

3. Transfers to a Political Committee Supporting Federal Candidates

As previously mentioned, our examination revealed that the Committee made seven (7) transfers of funds, totaling \$18,600, to the DCF, a political committee registered with the Federal Election Commission. These transfers occurred during the period 5/11-7/22/76. The DCF engaged in support of Federal candidates in the amount of \$4,102.32 during the period 5/24-6/23/76 according to information compiled by the Reports Analysis Division from reports filed by the DCF and the candidate's committees. Since the DCF was not the subject of our audit, we cannot state if it engaged in Federal activity prior to 5/24 or subsequent to 6/23/76, however, an audit of the DCF is planned.

3/ If the Committee is deemed affiliated with one or more of the Hudson County Committees, then it could qualify as a local committee for a political party and these transactions would then possibly fall under the slate card exemption to the definition of contribution in the Act, as set forth in 2 U.S.C. 431(e)(5)(E). However, if deemed unaffiliated, then the exemption for slate cards would not apply (since the Committee might not then be considered a local party committee), and the transactions could be considered as contributions influencing Federal elections.

4. Transfers in Excess of Limitation

As indicated in B. 1., the Committee transferred in excess of \$1,000 to a Federal candidate. This is an apparent violation of Section 441a(a)(1)(A) as the Civic Association does not qualify as a multicandidate committee.

5. Failure to Register and Report as a Political Committee

As evidenced by the facts set forth in this memo, the Hudson County Civic Association apparently qualifies as a political committee as defined by 2 U.S.C. 431(d). Such political committees are required to register with the Federal Election Commission and file reports of receipts and expenditures as specified in 2 U.S.C. 433 and 434. The Committee has not filed a statement of organization with the Commission, nor has it filed disclosure reports of receipts and expenditures.

C. Other Matters (Apparent Violations Assuming the Civic Association is a Political Committee)

1. Acceptance of Funds as Prohibited by 2 U.S.C. 441b

During the course of our examination, the Treasurer of the Committee said that business entity contributions were accepted and deposited into an account designated "corporate". The Committee did not provide sufficient records and documentation, therefore, the auditors could not determine the identity of the business entity contributors, and thus could not verify if any corporate contributions were in fact deposited into the corporate account.

As indicated in section A, two (2) transfers (totaling \$4,500) were made to the Hudson County Democratic Campaign Fund - June 1976 on 6/8/76 and 7/22/76 from the corporate account. As mentioned in section B, the DCF engaged in Federal activity at a date subsequent to the first transfer from the corporate account. Thus, the possibility exists that funds prohibited by 2 U.S.C. 441b may have been used in Federal elections.

The "regular" account maintained by the Committee was used to transfer funds to candidates and committees as identified in section B. Again, because the Committee did not provide sufficient documentation, the auditors could not determine if FECA - prohibited funds were deposited into the regular account.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 28, 1978

MEMORANDUM:

TO: ROBERT COSTA

THROUGH: Orlando B. Potter

FROM: William C. Oldaker

Subject: MUR 558(78), Regular Hudson County
Civic Association, Inc.

On July 26, 1978, the Commission directed that the above matter be referred to your office for further investigation.

Attached is the Office of General Counsel's file with respect to the respondent. Should you have any questions, please contact Philip Kellett (x3-4175), the staff member assigned to this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Regular Hudson County Civic) MUR 558(78)
Association, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 26, 1978, the Commission approved by a vote of 5-0 the recommendation of the General Counsel to refer the respondent Association to the Audit Division for further investigation.

Commissioner Thomson was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

7/26/78
DATE

General Counsel's Report dated: 7-21-78
Signed: 7-24-78
Received in Office of Commission Secretary: 7-24-78, 1:53
Circulated on 48 hour vote basis: 7-24-78, 4:30

81010241250

July 24, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached General Counsel's Report on
MUR 558 distributed to the Commission on a 48 hour tally basis.

Thank you.

81030241251

II. EVIDENCE & ANALYSIS:

Our interrogatories to the respondents focused on two areas. First, whether the respondent Association's status as a corporation placed them within the prohibitions contemplated by 2 U.S.C. §441b. Second, whether respondents' allocated expenditures (as reported to the New Jersey Election Law Enforcement Commission) were of such a nature and extent as to make the respondents a "political committee" under 2 U.S.C. §431(d), and, thus, subject to the Act's jurisdiction.

The respondents' answers to our interrogatories regarding their corporate status state that they are a non-profit, independent political organization operated for New Jersey state election purposes only. As such, the respondent Association, while incorporated, does not appear to be subject to the prohibitions of §441b. See e.g., 11 C.F.R. §114.12(a).

Regarding the nature of respondents' allocated expenditures, respondents stated that they conducted a fundraising dinner on May 7, 1976 to benefit the local State Democratic ticket. Proceeds from this fundraiser were used to purchase poll-cards urging support of the entire Democratic ticket in the primary in 1976.^{1/} This type of expense is excepted from the definition of "expenditure" by 2 U.S.C. §431(f)(4)(E). While the respondents would not otherwise be considered a "political committee," they have stated

^{1/} The respondents had allocated \$700 of this expenditure to the campaign of Byron Baer, a federal candidate. Mr. Baer's report disclosing this allocation formed the basis of Disclosure's initial investigation of respondents.

in a previous letter to the Commission that they transferred \$2,000 to the Byron Baer for Congress Committee, a Federal campaign committee; and the campaign committee reports receiving this transfer. The respondents, therefore, appear to be a political committee subject to the jurisdiction of the Act.

Since the respondents have contributed over \$1,000 to a Federal campaign committee, bringing them within the §431(d) definition of "political committee;" and since respondents' answers to our interrogatories indicates that they are financially intertwined to a significant 2/ degree with the other Hudson County organizations already under investigation in Audit, we are recommending that they be audited. Respondents have not filed any reports with the Commission, and an audit would provide information upon which the Commission could proceed in a comprehensive manner concurrently with all seven of the Hudson County organizations.

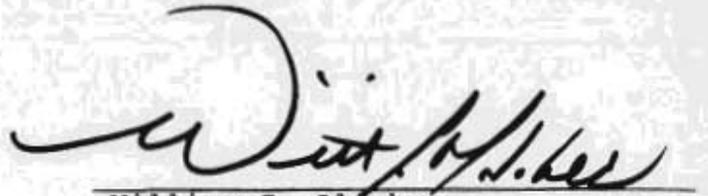
In making this recommendation, we also believe that any Commission action against the respondents solely on the basis of respondents' political committee status should be deferred until after an audit is conducted.

2/ Respondents reported to the State of New Jersey allocated expenditures totalling \$7,900. This compares with their statement in answer to our interrogatories of having transferred \$10,600 to one of these organizations.

III. RECOMMENDATION:

It is recommended that the Commission refer the respondent Association to the Audit Division for further investigation.

7/24/78
Date


William C. Oldaker
General Counsel

81010041253



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

June 6, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

SUBJECT: MUR 558 (78) - Interim Report dated 6-1-78, Received in
Office of Commission Secretary: 6-2-78, 1:23

The above-mentioned document was circulated on a 24 hour
no-objection basis at 10:30 a.m., June 5, 1978.

As of 10:30 a.m., this date, no objections have been
received in the Office of Commission Secretary to the Interim Report.



June 2, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached Interim Report on MUR 558 distributed to the Commission.

Thank you.

81030044257

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558 (78)
Regular Hudson County)
Civic Association, Inc.)

INTERIM REPORT

I. BACKGROUND:

On May 10, 1978, the Commission approved a letter and Order to Answer Questions be sent to the respondent. The Order pertained to information relevant to respondent's corporate status and its activity during the 1976 primary and general elections.

II. STATUS:

We have just recently received respondent's reply to our Order. This reply is being analyzed by a staff member, and we will be prepared to make a recommendation to the Commission shortly.

6/1/78

DATE



WILLIAM C. OLDAKER
GENERAL COUNSEL

100 3628

FEDERAL ELECTION COMMISSION

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W
UNION CITY, N. J. 07087

178 MAY 20 PM 2:19

May 18, 1978

(201) 863-1821
1822

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

803002

Attn: William C. Oldaker,
General Counsel

RE: REGULAR HUDSON COUNTY
CIVIC ASSOCIATION, INC.
MUR 558(78)

Dear Sir:

Enclosed herewith please find the Answers of the
Regular Hudson County Civic Association, Inc., in response
to the Order authorizing questions, dated May 10, 1978.

Please acknowledge.

Very truly yours,

John Tomasin
JOHN TOMASIN

JT:vk
Enclosures
Via Cert. Mail, Ret. Rec. Req'd.

Dear Sir:

The above answers are hereby acknowledged _____, 1978.

FEDERAL ELECTION COMMISSION

BY: _____

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558(78)
Regular Hudson County)
Civic Association, Inc.,)

TO: Honorable Thomas E. Harris,
Chairman, Federal Election Commission
c/o Philip Kellet, Esq.,
General Counsel's Office
1225 K. Street N. W.
Washington, D. C. 20463

REGULAR HUDSON COUNTY CIVIC ASS'N, INC.

ANSWERS TO QUESTIONS

PROPOUNDED MAY 10, 1978

1. STATUS:

ANSWER: Exempt as a non-profit independent political organization.

2. PURPOSES:

ANSWER: Independent New Jersey State Political and Civic purposes, strictly voluntary and non-profit. Disbanded 1977 and winding up affairs - will not participate in any further elections, State, Federal or otherwise.

3. OFFICERS:

ANSWER: The Board of Trustees follows:

CHAIRMAN:

DOMINICK J. PUGLIESE-12 Norcroft Rd., Jersey City, N. J. 07307

81030044260

MEMBERS OF THE BOARD OF TRUSTEES:

JAMES A. SUTCLIFFE-107 Kensington St., Jersey City, N.J. 07304
RUSSELL W. DORN, JR.-215 Ege Ave., Jersey City, N. J. 07304
CHARLES K. KRIEGER-70 Sip Ave., Jersey City, N. J. 07306
EDWARD J. GAFFNEY- 420 Fairmount Ave., Jersey City, N. J. 07306
FREDERICK W. STEVENS-40 Liberty Ave., Jersey City, N. J. 07306

TREASURER:

GERALD M. MADDEN - 125 North St., Jersey City, N. J. 07307

4. SEPARATE FUND:

ANSWER: There may be some misunderstanding as to separate administrators of segregated non-corporate funds. These were merely two checking accounts.

This organization conducted a buffet/dance on May 7, 1976 for New Jersey State election purposes. The proceeds from sale of tickets was put into two checking accounts - one for tickets sold to corporations (called "Corporate Account"); and those for individuals, etc. ("Non-Corporate") in the "Regular Account".

I administered both checking accounts as Treasurer. We segregated corporate and non-corporate funds into separate accounts because, although we were formed for New Jersey State Election purposes, we wanted to make sure no corporate funds, directly or indirectly, ever benefited a Federal Candidate.

The same officers and trustees, named in Question #3, were in charge, through me as Treasurer, of both accounts.

5. AS TO BEING AN "AFFILIATED COMMITTEE":

ANSWER: No.

AS TO BEING A "CONNECTED ORGANIZATION":

ANSWER: No.

1976-07-19

6. AFFILIATED OR CONNECTED ORGANIZATIONS:

ANSWER: None.

7. TRANSFERS TO LISTED ORGANIZATIONS:

ANSWER: Yes, for local State Election purposes.

5/11/76 - DEM. HUDSON COUNTY CAMPAIGN FUND, JUNE '76.....\$ 100.00
5/19/76 - DEM. HUDSON COUNTY CAMPAIGN FUND, JUNE '76....\$2,500.00
6/8/76 - DEM. HUDSON COUNTY CAMPAIGN FUND, JUNE '76....\$2,000.00
6/7/76 - DEM. HUDSON COUNTY CAMPAIGN FUND, JUNE '76....\$6,000.00

FURTHER EXPLANATION:

This organization was organized to participate in local New Jersey State elections. Any benefits to Federal candidates were incidental.

Besides numerous New Jersey State election candidates, hundreds of local district (precinct) Committeemen are on the ballot, and little if any benefit accrued to Federal candidates.

However, although impossible to really "know", it could always be argued that if the organization supported "Row A" or the local Democratic ticket, that some type of advantage might also incidentally accrue to Federal candidates, so that if we allocated nothing (not one cent) it might look wrong, although it is impossible to "know".

Accordingly, we made a "guesstimate" as to whether our independent expenditures of our own funds might have benefited Federal candidates, and advised them of such estimate, so they could be aware of such independent expenditures on our part.

On reflection, these estimates appear too high, and were probably half that estimated, or less.

8. AS TO \$7,095.00 EXPENDED:

ANSWER:

(a) We had a buffet dinner dance at the Skyline Cabana, Jersey City, New Jersey, on May 7, 1976.

We did not specifically invite Federal candidates to appear to participate. Local Congressional candidates probably dropped in during the evening. We featured the local State Ticket.

(b) We did make independent expenditures for advertising for the entire Democratic ticket, which caused us to allocate some of those expenses to the Federal candidates, even though we did not believe they benefited that much; and we advised them of our allocated independent expenditures for State election purposes, which might have benefited them.

We do not keep the old flyers, ads, 4 o'clock cards, etc., but they would be general advertisements, to vote "Row A" or the like, for the entire Democratic Ticket in the Primary, 1976, and would list all the candidates, including, probably, the Federal candidates, more because omission of their names would be an insult, even though our campaign interest was in the local State candidates; we reacted to enhance our local campaign and avoid controversy, rather than to operate in the Federal campaign. We did not participate in the General Election of 1976.

(c) No - just the rough estimates of "benefits" from our independent expenditures in the local State Election Campaign that may have accrued to the Federal candidates. After all, they were on the ballot too, but it is impossible to really "know" the benefits.

We feel they were even less than our rough estimates.

9. CIRCUMSTANCES OF DISBURSEMENTS:

ANSWER: We were actually organized for and participating in, the local New Jersey State Elections only, (duly reported in New Jersey) and the benefit to Federal candidates of our independent expenditures was incidental. We do not consider ourselves a Federal Committee. When we saw that our expenditures could be construed as an indirect benefit to Federal candidates, we attempted to allocate, and reported the independent expenditure to them, so they could carry in their reports. We submit the independent expenditure was lawful.

10. BASIS OF ALLOCATIONS:

ANSWER: Actually, we did not plan or intend to benefit the Federal candidates as such. We were primarily organized for and participating in the local State Election Campaign only. When we saw that it could be argued that some incidental benefit accrued to Federal candidates, we did try to allocate benefits that may have accrued to the Federal candidates, and reported to them.

We feel as an independent political organization, participating in the local State elections and reporting to our State Election Law Enforcement Commission, that we have the right to make an independent expenditure benefit allocation, and report it to the Federal candidate when it arises during a campaign, without being a Federal committee.

If you want us to file as a Federal Committee after you review these reports and answers, we will do so, even though we do not agree.

81030041262

11. TRANSFERS TO FEDERAL CANDIDATES:

ANSWER:

(a) Other than the \$2,000.00 previously reported, we did not transfer any other funds to Byron Baer, candidate for Congress. We expected him to use no more than \$1,000.00 for his own campaign, and that the other \$1,000.00 would be expended or allocated to local State election candidates. If you determine this was not done, we will ask to have the excess returned to us.

However, if it is true that when we support the Democratic Ticket, the vast majority of which are local State election candidates, that some incidental benefit necessarily accrues to Federal candidates, whether we intend it or not, it must then follow that of the \$2,000.00 transferred to Byron Baer, since he supported the entire Democratic Ticket also, the bulk of said \$2,000.00 must also be allocated to the local State Election Candidates, and the smaller part to his Federal Campaign. Unfortunately, such "benefits" can only be estimated.

(b) We did not transfer funds to any other Federal candidate.

CONCLUSION

(a) This organization was organized for and participated in local State Elections only, and duly reported to the New Jersey Election Law Enforcement Commission. We did not and do not consider ourselves a Federal committee.

(b) During the local State Election Campaign, independent expenditures of our own funds were made that could be argued to

have benefited Federal candidates, so we tried to allocate such benefits and notified such candidates of such independent expenditures.

(c) It is impossible to "know" the actual benefits, and it could be argued that little or none actually accrued, as we were immersed in our local State Election Campaign primarily, and mentioned Federal candidates so as not to cause comment by any omission, and to make sure the entire ticket was mentioned, so as not to disrupt our local State campaign.

(d) We were mistaken even in our rough estimates, and probably less benefit to Federal candidates accrued than we reported, when the hundreds of local District Committeemen (Precinct Committees in every town and city) are considered, as in New Jersey they are all actually candidates and on the ballot, and are all elected each year.

However, when allocated as part of our independent expenditures, we advised the candidates, as any other entity who makes an independent expenditure can do. We submit this was lawful.

We submit this does not make us a Federal Committee.

As to the Baer transfer, we feel the bulk of those funds are necessarily to be allocated to local candidates on the same principle as the allocation of benefits from our expenditures for local State candidates which might benefit Federal candidates.

We submit these answers in the hope that this can terminate these proceedings, as we feel we were not a Federal committee.

If you want us to take corrective action, we will, although we do not agree.

We feel that a closing of this inquiry by a finding that we were not a Federal Committee, would be in accordance with the purposes of the Act, especially since this organization is now permanently disbanded; is winding up its affairs; and will not participate in any further elections, local or Federal.

