FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 892

Date Filmed 10/16/79 Camera No. --- 2

Cameraman GPC

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: Commissioner Reiche

FROM: William C. Oldaker
General Counsel

SUBJECT: MUR 892 Civil Penalties

DATE: October 5, 1979

The Office of General Counsel's recommendation and the Commission's decision to accept the relatively small civil penalties in this case were based on the mitigating factors involved.

The staff assigned to this case have advised me that the following factors were considered:

(a) John Zaccaro and his wife's committee (the Committee to Elect Geraldine Ferraro to Congress) solicited the advice of counsel as to how to properly fund the campaign; the counsel was a former employee of the Commission;

(b) He advised that members of the candidate's immediate family should and could fund the campaign; and

(c) Both the candidate and her husband contend that had they been properly advised, the candidate herself could have funded the campaign from her own funds and therefore she did not benefit from funds which would otherwise have been unavailable to her.

On the basis of these mitigating factors, it was concluded that although the violations were serious in nature the circumstances warranted a lesser penalty. However, in order that the public record be clear that the Commission does not consider incorrect legal advice to be a negating factor in violations of the Act, a monetary civil penalty was imposed.

I am advised that interpretive problems with the regulations was not a consideration in this case. Please feel free to contact me for further clarification if necessary.

7 9 0 1 0 1 5 0 5 6 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 4, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William F. O'Brien, Jr.
Shea Gould Climenko & Casey
330 Madison Avenue
New York, New York 10017

Re: MUR 892

Dear Mr. O'Brien:

On October 2, 1979, the Commission voted to accept the conciliation agreements which you submitted on behalf of your clients as settlement of the above-referenced matter.

Accordingly, the Commission has closed its file in this matter. Enclosed you will find fully executed copies of the conciliation agreements for your files.

If you have any questions, please direct them to Suzanne Callahan.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7901015065

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William F. O'Brien, Jr.
Shea Gould Climenko & Carey
330 Madison Avenue
New York, New York 10017

Re: MUR 892

Dear Mr. O'Brien:

On October , 1979, the Commission voted to accept the conciliation agreements which you submitted on behalf of your clients as settlement of the above-referenced matter.

Accordingly, the Commission has closed its file in this matter. Enclosed you will find fully executed copies of the conciliation agreements for your files.

If you have any questions, please direct them to Suzanne Callahan.

SMC
10/2

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7901150565

Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now, therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by counsel that the making of such loans to the Committee would be proper and in full compliance with applicable Federal Law and Regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

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WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date 10/3/79

William C. Oldaker
General Counsel
Federal Election Commission

Date Sept 12, 1979

John A. Zaccaro

7900105570

Before the Federal Election Commission

In the Matter of	)	
	)	
	)	MUR 892
	)	
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been instituted on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro (" the Committee") violated 2 U.S.C. § § 441a, 434(b), and 11 CFR 104.4(e);

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Between May 10, 1978 and September 5, 1978 the Committee received loans aggregating $110,000 from an individual, and duly reported the receipt of such loans in its reports filed with the Federal Election Commission.

B. Prior to the time that these loans were made, the Committee was advised by counsel that the receipt of such loans by the Committee would be proper and in full compliance with applicable Federal Law and Regulations.

C. The Committee was advised that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a by letter from the Federal Election Commission which it received on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, the Committee received

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a loan of $50,000 which it did not report within 48 hours, but upon learning of the 48-hour reporting requirement immediately notified the Federal Election Commission of the receipt of such loan by letter of September 21, 1978.

E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 USS.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complainteunder 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

7 9 0 1 0 1 3 0 5 7 4

Date 10/3/79

William C. Oldaker
General Counsel
Federal Election Commission

Date 9/12/79

David Blanksteen
Treasurer
Committee to Elect Geraldine
Ferraro

7 9 0 1 0 1 6 0 5 7 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 892
John Zaccaro	)	
The Committee to Elect	)	
Geraldine Ferraro to Congress	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 2, 1979, the Commission determined by a vote of 4-1 to adopt the following recommendations, as set forth in the General Counsel's Memorandum dated September 26, 1979, regarding the above-captioned matter:

1. Approve the agreements attached to the above-named memorandum.

2. Close the file in this matter.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, and Tiernan. Commissioner Reiche dissented.

Attest:

10/2/79
Date

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

Received in Office of the Commission Secretary: 9-27-79, 7:37
Circulated on 48 hour vote basis: 9-27-79, 11:00

79040160576

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE mwe

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc

DATE: OCTOBER 1, 1979

SUBJECT: MUR 892 - Memorandum from OGC dated 9-26-79; Received in OCS 9-27-79, 7:37

The above-named document was circulated on a 48 hour vote basis at 11:00, September 27, 1979.

Commissioner Reiche submitted an objection at 11:01, October 1, 1979, thereby placing MUR 892 on the Amended Agenda for October 2, 1979.

7 9 0 1 0 1 0 3 7 7

September 26, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

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

Thankyou.

7 9 0 4 0 0 5 0 7 3

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 SEP 27 A 7: 37

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 1979

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: Conciliation Agreement in connection with MUR 892

Attached for Commission approval are counterproposals submitted as settlement in the above-referenced matter by John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress ("the Committee").

On August 29, 1979, the Commission rejected the respondents' proposal of June 22, 1979, and determined that the respondent should be notified of the language deemed acceptable to the Commission. The respondents were so notified on August 30th.

The attached agreements contain all the provisions the Commission has determined should be part of the agreements. The Office of General Counsel recommends that the Commission approve the attached agreements and close its file in this matter.

Attachments

Two Conciliation Agreements

7 9 0 0 3 0 5 7 9

Before the Federal Election Commission

In the Matter of)
)
) MUR 892.
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now, therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

7904015080

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by counsel that the making of such loans to the Committee would be proper and in full compliance with applicable Federal Law and Regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

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WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

7 9 0 1 0 1 5 0 5 8 2

III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date _____ _____
William C. Oldaker
General Counsel
Federal Election Commission

Date Sept 12, 1979 _____
John A. Zaccaro

79010150583

EAST RIVER SAVINGS BANK
NEW YORK, N.Y.

No. 13-490992

1794
260

SAVINGS BANK MONEY ORDER

14SEP79 MO 01 04

PAY $ *****250.00 ONLY $ *****250.00**

NOT GOOD FOR AMOUNTS OVER TWO HUNDRED FIFTY DOLLARS ($250.)

PAY TO THE ORDER OF United States Treasury

REMITTER MUST INSERT PAYEE'S NAME ON ABOVE LINE

36

SAVINGS BANKS TRUST COMPANY
NEW YORK, N.Y.

REMITTER'S SIGNATURE

22 Deer Park Road Great Neck, N.Y.
ADDRESS

THIS MONEY ORDER MUST BE PRESENTED WITHIN 90 DAYS

⑈03490992⑈ ⑆026007948⑆ 00241⑈0363⑈

Before the Federal Election Commission

In the Matter of	)	
	)	
	)	MUR 892
	)	
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been instituted on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro (" the Committee") violated 2 U.S.C. § § 441a, 434(b), and 11 CFR 104.4(e);

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

7 9 0 1 0 1 3 0 5 8 5

A. Between May 10, 1978 and September 5, 1978 the Committee received loans aggregating $110,000 from an individual, and duly reported the receipt of such loans in its reports filed with the Federal Election Commission.

B. Prior to the time that these loans were made, the Committee was advised by counsel that the receipt of such loans by the Committee would be proper and in full compliance with applicable Federal Law and Regulations.

C. The Committee was advised that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a by letter from the Federal Election Commission which it received on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, the Committee received

7 9 0 1 0 1 5 0 5 8 5

a loan of $50,000 which it did not report within 48 hours, but upon learning of the 48-hour reporting requirement immediately notified the Federal Election Commission of the receipt of such loan by letter of September 21, 1978.

E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 U.S.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

7 9 0 4 0 1 5 0 5 8 7

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

7 9 0 4 0 1 6 0 5 8 9

Date _____

William C. Oldaker
General Counsel
Federal Election Commission

Date 9/12/79

David Blanksteen
Treasurer
Committee to Elect Geraldine Ferraro

7 9 0 4 0 1 5 0 5 8 9

COMMITTEE TO ELECT GERALDINE FERRARO
TO CONGRESS

446

9/12 1979

1-758
260

PAY TO THE ORDER OF United States Treasurer $500.00

Five Hundred and no/100 DOLLARS

ATLANTIC BANK OF NEW YORK
123 William Street, New York, N. Y. 10038

⑆026007582⑈ 02⑈083 4 50⑈

11138

804149

RECEIVED
RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

SHEA GOULD CLIMENKO & CASEY
330 MADISON AVENUE
NEW YORK, NEW YORK 10017
(212) [illegible]
TELEX: 423073
CABLE: HOLMANG

WILLIAM A. SHEA
JESSE CLIMENKO
BRUCE A. HECKER
JAMES J. A. GALLAGHER
BERNARD J. RUGGIERI
JULIAN S. BUSH
EDWIN M. JONES
RALPH L. ELLIS
GEORGE DE GENARO
SHELDON D. CANNY
WILLIAM A. HAGAN, JR.
MICHAEL LESCH
LEON P. GOLD
VINCENT W. QUINN, JR.
RONALD H. ALENSTEIN
ARNOLD S. JACOBS
IRA POSTEL
ROBERT W. CLAESON
STUART HIRSHFIELD
DANIEL L. CARROLL
EDWARD J. MARTIN

MILTON S. GOULD
ROBERT J. CASEY
BENJAMIN BARTEL
BERNARD D. FISCHMAN
MARTIN I. SHELTON
VINCENT D. McDONNELL
ALLAN J. PARKER
ROBERT J. RUBEN
IRVING JACOBSON
SAMUEL W. INGRAM, JR.
JOHN A. CRAIG
KEVIN S. McGRATH
WILLIAM C. FINNERAN, JR.
ALLAN R. TESSLER
HERMAN A. BURSKY
THOMAS E. CONSTANCE
LESTER YASSKY
JOEL I. PAPERNIX
ROGER CUKRAS
JOSEPH FERRARO
RICHARD E. HALPERIN

FRANK E. BARNETT
MILES F. McDONALD
SAUL S. STREIT
ARNOLD FORSTER
OF COUNSEL

WASHINGTON, D. C. OFFICE
1627 I STREET, N. W.
WASHINGTON, D. C. 20006
(202) 833-9880
CABLE HIRGO

WILBUR D. MILLS*
OF COUNSEL

MARIO V. MIRABELLI*
JUDSON A. GOULD*
RESIDENT PARTNER

EUROPEAN OFFICE
47 BERKELEY SQUARE
LONDON W1X 5DB
ENGLAND
01-493-8513
TELEX: 269468

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

79 SEP 18 AM 11:48

September 17, 1979

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

Re: MUR 892

Dear Suzanne:

In accordance with our telephone conversation, I am enclosing herewith executed copies of the conciliation agreements which have been revised to incorporate the language proposed by the Commission in its letter of August 30, 1979. Also enclosed are two checks representing payment of the respondents' civil penalties, as set forth in the agreement.

Your cooperation and courtesy during these negotiations have been greatly appreciated.

Sincerely,

Bill

William F. O'Brien, Jr.

WFO'B, Jr./ew
Encl.

7901160591

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1-794
280

EAST RIVER SAVINGS BANK
NEW YORK, N.Y.

No. 3-490992

SAVINGS BANK MONEY ORDER

14SEP79

MO 01 04A

PAY $***$250.00 ONLY $ *****$250.00**

NOT GOOD FOR AMOUNTS OVER TWO HUNDRED FIFTY DOLLARS ($250.)

PAY TO THE ORDER OF United States Treasury

REMITTER MUST INSERT PAYEE'S NAME ON ABOVE LINE

36

SAVINGS BANKS TRUST COMPANY
NEW YORK, N.Y.

REMITTER'S SIGNATURE

22 Deerdene Road Forest Hills N.Y.

ADDRESS

THIS MONEY ORDER MUST BE PRESENTED WITHIN 90 DAYS

⑈03490992⑈ ⑆026007948⑆ 00241⑈0363⑈

COMMITTEE TO ELECT GERALDINE FERRARO
TO CONGRESS

446

9/12 1979

1-758
260

PAY TO THE ORDER OF United States Treasurer $500.00

Five Hundred and 00/100 DOLLARS

ATLANTIC BANK OF NEW YORK
123 William Street, New York, N. Y. 10038

⑆026007582⑆ 02⑈083 450⑈

2 6 5 0 9 . 0 U

EXPRESS MAIL NEXT DAY SERVICE

POST OFFICE TO ADDRESSEE

B 4865745

FROM:
WILLIAM F. O'BRIEN, JR.
SHEA GOULD CLIMENKO &
CASEY
330 Madison Avenue
New York, New York 10017

Customer Number, if any:

TO:
MS. SUZANNE CALLAHAN
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

ORIGIN:

Initials of Receiving Clerk:	
P.O. ZIP	10036
Date in:	9/17/79
Time in:	4:30 PM
Weight:	1
Postage:	7.50

DESTINATION:

Date of Delivery:	9/18/79
Time of Delivery:	11:05 A
Initials of Delivering Employee:	
Signature of Addressee or Agent:	
DELIVERY WAS ATTEMPTED	
Date	Time:
Notice Left By:	

TO REMOVE PEEL BACK HERE

EXPRESS MAIL SERVICE

LABEL 11B DEC./77

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 30, 1979

Mr. William F. O'Brien, Jr.
Shea Gould Climenko & Casey
330 Madison Avenue
New York, New York 10017

Re: MUR 892

Dear Mr. O'Brien:

On August 29 , 1979, the Commission voted not to accept the conciliation agreements which you submitted on behalf of your clients on June 22, 1979.

The Commission has determined that the language which you have proposed in paragraph B of each conciliation agreement is not acceptable. The language deemed acceptable to the Commission is to the effect of, "Prior to the time that these loans were made, Mr. Zaccaro [the Committee] was advised by counsel that the making [receipt] of such loans to [by] the Committee would be proper and in full compliance with applicable Federal Law and Regulations."

If you wish to continue negotiations in this matter, please advise this office, in writing, by the close of business September , 1979.

If we are unable to reach an agreement in this matter, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

If you have any questions, please direct them to Suzanne Callahan at (202) 523-4529.

Sincerely,

William C. Oldaker
General Counsel

0 4 0 1 6 0 5 9 5

Mr. William F. O'Brien, Jr.
Shea Gould Climenko & Casey
330 Madison Avenue
New York, New York 10017

Dear Mr. O'Brien:

On September , 1979, the Commission voted not to accept the conciliation agreements which you submitted on behalf of your clients on June 22, 1979.

The Commission has determined that the language which you have proposed in paragraph B of each conciliation agreement is not acceptable. The language deemed acceptable to the Commission is to the effect of, "Prior to the time that these loans were made, Mr. Zaccaro [the Committee] was advised by counsel that the making [receipt] of such loans to [by] the Committee would be proper and in full compliance with applicable Federal Law and Regulations."

If you wish to continue negotiations in this matter, please advise this office, in writing, by the close of business September , 1979.

If we are unable to reach an agreement in this matter, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

If you have any questions, please direct them to Suzanne Callahan at (202) 523-4529.

Sincerely, SMC 8/30/79

William C. Oldaker
General Counsel

7 9 0 1 6 0 5 9 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 892
John A. Zaccaro	)	
Committee to Elect Geraldine Ferraro	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 29, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Memorandum dated August 24, 1979, regarding the above-captioned matter:

1. That the Commission not approve the agreements, attached to the above-named memorandum, as submitted by the respondents.

2. That the respondents be notified of the language deemed acceptable via the letter attached to the above-named memorandum.

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

Attest:

8-29-79
Date

Margaret E. Chaney
for Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 8-24-79, 3:22
Circulated on 48 hour vote basis: 8-27-79, 11:00

7 9 0 4 0 1 5 0 5 9 7

August 24, 1979

MEMORANDUM TO: Marge Emmons

FROM: Jane Colgrove

SUBJECT: MUR 892

Please have the attached Memo to the Commission on MUR 892 distributed to the Commission on a ~~36~~ 48 hour tally basis.

Thank you.

7 9 0 1 0 1 0 0 7 6 5 0 3 9 8

FEDERAL ELECTION COMMISSION

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

August 24, 1979

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: Conciliation Agreements in connection with MUR 892

Attached for a Commission determination are conciliation agreements submitted as settlement of the above-referenced matter by John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress.

On May 23, 1979, the Commission voted not to accept the counterproposals submitted as settlement by the respondents. Counsel was notified of the Commission's determination and was advised of the changes which the Commission determined should be made part of the agreements. Counsel then submitted the attached counterproposals on June 22, 1979. 1/

In negotiations with the respondents, the Office of General Counsel agreed to submit the attached counterproposals to the Commission for its consideration. It should be noted, however, that the language proposed in paragraph B of each conciliation agreement does not, we believe, comport with what the Commission indicated would be acceptable language at the meeting of May 23, 1979.

The language deemed acceptable to the Commission at that meeting was to the effect of, "Prior to the time that these loans were made, Mr. Zaccaro [the Committee] was advised by counsel that the making [receipt] of such loans to [by] the Committee would be proper and in full compliance with applicable Federal Law and Regulations."

1/ Page 3, I, of the Committee's agreement contains a phrase which counsel inadvertently left in the agreement. The phrase to be deleted has been noted on the attached agreement.

79010505969

The Office of General Counsel recommends that the Commission not approve the attached agreements as submitted by the respondents and recommends that the respondents be notified of the language deemed acceptable via the attached letter.

Attachments

Two Conciliation Agreements
Notification letter

7 9 0 4 0 1 6 3 0 6 0 0

GCC
10862

Callahan

SHEA GOULD CLIMENKO & CASEY
330 MADISON AVENUE
NEW YORK, NEW YORK 10017

(212) 661-3200
TELEX: 423673
CABLE: HOLMANG

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MICHAEL LESCH
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EDWARD J. MARTIN

MILTON S. GOULD
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SAMUEL W. INGRAM, JR.
JOHN A. CRAIG
KEVIN B. McGRATH
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RESIDENT PARTNER

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ENGLAND
01-493-8513
TELEX 269488

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

FEDERAL ELECTION COMMISSION
'79 AUG 13 AM 9:43

August 7, 1979

7904016061

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

Re: MUR 892

Dear Mr. Oldaker:

This is to confirm our telephone conversation yesterday concerning the above-referenced matter. Please be advised that the language in the conciliation agreement acceptable to our clients which was the subject of our discussion is contained in Section III B on page 2 of the agreements executed by our clients. These agreements were sent to Ms. Suzanne Callahan of your office under letter dated June 22, 1979. It is our understanding that you will submit those agreements to the Commission for its approval.

Your cooperation and assistance in this matter is greatly appreciated.

Very truly yours,

Kevin B. McGrath

KBMcG/ew

1026

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TELEX: 269488

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

June 22, 1979

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

Attention: Ms. Suzanne Callahan

902835

RE: MUR 892

Dear Ms. Callahan:

In accordance with our telephone conversation, enclosed herewith are executed conciliation agreements from John Zaccaro and the Committee. We have made every effort to accommodate all of the comments made by the Commission, and have high expectations that they will approve these agreements.

Thanks again for your assistance in this matter.

Sincerely yours,

William F. O'Brien, Jr.

WFO'B,Jr.
Encl.

