

155 Hudson Street
New York, NY 10013

October 22, 2004

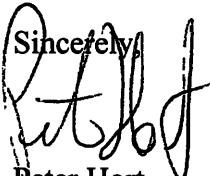
Jeff S. Jordan, Supervising Attorney
Complaints Examination & Legal Administration
Federal Election Commission
Washington, DC 20463

Re: Peter Hort - MUR5529

Dear Mr. Jordan:

I am writing in response to your letter of September 15, 2004, which I received on Monday, September 20, 2004. By the letter dated September 29, 2004, the commission extended the time in which I was able to respond. Please find my response to the complaint filed by Brad Holyman to the Federal Election Commission.

If you need to reach us, you can call me or Kendal Elliott at (212) 431-0513 or write to us at 155 Hudson Street, New York, New York, 10013.

Sincerely,

Peter Hort

cc: Kim C. Stevenson
Federal Election Commission
Washington, DC

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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Response of Peter Hort to Hoylman Complaint – MUR 5529

We feel that this complaint is simply harassment by persons assisting Representative Nadler, the incumbent Congressman who Peter Hort is running against. A google com search of Brad Hoylman, the Complainant, shows that, as recently as this past winter, Mr. Hoylman was President of the Gay & Lesbian Independent Democrats (Downtown Express, January 16 - 22, 2004). In addition, he was a 2001 Democratic candidate for city council. Mr. Hoylman was also an organizer in New York City for the 1992 Clinton presidential campaign (The New York Times, October 3, 2001 Wednesday, Section D, Column 5; Metropolitan Desk, Pg 1). He and Mr. Nadler recently worked together promoting Former Governor Howard Dean's presidential ambitions (The Villager, January 14 - 20, 2004). Brad Hoylman is also a registered user name on Congressman Nadler's website <http://www.jerrynadler.com/main.cfm?actionId=userShowUser&forumId=45&topicId=43&userId=19597>. Finally, Mr. Hoylman and Mr. Nadler attended the 2004 Democratic convention in Boston (The Villager, July 28 - August 03, 2004).

- 2 We do not dispute this
- 3 We dispute this claim

A. There is no merit to the accusation regarding the use of funds.

- 1 The supposed "Hudson Street Office" was actually the home residence of the candidate and his family.
- 4 The "Hudson Street Office" referred to was actually Peter Hort's place of residence (see driver's license for confirmation). From the summer of 2001 through May of 2004 Peter Hort and his family lived on the 2nd floor at 155 Hudson Street, which is a residential building. The campaign activities that occurred here included having volunteers or staff arrive to meet the candidate (in his home) before going out to campaign, picking up mail, checking the home answering machine, and occasional work by campaign staff members or volunteers out of Peter's home. The FEC's May 2004 Campaign Guide for Congressional candidates and committees states in Chapter 7, Section 3 that individuals in the course of volunteering personal services may use their homes for campaign-related activities without making a contribution. Therefore the incidental use of the candidate's home that occurred here cannot possibly be viewed as a contribution, much less a prohibited contribution.
- 5 The 155 Hudson Street address has been used by the campaign as a mailing address because

Peter Hort resided there and (through the present) maintains a personal mailbox there

- 6 Again, 155 Hudson was a residence and was not an "office" Computers, with the exception of Mr Hort's personal computer, were not used at 155 Hudson for the campaign Again, Chapter 7, Section 3, of the Campaign Guide recognizes that use of email by a campaign volunteer using his or her home equipment will not result in a contribution to a committee, therefore use by the candidate of his personal computer or an existing personal home telephone does not result in a contribution, much less a prohibited contribution
7. Disputed, see above
8. Peter Hort's parents, Michael and Susan Hort, and sister, Shoshana Hort, reside at 155 Hudson, Fifth Floor. On occasion, Peter's parents and sister opened up their home in order for Peter to meet with people to discuss his run for Congress Again, the FEC's Campaign Guide, Charter 7, Section 3 specifically recognizes that individuals may host campaign-related activities in their homes. We note that 10 to 15 people typically attended these events, and any expenditure were incidental, and certainly did not exceed \$1,000 per individual host per election
9. The Rema Hort Mann Foundation is a foundation established by Peter's family to honor his sister who died of cancer in 1995 The Foundation does not have an office The foundation is run out of the private home of Peter Hort's parents. The Rema Hort Mann Foundation has been kept completely separate from Peter Hort's campaign.
10. Peter Hort is the Director of the Rema Hort Mann Foundation Peter's close friend and treasurer, Tal Weitzman, is also involved, as are several of Peter's friends
11. Again, 155 Hudson is a residential building and Peter Hort's parents live on the fifth floor Peter rented the 2nd floor from his parents for Peter's family residence
- 2. Office Expenses – the Sixth Avenue Office**
12. The 145 Sixth Avenue building is in the process of being emptied of tenants and the landlord plans to "gut" the building. The building does not have working plumbing (so campaign workers need to go to a nearby Starbucks to use the bathroom) and there is no effective security (doors to the building are not locked), which is no doubt how Mr Nadler's associate, Mr Hoylman, was able to "inspect" our small office at 145 Sixth Avenue We report an in-kind contribution from the landlord, Peter Moore, for that space The 145 Sixth Avenue space is occupied on a month-to-month agreement. Due to the uncertainty of the space and because the space at 145 Sixth Avenue does