Respectfully,


GERALD M. MADDEN,
TREASURER

61010041267

JOHN TOMASIN, ESQ. P.A.
A PROFESSIONAL CORPORATION
4000 KENNETH BLVD W
UNION CITY, N. J. 07087

RECEIVED
FEDERAL ELECTION
COMMISSION

EUGENE O'NEAL
UNION STATE
PLAYWRIGHT

1978
MAY 22

MAY 22 PM 2:19

Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Attn: William C. Oldaker,
General Counsel

Ret. Rec. Req'd.

CERTIFIED

No. 364684

MAIL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

May 11, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd.
Union City, New Jersey 07087

Re: MUR 558(78)

Dear Mr. Tomasin:

This letter is to notify you that the Regular Hudson County Civic Association, Inc. ("The Association") has been referred to the Office of General Counsel for further action on the basis of its failure to register and file reports with the Commission. You were notified on July 28, 1977 that the Commission had reason to believe that the Association was in violation of 2 U.S.C. §§433, 434 for failure to register and file, and we are in receipt of your correspondence with us since that time.

The situation with respect to the Association raises some specific questions the answers to which would assist the Commission in making a determination about the Association's obligations under the Federal Election Campaign Act. Enclosed with this letter is an order to answer questions issued pursuant to 2 U.S.C. §437d(a)(1). The order pertains to information relevant to the Association's corporate status, and its activity during the 1976 primary and general elections. The questions must be answered and returned to the Commission within ten days of your receipt of this order.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Therefore, in addition to the answers to the specific questions, you may submit any additional factual or legal materials which you believe are relevant to the Commission's consideration of this matter.



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd.
Union City, New Jersey 07087

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PSK 5/10/78

81030241271

Should you have any questions, please contact Philip Kellett (202-523-4001), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

81030241272

PSK 5/10/78



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

May 10, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwE by jc*
SUBJECT: Order in Relation to MUR 558 (78)

The attached Order was approved, signed and sealed
this date.

ATTACHMENT:
Order

610 004 273

May 5, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 558

Please have the attached 7 day report on MUR 558 distributed to the Commission on a 48 hour tally vote basis.

Thank you.

81030244274

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 558(78)
Regular Hudson County)
Civic Association, Inc.,)

TO: John Tomasin, Esquire
Regular Hudson County Civic Association, Inc.
4800 Kennedy Blvd.
Union City, New Jersey 07087

ORDER

Pursuant to the authority set forth in Section 437d(a)(1) of Title, 2 United States Code, and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions set out in the Attachment to the Order.

The questions must be answered, and returned to the Commission, within ten days of receipt of this Order.

WHEREAS, the Chairman of the Commission has hereunto set his hand at Washington, D.C., on this, the 10th day of May, 1978.

Thomas E. Harris
THOMAS E. HARRIS
CHAIRMAN

ATTEST:

Marjorie W. Emmons
MARJORIE W. EMMONS
SECRETARY TO THE COMMISSION

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FEDERAL ELECTION COMMISSION

TO: Regular Hudson County
Civic Association, Inc.

MUR 558(78)

ATTACHMENT TO ORDER TO ANSWER QUESTIONS

The title of your organization, as listed in your reports to the New Jersey Election Law Enforcement Commission, and in your letter to the Commission of August 2, 1977, indicates that the Hudson County Civic Association (hereinafter the Association) is incorporated.

1. Please indicate the corporation's status under the Internal Revenue Code.
2. For what purposes was your organization incorporated?
3. Identify the most recent principal officers of the corporation and supply their addresses. Please identify and provide the addresses of the principal officers at the time of the 1976 primary and general elections.
4. In your letter to the Clerk of the U.S. House of Representatives of July 9, 1976, you stated that the Association maintains a separate, segregated, non-corporate fund for use in supporting candidates for public office. With respect to this fund's status at the time of the 1976 primary and general elections and thereafter, please set out:
 - a. Who administered the fund, and
 - b. Who were the principal officers of the fund?
 - c. Where was the fund's account maintained?

In its Regulations, the Commission has defined as "affiliated committees" all political committees set up by a single corporation, union, or membership organization and/or its subsidiaries. 11 C.F.R. §100.14(c)(2)(i).

Further, the Commission has construed the term "connected organization" to mean "[A]ny organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports the registrant [political committee], such as a corporation (including one without capital stock), a labor organization, a membership organization, a cooperative, or trade association." 11 C.F.R. §100.15.

5. In light of these distinctions, please state as to each of the organizations listed on Attachment A to this Order whether the Association, is an "affiliated committee" with, or the "connected organization" for, such organizations. If your association is not "affiliated" or "connected" with these organizations, please so state as to each.
6. If the Association, is "affiliated" with any of the organizations listed on Attachment A, please identify the "connected organization" for your committees.
7. For each of the organizations listed on Attachment A, please state whether the Association, made contributions or transferred funds to those organizations. Please indicate the total amount of any such contributions and transfers for each organization.

Our information is that the Association filed with the New Jersey Election Law Enforcement Commission in 1976 an allocated disbursements Schedule G which shows total disbursements of \$7,095.80. Of these total disbursements, \$2,128.77 is allocated to candidates for Federal office.

In this regard:

8. Please indicate the purposes for which the total of \$7,095.80 was spent. Specifically,
 - a. Did the Association sponsor any event in which a candidate for Federal office was invited to appear or participate? If so, please indicate the date and nature of any such event and the candidates who were invited to appear or participate.
 - b. Did the Association publish or distribute any type of general public political advertising with respect to any candidate for Federal office? If so, describe the advertisement or publication and the candidate(s) with whom it was concerned and attach copies of such advertisements.
 - c. Did the Association furnish any service, or any other thing of value to any candidate for Federal office? If so, please describe any such service.

The Association's 1976 allocated disbursements Schedule G indicates that:

- A. \$354.79 is allocated to Byron M. Baer, a democratic candidate for the United States House of Representatives from the 9th Congressional District of New Jersey.
- B. \$709.58 is allocated to Joseph A. LeFante, a democratic candidate for the United States House of Representatives from the 14th Congressional District of New Jersey.
- C. \$1,064.40 is allocated to Harrison A. Williams, a democratic candidate for the United States Senate from the State of New Jersey.

9. Please describe the circumstances which gave rise to each of these disbursements.
10. Explain the basis on which the Association determined that these amounts should be allocated to each of these Federal candidates.
11. In your letter to the Commission of April 12, 1978 you stated that the Association transferred \$2,000 to the Byron Baer for Congress Committee. In this regard; please set out the date and amount of
 - a. Any other transfers to Mr. Baer's Committee
 - b. Any transfers to any other Federal candidates.

010:001-279

ATTACHMENT A
TO ORDER TO ANSWER QUESTIONS

1. Hudson County Regular Democratic Organization
2. Democratic Hudson County Campaign Fund, June 1976
3. Democratic Hudson County Campaign Fund, November 1976
4. Regular Hudson County Dinner Committee, November 1976
5. Committee to Save Atlantic City
6. Union City Regular Organization Democratic Club, Inc.

U I O 0 9 0

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL MAY 5 1978
BY OGC TO COMMISSION _____

MUR NO. 558(78)
STAFF MEMBER(S) KELLETT

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Regular Hudson County Civic Association, Inc.
125 North Street
Jersey City, New Jersey 07307

RELEVANT STATUTE: 2 U.S.C. §§433, 434
2 U.S.C. §441b

INTERNAL REPORTS CHECKED: Public Records, Audit Referral, 3 SV2/77-10

FEDERAL AGENCIES CHECKED:

GENERATION OF MATTER

This matter was initiated by the Disclosure Division for respondent's failure to register and file reports with the Commission. Disclosure's investigation of respondent began when, in the ordinary course of its supervisory responsibilities, it reviewed the reports filed by the Byron Baer for Congress Committee (ID# C00047647) and the Joseph A. LeFante for Congress Committee (ID# C00048058). This review indicated that respondent appears to have made contributions to federal candidates in excess of \$1,000 and is therefore, a political committee within the meaning of 2 U.S.C. §431(d). In addition, respondent's relationship with six other political committees was not clear. (See referral in Attachment 1).

A surface violation letter was sent to respondent's counsel, Mr. John Tomasin, on February 24, 1977 informing them of their responsibilities under the Act. On the basis of respondent's answer to the surface violation letter, the Commission, on July 25, 1977, found reason to believe that respondent's failure to register and file reports with the Commission was in violation of 2 U.S.C. §433 and §434. (See Attachment 1)

After granting respondent extensions of time to file a response to the Commission's finding of reason to believe, this matter was referred to the Office of General Counsel on March 14, 1978.

EVIDENCE

On March 8, 1977, respondent's counsel answered Disclosure's surface violation letter by stating that contributions and expenditures by the respondent were made with the voluntary contributions of members from a segregated, non-corporate account. Mr. Tomasin added that their expenditures were made on behalf of State candidates only, and that any incidental, indirect benefit to federal candidates as a result of their expenditures was unintentional. (See Attachment 1)

It was determined that respondent is registered with the Corporate Information Division of the New Jersey Secretary of State's Office as a non-profit civic association.

Mr. Tomasin made a final response to the Commission's finding of reason to believe in a letter dated April 12, 1978. (See Attachment 1). The letter stated that respondent had made a transfer of \$2,000 to the Byron Baer for Congress Committee and added that the respondent Association had been permanently disbanded.

ANALYSIS

Respondent's counsel maintains that respondent is not a political committee as defined by 2 U.S.C. §431(d) because it made no contributions or expenditures for the purpose of influencing federal elections. The fact that respondent transferred \$2,000 to a federal campaign committee belies this assertion.

Our information concerning respondent's corporate status is not yet sufficient to establish whether it is in violation of §441b for making such a transfer in a federal campaign. Further, additional information regarding respondent's relationship with other political committees should be obtained in order to determine the full extent of respondent's activity in federal elections.

In view of the delays connected with respondent's previous answers in this matter, we think an order to answer questions should be issued.

RECOMMENDATION

Approve the letter and Order to Answer Questions to respondent in Attachment 2 of this report.

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ATTACHMENT 1

INDEX TO ATTACHMENT 1

- A. Reports Analysis's referral of February 23, 1978
- B. Surface Violation letter to respondents of February 24, 1977
- C. Letter from respondent to Clerk of the House of Representatives of July 9, 1976
- D. Respondent's New Jersey Election Report Schedule G (Disbursements Allocated) for 1976
- E. Contributions from respondent as reported by federal candidates Byron Baer and Joseph LeFante
- F. Letter from respondent in reply to Commission's surface violation letter
- G. Reason to believe notification of July 25, 1977
- H. Respondent's August 2, 1977 reply to reason to believe notification
- I. Respondent's April 12, 1978 response to reason to believe notification

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

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MEMORANDUM

TO: WILLIAM OLDAKER

THROUGH: ORLANDO B. POTTER *OBP*
TOM HASELHORST *TH*

FROM: IRENE ALLEN *IA*

SUBJECT: REPORTS ANALYSIS REFERRALS--
HUDSON COUNTY REGULAR DEMOCRATIC ORGANIZATION
REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.
DEMOCRATIC HUDSON COUNTY CAMPAIGN FUND, JUNE 1976
DEMOCRATIC HUDSON COUNTY CAMPAIGN FUND, NOV. 1976
REGULAR HUDSON COUNTY DINNER COMMITTEE (NOV. 1976)
COMMITTEE TO SAVE ATLANTIC CITY
UNION CITY REGULAR ORGANIZATION DEMOCRATIC CLUB INC.

2/17/78

Please find attached referrals for the committees listed above. Because these committees are very much inter-related and because the problems of the committees are of a similar nature, we submit these referrals to your Office in consolidated form. We recommend that the Office of General Counsel deal with this packet as a Matter Under Review(MUR).

Of the committees listed above, four committees have been registered with the Commission, as follow:

Hudson County Regular Democratic Organization-committee established as a county committee of the Democratic party; Joseph J. Simunovich, Treasurer.

Democratic Hudson County Campaign Fund, June 1976-committee established as an unauthorized single candidate committee, for Joseph A. LeFante; William Macchi, Treasurer.

Democratic Hudson County Campaign Fund, Nov. 1976-committee established as an independent committee favoring Democratic candidates; William Macchi, Treasurer.

Regular Hudson County Dinner Committee (Nov. 1976)-committee established as an independent committee favoring Democratic candidates; Joseph J. Simunovich, Treasurer.

Bernard M. Hartnett, Jr., is chairman of each committee, with the exception of Democratic Hudson County Campaign Fund, June 1976, whose chairman was Dominck J. Pugliese. The mailing address for each committee is: c/o John Tomasin, Esq.(P.A.)
4800 Kennedy Boulevard W.
Union City, New Jersey 07087



With one exception, all responses received from the committees, including Union City Regular Organization Democratic Club Inc., have been submitted by John Tomasin, Esq. (P.A.). Although Mr. Tomasin does not state explicitly that he is legal counsel for the committees, he states that he has been consulted by the committees, and he speaks of them in terms of "We".

Mr. Tomasin has raised certain legal issues within the responses, which place consideration of the responses beyond the jurisdiction of this Division. Because of this, and because of our belief that you should have an overview of the committees, several of these referrals are being submitted prior to the Commission's finding "Reason to Believe", that the committees have violated the Federal Election Campaign Act, as amended.

A further consideration in referring these in packet form is the fact that some of the committees, singly and together, may have exceeded the limitations of contributions made to Federal candidates. In addition, there is one instance in which one committee has stated explicitly that it made independent expenditures in connection with, presumably, the general election campaign of a Federal candidate.

Attached as an addendum to these referrals is a breakdown of what the committees have reported as having contributed to Federal candidates, and what the Federal candidates have reported as having received from the committees. This will show not only the possibility of excessive contributions, but also the great discrepancies between the reports of the committees and those of the candidates.

Upon notification of the attorney to whom this referral is assigned, this Division will inform that individual immediately if any responses or communications are received from these committees. If you have any questions concerning these matters, please contact David U. Greevy, of the Party Team, at X34048.

Attachments

cc: Lois Zella

OVERVIEW OF REPORTING PROBLEMS

In the matter of)
) 3SV2/77-10
 REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.)
)
)

REPORTS ANALYSIS' REPORTI. Findings

3SV2/77-10

This surface violation letter was initiated internally on 2/24/77, following the review of reports filed by Byron Baer for Congress Committee, and Joseph A. LeFante for Congress Committee. Problems in the reports consisted of the following:

A. The Byron Baer for Congress Committee submitted a page from the State election reports of the Regular Hudson County Civic Association, Inc., in which it was reported that the Regular Hudson County Civic Association, Inc., made expenditures on behalf of Harrison A. Williams, Joseph A. LeFante, and Bryon M. Baer, all candidates for Federal office. Copies of the reports of Baer for Congress Committee confirmed that contributions from the committee had been made. The reports of Joseph A. LeFante for Congress Committee also confirmed this.

As a result of these entries, compliance was initiated by this Division under its procedures for compliance. The "M" code surface violation letter was submitted to the Regular Hudson County Civic Association, Inc., reference 3SV177-10.

The committee submitted a response, dated 3/8/77, which stated that the Association never felt that they were knowingly or willingly participating in a Federal election campaign, although inadvertently some indirect benefits could have accrued to Federal candidates by an over-strict interpretation of "allocation" of expenditures under State law. The expenditures were meant to assist only local State candidates. It was stated further that if a strained interpretation is placed upon such allocation, the result would be that the Association would be viewed as an affiliated contributor, rather than a reporting committee.

Based upon this information, Irene Allen and David Greevy submitted a memorandum to Bradley Litchfield, dated 3/28/77, concerning the status of the Regular Hudson County Civic Association. Mr. Litchfield responded on 4/5/77, that it appeared that the association was a political committee, and that we should proceed to our next stage of compliance.

The Commission therefore found "Reason to Believe" that the committee was in violation of 2 U.S.C. 433 and 434. The finding was dated 7/25/77, reference 3SV2-77-10.

On 7/28/77, the committee requested an extension for filing a response.

On 8/2/77, the committee stated that some unintended unavoidable, tangential connections with Federal elections may have accrued to the Association. He stated that in order to find the committee in violation of the Federal law, it would be necessary to prove the intent of the Association to participate in Federal elections. Without this proof, the finding that the Association was a political committee would lack due process.

The reader is advised to refer directly to this letter in order to gain the full argument.

On 8/9/77, the committee reiterated the central focus of the 8/2/77 letter, and stated that a refund would be requested, if that would be sufficient to close the inquiry.

II. Synopsis of Reporting History

None

III. Recommendations

It is recommended that the Office of General Counsel review this report to determine what further action is necessary and appropriate.

Attachments-

3SV1/77-10, with certified receipt

Backup for 3SV1/77-10 (letters from candidates to the House)

Memo from Allen/Greevy to Litchfield, dated 3/28/77 (backup included above)

Memo from Litchfield to Allen/Greevy, dated 4/6/77

3SV2/77-10, with certified receipt

Letters dated 7/28/77, 8/2/77, 8/9/77

311



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

2/24/77

Mr. John Tomasin, Treasurer
Regular Hudson County Civic Association, Inc.
4900 Kennedy Boulevard, W.
Union City, New Jersey 07087

Dear Mr. Tomasin:

This letter is prompted by the Commission's interest in assisting candidates and committees to comply with the Federal Election Campaign Act, as amended. This law has, as you may know, many and sometimes complex provisions. 2 U.S.C. 431(d) defines "political committee" to mean any committee, club, association, or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year for the purpose of influencing a Federal election. Additionally, 2 U.S.C. 431(f)(3) states that transfers of funds to political committees which support Federal candidates are considered "expenditures".