7 9 0 4 0 1 5 0 6 0 2

Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

7904015063

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by an attorney whom Mr. Zaccaro had good reason to believe was fully familiar with Federal election laws that the making of such loans to the Committee would be proper and in full compliance with applicable Federal law and regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

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WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date_____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date June 14, 1979

John A. Zaccaro

7 9 0 4 0 1 5 0 6 0 6

Before the Federal Election Commission

In the Matter of	)	
	)	MUR 892
	)	
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been instituted on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C. § § 441a, 434(b), and 11 CFR 104.4(e);

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Between May 10, 1978 and September 5, 1978 the Committee received loans aggregating $110,000 from an individual, and duly reported the receipt of such loans in its reports filed with the Federal Election Commission.

B. Prior to accepting these loans the Committee had been advised by an attorney whom the Committee had good reason to believe was fully familiar with Federal election laws that acceptance of such loans was proper and permissible under applicable Federal election laws and regulations.

C. The Committee was advised that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a by letter from the Federal Election Commission which it received on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, the Committee received

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a loan of $50,000 which it did not report within 48 hours, but upon learning of the 48-hour reporting requirement immediately notified the Federal Election Commission of the receipt of such loan by letter of September 21, 1978.

E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 U.S.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

7 7 0 4 0 1 6 3 6 1 0

Date_____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date 11/21/84

_____
David Blanksteen
Treasurer
Committee to Elect Geraldine Ferraro

7 7 0 4 0 1 6 0 6 1 1

FEDERAL ELECTION COMMISSION

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

Mr. William F. O'Brien, Jr.
Shea Gould Climenko & Casey
330 Madison Avenue
New York, New York 10017

Dear Mr. O'Brien:

On September , 1979, the Commission voted not to accept the conciliation agreements which you submitted on behalf of your clients on June 22, 1979.

The Commission has determined that the language which you have proposed in paragraph B of each conciliation agreement is not acceptable. The language deemed acceptable to the Commission is to the effect of, "Prior to the time that these loans were made, Mr. Zaccaro [the Committee] was advised by counsel that the making [receipt] of such loans to [by] the Committee would be proper and in full compliance with applicable Federal Law and Regulations."

If you wish to continue negotiations in this matter, please advise this office, in writing, by the close of business September , 1979.

If we are unable to reach an agreement in this matter, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit. 2 U.S.C. § 437g(a)(5)(B).

If you have any questions, please direct them to Suzanne Callahan at (202) 523-4529.

Sincerely,

William C. Oldaker
General Counsel

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GCC
10862

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RESIDENT PARTNER

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LONDON W1X 5DB
ENGLAND
01-493-5513
TELEX: 269466

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

RECEIVED
FEDERAL ELECTION
COMMISSION

79 AUG 13 AM 9:43

August 7, 1979

7 9 0 1 5 0 6 1 3

SENSITIVE

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

Re: MUR 892

Dear Mr. Oldaker:

This is to confirm our telephone conversation yesterday concerning the above-referenced matter. Please be advised that the language in the conciliation agreement acceptable to our clients which was the subject of our discussion is contained in Section III B on page 2 of the agreements executed by our clients. These agreements were sent to Ms. Suzanne Callahan of your office under letter dated June 22, 1979. It is our understanding that you will submit those agreements to the Commission for its approval.

Your cooperation and assistance in this matter is greatly appreciated.

Very truly yours,

Kevin B. McGrath

KBMcG/ew

SHEA GOULD CLIMENKO & CASEY
330 MADISON AVENUE
NEW YORK, NEW YORK 10017

NEW YORK
AUG-8'79
N.Y.

POSTAGE
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William C. Oldaker, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

'79 AUG 13 AM 9:43

RECEIVED
FEDERAL ELECTION
COMMISSION

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS LS

DATE: AUGUST 3, 1979

SUBJECT: MUR 892 - Interim Conciliation Report Dated 7-30-79, signed 8-3-79, Received by OCS 8-2-79, 11:50

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:00, August 2, 1979.

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

79040069615

August 2, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached Interim Concil REport on MUR 892 distributed to the Commission.

Thank you.

7 9 0 2 1 0 6 0 1 6

BEFORE THE FEDERAL ELECTION COMMISSION
July 30, 1979

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

9 AUG 2 P12: 50

In the Matter of	)	
	)	
	)	
John A. Zaccaro and the Committee to Elect Geraldine Ferraro to Congress	)	MUR 892

INTERIM CONCILIATION REPORT

The Office of General Counsel is currently negotiating conciliation agreements with John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress.

The most recent counterproposals, submitted by the respondents on June 22, 1979, did not contain all of the provisions which the Commission has determined should be made part of the agreements. We have notified the respondents of the changes we deem necessary and we expect to receive a response shortly.

8/3/79
Date

William C. Oldaker
General Counsel

7 9 0 1 0 1 6 0 6 1 7

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: JULY 13, 1979

SUBJECT: MUR 892 - Interim Conciliation Report dated July 10, 1979; Signed by GC 7-12-79; Received by OCS 7-12-79, 4:16

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 2:00, July 13, 1979.

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

79040163618

July 12, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached Interim Concil Report on MUR 892 distributed to the Commission.

Thank you.

7 9 0 1 2 1 3 0 6 1 9

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

July 10, 1979

79 JUL 12 P4: 16

In the Matter of	)	
	)	
	)	
John A. Zaccaro and the Committee to Elect Geraldine Ferraro to Congress	)	MUR 892

Interim Conciliation Report

On May 23, 1979, the Commission voted not to accept the counterproposals submitted as settlement of the above-referenced matter by John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress.

The respondents were notified of the Commission's determination and were advised of the changes which the Commission determined should be made part of the agreements.

On June 22, 1979, Counsel for the respondents submitted redrafted agreements. The Office of General Counsel reviewed the agreements and determined that further negotiations were necessary; the respondents were so notified on July 10th. We expect to have a final draft agreement negotiated with the respondents shortly.

DATE: 7/12/79

William C. Oldaker
General Counsel

7 9 0 1 0 1 6 0 6 2 0

GCC
1042b

SHEA GOULD CLIMENKO & CASEY

330 MADISON AVENUE

NEW YORK, NEW YORK 10017

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TELEX: 423973

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01-493-8513
TELEX 269468

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

June 22, 1979

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

Attention: Ms. Suzanne Callahan

902835

RE: MUR 892

Dear Ms. Callahan:

In accordance with our telephone conversation, enclosed herewith are executed conciliation agreements from John Zaccaro and the Committee. We have made every effort to accommodate all of the comments made by the Commission, and have high expectations that they will approve these agreements.

Thanks again for your assistance in this matter.

Sincerely yours,

Bill

William F. O'Brien, Jr.

WFO'B,Jr.
Encl.

7 9 0 1 0 1 6 0 6 2 1

Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

7 9 0 4 0 1 6 0 6 2 2

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by an attorney whom Mr. Zaccaro had good reason to believe was fully familiar with Federal election laws that the making of such loans to the Committee would be proper and in full compliance with applicable Federal law and regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

7 9 0 1 0 1 6 0 6 2 3

WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

7 9 0 1 0 5 0 5 2 4

III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date June 19, 1979

_____
John A. Zaccaro

7 9 0 4 0 1 6 0 6 2 5

Before the Federal Election Commission

In the Matter of	)	
	)	MUR 892
	)	
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been instituted on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C. § § 441a, 434(b), and 11 CFR 104.4(e);

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Between May 10, 1978 and September 5, 1978 the Committee received loans aggregating $110,000 from an individual, and duly reported the receipt of such loans in its reports filed with the Federal Election Commission.

B. Prior to accepting these loans the Committee had been advised by an attorney whom the Committee had good reason to believe was fully familiar with Federal election laws that acceptance of such loans was proper and permissible under applicable Federal election laws and regulations.

C. The Committee was advised that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a by letter from the Federal Election Commission which it received on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, the Committee received

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a loan of $50,000 which it did not report within 48 hours, but upon learning of the 48-hour reporting requirement immediately notified the Federal Election Commission of the receipt of such loan by letter of September 21, 1978.

E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 U.S.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

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Date_____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date Mar 31, 1999

_____
David Blanksteen
Treasurer
Committee to Elect Geraldine
Ferraro

7 9 0 4 0 1 3 0 6 3 0

W F O'Brien

SHEA GOULD CLIMENKO & CASEY
330 MADISON AVENUE
NEW YORK, N.Y. 10017

RECEIVED
FEDERAL ELECTION
COMMISSION

79 JUN 25 AM 8:32

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

Attention: Ms. Suzanne Callahan

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: JUNE 19, 1979

SUBJECT: MUR 892 - Interim Conciliation Report dated 6-13-79. Signed 6-14-79; Received in OCS 6-18-79, 12:49

The above-named document was circulated on a 24 hour no-objection basis at 4:00.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 4:30 this date.

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June 18, 1979

MEMORANDUM TO: Marge Emmons

FROM: Jane Colgrove

SUBJECT: MUR 892

Please have the attached Interim Conciliation Report on MUR 892 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
June 13, 1979

79 JUN 18 P12: 48

In the Matter of	)	
	)	
	)	MUR 892
John A. Zaccaro and	)	
The Committee to Elect Geraldine	)	
Ferraro to Congress	)	

Interim Conciliation Report

On May 23, 1979, the Commission voted not to accept the counterproposals submitted as settlement of the above-referenced matter by John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress.

The respondents were notified of the Commission's determination and were advised of the changes which the Commission determined should be made part of the agreements.

We have been advised by Counsel for the respondents that the agreements have been redrafted and submitted to the respondents for signature. Upon receipt of the signed agreements, the Office of General Counsel will review them and forward them to the Commission for a determination.

DATE: 6/14/79

William C. Oldaker
General Counsel

79010 9 0 6 3 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

DATE: MAY 15, 1979

SUBJECT: OBJECTION - MUR 892 - Memorandum from OGC dated 5-11-79 with Conciliation Agreements; Received in OCS Friday, 5-11-79, 4:13

The above-named document was circulated on a 48 hour vote basis at 2:30, May 14, 1979.

Commissioners Tiernan and McGarry have submitted objections thereby placing MUR 892 on the Executive Session Agenda for May 23, 1979.

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May 11, 1979

MEMORANDUM TO: Marge Emmons

FROM: Jane Colgrove

SUBJECT: MUR 892

Please have the attached Memo to the Commission on MUR 892 distributed on a 48 hour tally basis.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 MAY 11 P4: 13

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 11, 1979

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: Conciliation Agreements in Connection with MUR 892

Attached for Commission approval are counterproposals submitted as settlement in the above-referenced matter by John Zaccaro and the Committee to Elect Geraldine Ferraro to Congress ("the Committee").

The counterproposals differ from the Commission's draft agreements in that; (a) the pertinent facts have been expatiated while retaining the Commission's original language, (b) the admissions of violations have been reworded, and (c) the civil penalties have been reduced from $500 to none by John Zaccaro and from $1,000 to $250 by the Committee. A civil penalty has been retained in the Committee's agreement as their violation of § 434(b) (11 CFR 104.4(e)) was not affected by mitigating factors.

By letter dated May 2, 1979 (attached), counsel has detailed his justifications for the changes noted above. In connection with the § 441a violations, counsel submits the following facts as mitigating:

(1) the respondents were advised by an attorney formerly employed by the Commission that the subject loans were permissible under the Act,

(2) since the candidate had sufficient assets with which to make loans of like amounts, she did not benefit from funds which would otherwise have been unavailable to her,

(3) the initial loan made to the committee by John Zaccaro was reported on the Committee's July 10 quarterly report but the respondents were not notified of the possible violation until September 11, 1978. During the two months which transpired, Mr. Zaccaro loaned an additional $85,000 to the committee which could have been avoided had he been notified of the § 441a limitation earlier, and

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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

(4) when the respondents were notified that the loans should be repaid to rectify the situation, the candidate acted immediately which resulted in "an economic detriment" to her.

Under the circumstances, the Office of General Counsel concurs with counsel that based on the mitigating factors involved with the transactions at issue, the counterproposals offered as settlement are appropriate in this case.

The Office of General Counsel recommends that the Commission approve the attached agreements.

Attachments:
May 2, 1979 letter from respondent's counsel
Counterproposals to Conciliation Agreements

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10030

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330 MADISON AVENUE
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TELEX: 423973
CABLE: HOLMANG

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RESIDENT PARTNER

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ENGLAND
01-493-8513
TELEX: 268488

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 MAY - PM 1:57

May 2, 1979

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

Attention: William C. Oldaker, Esq.
General Counsel

902222

Re: MUR 892

Dear Mr. Oldaker:

Herewith enclosed for your consideration are two conciliation agreements which we offer on behalf of our clients as settlement of the above referenced investigation. These agreements represent a counter proposal to the agreements offered by the Commission under letter drafted March 19, 1979.

In view of the unique circumstances concerning the alleged violations, we believe that the enclosed agreements represent a fair settlement of this matter, adequately reflecting the concerns of the Commission in resolving investigations of this nature in such a manner. In drafting the agreements, we have taken into consideration previous conciliation agreements entered into by the Commission.

In its consideration of the enclosed agreements, we urge the Commission to take into account the extraordinary mitigating circumstances surrounding the alleged violations, including the following:

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1. The respondents sought and relied upon legal counsel concerning the proper way to finance the campaign, and were advised that the loans in question were proper and in full compliance with applicable Federal law and regulations. This advice was sought and given before the loans were made, and the attorney giving the advice had indicated to both respondents that he had been previously employed by the Federal Election Commission.

2. At the time such loans were made, and at all times thereafter, the candidate herself was willing and able to contribute like amounts from her own funds, so that the Committee enjoyed no economic benefit not otherwise available to it had the proper legal advice been given.

3. The Respondents did not learn of the existence of a possible violation until September 11, 1978, when a letter was received from the Commission concerning contributions reported in the July 10, 1978 Quarterly Report of Receipts and Expenditures. Had respondents been immediately notified upon the filing of such report, no further loans would have been made by Mr. Zaccaro, or accepted by the Committee, and repayment of the loans would have been effectuated with funds then available to the candidate prior to the Primary Election.

4. The date, source, and amount of these loans were duly reported by the Committee and are a matter of public record.

5. We have been advised that the question of illegal contributions was an issue in the campaign, so that the respondents and candidate were politically harmed as a result of the erroneous legal advice.

6. After learning of a possible violation, the respondents and candidate chose the most expeditious alternative to effectuate repayment of the loans, in spite of the adverse economic consequences. Specifically, instead of raising funds by mortgaging property owned by the candidate, an available alternative which would have entailed some delay, the candidate sold other property which she owned. Mr. Zaccaro has advised us that a considerable capital gain was incurred in such sale. Accordingly, it is evident that the good faith effort to repay the loan as quickly as possible resulted in an economic detriment to the candidate and respondent, Mr. Zaccaro, which would not have been suffered had the slower alternative of mortgaging other property been chosen. In this

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regard, it should be noted that the repayment was, in fact, made by October 5, 1978, well in advance of the general election.

In view of the foregoing circumstances, we believe that no action should be taken against the respondents in this matter. Respondents have at all times acted reasonably and in good faith, and have cooperated fully and candidly with this investigation, incurring considerable additional expense in so doing. However, in an effort to terminate this investigation in a mutually satisfactory manner, we submit the enclosed agreements as a fair and reasonable offer of conciliation, and urge favorable consideration by the Commission.

Very truly yours,

William F. O'Brien Jr.

WFO'B/ew
Encl.

William F. O'Brien, Jr.

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Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro, a member of the candidate's immediate family, loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by an attorney who stated that he had been previously employed by the Federal Election Commission that the making of such loans to the Committee would be proper and in full compliance with applicable Federal law and regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978, and thereupon took immediate steps to effectuate the repayment of loans in excess of the statutory limitation. Such repayment was made by the Committee prior to the general election, and the Federal Commission was notified of the repayment by letter of October 5, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

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WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date_____ _____
William C. Oldaker
General Counsel
Federal Election Commission

Date_____ _____
John A. Zaccaro

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Before the Federal Election Commission

In the Matter of	)	
	)	MUR 892
	)	
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C. §§441a, 434(b), and 11 CFR 104.4(e);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Committee,having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978 John A. Zaccaro a member of the candidate's

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immediate family, loaned $110,000 to the Committee, which duly [redacted] reports filed with the Federal Election Commission.

B. Prior to accepting these loans the Committee had been advised by an attorney who had indicated that he had been formerly employed by the Federal Election Commission that acceptance of such loans was proper and permissible under applicable Federal election laws and regulations.

C. The Committee first learned that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a upon receipt of a letter from the Federal Election Commission on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible, and such repayment was made by the Committee prior to the general election. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, John A. Zaccaro loaned the Committee $50,000 which it did not report in a timely fashion, but upon learning of the special reporting requirement immediately notified the Federal Election Commission of such loan by letter.

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E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 U.S.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g (a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning

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the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

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Date_____

William C. Oldaker
General Counsel
Federal Election Commission

Date_____

David Blanksteen
Treasurer
Committee to Elect Geraldine Ferraro

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: MAY 8, 1979

SUBJECT: MUR 892 - Interim Conciliation Report dated 5-1-79; Received in OCS 5-4-79, 2:49; Signed by GC 5-4-79

The above-named document was circulated on a 24 hour no-objection basis at 12:00, Monday, May 7, 1979.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as to 1:00 this date.

79040160650

May 4, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached Interim Concil Report on MUR 892 distributed to the Commission.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
May 1, 1979

79 MAY 4 A 2: 49

In the Matter of	)	
	)	
	)	MUR 892
John A. Zaccaro and the	)	
Committee to Elect Geraldine	)	
Ferraro to Congress	)	

7904016052

Interim Conciliation Report

On March 15, 1979, the Commission found reasonable cause to believe that Mr. John A. Zaccaro and the Committee to Elect Geraldine Ferraro to Congress ("the Committee"), violated 2 U.S.C. §441a. Additionally, the Commission found reasonable cause to believe that the Committee violated §434 and 11 CFR 104.4(e).

On April 16, 1979, a meeting was held with respondent's counsel at which time we were informed that a written counter-proposal would be submitted to the Commission within three weeks.

Upon receipt of the forthcoming proposal, a recommendation will be made to the Commission.

Date: 5/4/79

William C. Oldaker
General Counsel

GOEM 10030

SHEA GOULD CLIMENKO & CASSEDY

330 MADISON AVENUE

NEW YORK, NEW YORK 10017

(212) 661-2200

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JOSEPH FERRARO
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RESIDENT PARTNER

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01-493-8813
TELEX: 889488

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 MAY 2 PM 1:57

May 2, 1979

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

Attention: William C. Oldaker, Esq.
General Counsel

902222

Re: MUR 892

Dear Mr. Oldaker:

Herewith enclosed for your consideration are two conciliation agreements which we offer on behalf of our clients as settlement of the above referenced investigation. These agreements represent a counter proposal to the agreements offered by the Commission under letter drafted March 19, 1979.

In view of the unique circumstances concerning the alleged violations, we believe that the enclosed agreements represent a fair settlement of this matter, adequately reflecting the concerns of the Commission in resolving investigations of this nature in such a manner. In drafting the agreements, we have taken into consideration previous conciliation agreements entered into by the Commission.

In its consideration of the enclosed agreements, we urge the Commission to take into account the extraordinary mitigating circumstances surrounding the alleged violations, including the following:

7904160653

1. The respondents sought and relied upon legal counsel concerning the proper way to finance the campaign, and were advised that the loans in question were proper and in full compliance with applicable Federal law and regulations. This advice was sought and given before the loans were made, and the attorney giving the advice had indicated to both respondents that he had been previously employed by the Federal Election Commission.

2. At the time such loans were made, and at all times thereafter, the candidate herself was willing and able to contribute like amounts from her own funds, so that the Committee enjoyed no economic benefit not otherwise available to it had the proper legal advice been given.

