

Dave Mejias

U.S. CONGRESS

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

4 P 12:45

October 3, 2006

General Counsel
Federal Election Commission
99 East Street, N.W.
Washington, DC 20463

PERSONAL & CONFIDENTIAL
RE: MUR# 5807

To Whom It May Concern:

In response to the complaint identified as MUR #5807 filed by Eugene A. Turner, we are submitting the following information.

Section I of the complaint, titled "Mejias for Congress Has Accepted Corporate Contributions" lists four contributions that the complaint maintains are contributions from prohibited corporate entities. There were no indications that contributions were corporate entities. We have requested that the four entities in question submit to our campaign committee an entity form (see attached Form A): Simon Preston & Sons Agency, Todd S. Shapiro Associates, Huntington Medical Rehab, and South Shore Medical & Rehab. We have made a good-faith effort to determine that these are not contributions from corporate entities. If it is determined by their responses that any of these contributors are in fact corporate entities, we will immediately return those contributions. We have a policy of using our "best efforts" to obtain all information from contributors.

Section II of the complaint is titled "Mejias Failed to Allocate Partnership Contributions" and Section III of the complaint is titled "Mejias Failed to Attribute Campaign Contributions From Limited Liability Companies (LLC)." In response to both, we submit the attached entity forms that will demonstrate each allocation of funds for each partnership and we are actively pursuing any names that are not submitted with this letter. Additionally, as per our response to MUR#5801, we have contacted our software company "NGP" regarding the procedure for attributing the contribution for each partner. We have submitted an amended Q2 report and will do the same to allocate the partner attributed to each contribution in our October 15th Quarterly Report. In NO instance did the amount from the Limited Liability Companies (LLC) and the Limited Liability Partnerships (LLP) exceed the \$2100 limit per person, per election (the Primary and the General being separate elections). Lastly, we have made every attempt to inquire into the

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Dave Mejias



U.S. C O N G R E S S

contributing LLC's tax status in order to determine we are receiving an acceptable contribution (Refer again to Form A). It should be noted that the corrections will be made immediately and will be reflected in the October 15th Quarterly Report.

Section IV of the complaint titled "Mejias accepted contributions from PACs and local candidates not registered with the FEC" lists six contributions that the complaint maintains are from prohibited entities. According to AO 1999-4 (See attached reference) these committees are NOT prohibited entities and fall within the \$1000 contribution limited for such organization.

In conclusion, it is our contention that Mejias for Congress is not, as suggested by the complaint, "in violation of law." We have reviewed the comments and have immediately amended and corrected the discrepancies. Additionally, we have already instituted procedures to ensure future compliance in these areas. Any discrepancies were purely unintentional, as we strive to maintain compliance within the spirit of the rules and regulations of the FEC. We have made our "best effort" to collect contributor information, and our October 15th Quarterly report will show that our best efforts put us well within the letter and the spirit of the law. We maintain that no FEC investigation is warranted; no penalties should be levied against Mejias for Congress, and the complaint should be dismissed as quickly as possible.

Thank you for you cooperation and assistance in this matter. If you have any questions or additional information, please do not hesitate to contact us directly.

Sincerely,



Michael Norman, Treasurer
Mejias for Congress

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MEJIAS FOR CONGRESS VERIFICATION OF CONTRIBUTION TYPE

Date _____ Phone Number _____

Name _____

Job Title _____

Company Name _____

Is this Company/Organization Incorporated? Yes _____ No _____

If YES, Federal Law prohibits Mejias for Congress from accepting Corporate Contributions.

If No (your Company IS NOT incorporated), please indicate whether your Company/Organization is a Sole Proprietorship, a Partnership or a LLC, and complete the appropriate attribution section below.

SOLE PROPRIETORSHIP Yes _____ No _____

If Yes, to whom should we attribute the contribution?