Our review of the receipts reported by other political committees indicates that your organization may have in fact contributed in excess of \$1,000 to committees supporting Federal candidates. Therefore, it would appear that your organization may qualify as a "political committee" under the Act.

Enclosed are relevant informational materials with regard to the Federal Election Campaign Act, including the appropriate forms for registration and reporting by political committees. Please examine these materials and, if you agree that your organization is a political committee, please submit a Statement of Organization on FEC FORM 1 within ten days of receipt of this letter. In addition, your committee will be required to file disclosure reports in accordance with the provisions of 2 U.S.C. 434 on FEC FORM 3. If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement within ten days which would clarify this matter for public record.

If you have any questions concerning this matter, please do not hesitate to contact Irene Allen (202/392-3484), our Reports Analyst assigned to you.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director



Enclosure

Return Receipt Requested: Certified

Samano

JOHN TOMAGIN PRO. PA
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087

July 9, 1976

UNION J. 1976 JUL 12 AM 10:19

Mr. Edmund L. Fenchaw, Jr., Clerk
U. S. House of Representatives
Washington, D. C. 20515

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.
COMMISSION OF REPORTS RE:
JOSEPH L. MANTO (CONGRESS, NEW JERSEY)
BYRON PEAR (CONGRESS, NEW JERSEY)

C0002015

Dear Sir:

In response to your letter of July 7, 1976, please be advised as follows: -

1. The Regular Hudson County Civic Ass'n. is a non-profit civic association, which reported contributions for local New Jersey state officers, and filed reports with the New Jersey State Election Law Enforcement Commission.
2. It did not make direct contributions or expenditures for Federal candidates.
3. When running a local dinner, etc., in support of local "Row A" candidates, it could be construed or argued, that of the dinner expenses, there was some incidental inadvertent benefit to some Federal candidates also; although this is questionable.
4. These expenditures were from aggregated non-corporate contributions from members of the association and their families.
5. These allocations were in-kind and indirect, and were incurred without the knowledge or consent of such Federal candidates, but were reported, after the fact, to the Federal candidates, just to be on the safe side.
6. At all events, the association was not a committee in any way operating on behalf of such candidates, and if such incidental indirect in-kind benefit is reportable at all, which is doubtful, it is an in-kind, incidental, in-kind contribution, and the association is a contributor only, duly noted as such, not an organization or committee for registration or reporting purposes.
7. Note also, we made other contributions from aggregated non-corporate contributions of our members, to another committee, the Hon. Hudson County Election Fund, June, 1976, Federal Registration (C0002015), which duly reported such contributions to you, and we do not understand that we are a Federal reporting committee, unless you have otherwise.
8. If there are any further requirements, please let us know, and we will be happy to comply with same.

Very truly yours,
John Tomagin
JOHN TOMAGIN

JT:ck
cc: Joseph Manto Committee
Federal Election Commission
Reg. Hudson County Civic Ass'n.
Hudson County Election Fund, June, 1976
Federal Election Commission

078030214759

Stage I ccx

✓

SCHEDULE G
 DISBURSEMENTS ALLOCATED

*Submitted by Byron
 Beer for Congress Center*

EXPENDITURES ON BEHALF OF OTHERS ALLOCATED BY REPORTING CANDIDATE OR COMMITTEE

OFFICE	COUNTY	ELECTION DISTRICT	NAME OF CANDIDATE	FULL MAILING ADDRESS	AMOUNT	FOR STATE USE ONLY
State Senate	Hudson	Hudson	Gerald M. Madden	125 North St., Jersey City, NJ 07307	3193.11	
	Hudson	N. J.	Harrison A. Williams, Jr.	139 Brooklake Road, Florham Park, N. J. 07932	1054.40	
Cong. Cong.	Hudson	14th Cong.	Joseph A. LaFante	66 W. 36 St., Bayonne, NJ 07002	709.58	
	Hudson	10th Cong.	Byron M. Beer	420 Montana Av., Baywood, NJ 07631	351.77	
GATE	Hudson	N. J.	Harrison A. Williams, Jr.	139 Brooklake Road, Florham Park, NJ 07932	70.95	
	"	"	Chas. Marciano	39 Sunset Av.-W. Trenton, NJ 08622	70.95	
	"	"	Paul T. Jordan	76 Hallow Av., Jersey City NJ 07304	70.95	
	"	"	Berbara McConnell	R. D. 2, Flemington, NJ 07932	70.95	
	"	"	Arthur Holland	133 W. 4th St., Trenton, NJ 08611	70.95	
	"	"	G. Nicholas Venezia	1 Woods Lane, Colonia, NJ 07037	70.95	
	"	"	Clara Allen	300 Palmyra Av., Union City, NJ 07007	70.95	
	"	"	Nilbert Bernstein	140 Watcher Rd, Tenafly, NJ 07670	70.95	
	"	"	Colores I. Rooney	62 N. Wright St.-Plainville N.J. 0833	70.95	
	"	"	Paul Fontempo	139 Brooklake Rd, Florham Park NJ 07932	70.95	
GATE	Hudson	30th Dist	Fred F. Nugent	753 Hamilton St., Harrison NJ 07029	83.70	
	"	"	James Tosta	156 Hickory St., Kearny, NJ 07032	83.70	
	"	"	Meredith McLaugh	38 Hill Place, Secaucus, NJ 07094	83.70	
	"	31st Dist	James P. Dwyer	100 W. 37 St., Bayonne, N.J. 07002	83.70	
	"	"	Ma. O. Perkins	316 Arlington Av., J.C., NJ 07304	83.70	
	"	"	Jane R. Toole	244 Custer Ave., J.C., NJ 07302	83.70	
	"	32nd Dist	Bernard M. Hartnett	44 Kensington Av-3C, NJ 07304	83.70	
	"	"	Walter Hocco	4423 Kennedy Blvd, No. Plain NJ 07067	83.70	
	"	"	Gloria Colon	237 - 7 St., Jersey City, NJ 07302	83.70	
	"	33rd Dist	William Masto	323-23 St., Union City, NJ 07007	83.70	
	"	"	Jon. Simonovich-610	Monitor P., N. New York, NJ 07093	83.70	
	"	"	Steve Cappiello-530	Adams St., Hoboken, NJ 07030	83.70	
				(FRACTIONAL DIFFERENCE)	.05	
					7095.80	

DISBURSEMENTS ALLOCATED
 That Agree with Sch. D Line 3 Col. C

286820140079

Schedule A
January 1976
Federal Election Commission
1225 North 17th St.
Washington, D.C. 20543

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 1 of 1 for
LINE NUMBER 18
(Use separate schedules for each
numbered line).

Name of Candidate or Committee in full

BYRON B&R FOR CONGRESS

10-D 4/23/76 -
5/24/76

Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Regular Hudson County Civic Association, Inc. c/o 125 North St., Jersey City, N.J. 07307		5/15/76	354.79
Principal place of business	Occupation		
Above	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 354.79		
Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business			
Occupation			
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$			
Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business			
Occupation			
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$			
Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business			
Occupation			
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$			
Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business			
Occupation			
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$			
Full name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business			
Occupation			
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$			
Subtotal of receipts this page (optional)			\$ 354.79
Total this period (last page the line number only)			\$ 354.79

3660411009178

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**
(See instructions on back)

Name of Contributor or Committee in full		Date (month, day, year)	Amount of each receipt this period
Joseph A. LaPante for Congress Committee		10-0 2-5/24/76	
Full name, mailing address and ZIP code	Regular Hudson County Civic Association, Inc. 4100 Kennedy Boulevard, Union City, New Jersey 07087	5/24/76	709.56
Principal place of business	Occupation Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$ 00.00		
Full name, mailing address and ZIP code	Dem. Hudson County Campaign Fund, June 1976 72 Sterling Avenue, Jersey City, New Jersey 07305	6/21/76	35.39
Principal place of business	Occupation Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$ 35.39		
Full name, mailing address and ZIP code	Dem. Hudson County Campaign Fund, June 1976 72 Sterling Avenue, Jersey City, New Jersey 07305	5/24/76	18.15
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$ 53.54		
Full name, mailing address and ZIP code			
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$		
Full name, mailing address and ZIP code			
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$		
Full name, mailing address and ZIP code			
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year to date ▶ \$		
Subtotal of receipts this page (not on all)			\$763.12
Total this period (last page this line number only)			\$763.12

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4600 KENNEDY BLVD W
UNION CITY, N. J. 07087
1821
UNION 3 7677

'77 MAR 10 PM 4:15

March 8, 1977

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.

Dear Sir:

We have received your letter of February 24, 1977 regarding contributions of the Regular Hudson County Civic Association, the affiliated committee that participates in local New Jersey State elections only.

They have felt that they were not knowingly or willingly participating in a Federal Election Campaign, although inadvertently some indirect benefits could accrue to Federal candidates by an over-strict interpretation or "allocation" of expenditures under State Law, even though meant solely for local State candidates.

The problem is that if they do not acknowledge a "contribution" by allocation or indirect "benefit" under State Law, they may be claimed to be in technical violation of a State law reporting requirement, and for this reason they appear on the State law reports, rather than have a controversy during our local State election campaign, although they really limited their efforts to State Elections only.

They did not participate in any Federal Election, and are not (willingly) a Federal Committee.

That is why they did not file as a Federal Election committee, and they reserve that position.

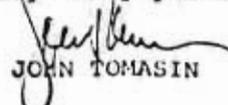
We ask you now to make a ruling now that they are not a committee knowingly or willingly participating in a Federal Election.

We feel that even if a strained interpretation is placed on the allocations from the State Campaign, that this merely makes the Civic Association an affiliated contributor rather than a reporting committee.

As to contributions, they were from voluntary contributions on hand from prior campaigns before the 1976 Primary, and the Civic Ass'n is an affiliated contributor, but we feel it is properly listed as a contributor, rather than as a committee.

Please review and advise.

Very truly yours,


JOHN TOMASIN

JT:vk
cc: Ms. Irene Allen

P. S. Please note that the "Democratic Hudson County Campaign Fund"

77030474120

61010093

JOHN TOMASIN, ESQ (PA)

A PROFESSIONAL CORPORATION

4800 KENNEDY BLVD. W.

UNION CITY, N. J. 07087

(201) 863-1821
822

Federal Election Commission - 2 -

March 8, 1977

is a different affiliated committee (though it erroneously looks like one committee with the Regular Hudson County Civic Ass'n on the Byron Baer report). That committee, the "Democratic Hudson County Campaign Fund" is a separate committee, and it did file Federal Reports. Maybe that is where the confusion arose, but the Civic Ass'n. never intended to be a Federal committee, but an affiliated contributor.

617 701 096

77030494121

CC: Ms. Irene Allen

P. S. Please note that the "Democratic Hudson County Campaign Fund"

610:0010097

ATTACHMENT 2



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

2/10

July 25, 1977

Joseph J. Simunovich, Treasurer
Regular Hudson County Civic Association, Inc.
c/o John Thomasin, Esq.
4800 Kennedy Boulevard W.
Union City, New Jersey 07087

In Reply Refer To: 3SV2/77-10

Dear Mr. Simunovich:

On February 24, 1977, you were notified that you may have made contributions to political committees which raised problems under Sections 433 and 434 of the Federal Election Campaign Act of 1971, as amended. Your response of March 8, 1977 was determined to be inadequate and gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. Sections 433 and 434.

Activities of the Association indicate expenditures were made in excess of \$1,000 to benefit Federal candidates. Further, the Association made contributions to the Democratic Hudson County Campaign Fund, June, 1976, during the period in which the Campaign Fund was an active reporting Federal committee. It should be recognized that the Association may make transfers to the Democratic Hudson County Campaign Fund only if it makes these transfers from a separate Federal campaign account which it has established, or alternatively, only if the Association in its entirety has established and conducted itself as a "political committee" in accordance with Section 102.6(a)(2)(i) of the Commission's Regulations. Therefore, the Regular Hudson County Civic Association, Inc. in our opinion qualifies as a "political committee" (as defined in 2 U.S.C. 431(d)) required to register and file reports of receipts and expenditures with the Commission.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you still believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit such a statement which would clarify this matter for public record. If you have any questions, please do not hesitate to contact Ms. Carroll Bowen (202/523-4048) of the Disclosure Division.

Sincerely,

Thomas E. Harris

Commissioner



JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W
UNION CITY, N. J. 07087

77 AUG 3 11 4:4

August 2, 1977

(201) 683-1821
1822

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

Attn: Hon. Thomas E. Harris,
Commissioner

RE: REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.
YOUR FILE #3 SV 2/77-10

Dear Sir:

I am responding to your notice of July 25, 1977 regarding the above organization and contributions it made during the 1976 Federal and New Jersey State Elections.

1. We respectfully contend that the Hudson County Civic Association was never intended as a Federal election reporting committee. It was established as a New Jersey State Election Committee, even though it had some unintended, unavoidable, tangential connection with Federal elections, because by necessity, local State candidates run on the same ticket and on the same ballot with Federal candidates.

We urge that this does not make it a Federal Election Reporting Committee, and that intent is necessary to be proved before an entity can be designated as a Federal Reporting Committee.

The importance of Federal Election Laws and involvement in Federal Elections; with possible penalties, etc., etc., requires, in our view, that proof of intentional participation in the Federal Election is necessary. Any sanctions due to a "finding" of unintended or accidental participation would lack due process, and would not comport to the statute or regulations, in our view, unless there were no State election purpose apparent in the actions of such an entity. We feel that our intentions and activities, as detailed herein, raise serious doubts that we ever were a Federal Committee, by choice or by actions, and that such doubts should be resolved in our favor, so as to negative any intentional or meaningful reporting committee role.

2. In addition, some confusion has apparently arisen between the role of the Hudson County Civic Association as a political association participating in local New Jersey State Elections, and its role as a contributor toward a Federal Election.

When the Hudson County Civic Association made a contribution from its own funds, which may have been applied by a different Federal Committee in part to a Federal Election expense, it is our contention that this did not make the Hudson County Civic Association a Federal Reporting Committee. If this were true, there would be millions of contributors being "designated" as Federal Committees. This has not been so, and therefore such a discriminatory interpretation in our case, would be illegal, in our view.

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JOHN TOMASIN, ESQ (PA)

A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY N J 07087

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Federal Election Commission

- 2 -

August 2, 1977

We respectfully submit that a contributor is not automatically a reporting committee.

3. Also inherent in your analysis is the concept that the Federal Committee (here the Democratic Hudson County Campaign Fund, for example) once it receives a contribution (here from the Hudson County Civic Association) automatically makes that contribution a Federal expense.

Actually, this is not the case.

4. No law or regulation is cited that a Federal Committee may not also have a role in the local State Election.

Congress has consistently legislated only in Federal elections, and Federal limitations or controls over State elections, directly or indirectly, is completely foreign to the Congressional intent.

We respectfully submit that any doubts in this area should be resolved against even minor inhibitions or controls over State election activities or procedures, especially where such state, such as New Jersey, has a comprehensive State election reporting system covering the State Elections.

Further, even if such controls over State elections were attempted by Congress, we feel that it would offend the United States Constitution, which leaves State matters, such as State elections, reserved by the U. S. Constitution to local and State control.

5. In addition, when a Federal committee is incurring expenses for the slate of candidates (such as for newspaper ads; signs; rallies, etc.; featuring all Federal and State election candidates) it is inevitable that part of such expense is purely for local State candidates and elections, to which the Federal Election Reporting Law does not apply.

6. It is these purely State election expenses that the Civic Association contribution to the Hudson County Campaign Fund was intended to defray; and we respectfully submit that this does not make the Civic Association a Federal Reporting Committee. Any Federal regulations or interpretations that would inhibit, limit, deter or control such participation in purely State election expenses and operations of Federal committees, would illegally interfere with State election campaigns, contrary to the United States Constitution and contrary to Congressional intent.

7. Although it is perfectly legal and proper for a Federal reporting committee to also have purely State election expenses, in order to avoid this hassle and confusion in the future, as to such Federal and State election expenses of a Federal reporting committee, we intend to have all Federal reporting committees in the future, pay only Federal expenses, and State election committees pay only State expenses, even though we feel this was not the Congressional intent, and even though this will be an inconvenience, and inhibition, and possibly a hardship in the heat and pressure of some future campaign.

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087
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Federal Election Commission - 3 -

August 2, 1977

In addition, we are disbanding the Hudson County Civic Association, and it will have no further role in any Federal Election.

8. We ask that the foregoing explanations, submissions and undertakings be accepted, and the matter be closed administratively on this basis, particularly since the matter is a comparatively small one.

Further, we feel that the Congressional intent has been satisfied by the full disclosure made by our allied committee showing all contributions.

We sincerely feel that justice would be served, especially since we have acted openly and in good faith.

