

Kenner Police Department

Office of the Chief

NICK A. CONGEMI
Chief of Police

September 7, 2004

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF THE
GENERAL COUNSEL

SEP 12 11 AM '04

Ms. Retha Dixon
Docket Manager
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 5531

Dear Ms. Dixon,

Attached you will find copies of two (2) political advertisements paid for by Mr. Phil Capitano, a Republican candidate for Mayor of the City of Kenner, a suburb of New Orleans. He was elected in a special election on March 9, 2004, the same day as the Louisiana presidential primary. These advertisements were either mailed or distributed to thousands of registered Kenner voters in the days before as well as the day of the primary election.

In reviewing these advertisements, you will find that Mayor Capitano advocated the elections of three candidates for federal office. In the first advertisement, marked as Attachment 1, Mr. Capitano advocates (beside himself) the Republican presidential candidacy of George W. Bush. In the second attachment, Mr. Capitano advocates the Democratic presidential candidacy of John Kerry.

According to the Federal Election Commission web site, under federal election law, an individual may make unlimited "independent expenditures" in connection with federal elections. The FEC web site further states, in part, that an independent expenditure is an expenditure for a communication which expressly advocates the election of a clearly identified (federal) candidate and which is made independently from the (federal) candidate's campaign. It is additionally stated that the law does require persons making independent expenditures to report them and to disclose the sources of the funds they used.

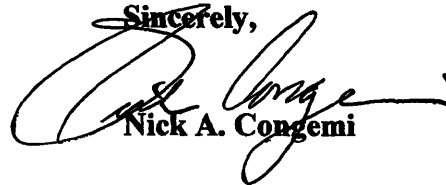
Furthermore, according to the FEC web site, there is no record of Mr. Capitano reporting any independent expenditure on behalf of the above-listed federal candidates, as required by federal campaign finance law. Thus, it appears

that Mr. Capitano is in violation of federal campaign finance law by failing to properly report his independent expenditures on behalf of federal candidates George W. Bush and John Kerry. Therefore, I respectfully request that your office conduct a formal, confidential investigation to determine the true nature of Mr. Capitano's expenditures regarding these advertisements as outlined herein.

Mayor Capitano can be contacted as follows:

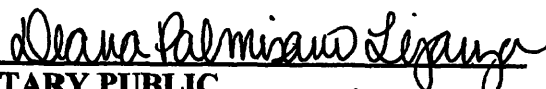
Mayor Philip L. Capitano
City of Kenner
1801 Williams Boulevard
Kenner, LA 70062
(504) 468-7240
or
4041 Teche Drive
Kenner, LA 70065
(504) 466-5767

Thank you for your assistance. If you have any questions, please call me. I look forward to hearing from you soon.

Sincerely,

Nick A. Congemi

- Attachments (2):
1. Copy of political advertisement titled "Three Good Reasons to Vote For Endorsed Republicans On Tuesday, March 9th," paid for by the Phil Capitano Campaign.
 2. Copy of political advertisement titled "This Tuesday, March 9, 2004, Please Vote for the Candidates that are for YOU! John Kerry for President, Phil Capitano for Mayor of Kenner," paid for by Phil Capitano for Mayor.

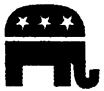
Subscribed and sworn to before me on this 7th day of September,
2004.


NOTARY PUBLIC
DEANA P. LEJARZA
Notary Public - LSBA No. 24592
State of Louisiana
My Commission is issued for Life

Let's Continue To Support Our Endorsed Republican Leaders!



Phil Capitano
Our Next Mayor



The Republican Party

Dear Fellow Republican,

February 27, 2004

Councilman Phil Capitano has been standing up for our Republican ideals for many years now. As a Councilman, he has strived for less government and fewer taxes. Sometimes he's stood alone in these battles, but he has never faltered.

Phil embodies the Republican ideology...he is a true Republican. In fact, Division L of the Louisiana Republican Party honored Phil with their Civic Award in 1999! His leadership and persistence are unparalleled in Kenner. His community involvement and commitment to charities and our schools, unwavering. We need to keep Phil standing up for all, the citizens of Kenner!

Without Phil's leadership, there would not be a Kenner City Park...just more apartments. Without Phil there might be higher taxes and more wasteful spending.

He has proven himself as a Councilman...Just imagine what Phil will do for us as Mayor!

Keep our Republican ideals standing strong in Kenner.. Vote #23, Phil Capitano for Mayor on Tuesday March 9th

Sincerely,
The Republican Party Leadership

VOTE TUESDAY MARCH 9th



**Three Good
Reasons to Vote For
ENDORSED REPUBLICANS
On Tuesday,
March 9th.**



Post office Box 788
Kenner, LA 70063
(504) 465-9484

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**An Important Message from
The Republican Party and
Our Republican Leaders.**





Councilman
Marc Johnson
District 1
1994- Present



Councilwoman
Wilma Landry
District 1
1982 - 1994

**This Tuesday,
March 9, 2004**

**Please Vote for the
Candidates that are
for YOU!**



John
KERRY
for President



Phil
CAPITANO
for Mayor of Kenner

#23



**You Can Take This Ballot In To The Poll
Paid for By Phil Capitano for Mayor
P.O. Box 788, Kenner, LA 70063**