Name _____

Title _____

Nature of Business _____

PARTNERSHIP Yes _____ No _____

If Yes, is the partnership incorporated? Yes _____ No _____

If No, please list partners in the space provided below

**Federal Law prohibits the DCCC from accepting Corporate Contributions*

LLC Yes _____ No _____

If Yes, this LLC files as a: Corporation* _____

Partnership _____

If partnership, please list the partners in the space provided below

**Federal Law prohibits Mejias for Congress from accepting Corporate Contributions*

New Federal Elections Commission regulations require that we inquire of each LLC as to its tax filing status. Contribution limits and rules will apply based on the federal tax filing status the LLC elects under Internal Revenue Service regulation.

Please list all partners/members and the amount to be attributed to each and indicate whether each partner is individually incorporated. Please use a separate sheet if necessary.

<u>Partner/Member Name</u>	<u>Amount to be Attributed</u>	<u>Incorporated?*</u>
_____	\$ _____	Yes ___ No ___
_____	\$ _____	Yes ___ No ___
_____	\$ _____	Yes ___ No ___
_____	\$ _____	Yes ___ No ___

**Federal Law prohibits Mejias for Congress from accepting Corporate Contributions*

Name and Signature of person completing this form:

Name _____ Signature _____

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\$50 Limit on Anonymous Contributions

An anonymous contribution of currency is limited to \$50. If the campaign receives a larger anonymous contribution, the excess amount may not be used in connection with a federal election. 110.4(c)(3).

Contributions to Other Federal Candidates

A candidate's authorized committees share a \$1,000 per election limit on contributions to other federal candidates. 100.5(g)(1) and 110.3(a)(1). In addition, authorized committees of active candidates may not qualify as multicandidate committees. 102.12(c) and 102.13(c). An authorized committee of a former candidate may become a multicandidate committee; however, there are restrictions on the use of funds received before the transition. AO 2004-3.

Affiliated Committees—Shared Limit

Contributions from affiliated committees are subject to one overall contribution limit, per candidate, per election. Consequently, it is important to understand the concept of affiliation.

Political committees established, financed, maintained or controlled by the same person, organization or group are affiliated. 110.3(a)(1)(ii). This definition applies to all types of political committees, including nonconnected committees, party committees, corporate/labor PACs and authorized committees.

Party Committees

Although a state party committee operates under its own contribution limit, local party committees within a state are presumed to be affiliated with the state party committee.¹ This means that contributions from those local party committees that are required to register as federal political committees count against the state committee's limit. 110.3(b)(1)(ii) and (3). See AO 1999-4. Note, however, that the national party committee,

1. A local party committee may be considered independent of the state party committee if it can meet certain standards as determined by the FEC through its Advisory Opinion process. See 110.3(b)(3)(i) and (ii). See also AOs 1978-9 and 1999-4.

the House campaign committee and the Senate campaign committee are each considered a separate committee, with separate contribution limits (except for the special \$35,000 limit for Senate candidates, as explained above). 110.2(e) and 110.3(b)(2).

Unregistered Local Party Organizations

Local party organizations that are not registered with the FEC may contribute an aggregate of \$1,000 to Congressional candidates without triggering a reporting requirement with the FEC. The organization must be able to show that the contribution was made with funds permissible under the Federal Election Campaign Act. Prior to crossing the registration threshold, the local organization does not share a contribution limit with the state party committee. AO 1999-4.

Corporate/Labor/Membership Organization PACs

All separate segregated funds (also called political action committees or PACs) established, financed, maintained or controlled by the same corporation or labor organization are affiliated. For example:

- PACs established by a parent corporation and its subsidiaries are affiliated.
- PACs established by a national or international union and its local unions are affiliated.
- PACs established by a federation of national or international unions and the federation's state and local central bodies are affiliated.
- PACs established by an incorporated membership organization and its related state and local entities are affiliated.

100.5(g)(2) and (3); 110.3(a)(1)(ii) and (2).