not contain secure mailboxes, the mailing address continues to be Peter's personal mailbox at 155 Hudson.

13 Disputed, see above. As far as the phone number is concerned, as noted that phone number was Peter Hort's personal phone number. The phone number has been and will continue to be listed in Peter's personal name. When we began to use the 145 Sixth Avenue office, we had that phone number switched over to that location and the campaign began to pay the phone bill as noted in FEC expenditure reports

14. See above.

15 See above. In-kind contributions have been reported from Peter Moore for that space

16 Furniture purchased for the space was reported. See 1st quarter 2004 FEC report

17. As discussed, Peter Hort's personal computer is used

18 We have no copy machine, therefore reported no purchase. The fax machine is Peter Hort's personal machine that was owned prior to the formation of the Peter Hort for Congress campaign. Telephone equipment will be addressed below (19)

19 The "telephone equipment" described is referring to two telephones. The telephones are Peter Hort's personal telephones purchased prior to the campaign and in total worth approximately \$20.00. Prior to May, Peter's personal phone line was used for incoming calls and incoming faxes. In addition, the amount of the phone bill in question includes an installation fee for installation at 145 Sixth Avenue

20 Peter Moore is the owner of 145 Sixth Avenue. The Peter Hort for Congress campaign has a letter (Exhibit A) from Peter Moore indicating this and the month-to-month rent of \$240 agreed upon by both parties. The campaign is not, nor was ever aware of an LLC

21. An in-kind contribution is reported from Peter Moore for that space.

22. An in-kind contribution from Peter Moore for that space is reported at fair market value, \$300 (not \$100 as abetted by the complainant)

23 As noted, the 145 Sixth Avenue office is a small office in a building being emptied of tenants so the landlord can "gut" it. It cannot be considered a "fully equipped office". Other office space was looked at by the campaign and the current payment of \$300/month is fair market value. For example, use of an office was offered to the campaign for \$300/month in Chelsea. The space was similar in size but also included a working bathroom, refrigerator, and secure lock to both the front door and office door and clean and working facilities. The 145 Sixth Avenue office currently rented

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by the Hort campaign for \$300/month (as an in-kind contribution from Peter Moore) is a small space, contains no working bathroom, limited security, windows that do not open, no cleaning service, no working water and elevators that are often out of service. In addition, there is often loud noise from the ongoing construction making work difficult.

3. Fundraising Expenses

24. The campaign did have two events at ARC. ARC is not and was never to the campaign's knowledge owned or associated with Peter Moore. It is our belief that Peter Moore purchased the building that ARC was located in this past spring. ARC has subsequently closed. Complainant acknowledges ARC has two entrances- one, 157 Hudson Street, is located next-door to Peter Hort's residence.
25. There were two fundraisers at ARC at which no expenses were incurred by the campaign. ARC was an after hours club open from midnight until early in the morning. For each fundraiser, ARC opened early and their staff received tips and Peter's wife baked brownies and cookies. Beverages were available for purchase. Those who chose to stay after the event was over could do so. This brought in business for the owners of ARC.
26. See above.
27. There were no expenses. The business was able to reach new customers who tipped the staff and often stayed afterwards as patrons of ARC. The Peter Hort for Congress Campaign raised less than \$2,000. The Rema Hort Mann Foundation also had a fundraiser at ARC, but a very different fundraiser that was not related.
28. Yes, this event did take place.
29. The bill was paid upon receipt in late March.
30. The reported expense of \$1242 is fair market value for the event for dinner and concert. The receipt for the event is as follows; 18 dinners @ \$40 = \$720, 20 % service charge = \$144, 54 drink tickets @ \$7.0 = \$378, Total = \$1242. Those attending the event had to purchase their own drinks and tip out of pocket once the drink tickets were used.