We respectfully urge that because of the uncertainties of the status of the Federal Election Commission and the litigation concerning the Election Law; the newness of the regulations, and the difficulties in interpreting same, that any doubts or confusion should be resolved in our favor with a view toward closing the matter administratively in the light of the foregoing submission.

9. If this is not acceptable, we request that this matter be handled formally for "administrative decision"; in which case, we would request a formal hearing.

However, we feel that no useful purpose would be served in requiring us to file reports at this late date, in view of the full disclosure and the good faith displayed by our organization.

We respectfully urge that the matter be closed administratively in the light of the foregoing submissions.

Please advise.

Very truly yours,

John Tomasin
JOHN TOMASIN (p.r.y.k.)

(Dictated but not read)

JT:vk

cc: Ms. Carroll Bowen,
Disclosure Division

101301001010



FEDERAL ELECTION COMMISSION

1125 K STREET, N.W.
WASHINGTON, D.C. 20463

MUR 558

April 20, 1978

Kellett

MEMORANDUM

TO: OCC/AUDIT

THROUGH: ORLANDO B. POTTER *CL for DEP*
TGM HASELHORST *TH*

FROM: IRENE ALLEN *IA*

SUBJECT: UPDATE-REGULAR HUDSON COUNTY CIVIC ASSOCIATION

RE: Regular Hudson County Civic Association
(MUR 559 (78))

Please find attached a copy of correspondence received by the Commission on 4/17/78, from the committee above.

Q



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JOHN TOMASIN, ESQ (PA)

A PROFESSIONAL CORPORATION

4800 KENNEDY BLVD W

UNION CITY, N. J. 07087

1821
1201 863 822

APR 17 12:10

April 12, 1978

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.
Your File #3 SV 2/77-10
Primary Election - June, 1976

Gentlemen:

In the above matter, originally projected by your inquiry of February 24, 1977, was responded to in part in March, July and August, 1977. We have been delayed by illness thereafter, and can now render final response, as follows:

A. Your inquiry had attached to it reports of Byron Baer for Congress, showing contributions of

"Regular Hudson County Civic Ass'n"

and

"Democratic Hudson County Campaign Fund",

as though this were one organization.

Actually, these were two separate independent campaign committees, organized and operating and reporting under New Jersey State Law. (See para. "H" below)

B. These were not party committees, but independent committees, and they did make independent expenditures and allocated benefits as best as could be estimated, where it appeared that a federal candidate might benefit; even though they were primarily State election committees.

EXAMPLE: If the Democratic "Row A" (let us say) Ticket was supported in general by expenditures for the State ticket, an estimate of any benefit to Federal candidate Byron Baer was reported on the State reports filed, and the Federal candidate (Baer) notified of such independent expenditure (which the candidate did not solicit and had no prior knowledge of).

These were really theoretical estimates and allocations of "benefits" and cannot be precise, and the actual benefit may well have been less also.

These were independent expenditures.

Federal Election Commission
Re: Reg. Hudson County Civic
Ass'n.

- 2 -

April 12, 1978

C. In that year, we did not file separate committees for State and Federal elections, but tried to allocate or estimate State and Federal benefits from basically State Election independent expenditures.

D. Henceforth, whenever we intend to be active, we propose to have separate Federal committees, Federal receipts and Federal expenditures.

E. The Regular Hudson County Civic Ass'n., however, has disbanded permanently, and will never again be active in any election, State or Federal. However, in June, 1976, it expended pre-existing moneys of its own, that it had not raised for a Federal Election Campaign. It was a contributor and a State Election Committee, and also made independent expenditures.

F. All of the items you inquire about, except the \$2,000. contribution (see para. "I" below), were these estimates of indirect benefits to the Federal candidate Baer, based on independent expenditures basically and primarily for the State Ticket, by the Civic Association. These were only approximations of possible indirect "benefits", in their nature imprecise, and the actual benefit, to Cong. Baer if any, is conjectural. See para. "II" below.

G. The great bulk of Baer's Cong. District (probably 90% or more) is in Bergen County on an entirely different Election Ballot, and only a small part is in Hudson County, where we operate, so it is probable that our campaign, geared to our local Hudson County State ticket, didn't benefit him hardly at all.

H. Although the Baer reports make it appear as though the Regular Hudson County Civic Ass'n. and the Democratic Hudson County Campaign Fund are one committee, actually these were two committees, organized and functioning under State law, basically and primarily for the local State Election Ticket.

I. As shown by copies of our Schedule "G" from our State reports for the June, 1976 Primary Election, part of the allocated benefits reported in the Baer report, were allocated from the Civic Ass'n, and part from the Campaign Fund, other than the \$2,000.00 transferred to the Baer Federal Campaign Committee by the Civic Ass'n, by check #114, dated 5/25/76.

I. This transfer was in the reasonable expectation that the Byron Baer Committee would allocate and spend no more than \$1,000. thereof for the Baer Federal candidacy. Since the Baer Committee necessarily had to support the entire local state ticket in Bergen County, we contend that the \$1,000. balance, lawfully, must be allocated to the State ticket for local offices.

In addition, Baer probably benefited the U. S. Senate campaign of Harrison Williams, which would further dissipate said balance.

JOHN TOMASIN, ESQ (PA)

A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087

(201) 643-1871

Federal Election Commission
Re: Reg. Hudson County
Civic Ass'n.

- 3 -

April 12, 1978

Accordingly, we contend that a proper application of the \$2,000.00 transferred to the Baer Committee by the Civic Ass'n must take into account benefits to local candidates by the Baer candidacy, and benefits to the U. S. Senate candidacy of Harrison Williams, so that only \$1,000.00 is a direct contribution to the Baer Federal candidacy.

J. As stated, henceforth we intend to have no allocation of possible benefits by local committees having a dual responsibility - State Election and Federal Elections, but will have express Federal expenditures by one committee and express local State expenditures by a different State committee. This will better document our expenditures.

K. Since our Treasurers were volunteers and unpaid, with no experience in June, 1976, we request that this explanation be approved and accepted toward an administrative conclusion of this matter, as we respectfully submit that all actions were reported in good faith and no improper violation or intent appears.

L. Finally, it was pointed out by you in your follow-up letter of July 25, 1977, that the Civic Ass'n. made a contribution to the Campaign Fund of over \$1,000.00, when the latter was a Federally reporting committee.

This is true because the said Dem. Hudson County Campaign Fund-June, 1976 was also actively engaged in the great bulk of its endeavors in the local State Campaign. It did file Federal reports also for its Federal activity. Unfortunately, at that time, it did not have separate accounts, one for State Election expenditures, and one for Federal expenditures, and tried to allocate benefits, most of its expenditures being for State Election purposes, including our contributions for State purposes, which we submit do not come under the jurisdiction of the Federal Act, and never were intended to.

M. The contributions of the Civic Ass'n to the Campaign Fund were for State Election expenditures, with only a very small part, if any, and certainly much less than \$1,000.00, intended for Federal purposes.

As stated previously, henceforth whenever we organize Election Committees, we propose to have completely separate accounts for Federal and for State expenses, so we can document such expenses and contributions more clearly. The Treasurers involved were unpaid volunteers, without experience, and acted in good faith.

N. The Dem. Hudson County Campaign Fund-June, 1976 is also permanently disbanded, by the way, and will never participate in any

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JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087



DEC 17 12:19

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director



Rec. Rec. Reg'd.

No. 364682



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Tomasin, Esquire
4800 Kennedy Blvd.
Union City, New Jersey 07087

Re: MUR 558(78)

Dear Mr. Tomasin:

This letter is to notify you that the Regular Hudson County Civic Association, Inc. ("The Association") has been referred to the Office of General Counsel for further action on the basis of its failure to register and file reports with the Commission. You were notified on July 28, 1977 that the Commission had reason to believe that the Association was in violation of 2 U.S.C. §§433, 434 for failure to register and file, and we are in receipt of your correspondence with us since that time.

The situation with respect to the Association raises some specific questions the answers to which would assist the Commission in making a determination about the Association's obligations under the Federal Election Campaign Act. Enclosed with this letter is an order to answer questions issued pursuant to 2 U.S.C. §437d(a)(1). The order pertains to information relevant to the Association's corporate status, and its activity during the 1976 primary and general elections. The questions must be answered and returned to the Commission within ten days of your receipt of this order.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Therefore, in addition to the answers to the specific questions, you may submit any additional factual or legal materials which you believe are relevant to the Commission's consideration of this matter.



Should you have any questions, please contact Philip Kellett (202-523-4001), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

81010010300



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MUR 558

April 20, 1978

MEMORANDUM

TO: OGC/AUDIT

THROUGH: ORLANDO B. POTTER *OB.P.*
TOM HASELHORST *TH*

FROM: IRENE ALLEN *IA*

SUBJECT: UPDATE-REGULAR HUDSON COUNTY CIVIC ASSOCIATION

RE: Regular Hudson County Civic Association
(MUR 558(78))

Please find attached a copy of correspondence received by the Commission on 4/17/78, from the committee above.



JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087

APR 17 1978 12:13

(201) 863-1871
1872

April 12, 1978

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.
Your File #3 SV 2/77-10
Primary Election - June, 1976

Gentlemen:

In the above matter, originally projected by your inquiry of February 24, 1977, was responded to in part in March, July and August, 1977. We have been delayed by illness thereafter, and can now render final response, as follows:

A. Your inquiry had attached to it reports of Byron Baer for Congress, showing contributions of

"Regular Hudson County Civic Ass'n"
and
"Democratic Hudson County Campaign Fund",

as though this were one organization.

Actually, these were two separate independent campaign committees, organized and operating and reporting under New Jersey State Law. (See para. "H" below)

B. These were not party committees, but independent committees, and they did make independent expenditures and allocated benefits as best as could be estimated, where it appeared that a federal candidate might benefit; even though they were primarily State election committees.

EXAMPLE: If the Democratic "Row A" (let us say) Ticket was supported in general by expenditures for the State ticket, an estimate of any benefit to Federal candidate Byron Baer was reported on the State reports filed, and the Federal candidate (Baer) notified of such independent expenditure (which the candidate did not solicit and had no prior knowledge of).

These were really theoretical estimates and allocations of "benefits" and cannot be precise, and the actual benefit may well have been less also.

These were independent expenditures.

010:0041311

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087
1201 863 1801

Federal Election Commission
Re: Reg. Hudson County Civic
Ass'n.

- 2 -

April 12, 1978

C. In that year, we did not file separate committees for State and Federal elections, but tried to allocate or estimate State and Federal benefits from basically State Election independent expenditures.

D. Henceforth, whenever we intend to be active, we propose to have separate Federal committees, Federal receipts and Federal expenditures.

E. The Regular Hudson County Civic Ass'n., however, has disbanded permanently, and will never again be active in any election, State or Federal. However, in June, 1976, it expended pre-existing moneys of its own, that it had not raised for a Federal Election Campaign. It was a contributor and a State Election Committee, and also made independent expenditures.

F. All of the items you inquire about, except the \$2,000. contribution (see para. "I" below), were these estimates of indirect benefits to the Federal candidate Baer, based on independent expenditures basically and primarily for the State Ticket, by the Civic Association. These were only approximations of possible indirect "benefits", in their nature imprecise, and the actual benefit, to Cong. Baer if any, is conjectural. See para. "U" below.

G. The great bulk of Baer's Cong. District (probably 90% or more) is in Bergen County on an entirely different Election Ballot, and only a small part is in Hudson County, where we operate, so it is probable that our campaign, geared to our local Hudson County State ticket, didn't benefit him hardly at all.

H. Although the Baer reports make it appear as though the Regular Hudson County Civic Ass'n. and the Democratic Hudson County Campaign Fund are one committee, actually these were two committees, organized and functioning under State law, basically and primarily for the local State Election Ticket.

As shown by copies of our Schedule "G" from our State reports for the June, 1976 Primary Election, part of the allocated benefits reported in the Baer report, were allocated from the Civic Ass'n, and part from the Campaign Fund, other than the \$2,000.00 transferred to the Baer Federal Campaign Committee by the Civic Ass'n, by check #114, dated 5/25/76.

I. This transfer was in the reasonable expectation that the Byron Baer Committee would allocate and spend no more than \$1,000. thereof for the Baer Federal candidacy. Since the Baer Committee necessarily had to support the entire local state ticket in Bergen County, we contend that the \$1,000. balance, lawfully, must be allocated to the State ticket for local offices.

In addition, Baer probably benefited the U. S. Senate campaign of Harrison Williams, which would further dissipate said balance.

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JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087

(201) 863-1822

Federal Election Commission
Re: Reg. Hudson County
Civic Ass'n.

- 3 -

April 12, 1978

Accordingly, we contend that a proper application of the \$2,000.00 transferred to the Baer Committee by the Civic Ass'n must take into account benefits to local candidates by the Baer candidacy, and benefits to the U. S. Senate candidacy of Harrison Williams, so that only \$1,000.00 is a direct contribution to the Baer Federal candidacy.

J. As stated, henceforth we intend to have no allocation of possible benefits by local committees having a dual responsibility - State Election and Federal Elections, but will have express Federal expenditures by one committee and express local State expenditures by a different State committee. This will better document our expenditures.

K. Since our Treasurers were volunteers and unpaid, with no experience in June, 1976, we request that this explanation be approved and accepted toward an administrative conclusion of this matter, as we respectfully submit that all actions were reported in good faith and no improper violation or intent appears.

L. Finally, it was pointed out by you in your follow-up letter of July 25, 1977, that the Civic Ass'n. made a contribution to the Campaign Fund of over \$1,000.00, when the latter was a Federally reporting committee.

This is true because the said Dem. Hudson County Campaign Fund-June, 1976 was also actively engaged in the great bulk of its endeavors in the local State Campaign. It did file Federal reports also for its Federal activity. Unfortunately, at that time, it did not have separate accounts, one for State Election expenditures, and one for Federal expenditures, and tried to allocate benefits, most of its expenditures being for State Election purposes, including our contributions for State purposes, which we submit do not come under the jurisdiction of the Federal Act, and never were intended to.

M. The contributions of the Civic Ass'n to the Campaign Fund were for State Election expenditures, with only a very small part, if any, and certainly much less than \$1,000.00, intended for Federal purposes.

As stated previously, henceforth whenever we organize Election Committees, we propose to have completely separate accounts for Federal and for State expenses, so we can document such expenses and contributions more clearly. The Treasurers involved were unpaid volunteers, without experience, and acted in good faith.

N. The Dem. Hudson County Campaign Fund-June, 1976 is also permanently disbanded, by the way, and will never participate in any

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087
1701 863 1871
1872

Federal Election Commission
Re: Reg. Hudson County
Civic Ass'n.

- 4 -

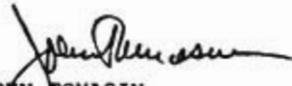
April 12, 1978

other elections, Federal or State, as is true of the Regular Hudson County Civic Ass'n, as stated.

I trust this will clarify that the contributions were in fact and by intent, actually for State Election purposes; duly reported to the State of New Jersey; and properly not in the Federal Election jurisdiction.

We request that these explanations be taken into account, so that administrative conclusion of the inquiry may be filed.

Respectfully,


JOHN TOMASIN

(COUNSEL)

JT:vk

Cert. Mail, Ret. Rec. Req'd.

cc: Mr. David Greevy, Reports Analyst

610101314

610 300 41313

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087



DEC 19 1978

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director



Rec. Rec. Reg'd.

No. 364682



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM

April 10, 1978

TO: OGC/AUDIT

THROUGH: ORLANDO B. POTTER
TOM HASELHORST

FROM: IRENE ALLEN

SUBJECT: UPDATE--HUDSON COUNTY COMMITTEES

This is to advise you of recent correspondence received by the Commission from REGULAR HUDSON COUNTY DINNER COMMITTEE (NOV., 1976) and REGULAR HUDSON COUNTY CIVIC ASSOCIATION.

REGULAR HUDSON COUNTY DINNER COMMITTEE (NOV., 1976)

Letters, from John Tomasin, of:

2/15/78

Tomasin stated that the treasurer of the committee, John J. O'Connor died on 2/13/78, and for this reason the committee would not be able to respond for some time. Extension was requested.

3/6/78

Tomasin stated that a new treasurer had been designated, namely: Bruce D. Walter, and that materials would be submitted within the next couple of weeks.

3/27/78

Tomasin stated that he had been preparing to assist the new treasurer in responding to the Commission, but that he himself had to undergo surgery. Extension was requested.

REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC. (MUR 558 (78))

3/27/78

Tomasin stated that he had been preparing to assist the new treasurer in responding to the Commission, but that he himself had to undergo surgery. Extension was requested.

This Division has not had any communication with the committees since date of referral, with the exception of these letters, which are here attached.



JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

77 FEB 10 AM 10:55

March 6, 1978

(201) 863-1821
822

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY DINNER COMMITTEE (Nov., 1976)
COMMITTEE IDENT. NO.: 69286
Ten Day Pre General, 30 Day Post General
& January 31 Year End-Termination Reports

Dear Sir:

As previously stated, after the recent death of our
Treasurer, Mr. John O'Connor, it was necessary for a new
Treasurer to be selected and named.

