



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MEMORANDUM

TO: Jeff Jordan
Greg Baker

FROM: Erik Morrison *EM*

SUBJECT: MUR 5484

DATE: September 24, 2004

Complainant alleges that Respondent's disclosure reports contain certain discrepancies, in violation of 2 U.S.C. § 434. Specifically, according to Complainant, Respondent's statement of candidacy states that he did not intend to expend personal funds, but that Respondent nonetheless contributed or loaned his campaign more than \$333,000 in personal funds, \$6,174 of which he loaned his campaign on the same day that he signed the statement of candidacy. In addition, Complainant states that a mailing by Respondent states that he had raised over \$338,00 from 515 donors, whereas his FEC disclosure report lists only himself and five other donors. Finally, Complainant asserts that the mailing, in question, lists the Respondent's contribution total as of May 14, 2004 "while failing to disclose that the contribution totals of his three opponents were as of March 31, 2004."

FEC Disclosure Reports:

- Index and most recent amended report and statement of organization for Bill Nojay.
- Index and April Quarterly and July Quarterly reports for 2004 for Geoffrey Rosenberger.
- Index and April Quarterly report for 2004 for Mark Assini covering time period mentioned in complaint.
- Copy of 2004 report index and termination report for Bill Smith.
- Note, the ad in question, mentions contributions as of May 14th as "reported by the candidate or reports filed with the FEC." The only reports filed by that date would have been the April Quarterly and it would appear, by that standard, the ad is accurate. However, the complainant argues that the ad isn't including contributions received by May 14th. By that standard, based upon subsequent reports filed by the other candidates, the ad is inaccurate.

LEXIS/NEXUS Search:

- Some general news articles describing the 29th New York district race and the candidates involved.

- No news article was found mentioning the specifics of the complaint.

INTERNET Searches:

- Copies of pages from Bill Nojay website.

MUR Search:

- No MURs, open or closed, were found for Bill Nojay, or for Friends of Bill Nojay

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