3. The Respondents did not learn of the existence of a possible violation until September 11, 1978, when a letter was received from the Commission concerning contributions reported in the July 10, 1978 Quarterly Report of Receipts and Expenditures. Had respondents been immediately notified upon the filing of such report, no further loans would have been made by Mr. Zaccaro, or accepted by the Committee, and repayment of the loans would have been effectuated with funds then available to the candidate prior to the Primary Election.

4. The date, source, and amount of these loans were duly reported by the Committee and are a matter of public record.

5. We have been advised that the question of illegal contributions was an issue in the campaign, so that the respondents and candidate were politically harmed as a result of the erroneous legal advice.

6. After learning of a possible violation, the respondents and candidate chose the most expeditious alternative to effectuate repayment of the loans, in spite of the adverse economic consequences. Specifically, instead of raising funds by mortgaging property owned by the candidate, an available alternative which would have entailed some delay, the candidate sold other property which she owned. Mr. Zaccaro has advised us that a considerable capital gain was incurred in such sale. Accordingly, it is evident that the good faith effort to repay the loan as quickly as possible resulted in an economic detriment to the candidate and respondent, Mr. Zaccaro, which would not have been suffered had the slower alternative of mortgaging other property been chosen. In this

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regard, it should be noted that the repayment was, in fact, made by October 5, 1978, well in advance of the general election.

In view of the foregoing circumstances, we believe that no action should be taken against the respondents in this matter. Respondents have at all times acted reasonably and in good faith, and have cooperated fully and candidly with this investigation, incurring considerable additional expense in so doing. However, in an effort to terminate this investigation in a mutually satisfactory manner, we submit the enclosed agreements as a fair and reasonable offer of conciliation, and urge favorable consideration by the Commission.

Very truly yours,

William F. O'Brien Jr.

WFO'B/ew
Encl.

William F. O'Brien, Jr.

7 7 0 4 0 1 5 0 6 5 5

Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

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III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro, a member of the candidate's immediate family, loaned $110,000 to the Committee to Elect Geraldine A. Ferraro (the "Committee").

B. Prior to the time that these loans were made, Mr. Zaccaro was advised by an attorney who stated that he had been previously employed by the Federal Election Commission that the making of such loans to the Committee would be proper and in full compliance with applicable Federal law and regulations.

C. Mr. Zaccaro first learned of the applicability of the limitations imposed by 2 U.S.C. §441a to such loans on September 11, 1978, and thereupon took immediate steps to effectuate the repayment of loans in excess of the statutory limitation. Such repayment was made by the Committee prior to the general election, and the Federal Commission was notified of the repayment by letter of October 5, 1978.

D. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter responding promptly and candidly to all inquiries by the Commission.

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WHEREFORE, respondent John A. Zaccaro agrees:

I. Respondent's loans to the Committee constituted contributions subject to the $1,000 limitation imposed by 2 U.S.C. §441a.

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date_____ _____
William C. Oldaker
General Counsel
Federal Election Commission

Date_____ _____
John A. Zaccaro

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Before the Federal Election Commission

In the Matter of)
) MUR 892
Committee to Elect Geraldine Ferraro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C. §§441a, 434(b), and 11 CFR 104.4(e);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Committee,having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978 John A. Zaccaro a member of the candidate's

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immediate family, loaned $110,000 to the Committee, and duly reported the receipt of such loans in its reports filed with the Federal Election Commission.

B. Prior to accepting these loans the Committee had been advised by an attorney who had indicated that he had been formerly employed by the Federal Election Commission that acceptance of such loans was proper and permissible under applicable Federal election laws and regulations.

C. The Committee first learned that these loans were subject to the $1,000 limitation imposed by 2 U.S.C. §441a upon receipt of a letter from the Federal Election Commission on September 11, 1978. The Committee thereupon acted to repay the loans exceeding such limitation as expeditiously as possible, and such repayment was made by the Committee prior to the general election. The Committee notified the Federal Election Commission of such repayment by letter of October 5, 1978.

D. Less than 15 days but not more than 48 hours prior to the primary election held on September 12, 1978, John A. Zaccaro loaned the Committee $50,000 which it did not report in a timely fashion, but upon learning of the special reporting requirement immediately notified the Federal Election Commission of such loan by letter.

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E. Respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

WHEREFORE, respondent Committee to Elect Geraldine Ferraro agrees:

I. The loan of $110,000 from an individual who is a member of the candidate's immediate family is a contribution subject to the limitation of $1,000 on contributions from individuals imposed by 2 U.S.C. §441a.

II. The Respondent's acceptance of the $50,000 of loans should have been reported in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

III. That respondent will pay a civil penalty in the amount of $250 pursuant to 2 U.S.C. §437g (a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning

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the matter at issue herein, or on its motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

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Date_____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date_____

_____
David Blanksteen
Treasurer
Committee to Elect Geraldine Ferraro

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS

DATE: APRIL 13, 1979

SUBJECT: MUR 892 - Interim Conciliation Report dated April 10, 1979; Signed 4-11-79; Received in OCS 4-12-79, 10:22

The above-named document was circulated on a 24 hour no-objection basis at 3:30, April 12, 1979.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 4:00 this date.

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April 12, 19799

MEMORANDUM TO: Marge Emmons

FROM: Eèissa T. Garr

SUBJECT: MUR 892

Please have the attached Interim Concil Report on MUR 892 distributed to the Commission.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
April 10, 1979

In the Matter of	)	
	)	
	)	MUR 892
	)	
John A. Zaccaro and the Committee to Elect Geraldine Ferraro to Congress	)	

Interim Conciliation Report

On March 15, 1979, the Commission found reasonable cause to believe that Mr. John A. Zaccaro and the Committee to Elect Geraldine Ferraro to Congress ("the Committee"), violated 2 U.S.C. § 441a. Additionally, the Commission found reasonable cause to believe that the Committee violated § 434 and 11 CFR 104.4(e).

On March 19, 1979, notification letters and conciliation agreements were sent to the respondents. We have scheduled a meeting for April 16th with respondent's counsel and will apprise the Commission of the status of our negotiations following the meeting.

4/11/79
Date

William C. Oldaker
General Counsel

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TO E. Gail

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: MARJORIE EMMONS

FROM: DOUGLAS J. PATTON DJP

DATE: APRIL 12, 1979

RE: MUR 892

This is to inform you that I would like to be recused from MUR 892 dealing with Geraldine Ferraro. Please do not distribute any materials dealing with this MUR to my office.

Thank you.

cc: William Oldaker
Suzanne Callahan

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 19, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William F. O'Brien, Jr.
330 Madison Avenue
New York, New York 10017

RE: MUR 892

Dear Mr. O'Brien:

On March 14, 1979, the Commission determined there was reasonable cause to believe that the Committee to Elect Geraldine Ferraro has violated 2 U.S.C. §441a, §434, and 11 CFR 104.4(e) and found reasonable cause to believe that John A. Zaccaro has violated 2 U.S.C. §441a of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose conciliation agreements that the Commission offers as settlement of this matter. If your clients agree with the provisions of the enclosed conciliation agreements, please have them sign and return them along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements.

Additionally, a review of the Committee's reports indicate that the loans to the Committee which were made from trust accounts of the Zaccaro children were incorrectly attributed to the children rather than John Zaccaro or Geraldine Zaccaro. 11 CFR 110.1 states that minor children

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may contribute up to $1,000 to a candidate if the decision to do so is made voluntarily and if the funds are owned or controlled exclusively by the child. The loans made from the children's trust accounts in this case do not meet the requirements of §110.1 and should therefore be attributed to the custodian of the subject accounts. The Committee should be advised to amend their reports accordingly.

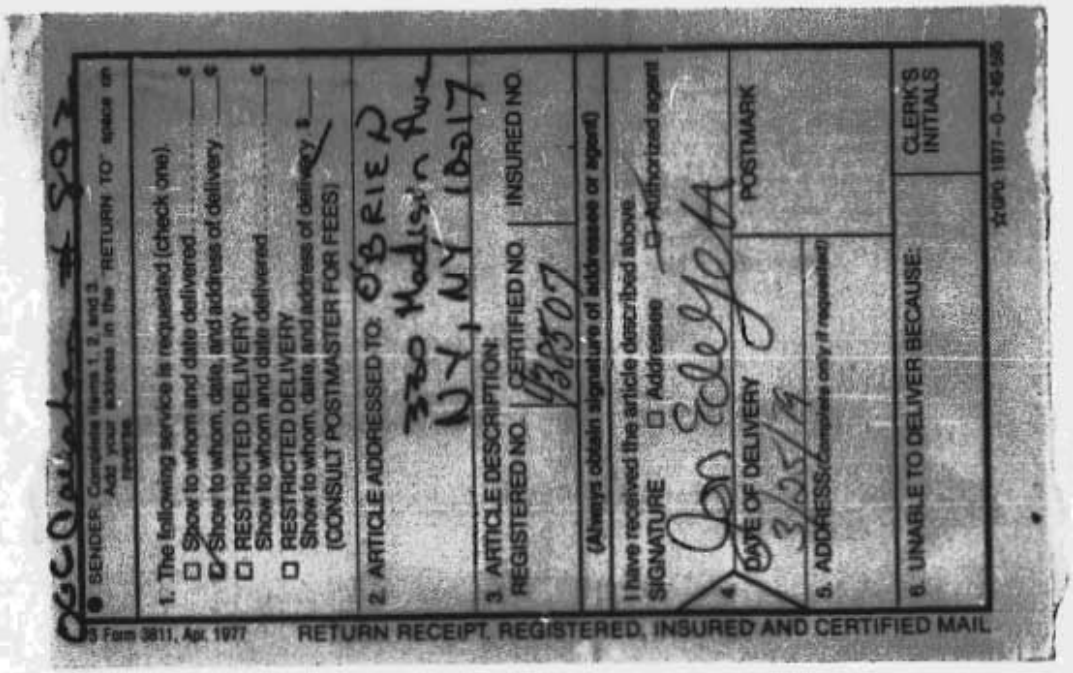
Further, in a letter from the Committee dated October 30, 1978, it is indicated that the May 10, 1978, loan in the amount of $25,000 from John Zaccaro was from funds held in a joint savings account with Mrs. Zaccaro. However, Mr. Zaccaro's affidavit indicates the source of funds to be a loan which he secured from the East River Savings Bank. The Committee should be advised to amend its reports accordingly.

If you have any questions or suggestions for changes in the enclosed conciliation agreements, please contact Suzanne Callahan at 202/523-4529 within ten days.

Sincerely,

William C. Oldaker
General Counsel

Enclosures
Two Conciliation Agreements



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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William F. O'Brien, Jr.
330 Madison Avenue
New York, New York 10017

RE: MUR 892

Dear Mr. O'Brien:

On , 1979, the Commission determined there was reasonable cause to believe that the Committee to Elect Geraldine Ferraro has violated 2 U.S.C. §441a, §434, and 11 CFR 104.4(e) and found reasonable cause to believe that John A. Zaccaro has violated 2 U.S.C. §441a of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose conciliation agreements that the Commission offers as settlement of this matter. If your clients agree with the provisions of the enclosed conciliation agreements, please have them sign and return them along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements.

Additionally, a review of the Committee's reports indicate that the loans to the Committee which were made from trust accounts of the Zaccaro children were incorrectly attributed to the children rather than John Zaccaro or Geraldine Zaccaro. 11 CFR 110.1 states that minor children

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may contribute up to $1,000 to a candidate if the decision to do so is made voluntarily and if the funds are owned or controlled exclusively by the child. The loans made from the children's trust accounts in this case do not meet the requirements of §110.1 and should therefore be attributed to the custodian of the subject accounts. The Committee should be advised to amend their reports accordingly.

Further, in a letter from the Committee dated October 30, 1978, it is indicated that the May 10, 1978, loan in the amount of $25,000 from John Zaccaro was from funds held in a joint savings account with Mrs. Zaccaro. However, Mr. Zaccaro's affidavit indicates the source of funds to be a loan which he secured from the East River Savings Bank. The Committee should be advised to amend its reports accordingly.

If you have any questions or suggestions for changes in the enclosed conciliation agreements, please contact Suzanne Callahan at 202/523-4529 within ten days. 3/15/79

Sincerely,

William C. Oldaker
General Counsel

Enclosures
Two Conciliation Agreements

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Before the Federal Election Commission

In the Matter of	)	
	)	
	)	MUR 892
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C.§§441a, 434(b), and 11 CFR 104.4(e);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Committee having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee.

B. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, John A. Zaccaro loaned the Committee $50,000 which it did not report in a timely fashion.

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Wherefore, respondent Committee to Elect Geraldine Ferraro agrees:

I. **Respondent's action in accepting and retaing $110,000 in contributions from an individual is in violation of 2 U.S.C. §441a.**

II. **Respondent's action in not reporting receipt of contributions in excess of $1,000 prior to an election in a timely fashion is in violation of 2 U.S.C. §434 and 11 CFR 104.4(e).**

III. That respondent will pay a civil penalty in the amount of $1,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission

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Date _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date _____

_____
David Blankstein
Treasurer
Committee to Elect Geraldine
Ferraro

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Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine Ferraro.

Wherefore, respondent John A. Zaccaro agrees:

I. Respondent's action in contributing $110,000 to the Committee to Elect Geraldine Ferraro is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent agrees that it will not undertake any activity

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which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

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Date _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date _____

_____
John A. Zaccaro

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUE 892
John A. Zaccaro	)	
Committee to Elect Geraldine Ferraro	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 14, 1979, the Commission determined by a vote of 6-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated February 27, 1979, regarding the above-captioned matter:

1. Find reasonable cause to believe that John A. Zaccaro has violated 2 U.S.C. §441a and approve the conciliation agreement attached to the above-named report.

2. Find reasonable cause to believe that the Committee to Elect Geraldine Ferraro has violated 2 U.S.C. §441a, §434 and 11 CFR 104.4(e) and approve the conciliation agreement attached to the above-named report.

3. Send the notification letters attached to the above-named report.

Attest:

3/15/79
Date

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

Signed in Office of General Counsel: 3-8-79
Received in Office of Commission Secretary: Friday, 3-9-79, 2:37
Circulated on 48 hour vote basis: Monday, 3-12-79, 4:30

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March 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached General Counsel's Report on MUR 892 distributed to the Commission on a 48 hour tally basis.

Thank you.

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Before the Federal Election Commission

In the Matter of)
)
) MUR 892
John A. Zaccaro)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, John A. Zaccaro violated 2 U.S.C. §441a;

Now therefore, the respective parties herein, the Federal Election Commission and respondent John A. Zaccaro, having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee to Elect Geraldine Ferraro.

Wherefore, respondent John A. Zaccaro agrees:

I. Respondent's action in contributing $110,000 to the Committee to Elect Geraldine Ferraro is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of $500 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent agrees that it will not undertake any activity

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which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent John A. Zaccaro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

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Date _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date _____

_____
John A. Zaccaro

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

Before the Federal Election Commission
February 27, 1979

'9 MAR 9 P2: 37

In the Matter of	)	
	)	
	)	MUR 892
John A. Zaccaro	)	
Committee to Elect Geraldine Ferraro	)	

GENERAL COUNSEL's REPORT

BACKGROUND

On January 9, 1979, the Commission found reason to believe that Mr. John A. Zaccaro may have violated 2 U.S.C. §441a by contributing in excess of the limitations of that section to the Committee to Elect Geraldine Ferraro ("the Committee") and found reason to believe that the Committee may have violated §441a by accepting and retaining those funds. Additionally, the Commission found reason to believe that the Committee may have violated the reporting provisions of §434 and 11 CFR 104.4(e) by failing to report the receipt of contributions in excess of $1,000 prior to an election.

The transactions at issue in this case are detailed in the report circulated to the Commission on January 5, 1979.

EVIDENCE/ANALYSIS

In response to the Commission's notification letter dated January 11, 1979, the respondent submitted the following information in connection with the loans at issue:

Date	Amount	From	Source
5/10/78	$25,000	John A. Zaccaro	Loan secured by John Zaccaro from the East River Savings Bank

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Date	Amount	From	Source
8/15/78	$20,000	John A. Zaccaro	Loan secured by John Zaccaro against life insurance policies held in his name with the Massachutes Mutual Life Insurance Company
8/31/78 9/5/78	$25,000) $25,000)	John A. Zaccaro	$50,000 loan secured by John Zaccaro from the East River Savings Bank
8/3/78	$5,000	John A. Zaccaro	Funds withdrawn from a savings account held in the name of "Mr. John A. Zaccaro, custodian for Donna A. Zaccaro Under the Uniform Gifts to Minors Act"
7/12/78	$10,000	John A. Zaccaro	Two $5,000 withdrawals from savings accounts held in the name of "Mr. John A. Zaccaro, Custodian for Laura A. Zaccaro Under the Uniform Gifts to Minors Act" 1/

As set forth in 2 U.S.C. §441a, individuals are permitted to make contributions to a candidate for federal office in the amount of $1,000 per election; the limitation of §441a also applies to contributions made by family members of a federal candidate. As noted above, John A. Zaccaro loaned the Committee $110,000; therefore, he has exceeded his contribution limitations by $109,000.

John Zaccaro submitted an affidavit concerning the excessive loans which states in part:

1/ Subsequent to the two $5,000 withdrawals being made, one account was changed to the name of "Mr. John A. Zaccaro, Custodian for John Zaccaro, Jr. Under the Uniform Gifts to Minors Act" in order to correct an error made by the bank when the accounts were opened.

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"... Prior to the time any of those loans were made to the Committee, a meeting was held by various persons associated with the Committee and the election campaign to discuss, among other things, how the campaign would be financed. Among those in attendance at the meeting were David Blankstein, Treasurer of the Committee, David Stein, an attorney who I was advised had formerly worked for the Federal Election Commission, and myself.

At that meeting, concern was expressed by those present that there be strict compliance with all Federal regulations concerning campaign receipts and expenditures. We were then advised by Mr. Stein that the proper method of funding the campaign in order to avoid any of the limitations imposed by Federal Law was to have members of the candidate's immediate family loan the Committee the necessary funds. Relying on this advice, the loans discussed above were made to the Committee. In this regard it should be noted that the candidate herself had more than sufficient assets owned in her own name prior to becomming a candidate, and at all times thereafter, to have contributed to the Committee an amount equal to the loans made by members of her family..."

The Office of General Counsel recommends that the Commission find reasonable cause to believe that John A. Zaccaro has violated the contribution limitations of §441a. However, under the circumstances, and in light of the fact that the candidate did not benefit from funds which would otherwise have been unavailable to her, this office recommends that the Commission approve the attached conciliation agreement which provides for a civil penalty of $500.

Committee to Elect Geraldine Ferraro

In response to the Commission's notification of a possible §441a violation, the Committee treasurer submitted an affidavit in which he stated that the loans from Mr. Zaccaro were accepted based on the advice given by David Stein.

In regard to the §434 and 11 CFR 104.4(e) violation for failure to report the receipt of $50,000 in loans prior to an election in a timely fashion, the respondent has stated that he was unaware of the reporting requirement.

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The Office of General Counsel recommends that the Commission find reasonable cause to believe that the Committee has violated 2 U.S.C. §441a, §434, and 11 CFR 104.4(e) and approve the attached conciliation agreement which provides for a civil penalty of $1,000.

