



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1662/1545

DATE FILMED 4/25/91 CAMERA NO. 4

CAMERAMAN AS

91040334991



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

9 March 1983

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: B. ALLEN CLUTTER *pac*  
STAFF DIRECTOR

FROM: *J* JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR, RAD

SUBJECT: REFERRAL OF THE BEATTY FOR CONGRESS COMMITTEE

This is a referral of the Beatty for Congress committee. The committee failed to file the 12 Day Pre-Primary Report, and the first report due after that election, the October 15th Quarterly Report. According to the Review and Referral Procedures, this matter requires further examination by your office.

On September 1, 1982, the committee was sent a Request for Additional Information for the April 15th Quarterly Report to clarify if the total receipts of the committee were \$340.32 or \$34,032. The committee treasurer stated that he could not respond within the time frame granted by the Request for Additional Information and requested an extension. A Second Notice was sent to the committee and no response was received.

If you have any questions, please contact Daniel Zoller or Benita Marcus Adler in the Reports Analysis Division.

Attachment

cc: The Commissioners

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

83 APR 19 A11: 05

April 19, 1983

**SENSITIVE**

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel *KAG*

SUBJECT: RAD Referral:  
83-NF-1 - Beatty for Congress Committee

The Office of General Counsel has prepared for Commission review, twelve critiques of referrals from the Reports Analysis Division.

Attached to this referral is a critique prepared by this Office, a copy of the referral from the Reports Analysis Division, and a 48-hour tally vote sheet. The OGC critique summarizes the facts, presents an analysis of the legal issues involved, and makes a recommendation as to the disposition of the referrals. The copy of the RAD referral is attached for informational purposes; and the separate vote sheet provides for a vote on this referral.

Attachments  
Critique and Referral

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RAD REFERRAL NUMBER: 83NF-1

SUBJECT: Beatty for Congress Committee

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BACKGROUND

1. Date of referral: 03/09/83.
2. Financial background:
  - a. Total 1981-1982 receipts: \$34,032.
  - b. Total 1981-1982 disbursements: \$ 00
  - c. Cash on hand ( March, 1982): \$34,032.
  - d. Debts owed to the committee (04/15/82: \$ 00
  - e. Debts owed by the committee (04/15/82): \$ 00
3. Status of candidate (if applicable): lost in primary with 46% of total vote.

SUMMARY OF RAD ACTIONS

The Reports Analysis Division ("RAD") referred the Beatty for Congress Committee ("the Committee") to the General Counsel's Office when the Committee failed to file its July and October Quarterly Reports and its 12 Day Pre-Primary Report in violation of 2 U.S.C. § 434(a)(2)(A)(iii) and 2 U.S.C. § 434(a)(2)(A)(i) respectively. The committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election.

RAD notified the committee that the 12 Day Pre-Primary Report was due on September 11, 1982. (Attachment 3). On September 13, 1982, a mailgram was sent to the committee when the Clerk of the House did not receive the report. (Attachment 4).



The committee was published for its failure to file the 12 Day Pre-Primary on September 20, 1982. (Attachment 5).

The Committee was also notified on September 21, 1982 that the October Quarterly Report was due on October 15, 1982. (Attachment 6). On October 22, 1982, RAD sent a mailgram to the committee when the Clerk of the House had not received the report. (Attachment 7).

To date, the committee has failed to file either report. Numerous attempts to contact the committee and the candidate by telephone were unsuccessful. (Attachment 8).

OGC ANALYSIS

2 U.S.C. § 434(a)(2)(A)(iii) requires the principal campaign committee of candidate for the House of Representatives to file:

... quarterly reports which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter..."

2 U.S.C. § 434(a)(2)(A)(i) requires the committee to file:

... a pre-election report, which shall be filed no later than the 12th day before ... any election in which such candidate is seeking election ... and shall be complete as of the 20th day before such election.

It appears that the committee's failure to file the July and October Quarterly Reports and the 12 Day Pre-Primary Report is in

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violation of 2 U.S.C. § 434(a)(2)(A)(iii) and 2 U.S.C.  
§ 434(a)(2)(A)(i) respectively.

RECOMMENDATION

Make this matter a MUR.