4. Advertising Expenses

31. The campaign does use this truck provided by the Morels. The truck has been used since approximately August 10, 2004. Serge Morel recently bought this truck for \$2,500. We are reporting a \$230 per month in-kind contribution for use of this truck or a total of \$690 for 3 months.

from August 10th to November 10th. This represents approximately 3/12 the cost of the truck (we are using the truck for about 3 months out of the year).

32. See 31
33. The truck has been used since on August 10, 2004 and the 3rd quarter filing reflects the in-kind donation. Serge Morel was responsible for painting and placing posters on the truck.
34. The poster on the truck indicates it was "Paid for by Peter Hort for Congress"

B. Response to Alleged Reporting Irregularities

35. We have amended to clarify the purpose:

6/29/04 Peter Moore	\$300	office space
6/29/04 Warren Smith	\$250	design work
4/2/04 Matthew Holt	\$189.20	photocopying/travel
5/19/04 David Miller	\$70	event/travel
12/8/04 CCI	\$1821.95	mailing
12/3/03 Inn Mer Sol	\$34.50	credit Card vendor space
36. Although we have found that other campaigns, including our opponent's, do not have a disclaimer on their website, we have modified our website to reflect the disclaimer (Exhibits B and C).
37. Our press releases are sent via e-mail and therefore the campaign was not aware that this disclaimer was necessary. To eliminate any issue, we have added the disclaimer to our press releases (Exhibits D and E)

APPLICABLE LAW

Pertinent provisions of the FEC's campaign guide are discussed above

Count One

Disputed, see responses to paragraphs 4 – 23 above

Count Two

Disputed; see responses to paragraphs 4 – 23 and 31- 34 above.

Count Three

Disputed; we have disclosed and reported all receipts and disbursements as required by law.

Count Four

Disputed, see paragraphs 24 – 30 above

Count Five

Disputed; see responses to paragraphs 36 – 37 above

EXHIBIT A

Peter Moore
161 Hudson Street, #5c
New York, NY 10013

Peter;

This letter memorializes an agreement between you, Peter Moore, and the Peter Hort for Congress campaign concerning office space located at 145 Sixth Avenue, Second floor.

The Peter Hort for Congress campaign understands the agreement is a month-to-month lease, and the Peter Hort for Congress campaign may begin storing material starting March 15. The Peter Hort for Congress campaign further understands that this space is in a construction site and that there may be demolition on other floors. In addition, plumbing may or may not be operational and use of bathrooms may be restricted.

Peter Moore understands that the campaign will have access to one unit, not already in use by either the super or Peter Moore's wife, on the second floor. Peter Moore will give the Peter Hort for Congress campaign two weeks notice before they must vacate the space.

In lieu of rent, the Peter Hort for Congress campaign is crediting Peter Moore - of 161 Hudson Street; New York, NY 10013; Occupation, real estate developer; Employer, self - with an in kind contribution of \$240 per month, utilities included.

Peter Moore
Owner of 145 Sixth Avenue

Tal Weitzman
For the Peter Hort for Congress campaign

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EXHIBIT C

Thank you for your interest in my campaign.

My name is Peter Hort and I want to represent you in the United States Congress. My campaign is about ideas, not ideology. I am running an idea-oriented campaign. I look forward to earning your support and your vote in November and serving you in the United States Congress.

I offer unconventional thinking and creative approaches to problems that many see as unsolvable. People in New York City used to accept crime as just a fact of life. Our leaders said, what can we really do? Then Mayor Rudy Giuliani came along and asked us to raise our standards and try new ideas. It worked. A decade later major crime is at a 40 year low and still going down.

We still have real problems in education, health care and with the economy. Once again we have a choice: either throw up our hands and declare defeat — or try new ideas that just might work.

New Yorkers deserve a Congressman who will work with others on all sides of the political spectrum, improving our schools, supporting economic growth, creating new jobs and combating terrorism.

I offer ideas, not ideology.



Spread the word, Tell A Friend about this Campaign !!

Help us get our message across to the people in our district. Please donate to our campaign



Bloomberg Endorsement
Peter Hort for Congress
New York City's Next Congressman
Bloomberg Endorsed Candidate for U.S. Senate
(Endorsement letter)

Volunteer
Join Peter Hort or our campaign trail, morning, day or evening. We have volunteer opportunities every day. To get involved, please contact us with your availability.