Additionally, a review of the Committee's reports indicate that the loans to the Committee which were made from trust accounts of the Zaccaro children were incorrectly attributed to the children rather than John Zaccaro or Geraldine Zaccaro. 11 CFR 110.1 states that minor children may contribute up to $1,000 to a candidate if the decision to do so is made voluntarily and if the funds are owned or controlled exclusively by the child. The loans made from the children's trust accounts in this case do not meet the requirements of §110.1 and should therefore be attributed to the custodian of the subject accounts. The committee should be advised to amend their reports accordingly.

Further, in a letter from the committee dated October 30th it is indicated that the May 10th loan in the amount of $25,000 from John Zaccaro was from funds held in a joint savings account with Mrs. Zaccaro. However, Mr. Zaccaro's affidavit indicates the source of funds to be a loan which he secured from the East River Savings Bank. 2/ The Committee should be advised to amend its reports accordingly.

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1/ In the affidavit, Mr. Zaccaro states that four months after the loan was taken by him, it was repaid with funds from a joint savings account with his wife. However, at the time of the loan to the committee, the source of funds was John Zaccaro and should be so indicated on the Committee reports.

RECOMMENDATION

1. Find reasonable cause to believe that John A. Zaccaro has violated 2 U.S.C. §441a and approve the attached conciliation agreement.

2. Find reasonable cause to believe that the Committee to Elect Geraldine Ferraro has violated 2 U.S.C. §441a, §434 and 11 CFR 104.4(e) and approve the attached conciliation agreement.

3. Send the attached notification letters.

Date 8 March 1979

William C. Oldaker
General Counsel

Attachments
Notification letter
Conciliation Agreements

7904016085

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William F. O'Brien, Jr.
330 Madison Avenue
New York, New York 10017

RE: MUR 892

Dear Mr. O'Brien:

On , 1979, the Commission determined there was reasonable cause to believe that the Committee to Elect Geraldine Ferraro has violated 2 U.S.C. §441a, §434, and 11 CFR 104.4(e) and found reasonable cause to believe that John A. Zaccaro has violated 2 U.S.C. §441a of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose conciliation agreements that the Commission offers as settlement of this matter. If your clients agree with the provisions of the enclosed conciliation agreements, please have them sign and return them along with the civil penalties to the Commission within ten days. I will then recommend that the Commission approve the agreements.

Additionally, a review of the Committee's reports indicate that the loans to the Committee which were made from trust accounts of the Zaccaro children were incorrectly attributed to the children rather than John Zaccaro or Geraldine Zaccaro. 11 CFR 110.1 states that minor children

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may contribute up to $1,000 to a candidate if the decision to do so is made voluntarily and if the funds are owned or controlled exclusively by the child. The loans made from the children's trust accounts in this case do not meet the requirements of §110.1 and should therefore be attributed to the custodian of the subject accounts. The Committee should be advised to amend their reports accordingly.

Further, in a letter from the Committee dated October 30, 1978, it is indicated that the May 10, 1978, loan in the amount of $25,000 from John Zaccaro was from funds held in a joint savings account with Mrs. Zaccaro. However, Mr. Zaccaro's affidavit indicates the source of funds to be a loan which he secured from the East River Savings Bank. The Committee should be advised to amend its reports accordingly.

If you have any questions or suggestions for changes in the enclosed conciliation agreements, please contact Suzanne Callahan at 202/523-4529 within ten days.

Sincerely,

William C. Oldaker
General Counsel

Enclosures
Two Conciliation Agreements

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Before the Federal Election Commission

In the Matter of	)	
	)	
	)	MUR 892
Committee to Elect Geraldine Ferraro	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Committee to Elect Geraldine Ferraro ("the Committee") violated 2 U.S.C.§§441a, 434(b), and 11 CFR 104.4(e);

Now therefore, the respective parties herein, the Federal Election Commission and respondent Committee having entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Between May 10, 1978, and September 5, 1978, John A. Zaccaro loaned $110,000 to the Committee.

B. Less than 15 days but more than 48 hours prior to the primary election held on September 12, 1978, John A. Zaccaro loaned the Committee $50,000 which it did not report in a timely fashion.

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Wherefore, respondent Committee to Elect Geraldine Ferraro agrees:

I. **Respondent's action in accepting and retaing $110,000 in contributions from an individual is in violation of 2 U.S.C. §441a.**

II. **Respondent's action in not reporting receipt of contributions in excess of $1,000 prior to an election in a timely fashion is in violation of 2 U.S.C. §434 and 11 CFR 104.4(e).**

III. That respondent will pay a civil penalty in the amount of $1,000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee to Elect Geraldine Ferraro shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission

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Date _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date _____

_____
David Blankstein
Treasurer
Committee to Elect Geraldine
Ferraro

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

DATE: FEBRUARY 13, 1979

SUBJECT: MUR 892 - Interim Investigatory Report dated 2-1-79; Signed by GC 2-8-79; Received in OCS 2-9-79, 12:33

The above-named document was circulated on a 24 hour no-objection basis at 10:30, Monday, February 12, 1979.

The Commission Secretary's Office has received no objections to the Interim Investigatory Report as of 12:00 this date.

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February 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached Interim Invest Report on MUR 892 distributed to the Commission.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION
February 1, 1979

79 FEB 9 P12: 33

In the Matter of	)	
	)	
	)	MUR 892
John A. Zaccaro	)	
Committee to Elect Geraldine Ferraro	)	

Interim Investigatory Report

On January 9, 1979, the Commission found reason to believe that John A. Zaccaro may have violated 2 U.S.C. §441a by contributing in excess of $1,000 to the Committee to Elect Geraldine Ferraro ("the Committee") and found reason to believe that the Committee may have violated 2 U.S.C. §441a by accepting and retaining those funds. Additionally, the Commission found reason to believe that the Committee may have violated 2 U.S.C. §434 and 11 CFR 104.4(e) for failure to report the receipt of contributions in excess of $1,000 prior to an election in a timely fashion.

The respondents were notified of the Commission's determination on January 11, 1979. Counsel for the respondents has notified us that affidavits will be submitted to the Commission shortly in connection with this matter.

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2/8/79
DATE

William C. Oldaker
General Counsel

GCC
9320

SHEA GOULD CLIMENKO & CASEY

330 MADISON AVENUE

NEW YORK, NEW YORK 10017

(212) 661-3500

TELEX: 422973

CABLE: HOLMANG

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RALPH L. ELLIS
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MARIO V. MIRABELLI*
JUDSON A. GOULD*
RESIDENT PARTNERS

EUROPEAN OFFICE
13/14 QUEEN STREET, MAYFAIR
LONDON W1X 8DX
01-493-3424
TELEX: 28836

GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

79 FEB 12 P1:34

February 9, 1979

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

900859

Attention: William C. Oldaker, Esq.
General Counsel

Re: MUR 892(78)

Dear Mr. Oldaker:

Herewith enclosed are sworn statements of Messrs. John A. Zaccaro and David Blanksteen responding to your letters to them of January 11, 1979. As explained in those statements, at the time the loans which are the subject of your investigation were made to the Committee to Elect Geraldine Ferraro, both Mr. Zaccaro and Mr. Blanksteen believed that such loans were in full compliance with all Federal laws and regulations. This good faith belief was reflected in the fact that the date, source and amount of such loans were duly disclosed in the Reports of Receipts and Expenditures which were filed with the Commission. Moreover, both of these individuals were acting on the advice of an attorney, whom we have been advised was formerly employed by the Commission, that these loans were a legal and proper method of financing the campaign, a factor which we believe should be weighed heavily in the Commission's consideration of this matter.

As noted in the enclosed statements, upon becoming aware of the possible violations, Messrs. Zaccaro and Blanksteen and others made every possible effort to effectuate repayment of the loans in excess of $1,000, which repayment was, in fact, accomplished

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by October 5, 1978. It was only the lack of funds on hand which prevented immediate repayment.

Another relevant factor which merits consideration by the Commission is the fact that the Committee did not, as a result of the erroneous advice concerning the Federal limitations on contributions, receive the benefit of funds not otherwise available to it. Had there been proper advice at the outset of the campaign, the candidate could have lent funds to the Committee without limitation pursuant to 11 CFR 110.10. The candidate herself, both before and throughout the campaign, had sufficient personal funds to lend a like amount to the Committee, as evidenced by the fact that her loans to the Committee were subsequently used to repay the loans from family members. Thus, the same amount of funds as were loaned by her husband and children would have been available to the Committee to finance the campaign. Moreover, as reflected in the enclosed affidavit, the $25,000 loan of May 10, 1978 was actually made from an account jointly owned by the candidate and Mr. Zaccaro, so that these identical funds could have been loaned to the Committee by her.

It is submitted that the previous confusion concerning the status of loans from members of the candidate's immediate family should also be taken into account by the Commission in its consideration of this matter. As noted in Advisory Opinions No. 1976-26 and 1976-74, the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976) resulted in a change in the Commission's interpretation concerning the statutory limitation on contributions by family members. This prior change, while reflected in the existing regulations of the Commission, may be responsible for the current confusion in this area of the law, a confusion which is referred to in a letter dated September 28, 1978 received by the Committee from the Clerk of the U.S. House of Representatives.

In view of all of the foregoing, it is respectfully submitted that no further action be taken by the Commission against either Mr. Zaccaro or Mr. Blanksteen and that this investigation be closed. It is evident from the enclosed affidavits that neither Mr. Zaccaro nor Mr. Blanksteen knowingly made or accepted any contributions in violation of any Federal law or regulation. It is also submitted that they reasonably relied upon advice of counsel and proceeded diligently to rectify any possible violation as soon as it was

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brought to their attention. Moreover, the Committee itself did not benefit from the use of funds which would not otherwise have been available to it had there been proper advice concerning the limitations on contributions from family members.

Very truly yours,

William F. O'Brien, Jr.

William F. O'Brien, Jr.

WFO'B:ew
Encls.

Certified Mail
Return Receipt Requested

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

Re: MUR 892(78)

AFFIDAVIT

JOHN A. ZACCARO, being duly sworn, deposes and says:

I am responding herein to a letter to me from William C. Oldaker, General Counsel, Federal Election Commission (the "Commission"), dated January 11, 1979, concerning contributions made by me to the Committee to Elect Geraldine Ferraro (the "Committee"), and the list of questions enclosed therewith.

Question 1(a). The source of the May 10, 1978 loan to the Committee in the amount of $25,000 was a loan taken by me from the East River Savings Bank. I signed a $25,000 demand note and, as collateral security for the loan,assigned and pledged the balance of East River Savings Bank Account No. 3002820 held in the name of "Mrs. Geraldine A. Zaccaro or Mr. John A. Zaccaro." At the time of the loan, the balance in Account No. 3002820 was sufficient to repay the loan in full. On September 15, 1978, funds in that account were transferred to repay the full amount of the loan plus interest thereon. That account was opened in 1971, and all of the funds deposited

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therein were the personal funds of Geraldine A. Ferraro, my wife, or the undersigned. My personal funds, as referred to herein, were derived primarily from salary and commissions from my business, and those of my wife were derived primarily from salaries earned by her.

Question 1(b). The source of my August 15, 1978 loan of $20,000 to the Committee was a loan I received from the Massachusetts Mutual Life Insurance Company in the amount of $20,000. In obtaining this loan, I borrowed against several life insurance policies of that company on my life. Massachusetts Mutual issued a check in the amount of $20,000 to the order of "John A. Zaccaro," and no documents were signed by me in connection with the loan.

Question 1(c) and 1(d). The source of the funds for the August 31, 1978 loan in the amount of $25,000 and the September 5, 1978 loan in the amount of $25,000 made by me to the Committee was a loan of $50,000 which I obtained from the East River Savings Bank. I signed a demand note for $50,000 dated August 29, 1978, and, as collateral security for the loan, pledged and assigned to the bank the balance of East River Savings Bank Account No. 3-266419-5 held in the name of "Mrs. Rosina Vacca or Mr. John A. Zaccaro." Mrs. Vacca is my mother. On the date of the loan I deposited $5,665.70 into Account No. 3-266419-5, which funds I had withdrawn the same day from East River Savings Bank Account No. 301 259647-0 held in the name of "Miss Rosina Vacca or Mr.

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John A. Zaccaro." The balance of Account No. 266419-5 (including the $5,665.70 deposit) securing the loan was sufficient on August 29, 1978 and thereafter to repay the $50,000 loan in full. All of the funds deposited in both of the accounts were my personal funds. Account No. 301 259647-0 was opened in 1974, and Account No. 266419-5 was opened in April 13, 1978 with funds transferred from East River Savings Account No. 3-006223 held in the name of "Mrs. Rosina Vacca or Mr. John A. Zaccaro." The latter account was opened in 1974, and all of the funds deposited therein were my personal funds.

Question 1(e). The source of funds for the August 3, 1978 loan of $5,000 to the Committee was East River Savings Bank Account No. 3-260954-7 held in the name of "Mr. John A. Zaccaro, Custodian for Donna A. Zaccaro Under the Uniform Gifts to Minors Act." The funds were withdrawn from the savings account on August 2, 1978, and no documents were signed by me in connection with the withdrawal. The loan was repaid by the Committee, and $5,000 was deposited in the account on October 11, 1978. The account was opened in 1974 and the funds deposited therein were my personal funds or personal funds of my wife.

Question 1(f). The source of funds for the July 12, 1978 loans to the Committee in the amount of $10,000 was two savings accounts: $5,000 withdrawn from East River Savings Bank Account No. 3-260955-4 held in the name of "Mr. John A. Zaccaro, Custodian for Laura A. Zaccaro Under the Uniform Gifts to Minors Act," and

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$5,000 withdrawn from East River Savings Bank Account No. 3-260956-2 held in the name of "Mr. John A. Zaccaro, Custodian for Laura A. Zaccaro Under the Uniform Gifts to Minors Act." Each of these accounts were opened in 1974 and all of the funds deposited therein were my personal funds or the personal funds of my wife. No documents were signed by me in connection with these withdrawals. The loans were repaid by the Committee, and $5,000 was deposited in each account on October 11, 1978. It should be noted that Account No. 3-260956-2 is now held in the name of "Mr. John A. Zaccaro, Custodian for John Zaccaro, Jr. Under the Uniform Gifts to Minors Act." This change was made subsequent to the aforementioned transactions to correct an error made by the bank when the accounts were opened. I had intended to open an account for each of my three children and the bank instead put two of the accounts in the name of Laura and none in the name of John, Jr.

I believe the circumstances surrounding the making of these loans are relevant to the Commission's consideration of this matter. Prior to the time any of those loans were made to the Committee, a meeting was held by various persons associated with the Committee and the election campaign to discuss, among other things, how the campaign would be financed. Among those in attendance at the meeting were David Blanksteen, Treasurer of the Committee, David Stein, an attorney who I was advised had formerly worked for the Federal Election Commission, and myself.

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At that meeting, concern was expressed by those present that there be strict compliance with all Federal regulations concerning campaign receipts and expenditures. We were then advised by Mr. Stein that the proper method of funding the campaign in order to avoid any of the limitations imposed by Federal law was to have members of the candidate's immediate family loan the Committee the necessary funds. Relying on this advice, the loans discussed above were made to the Committee. In this regard it should be noted that the candidate herself had more than sufficient assets owned in her own name prior to becoming a candidate, and at all times thereafter, to have contributed to the Committee an amount equal to the loans made by members of her family. Accordingly, had we been properly advised as to the Federal limitations on contributions, such personal assets would have been utilized in lieu of the loans from me and our children.

On September 11, 1978, after all of the aforementioned loans had been made to the Committee, we were advised by the Federal Election Commission that loans from family members constituted contributions subject to the statutory limitation of $1,000 per person, per election. It was on that date that the letter received indicating possible violations. Upon its receipt, a telephone call was immediately made to the Commission for clarification, which advised us of the status of loans from

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members of a candidate's immediate family. Thereafter, the candidate, Committee and I made every possible effort to raise funds for the Committee as soon as possible to pay back the loans from family members. As previously reported by the Committee by letter of October 5, 1978, all loans in excess of $1,000 from family members were repaid by the Committee.

As stated above, at the time the aforementioned loans were made to the Committee I believed they were in full compliance with all Federal laws and regulations. In this regard I was relying on the advice of an attorney whom I had every reason to believe was fully familiar with such Federal rules and regulations.

In view of the foregoing, I respectfully request that no action be taken against me and that this investigation be resolved as expeditiously as possible. Every effort has been made by me and the Committee since the initial notification of a possible violation to make full reports to the Commission of the status of the loans, and every possible effort was made to have them immediately repaid.

John A. Zaccaro

Subscribed and sworn to before me this 9th day of February, 1979.

Notary Public

MAXWELL ISAACS
NOTARY PUBLIC, State of New York
No. 31-[illegible]
Qualified in New York County
Commission Expires March 30, 1979

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

Re: MUR 892(78)

AFFIDAVIT

DAVID BLANKSTEEN, being duly sworn, deposes and says:

I am responding herein to a letter to me from William C. Oldaker, General Counsel, Federal Election Commission (the "Commission"), dated January 11, 1979, concerning certain contributions received by the Committee to Elect Geraldine A. Ferraro (the "Committee") and the failure to make certain reports.

Concerning the acceptance of contributions in excess of $1,000 from John A. Zaccaro, as I previously advised you by letter of September 21, 1978, prior to the time any such contributions were accepted by the Committee from Mr. John A. Zaccaro, I was advised by an attorney that such contributions were proper and not in violation of any Federal law or regulations. Specifically, such advice was given to me by Mr. David Stein, who I was told was an attorney formerly employed by the Federal Election Commission, at a meeting held to discuss, among other things, the financing of the campaign. In view of Mr. Stein's past employment, I believed he was fully familiar with Federal regulations governing campaign receipts and expenditures, and relied upon his advice in accepting such loans from Mr. Zaccaro. Upon learning

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of the status under Federal law of loans from members of a candidate's immediate family, the Committee made every possible effort to repay the loans as soon as possible. As I previously advised you by letter of October 5, 1978, such loans in excess of $1,000 were in fact repaid by the Committee.

The Committee's failure to report loans received on August 29, 1978 and September 4, 1978, within 48 hours, in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e),was due to my lack of knowledge of such 48-hour reporting requirement. Immediately upon becoming aware of this oversight of the reporting requirement, I notified the Commission of these loans by letter of September 21, 1978.

In view of the foregoing I respectfully request that no further action be taken by the Commission with respect to this matter and that the investigation be closed as soon as possible. The Committee and I have at all times made a good faith effort to comply with all requirements of Federal law and regulations.

David Blanksteen

Subscribed and sworn to before me
this 9 day of February, 1979.

Notary Public

BENNY L. D'ARIENZO
Notary Public, State of New York
No. 52-0861080
Qualified in Suffolk County
Commission Expires March 30, 1979

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MADISON AVENUE
W YORK 10017

7904016070 5

First Class M

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

Attention: William C. Oldaker, Esq.
General Counsel

RTIFIED
274439
MAIL

fied Mail

BCC
9259

SHEA GOULD CLIMENKO & CASEY

330 MADISON AVENUE

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GEORGE DE GENARO
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(202) 833-9850
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GEORGE E. BOSS*
RESIDENT PARTNER

*NOT ADMITTED IN NEW YORK

RECEIVED
FEDERAL ELECTION
COMMISSION

79 FEB 5 P2:28

January 30, 1979

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

900702

Attention: William C. Oldaker, Esq.
General Counsel

Re: MUR 892(78)

Dear Mr. Oldaker:

Please be advised that we have been retained by Mr. John A. Zaccaro and Mr. David Blanksteen to represent them in connection with the above-referenced investigation. We are in the process of preparing a response to your letters of January 11, 1979 to those individuals, and are hopeful of an expeditious resolution of this matter.