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REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF GENERAL COUNSEL

Date: 9 March 1983

Analyst: Benita Marcus Adler

- I. COMMITTEE: Beatty for Congress  
(C00152587) NY-12  
Edward Myers, Jr., Treasurer  
670 Sterling Place  
Brooklyn, NY 11216
- II. RELEVANT STATUTE: 2 U.S.C. 434(a)(2)(A)(i);  
2 U.S.C. 434(a)(2)(A)(iii)

III. BACKGROUND:

Failure to File Reports of Receipts and Disbursements

The Beatty for Congress committee ("the Committee") the principal campaign committee supporting Vander L. Beatty in the 1982 New York Primary Election, failed to file the 12 Day Pre-Primary Report of Receipts and Disbursements. In addition, the committee failed to file the 1982 October 15th Quarterly Report, which was the first due after the New York Primary Election held on September 23, 1982. Mr. Beatty lost the election with 46 percent of the vote. The winner received 54 percent (Attachment 2).

The committee was notified on August 18, 1982 that the 12 Day Pre-Primary Report was due on September 11, 1982 (Attachment 3). On September 13, 1982, a mailgram was sent to the committee because the Clerk of the House of Representatives had not received the report (Attachment 4). The committee was published on September 20, 1982 for failure to file the report (Attachment 5).

The committee was notified on September 21, 1982 that the October Quarterly Report was due on October 15, 1982 (Attachment 6). On October 22, 1982, a mailgram was sent to the Committee because the Clerk of the House of

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Representatives had not received the report (Attachment 7).<sup>1/</sup>

As of this date, the Committee has not filed either report (Attachment 1). Numerous unsuccessful attempts to contact the committee or the candidate have been made (Attachment 8).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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1/ Although a committee which failed to file the first report after an election would normally receive notification by letter rather than mailgram, a mailgram was sent to this committee for the following reason: The New York State Supreme Court had overturned the primary results between Vander Beatty and his opponent because of allegations of vote fraud. On October 21, 1982, the court ordered a new primary to be held on November 2, 1982. In response to the court's decision Reports Analysis Division sent Mr. Beatty's committee a mailgram for apparent failure to file the quarterly report preceding an election (the October 15th Quarterly Report). On October 25, 1982, the Court of Appeals of the New York State Supreme Court upheld the results of the original primary election; therefore, the committee's name was not published.

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FEDERAL ELECTION COMMISSION  
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 4MAR83