Peter in the Press

Peter Hort was featured in a WNYC radio interview on the challenges of being a Republican in New York City. You can [listen](#) to it or read the transcript on [WNYC.org](#).

Straight from the Press.
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Send mail to campaign@peterhort.com with questions or comments about this website.
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EXHIBIT D**REPRESENTATIVE JERROLD NADLER***U.S. Representative from the 8th Congressional District of New York*

For Immediate Release
September 13, 2004

Contact: Jennie McCue
202-225-5635

Nadler Announces New Legislative Director

Washington, DC -- Representative Jerrold Nadler (D-NY) is very pleased to announce that he has promoted Lisette Morton to the position of Legislative Director. Ms. Morton, who has served in Nadler's Washington office for the past four years, worked as the Congressman's Transportation and Infrastructure Legislative Assistant, and also handled several other issues including the environment, energy, labor, economic development, agriculture, science, and animal rights. She will continue to advise the Congressman on these issues as her job duties expand in her new role as Legislative Director.

"Lisette Morton has been an excellent Legislative Assistant and will be a tremendous Legislative Director," said Nadler. "Her strength on her issues of expertise has been invaluable to me and the people of the 8th Congressional District, and I'm very pleased that she will continue to work with me as Legislative Director."

As Legislative Director, Ms. Morton will supervise Rep. Nadler's legislative staff and will drive his legislative agenda.

Before starting in Rep. Nadler's office, Ms. Morton worked for Representative Bruce Vento (D-MN) as a Legislative Assistant for the Resources Committee and issues relating to the environment, energy, agriculture, Native Americans, and animal rights.

Ms. Morton takes over for John Doty, who was Rep. Nadler's Legislative Director before being promoted to the position of Washington Director.

Amy Rutkin, Chief of Staff to Rep. Nadler, stated, "We are very pleased to promote Lisette Morton to the position of Legislative Director. I know she will continue to work with honor and distinction for Congressman Nadler."

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EXHIBIT

Peter Hort for Congress

For New York's 8th Congressional District
155 Hudson Street, New York, NY 10013 Phone/Fax (212) 431-0513 www.PeterHort.com

FOR IMMEDIATE RELEASE
October 19, 2004

Contact: Caroline Holley
Phone: (212) 431-0513
Cell: (917) 375-0765

U.S. Congressional Candidate Peter Hort Campaigns in Brooklyn

Hort Campaign identifies Jewish Community as a Key Swing Voting Block in this Election

Borough Park, Brooklyn – Peter Hort, candidate for U.S. Congress, campaigned in Borough Park, Brooklyn on Sunday meeting members of the Hasidic community and asking for their vote. The Hort Campaign has identified the Jewish Community as a key swing voting block in this election. Residents were interested to learn more about incumbent Congressman Nadler's record on Israel. "I question when Nadler defends the likes of Howard Dean," said Hort, "when he says we shouldn't take sides in Israel's struggle for survival. Let me be clear, I am on Israel's side. I condemn Nadler's support for anti-Semitic Democratic Congressman Jim Moran. This is a man who blamed the Jewish community for causing the Iraq war and proposed ending aid to Israel. When faced with tough opposition, Nadler signed a letter in support of Moran that was sent to Jewish voters in his District. Nadler's friends are no friends of the Jewish State." On the other hand, Hort is unwavering in his support for Israel. "A strong America means a strong Israel." Mr. Hort continued by saying that "there is no Palestinian-Israeli conflict, there's only the global war on terrorism. On one side there's the United States, Israel and dozens of other countries. On the other side stand Yasir Arafat, Al Qaeda and groups bent on destruction. In fact, from the left there is a growing hostility towards Israel. From college campuses, to the anti-globalization movement, to candidate Howard Dean calling Hamas members "soldiers," left-wingers have little love for the Jewish state."

When asked how he was different from incumbent Congressman Jerry Nadler on security issues, Hort pointed out the weakness of Nadler's record on security and fighting terrorism. "Nadler voted seven times in seven years to cut funding for our national intelligence agencies, then was the first to cast blame and point fingers after September 11th," Hort said. "Terrorists clearly target Jewish institutions within New York City. We need to fully fund first responders and put more police on the streets."

While speaking to a small crowd in front of Munkacz Shoul on 14th Avenue, Hort was asked about issues that directly affect Borough Park residents. Hort spoke about expanding educational opportunities, citing his support for