In accordance with 2 USC Section 437g(a)(3)(B), we would like this matter to remain confidential.

Very truly yours,

William F. O'Brien, Jr.

William F. O'Brien, Jr.

Certified Mail
Return Receipt Requested

7904160705

SHEA GOULD CLIMENKO & CASEY
630 MADISON AVENUE
NEW YORK, NEW YORK 10017

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

Attention: William C. Oldaker, Esq.
General Counsel

Certified Mail

Return Receipt Requested

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 11, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Blanksteen, Treasurer
Committee to Elect Geraldine
Ferraro to Congress
45 Underwood Road
Forest Hills, NY

Re: MUR 892 (78)

Dear Mr. Blanksteen:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Committee to Elect Geraldine Ferraro to Congress may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that the Committee has accepted contributions from John A. Zaccaro in excess of the $1,000 limitation of 2 U.S.C. §441a and has failed to report receipt of contributions prior to an election in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

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

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

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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).
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- ☐ 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:
[redacted]

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	[redacted]	

(Always obtain signature of addressee or agent)

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

4. [signature]
DATE OF DELIVERY

POSTMARK
JAN 1979

5. ADDRESS (Complete only if requested)
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☆GPO: 1977—0—249-000

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Blanksteen, Treasurer
Committee to Elect Geraldine
Ferraro to Congress
45 Underwood Road
Forest Hills, NY

Re: MUR 892 (78)

Dear Mr. Blanksteen:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Committee to Elect Geraldine Ferraro to Congress may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that the Committee has accepted contributions from John A. Zaccaro in excess of the $1,000 limitation of 2 U.S.C. §441a and has failed to report receipt of contributions prior to an election in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

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

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely, 1/10/79

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 11, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Zaccaro
218 Lafayette St.
New York, NY 10010

RE: MUR 892(78)

Dear Mr. Zaccaro:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

As set forth in 2 U.S.C. §431(e), a loan is considered to be a contribution until such time as it is repaid. Therefore, it appears that you may have exceeded the contribution limitations of 2 U.S.C. §441a by contributing in excess of $1,000 to the Committee to Elect Geraldine Ferraro. We have numbered this matter MUR 892.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Questions

7 9 0 1 6 0 7 1 1

7904160712

Case 122- Ca

PS Form 3811, Apr. 1977 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
- ☑ 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 Barcus
[illegible]

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

4. DATE OF DELIVERY 1/17/79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
CANAL STATION
ACCOUNTS
INITIALS

GPO: 1977—O-249-505

FEDERAL ELECTION COMMISSION

John A. Zaccaro Questions MUR 892

Please include in your response, answers to the following:

1. Please detail the source of funds loaned by you to "the Committee to Elect Geraldine Ferraro to Congress" on the following dates:

   (a) May 10, 1978, in the amount of $25,000;

   (b) August 15, 1978, in the amount of $20,000;

   (c) August 31, 1978, in the amount of $25,000;

   (d) September 5, 1978, in the amount of $25,000;

   (e) August 3, 1978, in the amount of $5,000 as custodian for Donna Zaccaro; and

   (f) July 12, 1978, in the amount of $10,000 as custodian for Laura Zaccaro.

In your answer to the above, please state the type of account from which the funds were drawn, the name of the bank(s) in which the account(s) are held, and the manner in which the money was withdrawn including any documents which were signed by you in connection with the withdrawals.

7 9 0 4 0 1 6 0 7 1 3

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Zaccaro
218 Lafayette St.
New York, NY 10010

RE: MUR 892(78)

Dear Mr. Zaccaro:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

As set forth in 2 U.S.C. §431(e), a loan is considered to be a contribution until such time as it is repaid. Therefore, it appears that you may have exceeded the contribution limitations of 2 U.S.C. §441a by contributing in excess of $1,000 to the Committee to Elect Geraldine Ferraro. We have numbered this matter MUR 892.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

1/10/79

William C. Oldaker
General Counsel

Enclosure
Questions

7 9 0 4 0 1 5 0 7 1 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 892
John A. Zaccaro	)	
Committee to Elect Geraldine Ferraro	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 9, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the First General Counsel's Report dated January 5, 1978, regarding the above-captioned matter:

1. Find reason to believe that Mr. John A. Zaccaro may have violated 2 U.S.C. §441a.

2. Find reason to believe that the Committee to Elect Geraldine Ferraro may have violated 2 U.S.C. §434, §441a, and 11 CFR 104.4(e).

3. Notify respondents.

Voting for this determination were Commissioners Springer, Aikens, McGarry, Thomson, and Harris.

Attest:

1/9/79
Date

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

Received in Office of Commission Secretary: 1-5-79, 11:05
Circulated on 48 hour vote basis: 1-5-79, 3:00

7904015071 5

January 5, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 892

Please have the attached First General Counsel's Report on MUR 892 distributed to the Commission on a 48 hour tally basis.

Thank you.

7 2 0 4 0 1 6 0 7 1 5

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION JAN 5 1979

MUR NO. 892
STAFF MEMBER 8 AM 11:05

Callahan

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: John A. Zaccaro and
Committee to Elect Geraldine Ferraro

RELEVANT STATUTE: 2 U.S.C. §441a, §434, and 11 CFR 104.4(e)

INTERNAL REPORTS CHECKED: Committee to Elect Geraldine Ferraro

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

On December 8, 1978, the Reports Analysis Division referred to the Office of General Counsel, the Committee to Elect Geraldine Ferraro (principal campaign committee for house candidate, New York, 9th congressional district "the committee") for receiving contributions in excess of the limitations set forth in 2 U.S.C. §441a. (Attachment I)

ANALYSIS

Committee reports, filed prior to receipt of a surface violation notification, indicated that from May 10th through September 5, 1978, the Committee received loans from the candidate's immediate family in the following amounts: (1) John Zaccaro, Sr., $95,000 (2) Donna Zaccaro, $13,000 (3) John Zaccaro, Jr., $8,000 and (4) Laura Zaccaro, $18,000. 1/

On September 7, 1978, a surface violation letter was sent to the committee concerning its receipt of excessive loans. Several communications transpired between committee representatives and RAD concerning the surface violation notification.

1/ Geraldine Ferraro's surname by marriage is Geraldine Zaccaro. For purposes of consistency and clarity, the candidate's surname by marriage will be used in this report.

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By letter dated October 30, 1978, the committee treasurer indicated that the loans received from the candidate's family should be attributed to each individual as follows:

Loan in the name of	Date	Amount	Source
John Zaccaro, Sr.	5/10/78	$25,000	joint savings account in the name of "Mrs. Geraldine A. Zaccaro or Mr. John A. Zaccaro. Payable to either or survivor."
	8/15/78	$20,000	no explanation
	8/31/78	$25,000	no explanation
	9/5/78	$25,000	no explanation 2/
Donna A. Zaccaro	6/20/78	$ 5,000	Savings account in the name of "Geraldine A. Zaccaro custodian for Donna A. Zaccaro."
	8/13/78	$ 8,000	Savings account in the name of "John A. Zaccaro custodian for Donna A. Zaccaro" to the extent of $5,000 and "Geraldine A. Zaccaro custodian for Donna A. Zaccaro" to the extent of $3,000.
John A. Zaccaro, Jr.	6/20/78	$ 5,000	Savings account in the name of "Geraldine A. Zaccaro custodian for John A. Zaccaro, Jr."
	8/3/78	$ 3,000	
Laura A. Zaccaro	6/20/78	$ 5,000	Savings account in the name of "Geraldine A. Zaccaro custodian for Laura A. Zaccaro."
	7/12/78	$10,000	Savings account in the name of "John A. Zaccaro custodian for Laura A. Zaccaro."
	8/13/78	$ 3,000	Savings account in the name of "Geraldine A. Zaccaro custodian for Laura A. Zaccaro"

2/ Although the October 30th letter only explained the May 10th contribution from John Zaccaro, Committee reports indicate the nature of the loans to be demand loans at 5 1/4% interest, unsecured, borrowed on a life insurance policy and/or transferred from bank account.

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On October 5, 1978, a letter was received from the committee that indicated the above listed loans had been repaid by the committee with the exception of $1,000 per individual. 3/

As set forth in 2 U.S.C. §441a, individuals are permitted to make contributions to a candidate for federal office in the amount of $1,000 per election; the limitation of §441a also applies to contributions made by family members of a federal candidate (see AO 1976-26 and AO 1976-74).

As stated in the October 30th letter from the committee concerning the loans in question, loans originally attributed to the Zaccaro children were made from accounts over which either Mr. or Mrs. Zaccaro were custodians. As set forth in 11 CFR 110.10, a candidate's personal funds include:

> any assets to which at the time he or she became a candidate, the candidate had legal and rightful title, or with respect to which the candidate had the right of beneficial enjoyment, under applicable state law, and which the candidate had legal right to access to or control over, including funds from immediate family members;...

Therefore, it appears that the loans from the children's accounts over which Geraldine Zaccaro is custodian, are permissible loans under the Act. However, the loans from accounts held in the names of Donna and Laura Zaccaro, John Zaccaro as custodian, exceed the limitations of §441a.

Further, the October 30th letter states that the May 10th loan from Mr. Zaccaro was from funds held in a joint savings account with Mrs. Zaccaro. If funds from a joint account in excess of $1,000 are to be used in connection with a candidate's election, the funds in excess of $1,000 must be attributed to the candidate. The letter of October 30th did not address the additional $65,000 loaned to the committee by Mr. Zaccaro.

Therefore, it appears that Mr. Zaccaro exceeded the contribution limitations of §441a by $109,000 ($94,000 loaned in his name, $5,000 loaned in the name of Donna - Mr. Zaccaro custodian and $10,000 in the name of Laura - Mr. Zaccaro acting as custodian), and the committee has violated 2 U.S.C. §441a by accepting and retaining those funds.

In the RAD referral, it was noted that the Committee failed to report the receipt of loans from Mr. Zaccaro in excess of $1,000 subsequent to the 15th day but more than 48 hours before the primary election in accordance with 11 CFR 104.4(e); the committee's failure to do so in a timely fashion is a violation of that section as well as the provisions of 2 U.S.C. §434.

3/ According to the letter, the source of the repayment was funds that Mrs. Zaccaro loaned the committee from her personal assets which neither her husband nor children owned any interest.

RECOMMENDATION

1. Find reason to believe that Mr. John A. Zaccaro may have violated 2 U.S.C. §441a.

2. Find reason to believe that the Committee to Elect Geraldine Ferraro may have violated 2 U.S.C. §434, §441a, and 11 CFR 104.4(e).

3. Notify respondents.

ATTACHMENTS

RAD referral
Notification letters

7904016072 0

REPORTS ANAYLSIS REFERRAL SHEET
PAGE TWO
COMMITTEE TO ELECT GERALDINE FERRARO

HISTORY: ATTACHMENT(S)

RESULTS OF REVIEW:

9/07/78	Surface violation sent on the July 10 report for excessive loans.	#3
9/13/78	10 Day Pre-Primary report was reviewed and disclosed additional violations by the same individuals. Surface violation letter was prepared, but was held pending communication with candidate. (Refer to telecon #9)	#4
9/26/78	Inadequate response to surface violation.	#5
10/5/78 and 10/13/78	Letters received which stated that the loans had been repaid. However, this conflicted with other information provided by the candidate. (Refer to telecons #9 and #10)	#6
11/1/78	October 10 report was reviewed and disclosed an additional violation. Surface violation was not sent because a response was received. (Refer to attachments #6 and 8)	#7
11/1/78	Received response to original surface violation which was more consistent with information provided by the candidate. Letter indicated that loans are attributed to either the candidate or John Zaccarro. Loans attributed to John Zaccarro exceed the limitations of 441a.	#8

REASON FOR REFERRAL:

There is a possibility that Ms. Ferraro acted improperly by attributing the loans to herself.

Excessive loans received from John A. Zaccarro meet the Commission threshold for referral to OGC.

OTHER RELEVANT INFORMATION:

11/6/78	The Clerk's office forwarded a letter received from the Conservative Party of New York State. The letter alleged that Ms. Ferraro had received illegal contributions.	#14

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REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

7 9 0 4 0 1 [redacted] 7 2 2

D 298
RAD 81-193

REPORTS ANALYSIS REFERRAL SHEET

DATE 12-7-78

ANALYST Lorrie Castaneda

TO: Office of General Counsel

TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW C. Bowen

FROM: for ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

MUR 892

CANDIDATE/COMMITTEE:

Committee to Elect Geraldine Ferraro

TREASURER:

David Blanksteen

ADDRESS:

218 Lafeyette Street
New York, NY 10012

AFFILIATE(S):

None

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Individuals making loans to the candidate in excess of $1000	U.S.C. 441a(a)(1)(A)	#2

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

Review 8/7/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 5/16/78 TO 10/23/78

TOTAL RECEIPTS $ 301, 024. 51 TOTAL EXPENDITURES $ 167, 306.28

CASH ON HAND $ 1,239.20 DEBTS $ 134,000.00

HISTORY:

RESULTS OF REVIEW: *ATTACHMENT*

Please see page two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: *ATTACHMENT*

Telecon 9/13/78 #9
Telecon 10/2/78 #10
Telecon 10/26/78 #11

REASON(S) FOR REFERRAL: *ATTACHMENT*

Please see page two.

OTHER PENDING ACTIONS INITIATED BY RAD: *ATTACHMENT*

11/20/78 Request for Additional Information on October 10 report #12
11/20/78 Request for Additional Information on 10 Day Pre-General report

OTHER RELEVANT INFORMATION:

Submitted required 48 hour notices late #13

Please see page two.

RAD Form 1
August 1978

7 9 0 4 0 1 6 0 7 2 3

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

HOUSE

COMMITTEE	DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
COMMITTEE TO ELECT GERALD R FORD TO CONGRESS 1976 DISCLOSURE OF INFORMATION								164 [illegible]
	STATEMENT OF ORGANIZATION- AMENDMENT					22MAY78	3	78HSE/130/1400
	TERMINATION APPLICATION AND REPORT					21JUN78	3	78HSE/130/1964
	STATEMENT OF ORGANIZATION- AMENDMENT					27JUN78	3	78HSE/077/3871
	MISCELLANEOUS TRANSACTION TO F.E.C.					12JUL78	1	78HSE/141/1112
	MISCELLANEOUS TRANSACTION TO F.E.C.					22SEP78	1	78HSE/152/0742
	[illegible]					26SEP78	1	78HSE/164/1038
	[illegible]					26OCT78	1	[illegible]
	[illegible]					28OCT78	1	[illegible]
	[illegible]					28NOV78	1	[illegible]
	[illegible]					30NOV78	1	[illegible]
	[illegible]	54,652		52,751			1	[illegible]
	[illegible]	54,652		52,751		1JUL78 -28AUG78	9	[illegible]
	[illegible] ADDITIONAL INFORMATION					1JUL78 -28AUG78	1	[illegible]
	[illegible] ADDITIONAL INFORMATION					1JUL78 -28AUG78	3	[illegible]
	[illegible] - AMENDMENT					1JUL78 -28AUG78	2	[illegible]
	[illegible] - AMENDMENT					28AUG78	1	[illegible]
	[illegible] - AMENDMENT					1JUL78 -28AUG78	2	[illegible]
	[illegible] - AMENDMENT					30AUG78	2	[illegible]
	[illegible]	0		0		10OCT78 - 20OCT78	2	[illegible]
	[illegible] - AMENDMENT					30SEP78	1	[illegible]
	[illegible]	41,902		33,462		10MAY78 -30JUN78	7	[illegible]
	[illegible] - AMENDMENT	41,902		33,462		10MAY78 -30JUN78	3	[illegible]
	[illegible] AMENDMENT					30JUN78	2	[illegible]
	[illegible]		64,020		46,265	29AUG78 -30SEP78	11	[illegible]
	[illegible]		140,450		167,306	30OCT78 -30OCT78	11	[illegible]
	TOTAL	96,554	204,470	86,213	213,571		76	TOTAL PAGES

ALL REPORTS REVIEWED

SCHEDULE A
FILED
1978
Federal Election Commission
Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 2

(Use Separate Schedules for each numbered line)

July 10

Name of Candidate or Committee in Full: GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN ZACCARO 115 LAFAYETTE ST NEW YORK NY 10010 Receipt for: ☒ Primary ☐ General ☐ Other	SAME EXECUTIVE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 25,000	5/10/78	25,000.
DONNA A. ZACCARO 22 DEEPDALE RD FOREST HILLS NY 11375 Receipt for: ☒ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000	Checks	5,000.
JOHN A ZACCARO JR 22 DEEPDALE RD FOREST HILLS NY 11375 Receipt for: ☒ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000	Checks	5,000.
LAURA A ZACCARO 22 DEEPDALE RD FOREST HILLS NY 11375 Receipt for: ☒ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000	Checks	5,000.
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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) ..... $ 45,000.

TOTAL this period (last page this line number only) ..... $ 45,000

10173

In reply please refer to 4SV1/78-83LC

FEDERAL ELECTION COMMISSION

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

7 September 1978

Ms. Geraldine A. Ferraro
22 Deepdene Road
Forest Hills, New York 11375

Dear Ms. Ferraro:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the July 10 Report of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals from making political contributions to a candidate for Federal election in excess of $1

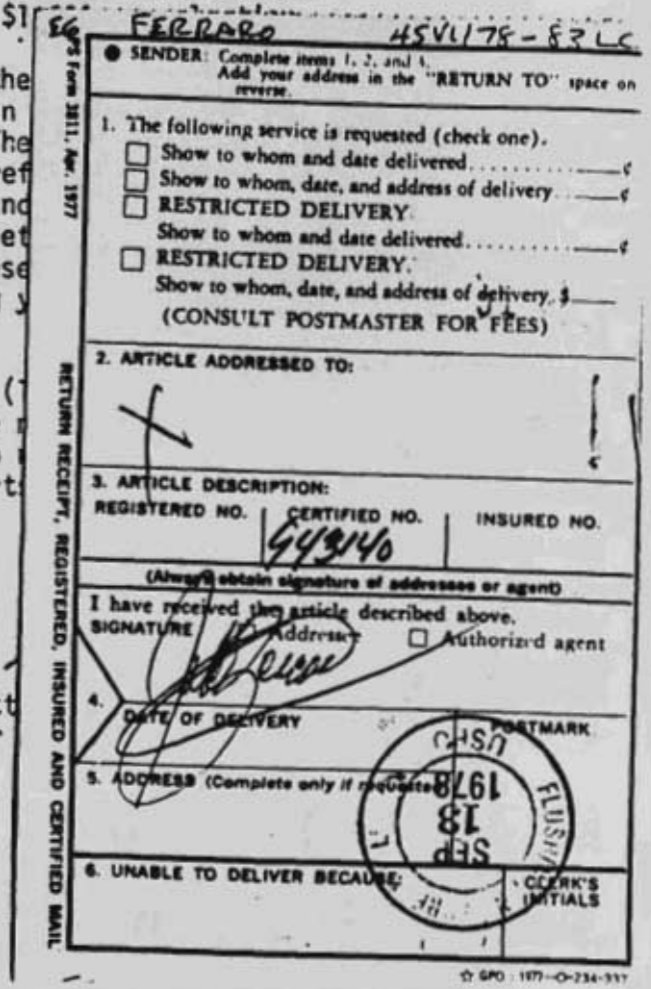
The Commission recommends that if you find the received were in excess of the limits set forth in the amounts in excess of $1,000 to the donors. The be reported immediately by letter and should be ref bution refunds on your next reports of receipts and you find that the entries in question are incomplet please submit a statement which would clarify these for the public record. You may do so by amending y by letter.

