



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

REVIEWED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 SEP -b P 4:50

SENSITIVE

MEMORANDUM

September 6, 2005

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

BY: Lynn M. Fraser
Assistant Director, ADR Office

SUBJECT: ADR 238 Peter Hort for Congress and Tal Weitzman, Treasurer, et al.
Recommendation to approve Settlement Agreement and Dismiss
Remaining Respondents

Attached for your review is a signed negotiated ADR Settlement Agreement pertaining to Peter Hort for Congress and Tal Weitzman, Treasurer (the "Respondents" or the "Committee"). This matter was received by the Commission on September 8, 2004 and assigned to the ADR Office on April 26, 2005.

SUMMARY: The Complainant, Brad Hoyleman, alleges that the Committee failed to report disbursements and expenditures for such things as advertising, rent on two campaign offices and administrative expenses. The complaint also alleges Respondents received excessive and/or prohibited contributions, and failed to have disclaimers on public communications. The Committee contends that one "campaign office" was, in fact, the candidate's residence and the second, in a building scheduled for demolition, was reported as an in-kind contribution from the buyer of the building. The Committee concedes the need for clarification on some items and filed amended reports accordingly. While the Committee also contends that the Committee received no prohibited or excessive contributions, it concedes that their website and electronic communications may not have had adequate disclaimers as required. The Committee argues that the sign on the truck used for advertising did have a disclaimer on it, and additional disclaimer notices were added to the website and e-mail communications.

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The allegations raised in the complaint as to the other individuals or commercial entities failed to substantiate a violation of the FECA by these Respondents.

RECOMMENDATIONS:

1. Approve the attached Settlement Agreement for Peter Hort for Congress and Tal Weitzman, Treasurer.
2. Dismiss the complaint as it pertains to the Rema Hort Mann Foundation, Inc., Michael and Susan Hort, Nucisera, Ltd., 145 Sixth Avenue Associates, LLC, Crash Mansion/BLVD and Serge and Julie Morel.
3. Approve the appropriate letters.
4. Close the file on this matter.

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Silberman
SENSITIVE

DATE & TIME OF TRANSMITTAL: Wednesday, September 07, 2005 11:00

BALLOT DEADLINE: Monday, September 12, 2005 4:00

COMMISSIONER: MASON, McDONALD, THOMAS, TONER, WEINTRAUB

SUBJECT: **ADR 238/MUR 5529 – Peter Hort for Congress and
Tal Weitzman, Treasurer, et al. Recommendation
to approve Settlement Agreement and Dismiss
Remaining Respondents. Memorandum from the
Director, ADR Office dated September 6, 2005.**

() I approve the recommendation(s)
() I object to the recommendation(s)
() I am recused from voting.

COMMENTS: _____

DATE: _____

SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return
ONLY THE BALLOT to the Commission Secretary. Please return ballot no later
than date and time shown above.

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

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