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April 15, 2004

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 APR 20 A 11:03

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

Attn: Ms. Kim C. Stevenson

Re: Grafton Construction, Inc. (\$2,500)
Kent Contracting, Inc. (\$500)
L&S Mechanical Corp. (\$2,500)
Major Sewer & Water Contractors, Inc. (\$1,000)
National Real Estate Services, Inc. (\$2,500)
Sanita Construction Co., Inc. (\$2,000)
Solon Contracting Corp. (\$1,000)

Dear Ms. Stevenson:

We represent the above referenced contributors. They are among the subjects of MUR 5431. On April 8, 2004, we faxed each contributor's Statement of Designation of Counsel to your office. This letter constitutes their responses to the complaint.

Essentially, the complaints allege that the contributors are corporations and thus ineligible to contribute to Citizens for Tracy L. Boyland, a political committee ("Committee") supporting Ms. Boyland's candidacy for federal elective office in 2004. With respect to Grafton, L&S and National Real Estate Services, you further allege that even if they had been eligible to contribute, the amount that each contributor donated exceeded the per election limit provided under the Federal Election Campaign Act (the "Act").

The contributors concede that they are corporations. As such they are ineligible to make contributions under the Act. Grafton, L&S and National Real Estate Services

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also concede that even if they had been eligible, the amounts they each contributed (\$2,500) exceeded the per election limit in effect for the 2003-04 election cycle.

Each of the above referenced contributors has solicited and obtained a refund of its contribution. They each desire to enter into conciliation with your office. The underlying facts are as follows:

During October 2003, the contributors were solicited to participate in a fund raiser for Tracy L. Boyland. Ms. Boyland is a member of the New York City Council. Each of them responded by making a corporate contribution.

Apparently, these contributors did not appreciate that their contributions were to a committee supporting Ms. Boyland for congress rather than to a committee supporting her for municipal office. Under the New York State Election Law, corporate contributions to political committees are permitted subject to an aggregate calendar year contribution limit of \$5,000 with respect to New York State (or subdivision) candidates. See 16 McKinney's New York Election Law §14-116.

On March 19, 2004 Ms. Boyland's Committee refunded all of the contributions. Photocopies of the refund checks are enclosed.

The contributors have advised me that their violation of the Act was unintentional. They regret their actions. Having now "rectified" their violations, they request conciliation and ask that the matter be closed.

Very truly yours,


Lawrence A. Mandelker

LAM/neg
enc.

cc: Grafton Construction, Inc.
Kent Contracting Inc.
L&S Mechanical Corp.
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Sanita Construction Co., Inc.
Solon Contracting Corp.