Please notify the Commission within fifteen (1 of this letter of the determination made on these m any questions concerning these matters, please do n contact Lorrie Castaneda (800)424-9530, our Report you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Pott
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested


FERRARO 4SV1/78-83LC

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:

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 643140 | INSURED NO.

(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

SEP 18 1978 USPO FLUSHING

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO : 1977—O-234-937

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full: COMMITTEE TO ELECT GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN A. ZACCARO 218 LAFAYETTE ST. NEW YORK, NY 10010 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: SAME Occupation: EXECUTIVE ☐ Check if Contributor is self-employed Aggregate Year-To-Date $44,000.	8/1/78	20000.
DONNA A. ZACCARO 22 DEEPDALE RD. FOREST HILLS, NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date $13000.	8/3/78	8000.00
JOHN A. ZACCARO JR 22 DEEPDALE RD FOREST HILLS, NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date $8000.	8/3/78	3,000.00
LAURA A. ZACCARO 22 DEEPDALE RD. FOREST HILLS NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date $6000.	7/1/78 8/3/78	10000.00 3,000.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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) . . . 44,000.00

TOTAL this period (last page this line number only) . . . = 44,000.00

7904016072 6

9/205

HAND DELIVERED

HAND DELIVERED
SEP 26 1978

45 Underwood Road
Forest Hills, New York
September 21, 1978

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

04707

806389

Re: 4 AV 1/78-83 LC

Gentlemen:

We are in receipt of your letter dated September 7, 1978.

We were advised by an attorney prior to filing the July 10 Quarterly Report that the method of receiving and reporting funds for the campaign were proper and correct. I am advised that during the time that the reported loans were received the candidate had personal assets which were sufficient to make a loan contribution to her campaign. Section 441a of Title 2 of the U.S. Code has been the subject of some confusion. The candidate is taking immediate steps to comply with all provisions of said section.

Please advise us if you require any additional information with respect to the foregoing.

Very truly yours,

David Blankstein
Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
78 SEP 26 AM 10 58

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HAND DELIVERED

OCT 10 1978

45 Underwood Road
Forest Hills, New York
October 5, 1978

'78 OCT 9 PM 4:51

6

Copy

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

606731

Re: 4SV1/78-83LC

Gentlemen:

Please be advised that the Committee to Elect Geraldine A. Ferraro (I.D. No. 079707) has received contributions aggregating $130,000 from Geraldine A. Ferraro for the Primary Election. These contributions are loans to the Committee of the candidate's personal funds.

The Committee has repaid the following loans received from the candidate's husband and children which were reported in the July 10 Quarterly and 10-Day Pre-Primary Reports of Receipts and Expenditures and letter of September 21, 1978:

	Amount of Loan	Amount Repaid
John A. Zaccaro	$ 25,000	$ 25,000
Donna A. Zaccaro	5,000	5,000
John A. Zaccaro, Jr.	5,000	5,000
Laura A. Zaccaro	5,000	5,000
Laura A. Zaccaro	10,000	10,000
Laura A. Zaccaro	3,000	2,000
Donna A. Zaccaro	8,000	7,000
John A. Zaccaro, Jr.	3,000	2,000
John A. Zaccaro	20,000	20,000
John A. Zaccaro	25,000	25,000
John A. Zaccaro	25,000	24,000
TOTAL	$134,000	$130,000

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The funds loaned by Ms. Ferraro to the Committee were obtained from the sale of two assets owned personally by her prior to becoming a candidate. One asset was an interest in a mortgage, and the other was an interest in a commercial building. Neither Ms. Ferraro's husband nor children owned any interest in these assets.

These contribution refunds and the contributions received will be reflected in our next report of receipts and expenditures. This letter is being submitted in advance of the due date of such report in response to your previous inquiry concerning some of the contributions listed above.

Please advise us if you require any additional information with respect to theforegoing.

Very truly yours,

David Blanksteen
Treasurer

79010160729

OCT 13 1978

REGULAR MAIL

45 Underwood Road
Forest Hills, New York
October 13, 1978

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

Re: I.D. #079707

Dear Mr. Henshaw:

In response to your letter of October 4, 1978 concerning the status of two loans made to the Committee, please be advised that the August 29, 1978 loan has been repaid in full and that all but $1,000 of the September 4, 1978 loan has been repaid. These repayments were reported to you by letter, hand delivered to you on October 5, 1978.

Please advise us if you require any additional information with respect to the foregoing.

Very truly yours,

David Blanksteen
Treasurer

7904016073 0

FEC FORM 3
REVISED
January 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contributions in Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

7

Name of Candidate or Committee in Full
COMMITTEE TO ELECT GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN A ZACCARIO	218 LAFAYETTE ST NEW YORK, N.Y. 10012 / EXECUTIVE	4/1/84	25,000.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $75,500.		25,500.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $		
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $		
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $		
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $		
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contribution is self-employed / Aggregate Year To Date $		

SUBTOTAL of receipts this page (optional) $25,500.00
TOTAL this period (last page this line equals total of all pages this period) $25,500.00

7204016073 1

8

45 Underwood Road
Forest Hills, New York
October 30, 1978

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

Attention: Ms. Lorrie Castaneda

Re: 4SV1/78-83LC

Dear Ms. Castaneda:

In response to your telephone inquiry concerning certain bank accounts from which loans to the Committee were made, I have been advised of the following:

1. The May 10, 1978 loan from John Zaccaro reported in the July 10 Quarterly Report was made from a savings account held in the names of "Mrs. Geraldine A. Zaccaro or Mr. John A. Zaccaro. Payable to either or survivor." (Mrs. Zaccaro is the married name of Ms. Ferraro).

2. The loans of June 20, 1978 from Donna A. Zaccaro, John A. Zaccaro, Jr. and Laura A. Zaccaro reported in the July 10 Quarterly Report were made from savings accounts held in the respective names of "Geraldine A. Zaccaro Custodian for Donna A. Zaccaro," "Geraldine A. Zaccaro custodian for John A. Zaccaro, Jr.," and "Geraldine A. Zaccaro custodian for Laura A. Zaccaro."

3. The loan from Donna A. Zaccaro made on August 3, 1978 reported in the 10 Day Pre-Primary Report was made from the savings account of "John A. Zaccaro Custodian for Donna A. Zaccaro" to the extent of $5,000 and from the savings account "Geraldine A. Zaccaro Custodian for Donna A. Zaccaro" to the extent of $3,000.

4. The loan of August 3, 1978 from John A. Zaccaro, Jr. reported in the 10 Day Pre-Primary Report was made from the savings account of "Geraldine A. Zaccaro Custodian for John A. Zaccaro, Jr."

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5. The July 12, 1978 loan from Laura A. Zaccaro reported in the 10 Day Pre-Primary Report was made from the savings account of "John A. Zaccaro custodian for Laura A. Zaccaro," and the August 3, 1978 loan for Laura A. Zaccaro reported in the same Report was made from the savings account of "Geraldine A. Zaccaro custodian for Laura A. Zaccaro."

As reported to you in my letter of October 5, 1978, all of the foregoing loans have been repaid by the Committee. Accordingly, we assume that this matter may be considered closed and we would appreciate receiving immediate notification to that effect.

Very truly yours,

David Blanksteen
Treasurer

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MEMO FOR FILES

TELECON

FROM: Lorrie Castaneda

DATE: 9/13/78

COMMITTEE: Geraldine Ferraro for Congress NY/09 212-261-3933 (home)

Geraldine Ferraro called concerning a surface violation she had received for excessive contributions (total of $80,000+). She said she had sent in an amendment stating that these were loans. She was under the impression that loans could be of any amount. I told her the contribution limitations applied to loans, that they were considered contributions until repaid. Only the candidate was allowed to give an unlimited amount. She said that the money was from a joint account with her husband, John and from college funds set up for her children. She was trustee of those accounts and said therefore she had control of that money.

The wire services had picked up the contributions and had called both her and the FEC. (She had received 54% of the vote in the primary). I told her if the money was from a joint account with her husband, it was alright as long as she attributed the excessive amount to herself. She asked if it wasn't possible to do the same with the children's money and I said I wasn't sure, that I would check with legal and call her back.

Section 110.10 of the FEC Regulations defines personal funds of a candidate to include money of a trust, if the trust was established before candidacy. I spoke with Peter Kell and he said it would depend on the terms of the trust, but he felt if the trust had been established before the candidacy had been announced it would be alright. Because I received no response from legal, I called Mrs. Ferraro and asked if the trust had been established before candidacy. She had said it was several years old. I gave her the cite of the Regulations and explained that if the excessive amount was attributed to herself, it was acceptable. Mrs. Ferraro had stated it was her money and that she was in control of those funds. She said she would send in a letter by the end of the week, stating the money was a loan from the candidate to the committee and the circumstances of the trust. She was also going to call the press and tell them she had checked with us and that it was correct. I told her that her reports would not be considered correct by the Commission until the amendment was received and that any questions from the press should be referred to our press office.

After talking to the candidate I called Sharon Snyder in press and informed her of what I had told the candidate. She wasn't sure that the answer was correct so I went to Gail Ross' office and asked her. She tried to check with Brad Litchfield but he wasn't in. She had spoken to the lawyers and the feeling was that it wasn't acceptable. She also said it depended on the terms of the trust and that she'd work on it and call me back. I asked that she'd call me as soon as possible and explained the answer I'd already given to the candidate. Mike Filler had also asked an attorney, David Federman, his opinion and he thought the contribution would be acceptable.

After speaking with Gail Ross, I explained the situation to Peter Kell and asked if I should call the candidate again and tell her to hold off on action. He felt I should not and also called Brad Litchfield.

Brad Litchfield returned my call and said as far as he could tell, according to Section 110.10, the contribution could be given by the trust fund, if it had been established long before candidacy. I explained that the trust was several years old and he felt the contribution, attributed to Mrs. Ferraro would be acceptable. I called press and informed them.

Office

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TELECON

FROM: Lorrie Castaneda

DATE: 10/2/78

COMMITTEE: GERALDINE FERRARO FOR CONGRESS NY/09
Bill O'Brien, Attorney for Ms. Ferraro

10

Bill O'Brien, attorney for Geraldine Ferraro, called. I had attempted to speak with Ms. Ferraro on 9/29/78., but she was out campaigning. Her attorney called and said he was returning the call for her. I explained to Mr. O'Brien that as yet we had received no acceptable responses to the SV letters (the only answers we had received were very vague and didn't really correct the excessive loan problem). I told Mr. O'Brien that I had spoken with Ms. Ferraro and explained to her that she should assume the excessive amounts and clearly state that in a letter. As to this date she was still in violation. Mr. O'Brien was under the impression that these violations were to be cleared up on the October 10. I explained to Mr. O'Brien that these letters were sent out sometime ago and should have been answered separately at that time. He said Ms. Ferraro was liquidating assets to advance to the committee. He also said there had been some problem with repaying or refunding the loans. I explained to Mr. O'Brien as I had explained to Ms. Ferraro that she did not have to refund this money if it was from a joint account, but she would have to designate the excessive amounts as being her contributions. I urged Mr. O'Brien to answer these letters as clearly and as soon as possible because these reports were being so closely scrutinized by the press.

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11

ROM: Lorrie Castaneda

ATE: 10/26/78

OMMITTEE: Committee to elect Geraldine Ferraro NY/09

11

I had tried to get in touch with the candidate because of a report from the press office that Ms. Ferraro was telling reporters that her reports were cleared at the FEC. Ms. Ferraro's husband, John Zacarro returned the call.

The October 10 reports showed no correction of the previous errors which have been in violation since September. The October 10 showed additional violations.

Mr. Zaccarro said all the loans were repaid October 5th (as per letter from treasurer). He wasn't sure of exactly what was required, but he said all the corrections would be shown on the 10 Day Pre-General report.

Mr. Zaccaro again referred me to the October 5th letter. I explained to Mr. Zaccaro that the letter that was submitted by the treasurer was different from the information which Ms. Ferraro had given me over the phone. I told Mr. Zaccarro the letter mentioned nothing about the trustee fund and joint account which Ms. Ferraro had said the contributions came from. Mr. Zaccarro verified that these were the sources of the loans, but they had been repaid.

I told Mr. Zaccarro that I had explained to Ms. Ferraro that she did not have to repay those loans if she had supplied the information as to where the contributions came from. (These sources were under the candidate's control).

I asked Mr. Zaccarro if it would be possible to have a letter submitted which would explain what the original source of the loans were. I asked also that all repayments be shown on the 10 Day Pre-General.

7 9 0 1 0 1 6 0 7 3 6

12

FEDERAL ELECTION COMMISSION

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

November 20, 1978

David Blanksteen, Treasurer
COMMITTEE TO ELECT GERALDINE FERRARO
218 Lafayettee St.
New York, NY 10012

Dear Mr. Blanksteen:

This letter is prompted by our interest in assisting House candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the October 10/ 10 Day Pre-General Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

The Federal Election Commission, in connection with its statutory responsibility to enforce the Act, reviews all Federal campaign disclosure documents, including those filed initially with the Clerk of the House. The Office of the Clerk, as an informational service, is notifying filers of the errors and omissions found in their preliminary review of documents filed with the Clerk. This letter and attached documentation constitute official notification by the Commission of errors and omissions found, and require a written response.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Lorrie Castaneda in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

7904016073 7

12

1325 K Street, N.W.
Washington, D.C. 20463

TO: COMMITTEE TO ELECT GERALDINE FERRARO DATE: 11/20/78

NY/09 I.D. NO.: C00095653

REQUEST FOR ADDITIONAL INFORMATION FOR THE October 10 REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 8/29/78 THROUGH 9/30/78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

X Aggregate Year-to-date Totals X omitted or ___ inadequate for Schedule(s) A Line(s) all

___ Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

X Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

REQUEST FOR ADDITIONAL INFORMATION
PAGE TWO

COMMITTEE TO ELECT GERALDINE FERRARO NY/09
OCTOBER 10 REPORT

On your previous report you reported an aggregate year to date total of $1000 from the Women's Campaign Fund. However, on the October 10 report you disclose receiving a transfer in of $3,000 and an aggregate of $3,000. Please amend your report to correct this discrepancy.

Contributions from political action committees are considered transfers in and should be reported on Line 15b of the Detailed Summary Page and itemized on Schedule A, Line 15b of the Itemized Receipt Schedule.

Please provide the exact date for the expenditures made on Schedule B.

Section 104.2(b)(9) of the FEC Regulations requires the "particulars" to be provided for each expenditure which exceeds $100 in the aggregate. Please amend your report to clarify the purpose of the expenditures paid for "various election expenses" on 9/11/78 in the amount of $1046.77.

In addition, please be advised Section 103.3(a) of the FEC Regulations requires that expenditures by a candidate or committee can only be made by a check drawn on an account in a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

On Schedule C you report a debt of $13,000 owed to Laura Zaccaro. However, the amount of the original debt was reported as $18,000. Please amend your report to correct this discrepancy.

7 9 0 4 0 5 0 7 3 9

1325 K Street, N.W.
Washington, D.C. 20463

TO: COMMITTEE TO ELECT GERALDINE FERRARO DATE: 11/20/78

NY/09 I.D. NO.: C00095653

REQUEST FOR ADDITIONAL INFORMATION FOR THE 10 Day Pre-General REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 10/31/78 THROUGH 10/23/78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Aggregate Year-to-date Totals ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

X Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

COMMITTEE TO ELECT GERALDINE FERRARO NY/09
10 DAY PRE-GENERAL REPORT

Contributions from political action committees are considered transfers in and should be reported on Line 15b of the Detailed Summary Page and itemized on Schedule A, Line 15b of the Itemized Receipts Schedule.

Section 104.2(b)(9) of the FEC Regulations requires the "particulars" to be provided for each expenditure which exceeds $100 in the aggregate. Please amend your report to clarify the purpose of the expenditures paid for "various election expenses" from 10/3/78 to 10/23/78 in the amount of $1376.41.

In addition, please be advised that Section 103.3(a) of the FEC Regulations requires that expenditures by a candidate or a committee can only be made by a check drawn on an account in a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

On your previous report you report a debt owed to Laura Zaccaro for $13,000. However, you report a loan repayment of $17,000. Please amend your report to correct this discrepancy.

On Line 20 of Schedule B you report the following loan repayments:

John Zaccaro	$94,000
Donna Zaccaro	$12,000
Laura Zaccaro	$17,000
John A. Zaccaro, Jr.	$8,000

However, you fail to itemize the debts outstanding on Schedule C. Section 104.8(a) of the FEC Regulations requires continuous reporting of debts until extinguished. Please amend your report to disclose the original amount of the debt, amount repaid and outstanding balance.

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13

HAND DELIVERED

1978 SEP 22 AM 10:

45 Underwood Road
Forest Hills, New York
September 21, 1978

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

079707

Gentlemen:

Please be advised that the Committee to Elect Geraldine A. Ferraro (I.D. No. 079707) received contributions of $25,000 on August 29, 1978 and $25,000 on September 4, 1978 for the primary election held on September 12, 1978. Both of these contributions were loans to the Committee from John A. Zaccaro, 218 Lafayette Street, New York, New York 10012 (real estate executive).

At the time these contributions were made, we were unaware that a report of their receipt was required to be made within 48 hours. This report is submitted in order to rectify this error.

Very truly yours,

David Blacksteen
Treasurer

RECEIVED
1978 SEP 21 PM 6:16

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REGULAR MAIL
OCT 26 1978

14

The Conservative Party of New York State

STATE HEADQUARTERS: 468 PARK AVENUE SOUTH, NEW YORK, N.Y. 10016 (212) 689-8400

*Chairman**
J. Daniel Mahoney
*Vice-Chairmen**
T. David Bullard
Edward F. Campbell
Leo J. Kesselring
Michael R. Long
Serphin R. Maltese
Henry Paolucci
George A. Vossler
Executive Director
Serphin R. Maltese
*Regional Vice-Chairmen**
Anthony M. Andrako
Alan Cruikshank
Kenneth C. Jones
Russell E. Norris, Jr.
Charles J. Racette
Harold G. Vosseler
Donald J. Wellen
*Treasurer**
James [illegible] O'Doherty
*Secretary**
Barbara [illegible]. Keating
Assistant Secretary
Alyce A. Bivona
Executive Committee
**Ex officio Members*
Stuart J. Avrick
Ernest D. Blumer
Thomas A. Bolan
Suzanne [illegible]. Carr
Benton Cole
Thomas F. Cronin, Jr.
Pasqua[illegible] J. Curcio
Carmelita R. Grieco
Rosemary R. Gunning
Helene M. Hyland
William A. Jackson
Lenore [illegible] Levy
George F. McGuinness
Daniel L. Master
James [illegible] Molinaro
Thomas M. Moore
John J. O'Leary
Donald E. Powers
Wilson G. Price
Clifford M. Riccio
Anthony M. Rudmann
John T. Stewart
Raymond Thek
Raymond R. Walker
Patricia M. Woods
Advisory Committee
(in formation)
Martin J. Burgess
John P. Dellera
Rita Fox
Raymond W. Gimmler
Thomas E. Griffith
Henry S. Jorin, Jr.
Edward F. Leonard

October 26, 1978

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

Attention: General Counsel

RE: Committee to Elect Geraldine Ferraro Ninth (9th) Congressional District, New York

Gentlemen:

The Committee to Elect Geraldine Ferraro violated the Campaign Financing Law during the recent Democratic Primary by accepting contributions of $130,000 more than was permitted under law. The Committee received and utilized $50,000 of these contributions during the last two weeks of the primary (September 12, 1978) but, failed to report " the late money" until after the primary.