PAGE 1

| CANDIDATE/COMMITTEE/DOCUMENT                                                                                    | OFFICE SOUGHT/ | PARTY                     | RECEIPTS |         | EXPENDITURES |         | COVERAGE DATES | # OF<br>PAGES           | MICROFILM<br>LOCATION |
|-----------------------------------------------------------------------------------------------------------------|----------------|---------------------------|----------|---------|--------------|---------|----------------|-------------------------|-----------------------|
|                                                                                                                 |                |                           | PRIMARY  | GENERAL | PRIMARY      | GENERAL |                |                         |                       |
| HEATTY, VANDER L                                                                                                |                | HOUSE 12 DEMOCRATIC PARTY |          |         |              |         | NEW YORK       | 1982 ELECTION           | ID# H2NY11025         |
| 1. STATEMENT OF CANDIDATE                                                                                       |                |                           |          |         |              |         |                |                         |                       |
| 1982 STATEMENT OF CANDIDATE                                                                                     |                |                           |          |         |              |         | 26MAR82        |                         | 1 02HBE/211/2958      |
| 2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES                                                                 |                |                           |          |         |              |         |                |                         |                       |
| 3. PRINCIPAL CAMPAIGN COMMITTEE                                                                                 |                |                           |          |         |              |         |                |                         |                       |
| BEATTY FOR CONGRESS                                                                                             |                |                           |          |         |              |         |                |                         |                       |
| 1982 STATEMENT OF ORGANIZATION                                                                                  |                |                           |          |         |              |         | ID# C00152587  | HOUSE                   |                       |
| STATEMENT OF ORGANIZATION - AMENDMENT                                                                           |                |                           |          |         |              |         | 24MAR82        |                         | 1 02HBE/211/2957      |
| MISCELLANEOUS REPORT                                                                                            |                |                           |          |         |              |         | 20APR82        |                         | 1 02HBE/214/4288      |
| MISCELLANEOUS REPORT                                                                                            |                |                           |          |         |              |         | 15SEP82        | TO FEC                  | 1 02HBE/224/045       |
| APRIL QUARTERLY                                                                                                 |                |                           | 34,032   |         | 0            |         | 19OCT82        | FROM FEC                | 1 02FEC/250/015       |
| REQUEST FOR ADDITIONAL INFORMATION                                                                              |                |                           |          |         |              |         | 1JAN82         | -15MAY82                | 4 02HBE/216/13        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND                                                                          |                |                           |          |         |              |         | 1JAN82         | -15MAY82                | 1 02FEC/242/2400      |
|                                                                                                                 |                |                           |          |         |              |         | 1JAN82         | -15MAY82                | 1 02FEC/244/4410      |
| TOTAL                                                                                                           |                |                           | 34,032   |         | 0            |         |                |                         | 10 TOTAL PAGES        |
| 4. AUTHORIZED COMMITTEES                                                                                        |                |                           |          |         |              |         |                |                         |                       |
| 4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES                                                              |                |                           |          |         |              |         |                |                         |                       |
| THE FOLLOWING INFORMATION IS AS REPORTED BY PARTY AND NON-PARTY COMMITTEES OR OTHER FILERS OUTSIDE THE CAMPAIGN |                |                           |          |         |              |         |                |                         |                       |
| 5. OTHER SUPPORTING DOCUMENTS                                                                                   |                |                           |          |         |              |         |                |                         |                       |
| BROOKLYN DEMOCRATS - FEDERAL CAMPAIGN ACCOUNT                                                                   |                |                           |          |         |              |         |                |                         |                       |
| CONNECTED ORGANIZATIONS: BROOKLYN DEMOCRATS                                                                     |                |                           |          |         |              |         |                |                         |                       |
| 1982 PRE-PRIMARY                                                                                                |                |                           | 2,500    |         |              |         | ID# C00157503  | NON-PARTY NON-QUALIFIED |                       |
| COMMITTEE TO RE-ELECT CONGRESSMAN CHARLES B. RANGEL                                                             |                |                           |          |         |              |         | 20AUG82        |                         | 1 02FEC/242/3430      |
| 1982 PRE-PRIMARY                                                                                                |                |                           | 500      |         |              |         | ID# C00004242  | HOUSE                   |                       |
|                                                                                                                 |                |                           |          |         |              |         | 10AUG82        |                         | 1 02HBE/225/4887      |
| TOTAL                                                                                                           |                |                           | 3,000    |         | 0            |         |                |                         | 2 TOTAL PAGES         |
| 6. 434E/ INDEPENDENT                                                                                            |                |                           |          |         |              |         |                |                         |                       |
| 7. 434E/ DELEGATE                                                                                               |                |                           |          |         |              |         |                |                         |                       |
| 8. COMMUNICATIONS                                                                                               |                |                           |          |         |              |         |                |                         |                       |
| 9. UNAUTHORIZED SINGLE CANDIDATE COMMITTEES                                                                     |                |                           |          |         |              |         |                |                         |                       |

\*Report has received basic review.