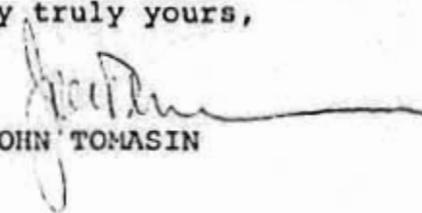
I am happy to report that after due consultation, a
new Treasurer has been designated; namely: Mr. Bruce D.
Walter, 809 - 19th St., Union City, N. J. 07087.

He will be collecting all of the books, records, can-
celled checks, etc., and I will sit down with him shortly,
in order to prepare appropriate responses to your inquiries.

We expect to be submitting the material to you within
the next couple of weeks.

Thanking you for your kind consideration and patience,
I remain

Very truly yours,


JOHN TOMASIN

JT:vk
cc: Mr. David U. Greevy,
Reports Analyst

61030041317

FEDERAL ELECTION COMMISSION

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087

'78 FEB 21 PM 5:06

1201 863 1821 1822

February 15, 1978

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY DINNER COMMITTEE (Nov., 1976)
COMMITTEE IDENT. NO.: 69286
Ten Day Pre General, 30 Day Post General
& January 31 Year End-Termination Reports

Dear Sir:

In the above matter, you will recall that we appended to our Federal Report, the related New Jersey State Election Reports, but apparently enough questions were raised by you, so that we have decided to file amended reports and such other additional information as may be necessary to explain our reports to you fully, as we may have given you extra information pertinent to the State Election and Report, rather than limiting the report to the Federal Election activities.

We were waiting to review the records, which were in the possession of the Treasurer, John J. O'Connor, but we informed you that he was in the Intensive Care Unit, and that we would be meeting with him to review and reconstruct the Federal Election report activities upon his recovery.

Unfortunately, Mr. O'Connor died on Monday, February 13, 1978, so that there will be some unavoidable delay until we can review the records.

He was the custodian of the checkbook, check stubs, records, etc., and a new Treasurer will have to be designated by the Hudson County Committee, which is made up of Democratic County Committeemen from all over the county; and upon the designation of the new Treasurer, he will review the files with my assistance, and we will be responding to you.

We regret this unavoidable delay, but circumstances are beyond our control and we will be in touch as soon as we can.

May I suggest that this inquiry be diaried ahead some 30 days to give us an opportunity to comply with all of the requests for further information?

Thanking you.

Very truly yours,

JOHN TOMASIN

JT:vk
cc: Mr. David U. Greevy,
Reports Analyst

78030672041

010/001319

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

(201) 863-1821
1822

March 27, 1978

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Donald B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.
REF. NO. 3SV1/77-197

Dear Sir:

As you recall, I have been assisting regarding various inquiries to certain Hudson County, N.J. Democratic oriented organizations.

In the above matter, we asked for an extension, because our regular Treasurer, Mr. John O'Connor, died, and the new Treasurer had to be designated and then had to get the books and records, and have them reconciled, etc., in order to be able to make the necessary report.

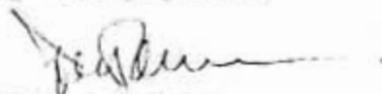
Since he was a new man and could not do this without legal assistance, I was preparing to assist him.

Thereafter, I, myself, was recently hospitalized for hernia and hydrocele surgery, so we could not get together. I was operated on at the Riverside Hospital, Secaucus, N. J., on March 15, 1978 and I am convalescing.

I am out of the hospital now, although I cannot go back to work just yet, and request an additional extension of approximately ten days, and we will do our utmost to bring ourselves into current status.

Thanking you.

Very truly yours,


JOHN TOMASIN

JT:vk

Cert. Mail, Ret. Rec. Req'd.
cc: Mr. David Greevy, Reports Analyst

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W.
UNION CITY, N. J. 07087

(201) 863-1822

March 27, 1978

Federal Election Commission
1325 K St., N.W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY DINNER COMM. (NOV. 1976)
I.D. #C00069286

Dear Sir:

As you recall, I have been assisting regarding various inquiries to certain Hudson County, N. J. Democratic oriented organizations.

In the above matter, we asked for an extension, because our regular Treasurer, Mr. John O'Connor, died, and the new Treasurer had to be designated and then had to get the books and records, and have them reconciled, etc., in order to be able to make the necessary report.

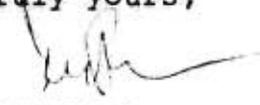
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I am out of the hospital now, although I cannot go back to work just yet, and request an additional extension of approximately ten days, and we will do our utmost to bring ourselves into current status.

Thanking you.

Very truly yours,


JOHN TOMASIN

JT:vk
Cert. Mail, Ret. Rec. Req'd.
cc: Mr. David Greevy, Reports Analyst



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM

TO: OFFICE OF GENERAL COUNSEL
AUDIT DIVISION

FROM: BILL LOUGHREY *BL*

RE: ATTACHED REFERRAL

DATE: MARCH 14, 1978

I would propose to handle the attached referral as follows
(copies are being sent to both OGC and Audit):

1. Treatment as MUR

MUR 558 Regular Hudson County Civic Association, Inc.

2. Audit Referral

Hudson County Regular Democratic Organization
Democratic Hudson County Campaign Fund, June 1976
Democratic Hudson County Campaign Fund, November 1976
Regular Hudson County Dinner Committee, November 1976
Committee to Save Atlantic City
Union City Regular Organization Democratic Club Inc.

Please let me know if you would handle any of these committees differently.



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM

TO: WILLIAM OLDAKER

THROUGH: ORLANDO B. POTTER
TOM HASELHORST

FROM: IRENE ALLEN

SUBJECT: REPORTS ANALYSIS REFERRALS--
 HUDSON COUNTY REGULAR DEMOCRATIC ORGANIZATION
 REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.
 DEMOCRATIC HUDSON COUNTY CAMPAIGN FUND, JUNE 1976
 DEMOCRATIC HUDSON COUNTY CAMPAIGN FUND, NOV. 1976
 REGULAR HUDSON COUNTY DINNER COMMITTEE (NOV. 1976)
 COMMITTEE TO SAVE ATLANTIC CITY
 UNION CITY REGULAR ORGANIZATION DEMOCRATIC CLUB INC.

Please find attached referrals for the committees listed above. Because these committees are very much inter-related and because the problems of the committees are of a similar nature, we submit these referrals to your Office in consolidated form. We recommend that the Office of General Counsel deal with this packet as a Matter Under Review(MUR).

Of the committees listed above, four committees have been registered with the Commission, as follow:

Hudson County Regular Democratic Organization-committee established as a county committee of the Democratic party; Joseph J. Simunovich, Treasurer.

Democratic Hudson County Campaign Fund, June 1976-committee established as an unauthorized single candidate committee, for Joseph A. LeFante; William Macchi, Treasurer.

Democratic Hudson County Campaign Fund, Nov. 1976-committee established as an independent committee favoring Democratic candidates; William Macchi, Treasurer.

Regular Hudson County Dinner Committee(Nov. 1976)-committee established as an independent committee favoring Democratic candidates; Joseph J. Simunovich, Treasurer.

Bernard M. Hartnett, Jr., is chairman of each committee, with the exception of Democratic Hudson County Campaign Fund, June 1976, whose chairman was Dominck J. Pugliesse. The mailing address for each committee is: c/o John Tomasin, Esq.(P.A.)

4800 Kennedy Boulevard W.
Union City, New Jersey 07087



With one exception, all responses received from the committees, including Union City Regular Organization Democratic Club Inc., have been submitted by John Tomasin, Esq.(P.A.). Although Mr. Tomasin does not state explicitly that he is legal counsel for the committees, he states that he has been consulted by the committees, and he speaks of them in terms of "We".

Mr. Tomasin has raised certain legal issues within the responses, which place consideration of the responses beyond the jurisdiction of this Division. Because of this, and because of our belief that you should have an overview of the committees, several of these referrals are being submitted prior to the Commission's finding "Reason to Believe", that the committees have violated the Federal Election Campaign Act, as amended.

A further consideration in referring these in packet form is the fact that some of the committees, singly and together, may have exceeded the limitations of contributions made to Federal candidates. In addition, there is one instance in which one committee has stated explicitly that it made independent expenditures in connection with, presumably, the general election campaign of a Federal candidate.

Attached as an addendum to these referrals is a breakdown of what the committees have reported as having contributed to Federal candidates, and what the Federal candidates have reported as having received from the committees. This will show not only the possibility of excessive contributions, but also the great discrepancies between the reports of the committees and those of the candidates.

Upon notification of the attorney to whom this referral is assigned, this Division will inform that individual immediately if any responses or communications are received from these committees. If you have any questions concerning these matters, please contact David U. Greevy, of the Party Team, at X34048.

Attachments

cc: Lois Zella

OVERVIEW OF REPORTING PROBLEMS

In the matter of)
REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.) 3SV2/77-10
)
)
)

REPORTS ANALYSIS' REPORT

I. Findings

3SV2/77-10

This surface violation letter was initiated internally on 2/24/77, following the review of reports filed by Byron Baer for Congress Committee, and Joseph A. LeFante for Congress Committee. Problems in the reports consisted of the following:

A. The Byron Baer for Congress Committee submitted a page from the State election reports of the Regular Hudson County Civic Association, Inc., in which it was reported that the Regular Hudson County Civic Association, Inc., made expenditures on behalf of Harrison A. Williams, Joseph A. LeFante, and Bryon M. Baer, all candidates for Federal office. Copies of the reports of Baer for Congress Committee confirmed that contributions from the committee had been made. The reports of Joseph A. LeFante for Congress Committee also confirmed this.

As a result of these entries, compliance was initiated by this Division under its procedures for compliance. The "M" code surface violation letter was submitted to the Regular Hudson County Civic Association, Inc., reference 3SV177-10.

The committee submitted a response, dated 3/8/77, which stated that the Association never felt that they were knowingly or willingly participating in a Federal election campaign, although inadvertently some indirect benefits could have accrued to Federal candidates by an over-strict interpretation of "allocation" of expenditures under State law. The expenditures were meant to assist only local State candidates. It was stated further that if a strained interpretation is placed upon such allocation, the result would be that the Association would be viewed as an affiliated contributor, rather than a reporting committee.

Based upon this information, Irene Allen and David Greevy submitted a memorandum to Bradley Litchfield, dated 3/28/77, concerning the status of the Regular Hudson County Civic Association. Mr. Litchfield responded on 4/5/77, that it appeared that the association was a political committee, and that we should proceed to our next stage of compliance.

The Commission therefore found "Reason to Believe" that the committee was in violation of 2 U.S.C. 433 and 434. The finding was dated 7/25/77, reference 3SV2-77-10.

On 7/28/77, the committee requested an extension for filing a response.

On 8/2/77, the committee stated that some unintended unavoidable, tangential connections with Federal elections may have accrued to the Association. He stated that in order to find the committee in violation of the Federal law, it would be necessary to prove the intent of the Association to participate in Federal elections. Without this proof, the finding that the Association was a political committee would lack due process.

The reader is advised to refer directly to this letter in order to gain the full argument.

On 8/9/77, the committee reiterated the central focus of the 8/2/77 letter, and stated that a refund would be requested, if that would be sufficient to close the inquiry.

II. Synopsis of Reporting History

None

III. Recommendations

It is recommended that the Office of General Counsel review this report to determine what further action is necessary and appropriate.

Attachments-

3SV1/77-10, with certified receipt
Backup for 3SV1/77-10 (letters from candidates to the House)
Memo from Allen/Greevy to Litchfield, dated 3/28/77 (backup included above)
Memo from Litchfield to Allen/Greevy, dated 4/6/77
3SV2/77-10, with certified receipt
Letters dated 7/28/77, 8/2/77, 8/9/77



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

2/24/77

Mr. John Tomasin, Treasurer
Regular Hudson County Civic Association, Inc.
4800 Kennedy Boulevard, W.
Union City, New Jersey 07087

Dear Mr. Tomasin:

This letter is prompted by the Commission's interest in assisting candidates and committees to comply with the Federal Election Campaign Act, as amended. This law has, as you may know, many and sometimes complex provisions. 2 U.S.C. 431(d) defines "political committee" to mean any committee, club, association, or other group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year for the purpose of influencing a Federal election. Additionally, 2 U.S.C. 431(f)(3) states that transfers of funds to political committees which support Federal candidates are considered "expenditures".

Our review of the receipts reported by other political committees indicates that your organization may have in fact contributed in excess of \$1,000 to committees supporting Federal candidates. Therefore, it would appear that your organization may qualify as a "political committee" under the Act.

Enclosed are relevant informational materials with regard to the Federal Election Campaign Act, including the appropriate forms for registration and reporting by political committees. Please examine these materials and, if you agree that your organization is a political committee, please submit a Statement of Organization on FEC FORM 1 within ten days of receipt of this letter. In addition, your committee will be required to file disclosure reports in accordance with the provisions of 2 U.S.C. 434 on FEC FORM 3. If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement within ten days which would clarify this matter for public record.

If you have any questions concerning this matter, please do not hesitate to contact Irene Allen (202/382-3484), our Reports Analyst assigned to you.

Sincerely,

Orlando B. Potter
Staff Director



Enclosure

Return Receipt Requested: Certified

3-2177-10

PS Form 3811, Mar. 1976

● **SENDER** Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1 The following service is requested (check one).

Show to whom and date delivered..... 15¢

Show to whom, date, & address of delivery.. 35¢

RESTRICTED DELIVERY
Show to whom and date delivered..... 65¢

RESTRICTED DELIVERY
Show to whom, date, and address of delivery 85¢

2 ARTICLE ADDRESSED TO

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	15-243	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE Addressee Authorized agent

4

DATE OF DELIVERY	POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE	CLERK'S INITIALS

RETURN RECEIPT-REGISTERED, INSURED AND CERTIFIED MAIL

123456789

Handwritten: Amend

JOHN TOMASIN, ESQ., P.A.
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N.J. 07087

July 9, 1976

UNION 3 10:19
1976 JUL 12 AM 10:19

Mr. Edmund L. Pondhaw, Jr., Clerk
U. S. House of Representatives
Washington, D. C. 20515

RE: REGULAR HUDON COUNTY CIVIC ASS'N.
(OFFICE OF REPORTS)
JOSEPH L. FRANK (CONGRESS, NEW JERSEY)
BYRON HILL (CONGRESS, NEW JERSEY)

Handwritten: C00020115

Dear Sir:

In response to your letter of July 7, 1976, please be advised as follows: -

1. The Regular Hudson County Civic Ass'n. is a non-profit civic association, which reported candidates for local New Jersey state offices, and filed reports with the New Jersey State Election Law Enforcement Commission.
2. It did not make direct contributions or expenditures for Federal candidates.
3. When running a local dinner, etc., in support of local "Nov A" candidates, it could be construed or argued, that of the dinner expenses, there was some incidental inadvertent benefit to some Federal candidates also; although this is questionable.
4. These expenditures were from segregated non-corporate contributions from members of the association and their families.
5. These allocations were in-kind and indirect, and were incurred without the knowledge or consent of such Federal candidates, but were reported, after the fact, to the Federal candidates, just to be on the safe side.
6. At all events, the association was not a committed in any way operating on behalf of such candidates, and if such incidental indirect benefit is reported at all, which is doubtful, it is an indirect, incidental, in-kind contribution, and the association is a contributor only, duly noted as such, not an organization or committed for registration or reporting purposes.
7. Note also, we made other contributions from segregated non-corporate contributions of our members, to another committee, the Hon. Joseph Frank for the 1976, Federal Registration (C00020115), which duly reported such contributions to you, and we do not understand that we are a Federal reporting committee, unless you indicate otherwise.
8. If there are any further requirements, please let us know, and we will be happy to comply with same.