On September 7, your office directed Ms. Ferraro to pay back the illegal contributions. On October 5, Ms. Ferraro's committee treasurer reported repayment of the excess contributions without specifically identifying the realty and mortgage which was supposedly sold to raise the repayment monies.

Ms. Ferraro defeated her primary opponents with illicit campaign financing which began in May and continued right up to primary day itself. Your office was on notice concerning illegal contributions from July and did not act until five days before the primary.

Ms. Ferraro's committee timed its violations perfectly to obtain maximum advantage over her opponents. Thereafter, her committee was able to repent at leisure.

The Conservative Party of New York has placed on the ballot Alfred A. DelliBovi, Ms. Ferraro's rival in the general election. We fully expect Ms. Ferraro's committee to violate the law again in the same or similar way and "correct" its "mistake" after election. When you admonished Ms. Ferraro on September 7, it did not stop her committee from accepting $25,000 more in illegal contributions from her husband on September 12, primary day.

Investigation is not needed - rigorous enforcement is.

We call upon you to monitor the Ferraro committee closely between now and Election Day (November 7) and advise us of any wrongdoing, so that, at least, we shall be able to bring the matter to the attention of the voting public before it is too late.

Very truly yours,

cc: Clerk of the House of Representatives

14

The Conservative Party
of New York State
468 Park Avenue South
New York, New York 10016

Remember
our
[illegible]'s

Clerk of the House
of Representatives
Washington, D.C. 20515

RECEIVED
1978 OCT 30 [illegible] 9:51

U.S. POSTAGE

7 9 0 1 0 1 5 0 7 4 4

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Zaccaro
218 Lafayette St.
New York, NY 10010

RE: MUR 892(78)

Dear Mr. Zaccaro:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

As set forth in 2 U.S.C. §431(e), a loan is considered to be a contribution until such time as it is repaid. Therefore, it appears that you may have exceeded the contribution limitations of 2 U.S.C. §441a by contributing in excess of $1,000 to the Committee to Elect Geraldine Ferraro. We have numbered this matter MUR 892.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally, please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

Enclosure
Questions

7 9 0 1 0 1 5 0 7 4 5

FEDERAL ELECTION COMMISSION

John A. Zaccaro Questions MUR 892

Please include in your response, answers to the following:

1. Please detail the source of funds loaned by you to "the Committee to Elect Geraldine Ferraro to Congress" on the following dates:

   (a) May 10, 1978, in the amount of $25,000;

   (b) August 15, 1978, in the amount of $20,000;

   (c) August 31, 1978, in the amount of $25,000;

   (d) September 5, 1978, in the amount of $25,000;

   (e) August 3, 1978, in the amount of $5,000 as custodian for Donna Zaccaro; and

   (f) July 12, 1978, in the amount of $10,000 as custodian for Laura Zaccaro.

In your answer to the above, please state the type of account from which the funds were drawn, the name of the bank(s) in which the account(s) are held, and the manner in which the money was withdrawn including any documents which were signed by you in connection with the withdrawals.

7 9 0 1 0 1 5 0 7 4 6

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Blanksteen, Treasurer
Committee to Elect Geraldine
Ferraro to Congress
45 Underwood Road
Forest Hills, NY

Re: MUR 892 (78)

Dear Mr. Blanksteen:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that the Committee to Elect Geraldine Ferraro to Congress may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that the Committee has accepted contributions from John A. Zaccaro in excess of the $1,000 limitation of 2 U.S.C. §441a and has failed to report receipt of contributions prior to an election in a timely fashion in accordance with 2 U.S.C. §434 and 11 CFR 104.4(e).

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

If you have any questions, please contact Suzanne Callahan, the staff member assigned to this matter, at 202/523-4058.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

7 9 0 4 0 1 5 0 7 4 7

281
2L-179

INFORMATION

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 28, 1978

TO: Office of General Counsel

THROUGH: Staff Director RL for DAP

FROM: Assistant Staff Director for Reports Analysis for L. Zeda

SUBJECT: ALLEGATIONS OF POSSIBLE VIOLATIONS BY THE COMMITTEE TO ELECT GERALDINE FERRARO (NY-09)

The attached letter is being forwarded for your information. Mr. J. Daniel Mahoney, Chairman of the Conservative Party of New York State, has alleged that the Committee to Elect Geraldine Ferraro violated the Federal Election Campaign Act by accepting excessive contributions.

There have been several apparent surface violations by the Committee. A referral is presently being worked on and will be forwarded to your office upon completion, November 27.

79040150749

OCT 24 1978
REGULAR MAIL

The Conservative Party of New York

STATE HEADQUARTERS: 486 PARK AVENUE SOUTH, NEW YORK, N. Y. 10016 (212) 689-9400

'78 OCT 30 AM 10:15

*Chairman**
J. Daniel Mahoney
*Vice-Chairman**
T. David Bullard
Edward F. Campbell
Leo J. Keoughing
Michael R. Long
Serphin R. Maltese
Henry Paolucci
George A. Vossler
Executive Director
Serphin R. Maltese
*Regional Vice-Chairman**
Anthony M. Andrako
Alan Cruikshank
Kenneth C. Jones
Russell E. Norris, Jr.
Charles J. Racette
Harold G. Vosseler
Donald J. Yellen
*Treasurer**
James E. O'Doherty
*Secretary**
Barbara A. Keating
Assistant Secretary
Joyce A. Bivona
Executive Committee
*Ex-officio Members
Stuart J. Avrick
Ernest D. Blumer
Thomas A. Bolan
Suzanne S. Carr
Benton Cole
Thomas F. Cronin, Jr.
Pasquale J. Curcio
Carmelita R. Grieco
Rosemary R. Gunning
Helene M. Hylan
William A. Jackson
Lenore L. Levy
George F. McGuinness
Daniel L. Master
James P. Molinaro
Thomas M. Moore
John J. O'Leary
Donald E. Powers
Wilson G. Price
Clifford M. Riccio
Anthony M. Rudmann
John T. Stewart
Raymond Thek
Raymond R. Walker
Patricia M. Woods
Advisory Committee
(in formation)
Martin J. Burgess
John P. Dellera
Rita Fox
Raymond W. Gimmler
Thomas E. Griffith
Henry S. Jorin, Jr.
Edward F. Leonard

October 26, 1978

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

Attention: General Counsel

RE: Committee to Elect Geraldine Ferraro Ninth (9th) Congressional District, New York

1978 OCT 31 PM 12:13
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

Gentlemen:

The Committee to Elect Geraldine Ferraro violated the Campaign Financing Law during the recent Democratic Primary by accepting contributions of $130,000 more than was permitted under law. The Committee received and utilized $50,000 of these contributions during the last two weeks of the primary (September 12, 1978) but, failed to report " the late money" until after the primary.

On September 7, your office directed Ms. Ferraro to pay back the illegal contributions. On October 5, Ms. Ferraro's committee treasurer reported repayment of the excess contributions without specifically identifying the realty and mortgage which was supposedly sold to raise the repayment monies.

Ms. Ferraro defeated her primary opponents with illicit campaign financing which began in May and continued right up to primary day itself. Your office was on notice concerning illegal contributions from July and did not act until five days before the primary.

Ms. Ferraro's committee timed its violations perfectly to obtain maximum advantage over her opponents. Thereafter, her committee was able to repent at leisure.

The Conservative Party of New York has placed on the ballot Alfred A. DelliBovi, Ms. Ferraro's rival in the general election. We fully expect Ms. Ferraro's committee to violate the law again in the same or similar way and "correct" its "mistake" after election. When you admonished Ms. Ferraro on September 7, it did not stop her committee from accepting $25,000 more in illegal contributions from her husband on September 12, primary day.

Investigation is not needed - rigorous enforcement is.

We call upon you to monitor the Ferraro committee closely between now and Election Day (November 7) and advise us of any wrongdoing, so that, at least, we shall be able to bring the matter to the attention of the voting public before it is too late.

Very truly yours,

J. Daniel Mahoney
State Chairman

cc: Clerk of the House
of Representatives
Serphin R. Maltese
Executive Director

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

D 298
RAD 81-193

REPORTS ANALYSIS REFERRAL SHEET 7 9 0 0 7 5 0

DATE 12-7-78

ANALYST Lorrie Castaneda

TO: Office of General Counsel

TEAM CHIEF Peter Kell, Jr.

THROUGH: STAFF DIRECTOR

COMPLIANCE REVIEW C. Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

MUR892

CANDIDATE/COMMITTEE:

Committee to Elect Geraldine Ferraro

TREASURER:

David Blanksteen

ADDRESS:

218 Lafeyette Street
New York, NY 10012

AFFILIATE(S):

None

ALLEGATION(S):	CITE:	ATTACHMENT(S)
Individuals making loans to the candidate in excess of $1000	U.S.C. 441a(a)(1)(A)	#2

MANNER IN WHICH REVIEW WAS INITIATED if other than normal review, AND DATE:

Review 8/7/78

ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM 5/16/78 TO 10/23/78

TOTAL RECEIPTS $ 301, 024. 51 TOTAL EXPENDITURES $ 167, 306.28

CASH ON HAND $ 1,239.20 DEBTS $ 134,000.00

HISTORY:

RESULTS OF REVIEW:

ATTACHMENT

Please see page two.

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

ATTACHMENT

Telecon 9/13/78 #9
Telecon 10/2/78 #10
Telecon 10/26/78 #11

REASON(S) FOR REFERRAL:

ATTACHMENT

Please see page two.

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

11/20/78 Request for Additional Information on October 10 report #12
11/20/78 Request for Additional Information on 10 Day Pre-General report

OTHER RELEVANT INFORMATION:

Submitted required 48 hour notices late #13

Please see page two.

RAD Form 1
August 1978

REPORTS ANAYLSIS REFERRAL SHEET
PAGE TWO
COMMITTEE TO ELECT GERALDINE FERRARO

HISTORY:		ATTACHMENT(S)
RESULTS OF REVIEW:		
9/07/78	Surface violation sent on the July 10 report for excessive loans.	#3
9/13/78	10 Day Pre-Primary report was reviewed and disclosed additional violations by the same individuals. Surface violation letter was prepared, but was held pending communication with candidate. (Refer to telecon #9)	#4
9/26/78	Inadequate response to surface violation.	#5
10/5/78 and 10/13/78	Letters received which stated that the loans had been repaid. However, this conflicted with other information provided by the candidate. (Refer to telecons #9 and #10)	#6
11/1/78	October 10 report was reviewed and disclosed an additional violation. Surface violation was not sent because a response was received. (Refer to attachments #6 and 8)	#7
11/1/78	Received response to original surface violation which was more consistent with information provided by the candidate. Letter indicated that loans are attributed to either the candidate or John Zaccarro. Loans attributed to John Zaccarro exceed the limitations of 441a.	#8

REASON FOR REFERRAL:

There is a possibility that Ms. Ferraro acted improperly by attributing the loans to herself.

Excessive loans received from John A. Zaccarro meet the Commission threshold for referral to OGC.

OTHER RELEVANT INFORMATION:

11/6/78	The Clerk's office forwarded a letter received from the Conservative Party of New York State. The letter alleged that Ms. Ferraro had received illegal contributions.	#14

7 9 0 1 0 1 6 0 7 5 1

7 9 0 4 0 1 6 0 7 5 2

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

HOUSE

COMMITTEE / DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
COMMITTEE TO ELECT GERALDINE FERRARO TO CONGRESS							ID# C00075653
1978 STATEMENT OF ORGANIZATION					22MAY78	3	78HSE/136/1400
STATEMENT OF ORGANIZATION- AMENDMENT					21JUN78	3	78HSE/138/1964
REQUEST FOR ADDITIONAL INFORMATION					27JUN78	3	78FEC/077/3871
STATEMENT OF ORGANIZATION- AMENDMENT					12JUL78	1	78HSE/141/1119
MISCELLANEOUS TRANSACTION TO F.E.C.					22SEP78	1	78HSE/146/0747
MISCELLANEOUS TRANSACTION TO F.E.C.					26SEP78	1	78HSE/146/1078
48 HOUR CONTRIBUTION NOTICE					26OCT78	1	78HSE/151/2539
48 HOUR CONTRIBUTION NOTICE					28OCT78	1	78HSE/153/4947
48 HOUR CONTRIBUTION NOTICE					2NOV78	1	78HSE/154/4928
48 HOUR EXPEND UTION NOTICE					3NOV78	1	78HSE/154/1310
30 DAY PRE-PRIMARY	54,652		52,751			1	78HSE/145/2713
10 DAY PRE-PRIMARY	54,652		52,751		1JUL78 -28AUG78	9	78HSE/145/2851
REQUEST FOR ADDITIONAL INFORMATION					1JUL78 -28AUG78	1	78FEC/081/4256
REQUEST FOR ADDITIONAL INFORMATION					1JUL78 -28AUG78	3	78FEC/090/3007
30 DAY PRE-PRIMARY - AMENDMENT					1JUL78 -28AUG78	2	78HSE/136/1457
[redacted]					[redacted]	[redacted]	[redacted]
10 DAY PRE-PRIMARY - AMENDMENT					28AUG78	1	78HSE/154/1191
10 DAY PRE-PRIMARY - AMENDMENT					1JUL78 -28AUG78	2	78HSE/154/4764
15 DAY PRE-PRIMARY - AMENDMENT					30AUG78	2	78HSE/147/1218
30 DAY POST-PRIMARY	0		0		10OCT78 - 20OCT78	2	78HSE/147/4167
30 DAY POST-PRIMARY - AMENDMENT					30SEP78	1	78HSE/151/0386
JULY 10 QUARTERLY	41,902		33,462		10MAY78 -30JUN78	7	78HSE/142/0755
JULY 10 QUARTERLY - AMENDMENT	41,902		33,462		10MAY78 -30JUN78	3	78HSE/145/2946
JULY 10 QUARTERLY - AMENDMENT					30JUN78	2	78HSE/147/1220
OCTOBER 15 QUARTERLY		64,020		46,265	29AUG78 -30SEP78	11	78HSE/147/4557
12 DAY PRE-GENERAL		140,450		167,306	30OCT78 -23OCT78	11	78HSE/157/2136
TOTAL	96,554	204,470	86,213	213,571		76	TOTAL PAGES

ALL REPORTS REVIEWED

SCHEDULE A
FILED
1980
Federal Election Commission
Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 14b, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 2

(Use Separate Schedules for each numbered line)

July 10

Name of Candidate or Committee in Full: GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN ZACCARO [illegible] HOLLISTER NY 10314 Receipt for: ☑ Primary ☐ General ☐ Other	SAME EXECUTIVE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 25,000	[illegible]	25,000.
JOANNE A. ZACCARO 22 DEERDANE RD FOREST HILLS NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000	[illegible]	5,000.
JOHN A ZACCARO JR 22 DEERDANE RD FOREST HILLS NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000.	[illegible]	5,000.
LAURA A ZACCARO 22 DEERDANE RD FOREST HILLS NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	NONE RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year To Date $ 5,000	[illegible]	5,000.
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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)			$ 45,000.
TOTAL this period (last page this line number only)			$ 45,000

1017

In reply please refer to 4SV1/78-83LC

FEDERAL ELECTION COMMISSION

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

7 September 1978

Ms. Geraldine A. Ferraro
22 Deepdene Road
Forest Hills, New York 11375

Dear Ms. Ferraro:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. During review of the July 10 Report of Receipts and Expenditures, we noticed entries indicating that you may have received contributions which exceed the limits set forth in the Act. A copy of that portion of your report is attached so that a review of your records can be made.

The Act precludes individuals from making political contributions to a candidate for Federal election in excess of $1,000 per election.

The Commission recommends that if you find the contributions you received were in excess of the limits set forth in the Act you return the amounts in excess of $1,000 to the donors. These returns should be reported immediately by letter and should be reflected as contribution refunds on your next reports of receipts and expenditures. If you find that the entries in question are incomplete or incorrect, please submit a statement which would clarify these particular matters for the public record. You may do so by amending your original report by letter.

Please notify the Commission within fifteen (15) days from the date of this letter of the determination made on these matters. If you have any questions concerning these matters, please do not hesitate to contact Lorrie Castaneda (800)424-9530, our Reports Analyst assigned to you. Our local telephone number is 523-4048.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Enclosure
Certified Mail:
Return Receipt Requested

7 9 0 4 0 0 7 5 4

10/1

7 9 2 1 0 1 5 0 7 5 5

FERRARO

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:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	64346	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

U.S. POSTAGE
SEP 19 1978
FLUSHING

FERRARO

SCHEDULE A
REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for Line Number 20

Use Separate Schedules for each numbered line

No Day Pre-Primary

Name of Candidate or Committee in Full: COMMITTEE TO ELECT GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN A ZACCARO 218 LAFAYETTE ST NEW YORK, NY 10010 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: SAME Occupation: EXECUTIVE ☐ Check if Contributor is self-employed Aggregate Year-To-Date: [illegible]	8/30/78	20000.00
DONNA A. ZACCARO 22 DEEPDALE RD. FOREST HILLS, NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date: $13000.	8/3/78	8000.00
JOHN A ZACCARO JR 22 DEEPDALE RD FOREST HILLS, NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date: $8000.	8/3/78	3,000.00
LAURA A ZACCARO 22 DEEPDALE RD. FOREST HILLS NY 11375 Receipt for: ☑ Primary ☐ General ☐ Other	Principal Place of Business: NONE Occupation: RELATED TO CANDIDATE ☐ Check if Contributor is self-employed Aggregate Year-To-Date: $16000.	7/1/78 8/3/78	10000.00 3,000.00
Full Name, Mailing Address and ZIP Code Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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 Receipt for: ☐ Primary ☐ General ☐ Other	Principal Place of Business Occupation ☐ 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) 44000.00

TOTAL this period (last page this line number only) 44000.00

7 5 0 1 0 1 5 0 7 3 3

HAND DELIVERED

HAND DELIVERED
SEP 26 1978

46 Underwood Road
Forest Hills, New York
September 21, 1978

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

806389

Re: - W 1/78-23 LC

Gentlemen:

We are in receipt of your letter dated September 1

We were advised by an attorney prior to filing the July 10 Quarterly Report that the method of receiving and reporting funds for the campaign were proper and correct. I am advised that during the time that the reported loans were received the candidate had personal assets which were sufficient to make a loan contribution to her campaign. Section 441a of Title 2 of the U.S. Code has been the subject of some confusion. The candidate is taking immediate steps to comply with all provisions of said section.

Please advise us if you require any additional information with respect to the foregoing.

Very truly yours,

Levit Blankstein
Treasurer

1978 SEP 26 PM 12 58
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

79040160757

HAND DELIVERED

OCT 10 1978

45 Underwood Road
Forest Hills, New York
October 5, 1978

'78 OCT 9 PM 4:51

Copy

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

606701

Re: 4SV1/78-83LC

Gentlemen:

Please be advised that the Committee to Elect Geraldine A. Ferraro (I.D. No. 079707) has received contributions aggregating $130,000 from Geraldine A. Ferraro for the Primary Election. These contributions are loans to the Committee of the candidate's personal funds.

