

BILL NOJAY

August 6, 2004

Office of the General Counsel
Federal Election Commission
999 E Street, N. W.
Washington, D.C. 20463

Re: MUR 5484

Dear Sir or Madam:

I am writing in response to a complaint filed by Geoffrey Rosenberger related to my primary campaign in New York's 29th Congressional District. My response to the specifics of his complaint are as follows:

- 1) The Statement of Candidacy I filed on April 12, 2004 indicates that I intended to expend zero personal funds exceeding the threshold amount. It is my understanding the "threshold amount" is \$350,000, and I did not exceed that amount prior to terminating my candidacy. I have disclosed the full amount of my contributions and loans to my campaign, which were under \$350,000. My Statement of Candidacy was therefore accurate.

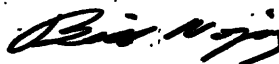
It appears Mr. Rosenberger may have not read the words "exceeding the threshold amount" and therefore may believe no candidate contributions were allowed in excess of \$1.00.

- 2) My FEC Form 3 filing accurately lists each contribution exceeding \$200, or \$50 cash. All other donors contributing lesser amounts ranging from \$1 to \$49 cash or up to \$195 by check are disclosed on Form 3 in the aggregate, as required. My campaign flyer correctly described the total number of all contributors (both individually listed and unlisted). There is no inconsistency between the information disclosed on Form 3 and that on my flyer. Both the Form 3 and the flyer were accurate and not inconsistent. I do not understand the nature of Mr. Rosenberger's complaint.

In short, I do not understand what Mr. Rosenberger is accusing me of doing that would be in violation of applicable FEC rules. To the best of my knowledge all of my filings with the FEC were in full compliance with applicable rules and requirements. Mr. Rosenberger has failed to state an error or omission in my filings.

Accordingly, I believe the FEC should take no action with regard to this matter.

Sincerely,



Bill Nojay

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COUNSEL

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