Very truly yours,
John Tomasin
JOHN TOMASIN

JTVK
cc: Joseph DeFante Committee
Byron Hill Committee
Reg. Hudson County Civic Ass'n.
Hon. Joseph Frank for 1976, June, 1976
Federal Election Commission

071670300211472589

Handwritten: Stage I OCN



SCHEDULE G
 DISBURSEMENTS ALLOCATED

*Copy of State form
 Submitted by Byron
 Baer for Congress Center*

EXPENDITURES ON BEHALF OF OTHERS ALLOCATED BY REPORTING CANDIDATE OR COMMITTEE

OFFICE	COUNTY	ELECTION DISTRICT	NAME OF CANDIDATE	FULL MAILING ADDRESS	AMOUNT	FOR STATE USE ONLY
Register	Hudson	Hudson	Gerald H. Madden, 125 North St., Jersey City, NJ 07307		3193.11	
S. Senate	Hudson	N. J.	Harrison A. Williams, Jr., 139 Brooklake Road, Florham Park, N. J. 07932		1064.40	
S. Cong.	Hudson	14th Cong.	Joseph A. LaPante, 66 W. 36 St., Bayonne, NJ 07002		709.58	
S. Cong.	Hudson	10th Cong.	Byron M. Baer, 420 Montana Av., Englewood, NJ 07631		354.70	
LEGATE	Hudson	N. J.	Harrison A. Williams, Jr., 139 Brooklake Road, Florham Park, NJ 07932		70.95	
"	"	"	Chas. Marciano, 39 Sunset Av-W, Trenton, NJ 08622		70.95	
"	"	"	Paul T. Jordan, 76 Lantier Ave., Jersey City NJ 07304		70.95	
"	"	"	Barbara McConnell, R. D. 2, Flemington, NJ 08822		70.95	
"	"	"	Arthur Holland, 133 W. 30th St., Trenton, NJ 08611		70.95	
"	"	"	G. Nicholas Venezia, 1 Woods Lane, Colonia, NJ 07057		70.95	
"	"	"	Clara Allen, 300 Parkside Av., Union City, NJ 07007		70.95	
"	"	"	Albert Bernstein, 140 Thatcher Rd, Tenafly, NJ 07670		70.95	
"	"	"	Dolores I. Rooney, 62 E. Wright St-Pleasantville 0-33		70.95	
"	"	"	Paul Montano, 139 Brooklake Rd, Florham Park NJ 07932		70.95	
LEGATE	Hudson	30th Dist	Fred F. Nugent, 753 Hamilton St., Harrison NJ 07029		83.70	
"	"	"	James Tosta, 196 Hickory St., Kearny, NJ 07032		83.70	
"	"	"	Margaret McHugh, 35 Mail Place, Secaucus, NJ 07094		83.70	
"	"	31st Dist	James P. Quinn, 100 W. 30 St., Bayonne, N.J. 07002		83.70	
"	"	"	Ma. O. Perkins, 314, Arlington Av., J.C., NJ 07304		83.70	
"	"	"	John R. Tosta, 244 Custer Ave., J.C., NJ 07302		83.70	
"	"	32nd Dist	Bernard M. Bartlett, 44 Kensington Av-SC, NJ 07304		83.70	
"	"	"	Water House, 4423 Kennedy Blvd, No. Bergen NJ 07007		83.70	
"	"	"	Gloria Colon, 237 - 7 St., Jersey City, NJ 07302		83.70	
"	"	33rd Dist	William Masto, 323-23 St., Union City, NJ 07007		83.70	
"	"	"	Jon. Simanovich-6104 Monitor P., W. New York, NJ 07093		83.70	
"	"	"	Steve Cappiello-530 Adams St., Hoboken, NJ 07030		83.70	
				(FRACTIONAL DIFFERENCE)	.05	

7095.80

DISBURSEMENTS ALLOCATED
 That Agree with Sch. D Line 3 Col. C

28622011092

3 amend.
Q2

1975 JUL 30 PM 2 50
U.S. HOUSE OF REPRESENTATIVES
July 28, 1976

REGULAR MAIL

JUL 20 1976

060038

CP&A 47647

Mr. Edmund L. Henshaw, Jr.
Clerk, United States House of
Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D. C. 20515

Dear Mr. Henshaw:

The contribution you refer to in your letter of July 14, 1976, was reported to the Byron Baer for Congress Committee on the enclosed form. We were advised that the Regular Hudson County Civic Association, Inc., had made an expenditure on our behalf of \$354.79.

This expenditure was never solicited nor approved by the Byron Baer Committee. We were advised of it after the fact and simply reported it as a contribution and expenditure.

Sincerely,

Kenneth M. King

Kenneth M. King
Treasurer

Byron Baer for Congress Committee

ID #060038

H6N109066

RMK:jno
Enc.

674041923386

370.0 2 95

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See instructions on back)

Name of Candidate or Committee in full

30-DAY
5-25-76-6 2876

Byron Baer for Congress

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Byron Baer 420 Lantana Avenue Englewood, New Jersey 07631		5/25/76	\$7635.56
Principal place of business	Occupation <u>Assemblyman, 37th Dis.</u>	6/2/76	7651.56
35 Liberty Road Bergenfield, New Jersey 07621	<input type="checkbox"/> Check if contributor is self employed	6/7/76	3351.44
	Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general	6/11/76	3333.78
	Aggregate Year-to-Date	6/23/76	2883.33
			\$ 34857.11

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Regular Hudson County Civic Association & Democratic Hudson County Campaign Fund c/o 125 North St. Jersey City, N.J. 07307		5/26/76	\$ 517.24
Principal place of business	Occupation	5/27/76	2000.00
same as above	<input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general		
	Aggregate Year-to-Date		\$ 2972.03

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Phyllis Baer 3031 W. Schoolhouse Lane Philadelphia, Pennsylvania 19144		6/24/76	500.00
Principal place of business	Occupation <u>housewife</u>		
same as above	<input checked="" type="checkbox"/> Check if contributor is self employed		
	Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general		
	Aggregate Year-to-Date		\$ 500.00

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general		
	Aggregate Year-to-Date		\$

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general		
	Aggregate Year-to-Date		\$

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general		
	Aggregate Year-to-Date		\$

Subtotal of receipts this page \$ 27672.91

27672.91

Form 1041
 1976
 U.S. GOVERNMENT PRINTING OFFICE
 1975 O-294-2

Itemized Receipts, Contributions,
 Loans, Rebates, and Transfers

Indicate the type for each entry
 (See instructions on back)

Name of Contributor or Contributor in full

BYRON BAER FOR CONGRESS 30 DAMEN 5/25/76 - 6/28/76

0909033500

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Byron Baer 420 Lantana Avenue Englewood, New Jersey 07631	Contribution	5/25/76	\$7,635.56
35 Liberty Road Bergenfield, New Jersey 07621	Contribution	6/2/76	7,651.56
	Contribution	6/7/76	3,351.44
	Contribution	6/11/76	3,333.78
	Contribution	6/23/76	2,883.33
Total for this contributor			\$23,655.67
Regular Hudson County Civic Association & Democratic Hudson County Campaign Fund c/o 125 North St. Jersey City, NJ, 07307	Contribution	5/27/76	2,000.00
Same as above	Contribution		
Total for this contributor			\$2,000.00
Phyllis Baer 3031 W. Schoolhouse Lane Philadelphia, Pennsylvania 19144	Contribution	6/24/76	500.00
Same as above	Contribution		
Total for this contributor			\$500.00
Total for all contributors			\$27,355.67

\$27,355.67

Numbers 15, 16, 17 and 1/er 16 of FDC Form 3
 (See instructions on back)

LINE NUMBER 10b

(Use separate schedule(s) for each numbered line.)

Name of Candidate or Committee in full			
Byron Baer for Congress		Q3	
Full Name, mailing address and ZIP code Regular Hudson County Civic Association, and Democratic Hudson County Campaign fund c/o 125 North Street, Jersey City, New Jersey 07307		Date (month, day, year)	Amount of each receipt this period
		9/14/76	450.00
Principal place of business	Occupation		
Same as above	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$ 2450.00		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Subtotal of receipts this page (optional)			\$ 450.00
Total this period (last page this line number only)			\$ 450.00

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**
(See Instructions on back)

Name of Candidate or Committee in full Jocelyn A. LaPante for Congress Committee		10-D 2 - 5/24/76	
Full Name, mailing address and ZIP code Regular Hudson County Civic Association, Inc. 4100 Kennedy Boulevard, Union City, New Jersey 07087		Date (month, day, year) 5/24/76	Amount of each receipt this period 709.56
Principal place of business SERO	Occupation Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5 17,50		
Full Name, mailing address and ZIP code Dem. Hudson County Campaign Fund, June 1976 72 Sterling Avenue, Jersey City, New Jersey 07305		Date (month, day, year) 5/21/76	Amount of each receipt this period 35.39
Principal place of business SERO	Occupation Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5 25,30		
Full Name, mailing address and ZIP code Dem. Hudson County Campaign Fund, June 1976 72 Sterling Avenue, Jersey City, New Jersey 07305		Date (month, day, year) 5/24/76	Amount of each receipt this period 18.15
Principal place of business SERO	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5 25,30		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ 5		
Subtotal of receipts this page (don't total)			▶ 5763.12
Total this period (last page this line number only)			▶ 5763.12

Joseph A. LeFante for Congress Committee
66 West 36th Street
Bayonne, New Jersey 07002

JUL 13 1976

060941

CERTIFIED

COPP 48458

July 12, 1976

RECEIVED
1976 JUL 15 AM 11:30
U.S. HOUSE OF REPRESENTATIVES

Mr. Edmund L. Henshaw, Jr.
Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Henshaw:

In response to your letter of June 29, 1976, please be advised as follows:

- 1 - We did not accept any contributions from any corporation, profit or non-profit.
- 2 - We were advised that a non-profit civic association made a contribution from segregated non-corporation funds from their members and their families and such allocations of expenditures were made at a dinner without our prior knowledge or consent. However, we were advised after the fact and duly reported same to you.

To summarize:

- 1 - These were apparently segregated non-corporation contributions of members of the Regular Hudson County Civic Association.
- 2 - We never accepted any contribution from them.
- 3 - Their expenditures were made without our knowledge and consent and reported to us after the fact.

Thanking you, I am

Sincerely,

Karen F. Grube
Karen F. Grube
Treasurer

Stack 475

01075011:0131924

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087
UNION 3 7677

'77 NOV 10 Fri 4:15

March 8, 1977

Federal Election Commission
1325 K St., N. W.
Washington, D. C. 20463

Attn: Mr. Orlando B. Potter,
Staff Director

RE: REGULAR HUDSON COUNTY CIVIC ASS'N.

Dear Sir:

We have received your letter of February 24, 1977 regarding contributions of the Regular Hudson County Civic Association, the affiliated committee that participates in local New Jersey State elections only.

They have felt that they were not knowingly or willingly participating in a Federal Election Campaign, although inadvertently some indirect benefits could accrue to Federal candidates by an over-strict interpretation or "allocation" of expenditures under State Law, even though meant solely for local State candidates.

The problem is that if they do not acknowledge a "contribution" by allocation or indirect "benefit" under State Law, they may be claimed to be in technical violation of a State law reporting requirement, and for this reason they appear on the State law reports, rather than have a controversy during our local State election campaign, although they really limited their efforts to State Elections only.

They did not participate in any Federal Election, and are not (willingly) a Federal Committee.

That is why they did not file as a Federal Election committee, and they reserve that position.

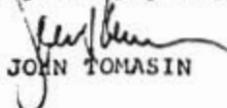
We ask you now to make a ruling now that they are not a committee knowingly or willingly participating in a Federal Election.

We feel that even if a strained interpretation is placed on the allocations from the State Campaign, that this merely makes the Civic Association an affiliated contributor rather than a reporting committee.

As to contributions, they were from voluntary contributions on hand from prior campaigns before the 1976 Primary, and the Civic Ass'n is an affiliated contributor, but we feel it is properly listed as a contributor, rather than as a committee.

Please review and advise.

Very truly yours,


JOHN TOMASIN

JT:vk
cc: Ms. Irene Allen

P. S. Please note that the "Democratic Hudson County Campaign Fund"

77030474120

019101137

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N J 07087
1201 863 1821
4822

Federal Election Commission - 2 -

March 8, 1977

is a different affiliated committee (though it erroneously looks like one committee with the Regular Hudson County Civic Ass'n on the Byron Baer report). That committee, the "Democratic Hudson County Campaign Fund" is a separate committee, and it did file Federal Reports. Maybe that is where the confusion arose, but the Civic Ass'n. never intended to be a Federal committee, but an affiliated contributor.

610811 330

77030494121

cc: MR. IRON ALLEN

P. S. Please note that the "Democratic Hudson County Campaign Fund"



FEDERAL ELECTION COMMISSION

105 K STREET, N.W.
WASHINGTON, D.C. 20463

March 28, 1977

MEMORANDUM

TO: Bradley Litchfield
FROM: Irene Allen^d and David Greevy/Disclosure-Party Related
RE: Status of Regular Hudson County Civic Association (NJ)

Please find attached several pages of reports which indicate expenditures in excess of \$1000 to Federal candidates and committees made by Regular Hudson County Civic Association (a non-registered, non-filing committee). It appears that this committee qualifies as a political committee required to file with the FEC.

Regular Hudson County Civic Association is one of five affiliated Democratic committees in Hudson County, New Jersey. The other four committees have registered and do file with the Commission.

On February 24, 1977, this committee was sent our standard non-registered compliance letter. In response to the violation letter, John Tomasin, legal counsel representative of the Hudson County committees, stated that the status of the committee is one of an "affiliated contributor", and not required to file with the Commission.

Mr. Tomasin's response is inadequate, but due to his interpretation of the Act, we would appreciate your review and opinion of the material herein, in order that Disclosure may proceed with the second stage of compliance.

cc: Kent Cooper/Lois Zella





FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

April 5, 1977

MEMORANDUM TO: Irene Allen ✓
David Greevy

FROM: Brad Litchfield *BL*

SUBJECT: Status of Regular Hudson County Civic Association as described in your memorandum of March 28

Based on my review of the information you provided with your memo, I believe that the Regular Hudson County Civic Association would qualify as a political committee under the Act and would be required to register and report as such.

Based on the information you provided, it is not clear to me whether the contributions in-kind reported by the Civic Association on its New Jersey State reports involve the type of expenditures which under our allocation regulations would have to be attributed to individual Federal candidates. Note, in particular, §106.1(c) which sets out various categories of expenditures that don't have to be attributed to individual candidates. Of course, to the extent that these types of expenditures are made for the purpose of benefitting, at least in part, Federal candidates as a class, the expenditure would come under the Act to the extent that the class of Federal candidates generally receives a benefit.

Based on the materials you presented, the most significant point seems to be Mr. Tomasin's admission in his letter of July 9, 1976, that the Regular Hudson County Civic Association makes contributions to the Democratic Hudson County Campaign Fund which is a reporting Federal committee. In view of §102.6(b)(2) the Civic Association may make transfers or contributions to the Democratic Hudson County Campaign Fund, only if the Civic Association makes those transfers from a separate Federal campaign committee which it has established or alternatively only



if the Association, in its entirety, has established and conducted itself as a "political committee" under the option described in §102.6(a)(2)(ii).

Accordingly, I think the Disclosure Division should proceed to its next stage of compliance since it appears that the Civic Association is "a political committee" for purposes of the Federal Election Campaign Act of 1971, as amended.

cc: Kent Cooper/Lois Zella

01011141



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

8/10

July 25, 1977

Joseph J. Simunovich, Treasurer
Regular Hudson County Civic Association, Inc.
c/o John Trusini, Esq.
4800 Kennelly Boulevard W.
Union City, New Jersey 07087

In Reply Refer To: 3SV2/77-10

Dear Mr. Simunovich:

On February 24, 1977, you were notified that you may have made contributions to political committees which raised problems under Sections 433 and 434 of the Federal Election Campaign Act of 1971, as amended. Your response of March 8, 1977 was determined to be inadequate and gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. Sections 433 and 434.

Activities of the Association indicate expenditures were made in excess of \$1,000 to benefit Federal candidates. Further, the Association made contributions to the Democratic Hudson County Campaign Fund, June, 1976, during the period in which the Campaign Fund was an active reporting Federal committee. It should be recognized that the Association may make transfers to the Democratic Hudson County Campaign Fund only if it makes these transfers from a separate Federal campaign account which it has established, or alternatively, only if the Association in its entirety has established and conducted itself as a "political committee" in accordance with Section 102.6(a)(2)(i) of the Commission's Regulations. Therefore, the Regular Hudson County Civic Association, Inc. in our opinion qualifies as a "political committee" (as defined in 2 U.S.C. 431(d)) required to register and file reports of receipts and expenditures with the Commission.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you still believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit such a statement which would clarify this matter for public record. If you have any questions, please do not hesitate to contact Ms. Carroll Bowen (202/523-4048) of the Disclosure Division.

Sincerely,

Thomas E. Harris

Commissioner



61010041343

3561770

PS Form 3811, MAR 1976
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1 The following service is requested (check one).
 Show to whom and date delivered..... 15¢
 Show to whom, date, & address of delivery.. 35¢
 RESTRICTED DELIVERY.
 Show to whom and date delivered 65¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2 **ARTICLE ADDRESSED TO:**

3 **ARTICLE DESCRIPTION:**
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 _____ | _____ | _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
[Signature]

4 **DATE OF DELIVERY** JUL 8 1977

5 **ADDRESS** (Complete only if requested)

6 **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

POSTMARK: 82 IIII NY

JOHN TOMASIN, ESQ. (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

(201) 863-1821
1822

July 28, 1977

1977 AUG 11:07

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attn: Ms. Carrol Bowen

RE: Your File: 3SV2/77-10

Dear Ms. Bowen:

Please be advised that this office has received your letter of July 25, 1977 in which you indicate that you disagree with Mr. Tomasin's contention regarding the requirements for filing a report of the Regular Hudson County Civic Association, Inc.

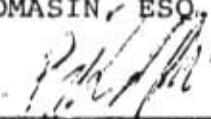
As suggested in our telephone conversation of this date, I herewith request an extension of time to file a response to this letter because Mr. Tomasin is currently on holiday and will not return until August 8, 1977. I further understand from our telephone conversation that it is the policy of the commission not to grant extensions of time but I believe in this case you should make an exception.

As soon as Mr. Tomasin returns, I will inform him of this matter and suggest that he respond immediately. If it is possible to grant an extension of time, even for a few days, please so inform me by return mail.

Thank you,

Very truly yours,

JOHN TOMASIN, ESQ. P.A.

BY: 
WILLIAM J. PERICH

JT:br

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087
1201 863 1821
822

77 AUG 11 4:49

August 2, 1977

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

Attn: Hon. Thomas E. Harris,
Commissioner

RE: REGULAR HUDSON COUNTY CIVIC ASSOCIATION, INC.
YOUR FILE #3 SV 2/77-10

Dear Sir:

I am responding to your notice of July 25, 1977 regarding the above organization and contributions it made during the 1976 Federal and New Jersey State Elections.