The Committee has repaid the following loans received from the candidate's husband and children which were reported in the July 10 Quarterly and 10-Day Pre-Primary Reports of Receipts and Expenditures and letter of September 21, 1978:

	Amount of Loan	Amount Repaid
John A. Zaccaro	$ 25,000	$ 25,000
Donna A. Zaccaro	5,000	5,000
John A. Zaccaro, Jr.	5,000	5,000
Laura A. Zaccaro	5,000	5,000
Laura A. Zaccaro	10,000	10,000
Laura A. Zaccaro	3,000	2,000
Donna A. Zaccaro	8,000	7,000
John A. Zaccaro, Jr.	3,000	2,000
John A. Zaccaro	20,000	20,000
John A. Zaccaro	25,000	25,000
John A. Zaccaro	25,000	24,000
TOTAL	$134,000	$130,000

7901171225
7901160759

1978 OCT 10 AM 11:37

The funds loaned by Ms. Ferraro to the Committee were obtained from the sale of two assets owned personally by her prior to becoming a candidate. One asset was an interest in a mortgage, and the other was an interest in a commercial building. Neither Ms. Ferraro's husband nor children owned any interest in these assets.

These contribution refunds and the contributions received will be reflected in our next report of receipts and expenditures. This letter is being submitted in advance of the due date of such report in response to your previous inquiry concerning some of the contributions listed above.

Please advise us if you require any additional information with respect to theforegoing.

Very truly yours,

David Blanksteen
Treasurer

7001150759 7001171221

OCT 13 1978

REGULAR MAIL

#6

45 Underwood Road
Forest Hills, New York
October 12, 1978

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

Re: I.D. #079707

Dear Mr. Henshaw:

In response to your letter of October 4, 1978 concerning the status of two loans made to the Committee, please be advised that the August 29, 1978 loan has been repaid in full and that all but $1,000 of the September 4, 1978 loan has been repaid. These repayments were reported to you by letter, hand delivered to you on October 5, 1978.

Please advise us if you require any additional information with respect to the foregoing.

Very truly yours,

David Blankstein
Treasurer

7901050760

SCHEDULE A
REVISED
January 1984
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contributions in Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1

Name of Candidate or Committee in Full: COMMITTEE TO ELECT GERALDINE A. FERRARO

Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
JOHN A ZACCARIO	218 LAFAYETTE ST NEW YORK, NY 10012 / EXECUTIVE		25,000.00
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $75,000.		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $		
Full Name, Mailing Address and ZIP Code	Principal Place of Business / Occupation	Date (month, day, year)	Amount of each Receipt this Period
Receipt for: ☐ Primary ☐ General ☐ Other	☐ Check if Contributor is self-employed; Aggregate Year To Date $		
SUBTOTAL of Receipts this page (optional)			$25,000.00
TOTAL this period (last page this line number only)			$25,000.00

7901160761

FEDERAL ELECTION COMMISSION
OCT 30 AM 9:13

45 Underwood Road
Forest Hills, New York

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

Attention: Ms. Lorrie Castaneda

Re: 4SV1/78-83LC

Dear Ms. Castaneda:

In response to your telephone inquiry concerning certain bank accounts from which loans to the Committee were made, I have been advised of the following:

1. The May 10, 1978 loan from John Zaccaro reported in the July 10 Quarterly Report was made from a savings account held in the names of "Mrs. Geraldine A. Zaccaro or Mr. John A. Zaccaro. Payable to either or survivor." (Mrs. Zaccaro is the married name of Ms. Ferraro).

2. The loans of June 20, 1978 from Donna A. Zaccaro, John A. Zaccaro, Jr. and Laura A. Zaccaro reported in the July 10 Quarterly Report were made from savings accounts held in the respective names of "Geraldine A. Zaccaro Custodian for Donna A. Zaccaro," "Geraldine A. Zaccaro custodian for John A. Zaccaro, Jr.," and "Geraldine A. Zaccaro custodian for Laura A. Zaccaro."

3. The loan from Donna A. Zaccaro made on August 3, 1978 reported in the 10 Day Pre-Primary Report was made from the savings account of "John A. Zaccaro Custodian for Donna A. Zaccaro" to the extent of $5,000 and from the savings account "Geraldine A. Zaccaro Custodian for Donna A. Zaccaro" to the extent of $3,000.

4. The loan of August 3, 1978 from John A. Zaccaro, Jr. reported in the 10 Day Pre-Primary Report was made from the savings account of "Geraldine A. Zaccaro Custodian for John A. Zaccaro, Jr."

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5. The July 12, 1978 loan from Laura A. Zaccaro reported in the 10 Day Pre-Primary Report was made from the savings account of "John A. Zaccaro custodian for Laura A. Zaccaro," and the August 3, 1978 loan for Laura A. Zaccaro reported in the same Report was made from the savings account of "Geraldine A. Zaccaro custodian for Laura A. Zaccaro."

As reported to you in my letter of October 5, 1978, all of the foregoing loans have been repaid by the Committee. Accordingly, we assume that this matter may be considered closed and we would appreciate receiving immediate notification to that effect.

Very truly yours,

David Blanksteen
Treasurer

79010150763

MEMO FOR FILES

TELECON

FROM: Lorrie Castaneda

DATE: 9/13/78

COMMITTEE: Geraldine Ferraro for Congress NY/09 212-261-3933 (home)

Geraldine Ferraro called concerning a surface violation she had received for excessive contributions (total of $80,000+). She said she had sent in an amendment stating that these were loans. She was under the impression that loans could be of any amount. I told her the contribution limitations applied to loans, that they were considered contributions until repaid. Only the candidate was allowed to give an unlimited amount. She said that the money was from a joint account with her husband, John and from colleges funds set up for her children. She was trustee of those accounts and said therefore she had control of that money.

The wire services had picked up the contributions and had called both her and the FEC. (She had received 54% of the vote in the primary). I told her if the money was from a joint account with her husband, it was alright as long as she attributed the excessive amount to herself. She asked if it wasn't possible to do the same with the children's money and I said I wasn't sure, that I would check with legal and call her back.

Section 110.10 of the FEC Regulations defines personal funds of a candidate to include money of a trust, if the trust was established before candidacy. I spoke with Peter Kell and he said it would depend on the terms of the trust, but he felt if the trust had been established before the candidacy had been announced it would be alright. Because I received no response from legal, I called Mrs. Ferraro and asked if the trust had been established before candidacy. She had said it was several years old. I gave her the cite of the Regulations and explained that if the excessive amount was attributed to herself, it was acceptable. Mrs. Ferraro had stated it was her money and that she was in control of those funds. She said she would send in a letter by the end of the week, stating the money was a loan from the candidate to the committee and the circumstances of the trust. She was also going to call the press and tell them she had checked with us and that it was correct. I told her that her reports would not be considered correct by the Commission until the amendment was received and that any questions from the press should be referred to our press office.

After talking to the candidate I called Sharon Snyder in press and informed her of what I had told the candidate. She wasn't sure that the answer was correct so I went to Gail Ross' office and asked her. She tried to check with Brad Litchfield but he wasn't in. She had spoken to the lawyers and the feeling was that it wasn't acceptable. She also said it depended on the terms of the trust and that she'd work on it and call me back. I asked that she'd call me as soon as possible and explained the answer I'd already given to the candidate. Mike Filler had also asked an attorney, David Federman, his opinion and he thought the contribution would be acceptable.

After speaking with Gail Ross, I explained the situation to Peter Kell and asked if I should call the candidate again and tell her to hold off on action. He felt I should not and also called Brad Litchfield.

Brad Litchfield returned my call and said as far as he could tell, according to Section 110.10, the contribution could be given by the trust fund, if it had been established long before candidacy. I explained that the trust was several years old and he felt the contribution, attributed to Mrs. Ferraro would be acceptable. I called press and informed them.

Office

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TELECON

FROM: Lorrie Castaneda

DATE: 10/2/78

COMMITTEE: GERALDINE FERRARO FOR CONGRESS NY/09
Bill O'Brien, Attorney for Ms. Ferraro

Bill O'Brien, attorney for Geraldine Ferraro, called. I had attempted to speak with Ms. Ferraro on 9/29/78., but she was out campaigning. Her attorney called and said he was returning the call for her. I explained to Mr. O'Brien that as yet we had received no acceptable responses to the SV letters (the only answers we had received were very vague and didn't really correct the excessive loan problem). I told Mr. O'Brien that I had spoken with Ms. Ferraro and explained to her that she should assume the excessive amounts and clearly state that in a letter. As to this date she was still in violation. Mr. O'Brien was under the impression that these violations were to be cleared up on the October 10. I explained to Mr. O'Brien that these letters were sent out sometime ago and should have been answered separately at that time. He said Ms. Ferraro was liquidating assets to advance to the committee. He also said there had been some problem with repaying or refunding the loans. I explained to Mr. O'Brien as I had explained to Ms. Ferraro that she did not have to refund this money if it was from a joint account, but she would have to designate the excessive amounts as being her contributions. I urged Mr. O'Brien to answer these letters as clearly and as soon as possible because these reports were being so closely scrutinized by the press.

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FROM: Lorrie Castaneda

DATE: 10/26/78

COMMITTEE: Committee to elect Geraldine Ferraro NY/09

I had tried to get in touch with the candidate because of a report from the press office that Ms. Ferraro was telling reporters that her reports were cleared at the FEC. Ms. Ferraro's husband, John Zacarro returned the call.

The October 10 reports showed no correction of the previous errors which have been in violation since September. The October 10 showed additional violations.

Mr. Zaccarro said all the loans were repaid October 5th (as per letter from treasurer). He wasn't sure of exactly what was required, but he said all the corrections would be shown on the 10 Day Pre-General report.

Mr. Zaccaro again referred me to the October 5th letter. I explained to Mr. Zaccaro that the letter that was submitted by the treasurer was different from the information which Ms. Ferraro had given me over the phone. I told Mr. Zaccarro the letter mentioned nothing about the trustee fund and joint account which Ms. Ferraro had said the contributions came from. Mr. Zaccarro verified that these were the sources of the loans, but they had been repaid.

I told Mr. Zaccarro that I had explained to Ms. Ferraro that she did not have to repay those loans if she had supplied the information as to where the contributions came from. (These sources were under the candidate's control).

I asked Mr. Zaccarro if it would be possible to have a letter submitted which would explain what the original source of the loans were. I asked also that all repayments be shown on the 10 Day Pre-General.

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 20, 1978

David Blanksteen, Treasurer
COMMITTEE TO ELECT GERALDINE FERRARO
218 Lafayettee St.
New York, NY 10012

Dear Mr. Blanksteen:

This letter is prompted by our interest in assisting House candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the October 10/ 10 Day Pre-General Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

The Federal Election Commission, in connection with its statutory responsibility to enforce the Act, reviews all Federal campaign disclosure documents, including those filed initially with the Clerk of the House. The Office of the Clerk, as an informational service, is notifying filers of the errors and omissions found in their preliminary review of documents filed with the Clerk. This letter and attached documentation constitute official notification by the Commission of errors and omissions found, and require a written response.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Lorrie Castaneda in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4172.

Sincerely,

Orlando B. Potter

Orlando B. Potter
Staff Director

Attachment
FEC Form 12

7 9 0 4 0 1 5 0 7 5 7

Washington, D.C. 20463

TO: COMMITTEE TO ELECT GERALDINE FERRARO

NY/09

DATE: 11/20/78

I.D. NO.: C00095653

REQUEST FOR ADDITIONAL INFORMATION FOR THE October 10 REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 8/29/78 THROUGH 9/30/78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

X Aggregate Year-to-date Totals X omitted or ___ inadequate for Schedule(s) A Line(s) all

___ Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

X Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

COMMITTEE TO ELECT GERALDINE FERRARO NY/09
OCTOBER 10 REPORT

On your previous report you reported an aggregate year to date total of $1000 from the Women's Campaign Fund. However, on the October 10 report you disclose receiving a transfer in of $3,000 and an aggregate of $3,000. Please amend your report to correct this discrepancy.

Contributions from political action committees are considered transfers in and should be reported on Line 15b of the Detailed Summary Page and itemized on Schedule A, Line 15b of the Itemized Receipt Schedule.

Please provide the exact date for the expenditures made on Schedule B.

Section 104.2(b)(9) of the FEC Regulations requires the "particulars" to be provided for each expenditure which exceeds $100 in the aggregate. Please amend your report to clarify the purpose of the expenditures paid for "various election expenses" on 9/11/78 in the amount of $1046.77.

In addition, please be advised Section 103.3(a) of the FEC Regulations requires that expenditures by a candidate or committee can only be made by a check drawn on an account in a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

On Schedule C you report a debt of $13,000 owed to Laura Zaccaro. However, the amount of the original debt was reported as $18,000. Please amend your report to correct this discrepancy.

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1325 K Street, N.W.
Washington, D.C. 20463

TO: COMMITTEE TO ELECT GERALDINE FERRARO DATE: 11/20/78

NY/09 I.D. NO.: C00095653

REQUEST FOR ADDITIONAL INFORMATION FOR THE 10 Day Pre-General REPORT OF RECEIPTS AND EXPENDITURES COVERING THE PERIOD 10/31/78 THROUGH 10/23/78, PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

___ Coverage Dates ___ omitted or ___ incorrect

___ Signature ___ omitted or ___ incorrect

___ Summary Page Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Detailed Summary (Page 2) Line(s) ___ Column(s) ___ Totals ___ omitted or ___ incorrect

___ Schedule Totals ___ disagree with Detailed Summary (Page 2) or ___ omitted

___ Date(s) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Full Name(s) Omitted for Schedule(s) ___ Line(s) ___

___ Mailing Address(es) ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Occupational Descriptions ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Principal Place(s) of Business ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Aggregate Year-to-date Totals ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Expenditure ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Nature or Purpose of Receipt ___ omitted or ___ inadequate for Schedule(s) ___ Line(s) ___

___ Inadequate Description of ___ proceeds ___ dates ___ events ___ location of Schedule ___

X Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Reports Analysis Division toll free at (800) 424-9530. The local Washington, D.C. telephone numbers are (202) 523-4048 (Senate, Non-Party), 523-4172 (House) or 523-1474 (Party).

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

FEC FORM 12
(Revised April 1977)

COMMITTEE TO ELECT GERALDINE FERRARO NY/09
10 DAY PRE-GENERAL REPORT

Contributions from political action committees are considered transfers in and should be reported on Line 15b of the Detailed Summary Page and itemized on Schedule A, Line 15b of the Itemized Receipts Schedule.

Section 104.2(b)(9) of the FEC Regulations requires the "particulars" to be provided for each expenditure which exceeds $100 in the aggregate. Please amend your report to clarify the purpose of the expenditures paid for "various election expenses" from 10/3/78 to 10/23/78 in the amount of $1376.41.

In addition, please be advised that Section 103.3(a) of the FEC Regulations requires that expenditures by a candidate or a committee can only be made by a check drawn on an account in a designated campaign depository, except for expenditures of $100 or less made from a petty cash fund.

On your previous report you report a debt owed to Laura Zaccaro for $13,000. However, you report a loan repayment of $17,000. Please amend your report to correct this discrepancy.

On Line 20 of Schedule B you report the following loan repayments:

John Zaccaro	$94,000
Donna Zaccaro	$12,000
Laura Zaccaro	$17,000
John A. Zaccaro, Jr.	$8,000

However, you fail to itemize the debts outstanding on Schedule C. Section 104.8(a) of the FEC Regulations requires continuous reporting of debts until extinguished. Please amend your report to disclose the original amount of the debt, amount repaid and outstanding balance.

7 9 0 1 5 0 7 7 1

HAND DELIVERED

79010160772

45 Underwood Road
Forest Hills, New York
September 21, 1978

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

079707

Gentlemen:

Please be advised that the Committee to Elect Geraldine A. Ferraro (I.D. No. 079707) received contributions of $15,000 on August 29, 1978 and $25,000 on September 4, 1978 for the primary election held on September 12, 1978. Both of these contributions were loans to the Committee from John A. Zaccaro, 218 Lafayette Street, New York, New York 10012 (real estate executive).

At the time these contributions were made, we were unaware that a report of their receipt was required to be made within 48 hours. This report is submitted in order to rectify this error.

Very truly yours,

David Blanksteen
Treasurer

REGULAR MAIL
OCT 26 1978

The Conservative Party of New York State

STATE HEADQUARTERS: 468 PARK AVENUE SOUTH, NEW YORK, N. Y. 10016 (212) 689-8400

*Chairman**
J. Daniel Mahoney
*Vice-Chairmen**
T. David Bullard
Edward F. Campbell
Leo J. Kesselring
Michael R. Long
Serphin R. Maltese
Henry Paolucci
George A. Vossler
Executive Director
Serphin R. Maltese
*Regional Vice-Chairmen**
Anthony M. Andrako
Alan Cruikshank
Kenneth C. Jones
Russell E. Norris, Jr.
Charles J. Racette
Harold G. Vosseler
Donald J. Yellen
*Treasurer**
James E. O'Doherty
*Secretary**
Barbara A. Keating
Assistant Secretary
Alyce A. Bivona
Executive Committee
**Ex officio Members*
Stuart L. Avrick
Ernest D. Blumer
Thomas A. Bolan
Suzanne S. Carr
Benton Cole
Thomas F. Cronin, Jr.
Pasquale J. Curcio
Carmelita R. Grieco
Rosemary R. Gunning
Helene M. Hyland
William A. Jackson
Lenore L. Levy
George F. McGuinness
Daniel L. Master
James P. Molinaro
Thomas M. Moore
John J. O'Leary
Donald E. Powers
Wilson G. Price
Clifford M. Riccio
Anthony M. Rudmann
John T. Stewart
Raymond Thek
Raymond R. Walker
Patricia M. Woods
Advisory Committee
(in formation)
Martin J. Burgess
John P. Dellera
Rita Fox
Raymond W. Gimmler
Thomas E. Griffith
Henry S. Jorin, Jr.
Edward F. Leonard

October 26, 1978

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

Attention: General Counsel

RE: Committee to Elect Geraldine Ferraro Ninth (9th) Congressional District, New York

Gentlemen:

The Committee to Elect Geraldine Ferraro violated the Campaign Financing Law during the recent Democratic Primary by accepting contributions of $130,000 more than was permitted under law. The Committee received and utilized $50,000 of these contributions during the last two weeks of the primary (September 12, 1978) but, failed to report " the late money" until after the primary.

On September 7, your office directed Ms. Ferraro to pay back the illegal contributions. On October 5, Ms. Ferraro's committee treasurer reported repayment of the excess contributions without specifically identifying the realty and mortgage which was supposedly sold to raise the repayment monies.

Ms. Ferraro defeated her primary opponents with illicit campaign financing which began in May and continued right up to primary day itself. Your office was on notice concerning illegal contributions from July and did not act until five days before the primary.

Ms. Ferraro's committee timed its violations perfectly to obtain maximum advantage over her opponents. Thereafter, her committee was able to repent at leisure.

The Conservative Party of New York has placed on the ballot Alfred A. DelliBovi, Ms. Ferraro's rival in the general election. We fully expect Ms. Ferraro's committee to violate the law again in the same or similar way and "correct" its "mistake" after election. When you admonished Ms. Ferraro on September 7, it did not stop her committee from accepting $25,000 more in illegal contributions from her husband on September 12, primary day.

Investigation is not needed - rigorous enforcement is.

We call upon you to monitor the Ferraro committee closely between now and Election Day (November 7) and advise us of any wrongdoing, so that, at least, we shall be able to bring the matter to the attention of the voting public before it is too late.

Very truly yours,

J. Daniel Mahoney
State Chairman

cc: Clerk of the House
of Representatives
Serphin R. Maltese
Executive Director

OFFICE OF RECORDS
78 OCT 30 AM 11:02
U.S. HOUSE OF REPRESENTATIVES

The Conservative Party
of New York State
468 Park Avenue South
New York, New York 10016

Remember
our
PIA's

Clerk of the House
of Representatives
Washington, D.C. 20515

RECEIVED
1978 OCT 30 PM 3:51

7901016077 4

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 892

Date Filmed 10/16/79 Camera No. --- 2

Cameraman bPC