When committees are not automatically affiliated under the conditions described above, the Commission may nevertheless conclude that two or more committees are affiliated based on factors listed in the regulations. 100.5(g)(4)(ii)(A)-(J) and 110.3(a)(3)(ii)(A)-(J). The Commission makes these decisions, through advisory opinions, on a case-by-case basis. For examples, see Advisory Opinions (AOs) 1997-13, 1996-50 and 1996-38. An authorized committee, however, can be affiliated only with another authorized committee of the same candidate. 100.5(g)(5).

MEJIAS FOR CONGRESS VERIFICATION OF CONTRIBUTION TYPE

Date 6/16/06 Phone Number (546) 739-1462

Name Mark J. Brosnan

Job Title Partner

Company Name Brosnan & Hegler, LLP

Is this Company/Organization Incorporated? Yes No

If YES, Federal Law prohibits Mejias for Congress from accepting Corporate Contributions.

If No (your Company IS NOT incorporated), please indicate whether your Company/Organization is a Sole Proprietorship, a Partnership or a LLC, and complete the appropriate attribution section below.

SOLE PROPRIETORSHIP Yes No

If Yes, to whom should we attribute the contribution?

Name Mark J. Brosnan

Title Partner

Nature of Business Law Firm

PARTNERSHIP Yes No

If Yes, is the partnership incorporated?* Yes No

If No, please list partners in the space provided below

*Federal Law prohibits the DCCC from accepting Corporate Contributions

LLC Yes No

If Yes, this LLC files as a: Corporation*

Partnership

If partnership, please list the partners in the space provided below

*Federal Law prohibits Mejias for Congress from accepting Corporate Contributions

New Federal Elections Commission regulations require that we inquire of each LLC as to its tax filing status. Contribution limits and rules will apply based on the federal tax filing status the LLC elects under Internal Revenue Service regulation.

Please list all partners/members and the amount to be attributed to each and indicate whether each partner is individually incorporated. Please use a separate sheet if necessary.

<u>Partner/Member Name</u>	<u>Amount to be Attributed</u>	<u>Incorporated?*</u>
<u>Mark J. Brosnan</u>	<u>\$ 250.00</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>Jean A. Hegler</u>	<u>\$</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<u></u>	<u>\$</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<u></u>	<u>\$</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>

*Federal Law prohibits Mejias for Congress from accepting Corporate Contributions

Name and Signature of person completing this form:

Name Laura Hegler Signature Laura Hegler

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MEJIAS FOR CONGRESS VERIFICATION OF CONTRIBUTION TYPE

Date 9/ /06 Phone Number 718-468-0500
 Name Gerard Misk
 Job Title Attorney
 Company Name Ginsburg + Misk
 Is this Company/Organization Incorporated? Yes No

If YES, Federal Law prohibits Mejias for Congress from accepting Corporate Contributions.

If No (your Company IS NOT incorporated), please indicate whether your Company/Organization is a Sole Proprietorship, a Partnership or a LLC, and complete the appropriate attribution section below.

SOLE PROPRIETORSHIP Yes No

If Yes, to whom should we attribute the contribution?

Name _____

Title _____

Nature of Business _____

PARTNERSHIP Yes No

If Yes, is the partnership incorporated? Yes No

If No, please list partners in the space provided below

***Federal Law prohibits the DCCC from accepting Corporate Contributions**

LLC Yes No

If Yes, this LLC files as a: Corporation* _____

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Please list all partners/members and the amount to be attributed to each and indicate whether each partner is individually incorporated. Please use a separate sheet if necessary.

Partner/Member Name	Amount to be Attributed	Incorporated?*
<u>Contribution was personal</u>	\$ _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
<u>not partner ship</u>	\$ _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	\$ _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	\$ _____	Yes <input type="checkbox"/> No <input type="checkbox"/>

***Federal Law prohibits Mejias for Congress from accepting Corporate Contributions**

Name and Signature of person completing this form:

Name Gerard Misk Signature 

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