1. We respectfully contend that the Hudson County Civic Association was never intended as a Federal election reporting committee. It was established as a New Jersey State Election Committee, even though it had some unintended, unavoidable, tangential connection with Federal elections, because by necessity, local State candidates run on the same ticket and on the same ballot with Federal candidates.

We urge that this does not make it a Federal Election Reporting Committee, and that intent is necessary to be proved before an entity can be designated as a Federal Reporting Committee.

The importance of Federal Election Laws and involvement in Federal Elections; with possible penalties, etc., etc., requires, in our view, that proof of intentional participation in the Federal Election is necessary. Any sanctions due to a "finding" of unintended or accidental participation would lack due process, and would not comport to the statute or regulations, in our view, unless there were no State election purpose apparent in the actions of such an entity. We feel that our intentions and activities, as detailed herein, raise serious doubts that we ever were a Federal Committee, by choice or by actions, and that such doubts should be resolved in our favor, so as to negative any intentional or meaningful reporting committee role.

2. In addition, some confusion has apparently arisen between the role of the Hudson County Civic Association as a political association participating in local New Jersey State Elections, and its role as a contributor toward a Federal Election.

When the Hudson County Civic Association made a contribution from its own funds, which may have been applied by a different Federal Committee in part to a Federal Election expense, it is our contention that this did not make the Hudson County Civic Association a Federal Reporting Committee. If this were true, there would be millions of contributors being "designated" as Federal Committees. This has not been so, and therefore such a discriminatory interpretation in our case, would be illegal, in our view.

617:3045

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087

(701 803 1821
822)

Federal Election Commission

August 2, 1977

We respectfully submit that a contributor is not automatically a reporting committee.

3. Also inherent in your analysis is the concept that the Federal Committee (here the Democratic Hudson County Campaign Fund, for example) once it receives a contribution (here from the Hudson County Civic Association) automatically makes that contribution a Federal expense.

Actually, this is not the case.

4. No law or regulation is cited that a Federal Committee may not also have a role in the local State Election.

Congress has consistently legislated only in Federal elections, and Federal limitations or controls over State elections, directly or indirectly, is completely foreign to the Congressional intent.

We respectfully submit that any doubts in this area should be resolved against even minor inhibitions or controls over State election activities or procedures, especially where such state, such as New Jersey, has a comprehensive State election reporting system covering the State Elections.

Further, even if such controls over State elections were attempted by Congress, we feel that it would offend the United States Constitution, which leaves State matters, such as State elections, reserved by the U. S. Constitution to local and State control.

5. In addition, when a Federal committee is incurring expenses for the slate of candidates (such as for newspaper ads; signs; rallies, etc.; featuring all Federal and State election candidates) it is inevitable that part of such expense is purely for local State candidates and elections, to which the Federal Election Reporting Law does not apply.

6. It is these purely State election expenses that the Civic Association contribution to the Hudson County Campaign Fund was intended to defray; and we respectfully submit that this does not make the Civic Association a Federal Reporting Committee. Any Federal regulations or interpretations that would inhibit, limit, deter or control such participation in purely State election expenses and operations of Federal committees, would illegally interfere with State election campaigns, contrary to the United States Constitution and contrary to Congressional intent.

7. Although it is perfectly legal and proper for a Federal reporting committee to also have purely State election expenses, in order to avoid this hassle and confusion in the future, as to such Federal and State election expenses of a Federal reporting committee, we intend to have all Federal reporting committees in the future, pay only Federal expenses, and State election committees pay only State expenses, even though we feel this was not the Congressional intent, and even though this will be an inconvenience, and inhibition, and possibly a hardship in the heat and pressure of some future campaign.

0190711346

JOHN TOMASIN, ESQ (PA)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD W
UNION CITY, N. J. 07087

(FOI 86) 1821
872

Federal Election Commission - 3 -

August 2, 1977

In addition, we are disbanding the Hudson County Civic Association, and it will have no further role in any Federal Election.

8. We ask that the foregoing explanations, submissions and undertakings be accepted, and the matter be closed administratively on this basis, particularly since the matter is a comparatively small one.

Further, we feel that the Congressional intent has been satisfied by the full disclosure made by our allied committee showing all contributions.

We sincerely feel that justice would be served, especially since we have acted openly and in good faith.

We respectfully urge that because of the uncertainties of the status of the Federal Election Commission and the litigation concerning the Election Law; the newness of the regulations, and the difficulties in interpreting same, that any doubts or confusion should be resolved in our favor with a view toward closing the matter administratively in the light of the foregoing submission.

9. If this is not acceptable, we request that this matter be handled formally for "administrative Decision"; in which case, we would request a formal hearing.

However, we feel that no useful purpose would be served in requiring us to file reports at this late date, in view of the full disclosure and the good faith displayed by our organization.

We respectfully urge that the matter be closed administratively in the light of the foregoing submissions.

Please advise.

Very truly yours,

John Tomasin
JOHN TOMASIN (per J.T.K.)

(Dictated but not read)

JT:vk

cc: Ms. Carroll Bowen,
Disclosure Division

U 1 0 2 2 0 1 3 1 7

JOHN TOMASIN, ESQ. (P.A.)
A PROFESSIONAL CORPORATION
4800 KENNEDY BLVD. W.
UNION CITY, N. J. 07087

(201) 863-1821
1822

RECEIVED
77 AUG 13 11 0:19

August 9, 1977

Federal Election Commission
1325 K Street N. W.
Washington, D. C. 20463

Attn: Hon. Thomas E. Harris,
Commissioner

RE: REGULAR HUDSON COUNTY
CIVIC ASSOCIATION, INC.
YOUR FILE #3 SV 2/77-10

Dear Sir:

This will confirm our letter of August 2, 1977, dictated by me while on vacation and now confirmed.

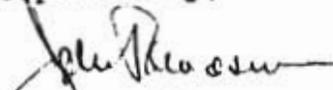
Basically, we have always been a political committee as defined by the regulations, but intended to participate in State Elections only; our involvement in Federal Elections being only incidental, and we did not intend to participate as a reporting committee in Federal Elections.

Accordingly, if our contribution or other activity might involve us in the Federal Election as a reporting committee against our will, we disclaim such intent, and request that our contributions be refunded to us, so as to afford additional cause to close these proceedings, as we did not intend to participate directly or indirectly as a reporting committee.

Please accept this as additional evidence of our intent so that hopefully, the matter may be resolved and closed administratively on that basis.

Please advise.

Respectfully,


JOHN TOMASIN
COUNSEL

JT:vk

cc: Ms. Carroll Bowen,
Disclosure Division

The following presents a comparison of the reports of the filing Hudson County Democratic Committees and the reports of those candidate committees which received funds from the Hudson committees. The comparison is specifically one based upon the accounts of the expenditures and transfers to the candidates, as listed by the Hudson committees, and the accounts of receipts, from the Hudson committees, as listed by the candidates' committees.

The Hudson committees are:

Hudson County Regular Democratic Organization
 Regular Hudson County Dinner Committee, Nov. 1976
 Democratic Hudson County Campaign Fund, June 1976
 Democratic Regular Hudson County Campaign Fund, Nov. 1976

and

Regular Hudson County Civic Association (a non-registered,
 non-filing committee)

The candidates and their committees involved are:

Henry Helstoski-Citizens Committee, Helstoski for Congress
 Bryon M. Baer-Bryon Baer for Congress
 Harrison A. Williams-Williams Project '76
 Joseph A. Lefante-Joseph A. Lefante for Congress Committee

Attached is the itemized breakdown of expenditures and receipts as reported by the Hudson County Democratic Committees and by the candidates' committees. Following this breakdown are copies of those pages within the several reports of the Hudson committees and the candidates' committees which reflect the activity here under consideration.

NOTE: Although Regular Hudson County Civic Association has submitted no reports to the Commission, a page from one of their reports to the State of New Jersey has been submitted to FEC by the Bryon Baer for Congress Committee, and is included in the information overleaf.

610 349

ITEMIZED BREAKDOWN OF EXPENDITURES AND RECEIPTS

AS REPORTED BY THE HUDSON COUNTY COMMITTEES

AS REPORTED BY THE CANDIDATES' COMMITTEES

<u>FROM:</u>		<u>HUDSON COUNTY REGULAR DEMOCRATIC ORGANIZATION</u>			
TO:	WILLIAMS	NONE		WILLIAMS	\$1250 10/12
<u>FROM:</u>		<u>REGULAR HUDSON COUNTY DINNER COMMITTEE, NOV. 1976</u>			
TO:	HELSTOSKI	NONE		HELSTOSKI	\$1000 11/76
	LEFANTE	NONE		LEFANTE	\$3000 11/15
<u>FROM:</u>		<u>DEMOCRATIC HUDSON COUNTY CAMPAIGN FUND, JUNE 1976</u>			
TO:	WILLIAMS	\$53.10	no date	WILLIAMS	NONE
		\$1471.25	no date		
		\$351.21	no date		
	BAER	\$17.70	no date	BAER	NONE
		\$490.42	no date		
		\$351.21	no date		
	LEFANTE	\$980.83	no date	LEFANTE	\$980.83 6/23
		\$35.39	no date		\$53.34 5/24
		\$351.21	no date		
<u>FROM:</u>		<u>DEMOCRATIC REGULAR HUDSON COUNTY CAMPAIGN FUND, NOV. 1976</u>			
TO:	HELSTOSKI	\$2500	10/22	HELSTOSKI	\$2500 10/26
	LEFANTE	NONE			\$4342.50 11/15
<u>FROM:</u>		<u>REGULAR HUDSON COUNTY CIVIC ASSOCIATION (non-registered)</u>			
TO:	BAER	\$354.79	no date	BAER	\$354.79 5/15
	LEFANTE	\$709.58	no date	LEFANTE	\$709.58 5/26
	WILLIAMS	\$1064.40	no date	WILLIAMS	NONE
<u>FROM:</u>		<u>REGULAR HUDSON COUNTY CIVIC ASSOCIATION & HUDSON COUNTY CAMPAIGN FUND</u>			
TO:	BAER	NONE		BAER	\$2517.24 5/26,27
					\$450 9/14

TOTALS (all committees)

<u>FROM:</u>		<u>ALL HUDSON COUNTY DEMOCRATIC COMMITTEES</u>			
TO:	HELSTOSKI	\$2500		HELSTOSKI	\$3500
	BAER	\$1214.12		BAER	\$3322.03
	WILLIAMS	\$2939.96		WILLIAMS	\$1250
	LEFANTE	\$2077.01		LEFANTE	\$9086.45

SCHEDULE G
 DISBURSEMENTS ALLOCATED

*Copy of State Form
 Submitted by Byron
 Beer for Congress Center*

EXPENDITURES ON BEHALF OF OTHERS ALLOCATED BY REPORTING CANDIDATE OR COMMITTEE

OFFICE	COUNTY	ELECTION DISTRICT	NAME OF CANDIDATE	FULL MAILING ADDRESS	AMOUNT	FOR STATE USE ONLY
State Senate	Hudson	Hudson N. J.	Gerald H. Madden	125 North St., Jersey City, NJ 07307	3193.11	
	Hudson	Hudson N. J.	Harrison A. Williams, Jr.	139 Brooklake Road, Florham Park, N. J. 07932	1064.40	
Cong. Cong.	Hudson	14th Cong.	Joseph A. LaFante	66 W. 36 St., Bayonne, NJ 07002	709.58	
Cong. Cong.	Hudson	10th Cong.	Byron M. Beer	420 Montana Av., Englewood, NJ 07631	354.00	
AGGREGATE	Hudson	N. J.	Harrison A. Williams, Jr.	139 Brooklake Road, Florham Park, NJ 07932	70.95	
	"	"	Chas. Marciano	39 Sunset Av-W. Trenton, NJ 08622	70.95	
	"	"	Paul T. Jordan	76 Bentley Av., Jersey City NJ 07304	70.95	
	"	"	Barbara McConnell	Rt. 2, Farmington, NJ 08022	70.95	
	"	"	Arthur Holland	133 W. 4th St., Trenton, NJ 08611	70.95	
	"	"	G. Nicholas Venezia	1 Woods Lane, Coli. a, NJ 07037	70.95	
	"	"	Clara Allen	390 Palmyra Av., Union City, NJ 07087	70.95	
	"	"	Albert Bernstein	140 Whatcher Rd, Tenafly, NJ 07670	70.95	
	"	"	Solomon I. Rooney	62 E. Wright St-Pleasantville, NJ 08233	70.95	
	"	"	Paul Pontempo	139 Brooklake Rd, Florham Park NJ 07932	70.95	
30th Dist	Hudson		Fred F. Nugent	753 Hamilton St., Harrison NJ 07029	33.70	
	"	"	James Testa	196 Hickory St., Kearny, NJ 07032	23.70	
	"	"	Marcus McHigh	39 Mail Place, Secaucus, NJ 07094	23.70	
31st Dist	"		James P. Dunn	100 W. 36 St., Bayonne, N.J. 07002	83.70	
	"	"	Chas. O. Perkins	316 Arlington Av., J.C., NJ 07304	83.70	
	"	"	James R. Toole	244 Gustar Ave., J.C., NJ 07302	83.70	
32nd Dist	"		Bernard M. Bartlett	44 Kensington Av-SC, NJ 07304	83.70	
	"	"	Water Rosco	4223 Kennedy Blvd, Ho. Placen NJ 07017	83.70	
	"	"	Gloria Colon	237 - 7 St., Jersey City, NJ 07302	83.70	
33rd Dist	"		William Masto	323-23 St., Union City, NJ 07087	83.70	
	"	"	Con. Simanovich-610	Monitor P., W. New York, NJ 07093	83.70	
	"	"	Steve Cappiello-530	Adams St., Hoboken, NJ 07030	83.70	
					(FRACTIONAL DIFFERENCE)	.05

DISBURSEMENTS ALLOCATED

7095.80

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

FORM REVISED 1-74
 HUNTERDON COUNTY N. J.
 CLERK'S OFFICE, JUNE 1973

SCHEDULE G
 7 DISBURSEMENTS ALLOCATED 9 2 3

NAME OF CANDIDATE OR TITLE OF POLITICAL ORGANIZATION ALLOCATING

EXPENDITURES ON BEHALF OF OTHERS ALLOCATED BY REPORTING CANDIDATE OR COMMITTEE

OFFICE	COUNTY	ELECTION DISTRICT	NAME OF CANDIDATE	FULL MAILING ADDRESS	AMOUNT	FCR STATE USE ONLY
Register	Hudson	Hudson	Gerald M. Madden,	125 North St., Jersey City, NJ 07307	4,413	02
U.S. Senate	Hudson	N. J.	Harrison A. Williams, Jr.,	139 Brooklake Road, Florham Park, N. J. 07932	1,471.25	
U.S. Cong.	Hudson	14th Cong.	Joseph A. LaFante,	66 W. 36 St., Bayonne, NJ 07002	900	03
U.S. Cong.	Hudson	10th Cong.	Dyson M. Baer,	420 Mantana Av., Englewood, NJ 07631	490	42
NO LARGE DISBURSE	Hudson	N. J.	Harrison A. Williams, Jr.,	139 Brooklake Road, Florham Park, NJ 07932	90	03
"	"	"	Chas. Marciano,	39 Sunset Av.-W. Trenton, NJ 08620	90	03
"	"	"	Paul E. Jordan,	75 Bentley Av., Jersey City NJ 07304	90	03
"	"	"	Barbara McConnell,	R.D. 2, Flemington, NJ 08822	90	03
"	"	"	Arthur Holland,	138 Mercer St., Trenton NJ 08611	90	03
"	"	"	G. Nicholas Venezia,	1 Woods Lane, Colonia, NJ 07067	90	03
"	"	"	Clara Allen,	300 Palisade Av., Union City, NJ 07087	90	03
"	"	"	Albert Bernstein,	140 Thatcher Rd, Tenafly, NJ 07679	90	03
"	"	"	Belores I. Mooney,	62 E. Wright St-Pleasantville 08332	90	03
"	"	"	Paul Bentempo,	139 Brooklake Rd, Florham Park NJ 07932	90	03
DISBURSE	Hudson	30th Dist-	Fred F. Nugent,	753 Hamilton St., Harrison NJ 07029	122	60
"	"	"	James Testa,	196 Hickory St., Kennerly, NJ 07932	122	60
DISBURSE	"	"	Marcelles Lohigh,	39 Coll Place, Secaucus, NJ 07094	122	60
DISBURSE	"	31st Dist-	James P. Degan,	100 W. 36 St., Bayonne, N.J. 07002	122	60
DISBURSE	"	"	Ma. O. Perkins,	316A Arlington Av., J.C., NJ 07304	122	60
DISBURSE	"	"	Jane R. Toole,	244 Guster Ave., J.C., NJ 07302	122	60
DISBURSE	"	32nd Dist-	Bernard H. Hartnett,	44 Kensington Av-SC, NJ 07304	122	60
DISBURSE	"	"	Peter Mocco,	4433 Kennedy Blvd, No. Bergen NJ 07067	122	60
DISBURSE	"	"	Gloria Colen,	237 - 7 St., Jersey City, NJ 07302	122	60
DISBURSE	"	33rd Dist-	William V. Musto,	3 2-23 St., Union City NJ 07087	122	60
DISBURSE	"	"	Jos. Simunovich-610	Monitor Pl, W. New York NJ 07093	122	60
DISBURSE	"	"	Steve Cappiello-530	Adams St., Hoboken, N. J. 07030	122	60
NET DISBURSEMENTS ALLOCATED					\$9,808	32
Total Must Agree With Sch. D Line 3 Col. C						

EXPENDITURES ON BEHALF OF OTHERS ALLOCATED BY REPORTING CANDIDATE OR COMMITTEE

OFFICE	COUNTY	ELECTION DISTRICT	NAME OF CANDIDATE	FULL MAILING ADDRESS	AMOUNT	FOR STATE USE ONLY
REG. SEC.	Hudson	Hudson	Gerald M. Madden,	125 North St., Jersey Cty, NJ 07307	159	32
U.S. Senate	Hudson	N. J.	Harrison A. Williams, Jr.,	139 Brooklake Road, Florham Pk., N. J. 07932	53	10
U.S. Cong.	Hudson	14th Cong.	Joseph A. LeFante,	66 W. 36 St., Bayonne, NJ 07002	35	39
U.S. Cong.	Hudson	10th Cong.	Byron M. Baer,	420 Lantana Av., Englewood, NJ 07631	17	70
AT LARGE DELEGATE	Hudson	N. J.	Harrison A. Williams, Jr.,	139 Brooklake Road, Florham Park, NJ 07932	3	54
"	"	"	Chas. Marciante,	39 Sunset Av-W. Trenton, NJ 08628	3	54
"	"	"	Paul T. Jordan,	76 Bentley Av., Jersey City NJ 07304	3	54
"	"	"	Barbara McConnell,	R.D. 2, Flemington, NJ 08822	3	54
"	"	"	Arthur Holland,	138 Mercer St., Trenton NJ 08611	3	54
"	"	"	G. Nicholas Venezia,	1 Woods Lane, Colonia, NJ 07067	3	54
"	"	"	Clara Allen,	300 Palisade Av., Union City, NJ 07087	3	54
"	"	"	Albert Bernstein,	140 Thatcher Rd, Tenafly, NJ 07670	3	54
"	"	"	Dolores I. Mooney,	62 E. Wright St-Pleasantville 08332	3	54
"	"	"	Paul Bontempo,	139 Brooklake Rd, Florham Pk NJ 07032	3	54
DELEGATE	Hudson	30th Dist-	Fred F. Nugent,	753 Hamilton St., Harrison NJ 07029	4	42
"	"	"	James Testa,	196 Hickory St., Kearny, NJ 07032	4	42
ALT. STATE DELEGATE	"	"	Mercedes Lehigh,	38 Gail Place, Secaucus, NJ 07094	4	42
DELEGATE	"	31st Dist-	James P. Dugan,	100 W. 38 St., Bayonne, N.J. 07002	4	42
ALT. STATE DELEGATE	"	"	Wm. O. Perkins,	314A Arlington Av., J.C., NJ 07304	4	42
DELEGATE	"	"	Jane K. Toole,	244 Custer Ave., J.C., NJ 07302	4	42
DELEGATE	"	32nd Dist-	Bernard H. Martnett,	44 Kensington Av-JC, NJ 07304	4	42
ALT. STATE DELEGATE	"	"	Peter Mocco,	4423 Kennedy Blvd, No. Bergen NJ 07047	4	42
DELEGATE	"	"	Gloria Colon,	237 - 7 St., Jersey City, NJ 07302	4	42
ALT. STATE DELEGATE	"	33rd Dist-	William V. Musto,	323-23 St., Union City NJ 07087	4	42
DELEGATE	"	"	Jos. Simunovich-	6104 Monitor Pl, W. New York NJ 07093	4	42
ALT. STATE DELEGATE	"	"	Steve Capiello-	530 Adams St., Hoboken, N. J. 07030	4	42
NET DISBURSEMENTS ALLOCATED					\$353	95

Total Must Agree with Sch. D Line 3 Col. C

8
 State Commission
 P.O. Box 100
 Trenton, N.J.
 U.C. 20463

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 22, 23, and/or 24 of FEC Form 3
 (see instructions on back)

Page _____ of _____ for
 LINE NUMBER _____
 (Use separate schedules for each numbered line)

Name of Candidate or Committee in full
DEM. HUDSON COUNTY CAMPAIGN FUND, NOV. 1976

7603041404

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Henry Helstoski Campaign Fund 666 Paterson Ave. East Rutherford, N. J. 07073	Transfer	10/22/76	\$2,500.00
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Subtotal of expenditures this page (optional)			\$
Total this period (last page this line number only)			\$ 2,500.00

Itemized Receipts, Contributions, Loans, Rebates, and Transfers.

on Commission
Street, N.W.
ington, D.C. 20463

(Indicate the type for each entry)
(see instructions on back)

Page 3 of 5 Pages

7601115538

Name of Candidate or Committee in full Citizens Committee, Helstoski for Congress			
Full Name, mailing address and ZIP code	Indicate type of receipt: <input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in	Date (month, day, year)	Amount of each receipt this period
Ronald J. Picinich 45 Essex Street Hackensack, N.J. 07601	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <u>Attorney</u> <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 150.00</u>	<u>10/22/76</u>	<u>150.00</u>
Vincent P. Rigolosi 45 Essex Street Hackensack, N.J. 07601	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <u>Attorney</u> <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 150.00</u>	<u>10/22/76</u>	<u>150.00</u>
Oral Surgery Political Action Committee 211 East Chicago Ave. Chicago, Ill. 60611	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 1,000.00</u>	<u>10/22/76</u>	<u>1,000.00</u>
Francis B. Schultz 1315 Anderson Ave. Fort Lee, N.J. 07024	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <u>Attorney</u> <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 200.00</u>	<u>10/22/76</u>	<u>200.00</u>
William Maconi, Treas. Democratic Regular Hudson County Campaign Fund, 72 Sterling Ave. Jersey City, N.J.	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 2,500.00</u>	<u>10/26/76</u>	<u>2,500.00</u>
Laborers' Political League 905 16th. Street N.W. Washington, D.C. 20006	<input checked="" type="checkbox"/> contribution		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed		
	Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general		
	Aggregate Year-to-Date <u>\$ 500.00</u>	<u>10/27/76</u>	<u>500.00</u>
Subtotal of receipts this page		▶	\$ <u>4,500.00</u>
Total this period (last page only)		▶	\$

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(see instructions on back)

Name of Candidate or Committee in full

Citizens Committee, Helstoski for Congress

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Regular Hudson County Dinner Committee C/O John Tomasin 4800 Kennedy Blvd. Union City, N.J. 07087	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general Aggregate Year to Date \$ 1000.00	11/76	1000.00
Barbara G. Werber 306 Cedar Hill Ave. Wyckoff, N.J. 07481	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input checked="" type="checkbox"/> general Aggregate Year to Date \$ 150.00	12/15/76	150.00
New Jersey Bell Telephone Co. 75 Orient Way Rutherford, N.J. 07070	<input checked="" type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year to Date \$ 54.47	12/29/76	54.47
	<input type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year to Date \$		
	<input type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year to Date \$		
	<input type="checkbox"/> contribution <input type="checkbox"/> interest or dividend <input type="checkbox"/> loan, loan payment received <input type="checkbox"/> rebate, refund <input type="checkbox"/> transfer in		
Principal place of business	Occupation <input type="checkbox"/> Check if contributor is self employed Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general Aggregate Year to Date \$		
Subtotal of receipts this page			\$ 1204.47
Total this period (last page only)			\$ 1204.47

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**
(See Instructions on back)

Page 1 of 1 for

LINE NUMBER 18

(Use separate schedule(s) for each numbered line).

File A
FEC Form Commission
Wash., D.C.
1975 C. 20463

Name of Candidate or Committee in full		Date (month, day, year)	Amount of each receipt this period
BYRON B&R FOR CONGRESS			
Full Name, mailing address and ZIP code Regular Hudson County Civic Association, Inc. c/o 125 North St., Jersey City, N.J. 07307		5/15/76	354.79
Principal place of business Above	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$ 354.79		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$		
Subtotal of receipts this page (optional)			\$ 354.79
Total this period (last page this line number only)			\$ 354.79

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See instructions on back)

Page 1 of 1 Pages

Name of Committee in full

Phyllis Baer for Congress

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Phyllis Baer 420 Lantana Avenue Englewood, New Jersey 07631 Principal place of business 35 Liberty Road Bergenfield, New Jersey 07621	<input type="checkbox"/> contribution	5/25/76	\$7635.56
	<input type="checkbox"/> interest or dividend	6/2/76	7651.56
	<input checked="" type="checkbox"/> loan, loan payment	6/7/76	3351.44
	<input type="checkbox"/> rebate, refund	6/11/76	3333.78
	<input type="checkbox"/> transfer in	6/23/76	2883.33
Occupation <u>Assemblyman, 37th Dis.</u>			
<input type="checkbox"/> Check if contributor is self-employed			
Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$ 34857.11	

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Regular Hudson County Civic Association & Democratic Hudson County Campaign Fund c/o 125 North St. Jersey City, N.J. 07307 Principal place of business same as above	<input checked="" type="checkbox"/> contribution	5/26/76	\$ 517.24
	<input type="checkbox"/> interest or dividend	5/27/76	2000.00
	<input type="checkbox"/> loan, loan payment		
	<input type="checkbox"/> rebate, refund		
	<input type="checkbox"/> transfer in		
Occupation			
<input type="checkbox"/> Check if contributor is self-employed			
Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$ 2872.03	

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
Phyllis Baer 3031 W. Schoolhouse Lane Philadelphia, Pennsylvania 19144 Principal place of business same as above	<input type="checkbox"/> contribution	6/24/76	500.00
	<input type="checkbox"/> interest or dividend		
	<input type="checkbox"/> loan, loan payment		
	<input type="checkbox"/> rebate, refund		
	<input type="checkbox"/> transfer in		
Occupation <u>housewife</u>			
<input checked="" type="checkbox"/> Check if contributor is self-employed			
Receipt for <input checked="" type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$ 500.00	

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
	<input type="checkbox"/> contribution		
	<input type="checkbox"/> interest or dividend		
	<input type="checkbox"/> loan, loan payment		
	<input type="checkbox"/> rebate, refund		
	<input type="checkbox"/> transfer in		
Occupation			
<input type="checkbox"/> Check if contributor is self-employed			
Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$	

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
	<input type="checkbox"/> contribution		
	<input type="checkbox"/> interest or dividend		
	<input type="checkbox"/> loan, loan payment		
	<input type="checkbox"/> rebate, refund		
	<input type="checkbox"/> transfer in		
Occupation			
<input type="checkbox"/> Check if contributor is self-employed			
Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$	

Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
	<input type="checkbox"/> contribution		
	<input type="checkbox"/> interest or dividend		
	<input type="checkbox"/> loan, loan payment		
	<input type="checkbox"/> rebate, refund		
	<input type="checkbox"/> transfer in		
Occupation			
<input type="checkbox"/> Check if contributor is self-employed			
Receipt for <input type="checkbox"/> primary <input type="checkbox"/> general			
Aggregate Year-to-Date		\$	

Total of receipts this page \$ 27672.91

\$ 27672.91

Continued on back, lines, tables, and instructions for lines
Numbers 15, 16, 17 and/or 18 of FEC Form 3
 (see instructions on back)

Page 1 of 1 for
 LINE NUMBER 16
 (Use separate schedule(s) for each numbered line).

Candidate or Committee in full
Byron Baer for Congress

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Regular Hudson County Civic Association, and Democratic Hudson County Campaign fund c/o 125 North Street, Jersey City, New Jersey 07307	9/14/76	450.00
Principal place of business	Occupation	
Same as above	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$ 2430.00	
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$	
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$	
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$	
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$	
Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	
	<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$	
Subtotal of receipts this page (optional)	>	\$ 450.00
Total this period (list page this line number only)	>	\$ 450.00

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of NEC Form 3**
(see instructions on back)

LINE NUMBER **18-B**

(Use separate schedule for each numbered line).

Name of Candidate or Committee in full

Williams Project '76

760201204891

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
I. C. W. U. Live Fund (Chemical Workers) 1655 W. Market Street Akron, Ohio 44313	10/12/76	275.00
Principal place of business same	Occupation J. A. Thomas, Treasurer <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date > \$ 400.00	
Political League 1300 Connecticut Avenue, N.W. Washington, D. C. 20036	10/12/76	5,000.00
Principal place of business same	Occupation Howard F. Dow, Treasurer <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$	
New Jersey Health Care, PAC 332 West State Street Trenton, New Jersey 08618	10/12/76	125.00
Principal place of business same	Occupation Robert Friedman, Treasurer <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$ 125.00	
Hudson County Regular Democratic Organization 1 Foye Place Jersey City, New Jersey	10/12/76	1,250.00
Principal place of business same	Occupation Bernard Hartnett, Chairman <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$1,250.00	
Union County Democratic Committee 445 Hillside Avenue Hillside, New Jersey 07205	10/12/76	375.00
Principal place of business same	Occupation Donald Lan, Chairman <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$ 375.00	
Greek American Civic League 119 New Kirk Street Jersey City, New Jersey	10/12/76	125.00
Principal place of business same	Occupation Stanley Charas, Treasurer <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date > \$ 125.00	
Subtotal of receipts this page (optional)		> \$ 715.00
Total this period (last page this line number only)		> \$

File B
 1976
 Federal Election Commission
 25 N Street, N.W.
 Washington, D.C. 20463

Itemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 21, 22, and/or 23 of FEC Form 3
 (see instructions on back)

Page 1 of 1 for
 LINE NUMBER 23
 (Use separate schedule(s) for each
 multi-line item)

Name of Candidate or Committee in full
Joseph A. LaForte for Congress Committee

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Regular Hudson County Civic Assoc. 4600 Kennedy Boulevard Union City, New Jersey 07087	Transfer in Kind	4/21/76	709.56
Dem Hudson County Campaign Fund June 1976 72 Sterling Avenue Jersey City, New Jersey 07305	Transfer in Kind	5/24/76	35.39
Dem. Hudson County Campaign Fund June 1976 72 Sterling Avenue Jersey City, New Jersey 07305	Transfer in Kind	5/24/76	18.15
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period

Subtotal of expenditures (this page optional) ▷ \$763.12
 Total this period (last page this line number only) ▷ \$763.12

**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**
(see instructions on back)

Page 1 of 1 for

LINE NUMBER 18

(Use separate schedule(s) for each numbered line).

1100 Commission
Street, N.W.
Washington, D.C. 20463

Name of Candidate or Committee in full
Joseph A. LaFante for Congress Committee

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Dem. Hudson County Campaign Fund, June 1976 72 Sterling Avenue, Jersey City, New Jersey 07305 Principal place of business: Same Occupation: Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-Date ▷ \$ 1034.37	June 23 1976	980.83
Interested Democrats of West New York, N.J. c/o Emily Galiardo, 555 57th Street, West New York, N.J. Principal place of business: Same Occupation: Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$ 151.48	6/23/76	151.48
New Frontier Democrats, Inc. c/o William Yachmetz, 18 Edwards Court, Bayonne, N.J. Principal place of business: Same Occupation: Political Committee <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$ 18.90	6/23/76	18.90
Full Name, mailing address and ZIP code Principal place of business Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$	Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▷ \$	Date (month, day, year)	Amount of each receipt this period
Subtotal of receipts this page (optional)		▷ \$ 1151.21
Total this period (last page this line number only)		▷ \$ 1151.21

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**Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3**
(See instructions on back)

Page 1 of 1 the
LINE NUMBER 18
(Use separate schedule(s) for each
numbered line)

7 5 0 1 1 5 3 1 6

Name of Candidate or Committee in full		Date (month, day, year)	Amount of each receipt this period
JOSEPH A. LEFANTE FOR CONGRESS COMMIT. Full Name, mailing address and ZIP code DEMOCRATIC H.C. DISTRICT COMMITTEE NOV 76 4500 KENNEDY BLVD UNION CITY N.J. 07081 Principal place of business: Occupation: PAC <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$ 3,000.00		11/15/76	3000.00
Full Name, mailing address and ZIP code DEMOCRATIC H.C. CAMPAIGN FUND NOV 76 4500 KENNEDY BLVD UNION CITY N.J. Principal place of business: Occupation: PAC <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$ 4,342.50		11/15/76	4342.50
Full Name, mailing address and ZIP code NEW FRONTIER DEM of BAYLOR 235 BROADWAY BAYLOR N.J. Principal place of business: Occupation: PAC <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$ 56.00		11/15/76	56.00
Full Name, mailing address and ZIP code LADIES FOR LEFANTE 66 W 30 ST BAYLOR N.J. Principal place of business: Occupation: <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$ 157.50		10/31/76	157.50
Full Name, mailing address and ZIP code Principal place of business: Occupation: <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$		Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business: Occupation: <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$		Date (month, day, year)	Amount of each receipt this period
Full Name, mailing address and ZIP code Principal place of business: Occupation: <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date: \$		Date (month, day, year)	Amount of each receipt this period
Subtotal of receipts this page (optional)			\$ 7556.00
Total this period (last page this line number only)			\$ 7556.00