Cash on Hand -- \$34,032.00

Debts -- None

ATTACHMENT 1

## Politics - 3

| District | Location                                                      | Candidate                                                                                                                                                                        | Residence                                                                 | Age                            | Occupation                                                                                                          | Vote                                                                     | Percent                                  |
|----------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------|
| 10       | Central and southern Brooklyn — Flatbush                      | *Charles E. Schumer (D-L)<br>*Stephen Marks (R-C)<br>*Alice J. Bertolotti (RTL)                                                                                                  | Brooklyn<br>Brooklyn<br>Brooklyn                                          | 31                             | Incumbent                                                                                                           | Unopposed<br>Unopposed<br>Unopposed                                      |                                          |
| 11       | Northern Brooklyn — Bedford-Stuyvesant                        | *Edolphus Towns (D)<br>Louis Hernandez (D)<br>Jack Olivero (D)<br><br>*James W. Smith (R)<br>Joseph N. O. Caesar (R)<br>*Patrick W. O'Connell (L)<br>Joseph N. O. Caesar (C-RTL) | Brooklyn<br>Brooklyn<br>Manhattan<br><br>Brooklyn<br>Brooklyn<br>Brooklyn | 48<br>60<br>38<br><br>39<br>55 | Brooklyn Borough deputy president<br>Insurance broker<br>Former phone company executive<br><br>Teacher<br>Physician | 14,601<br>7,570<br>7,918<br><br>832<br>381                               | 48.5<br>25.2<br>26.3<br><br>58.9<br>41.1 |
| 12       | Central Brooklyn — Crown Heights                              | *Major R. Owens (D)<br>Vander L. Beatty (D)<br>*David Katan Sr. (R)<br>*David E. Rosenstreich (C)<br>*John-Clymer Francis (RTL)<br>*Major R. Owens (L)                           | Brooklyn<br>Brooklyn<br>Brooklyn<br>Brooklyn<br>Brooklyn<br>Brooklyn      | 46<br>41<br><br><br><br>       | State senator<br>State senator<br><br>Attorney                                                                      | 17,313<br>14,886<br><br>Unopposed<br>Unopposed<br>Unopposed<br>Unopposed | 53.8<br>46.2                             |
| 13       | Western and southern Brooklyn — Bensonhurst, Brooklyn Heights | *Stephen J. Solarz (D-L)<br>*Leon F. Nadrowski (R-RTL)<br>*James M. Gay (C)                                                                                                      | Brooklyn<br>Brooklyn<br>Brooklyn                                          | 42<br>39<br>48                 | Incumbent<br>Physician<br>Salesman                                                                                  | Unopposed<br>Unopposed<br>Unopposed                                      |                                          |
| 14       | Staten Island, southwest Brooklyn                             | *Leo C. Zeferetti (D)<br>Kevin Sheehy (D)<br>*Guy V. Molinari (R-C)<br>*Carl F. Grillo (L)                                                                                       | Brooklyn<br>Staten Island<br>Staten Island<br>Staten Island               | 55<br>40<br>53<br>27           | Incumbent<br>Teacher<br>Incumbent<br>Liberal Party official                                                         | 22,276<br>11,619<br><br>Unopposed<br>Unopposed                           | 65.7<br>34.3                             |
| 15       | Manhattan — East Side                                         | *Betty G. Lall (D)<br>George T. McDonald (D)<br><br>*Bill Green (R)<br>*Henry VanRosen (C)<br>*Betty G. Lall (L)                                                                 | Manhattan<br>Manhattan<br><br>Manhattan<br>Manhattan<br>Manhattan         | 52<br><br><br>52<br>61         | College administrator<br><br><br>Incumbent<br>Engineer                                                              | 22,660<br>12,203<br><br>Unopposed<br>Unopposed<br>Unopposed              | 65.0<br>35.0                             |
| 16       | Manhattan — Harlem                                            | *Charles B. Rangel (D-L)<br>No Republican Candidate<br>*Michael T. Berns (C)                                                                                                     | Manhattan<br><br>Manhattan                                                | 52<br><br>38                   | Incumbent<br><br>Exporter                                                                                           | Unopposed<br><br>Unopposed                                               |                                          |
| 17       | West Side Manhattan; part of the Bronx                        | *Ted Weiss (D-L)<br>*Louis S. Antonelli (R-C-RTL)                                                                                                                                | Manhattan<br>New York                                                     | 55<br>25                       | Incumbent<br>College administrator                                                                                  | Unopposed<br>Unopposed                                                   |                                          |
| 18       | South Bronx                                                   | *Robert Garcia (D)<br>Ismael Betancourt (D)<br>Fernando J. Oliver (D)<br><br>No Republican candidate.<br>*Mario Fichler (C)<br>*Robert Garcia (L)                                | Bronx<br>Bronx<br><br><br><br>Bronx                                       | 49<br>44<br><br><br><br>       | Incumbent<br>Businessman                                                                                            | 21,289<br>6,497<br>4,275<br><br>Unopposed<br>Unopposed                   | 66.4<br>20.3<br>13.3                     |
| 19       | South Yonkers; Eastern Bronx                                  | *Mario Biaggi (D-L-RTL)<br>No Republican Candidate                                                                                                                               | Bronx                                                                     | 64                             | Incumbent                                                                                                           | Unopposed                                                                |                                          |
| 20       | Central and southern Westchester County                       | *Richard L. Ottinger (D)<br>*Jon S. Fassel (R-C)<br>*Florence T. O'Grady (RTL)                                                                                                   | Mamaroneck<br>Katonah<br>Harrison                                         | 53<br>40                       | Incumbent<br>State assemblyman                                                                                      | Unopposed<br>Unopposed<br>Unopposed                                      |                                          |
| 21       | Hudson Valley — Poughkeepsie                                  | *J. Morgan Strong (D)<br>*Hamilton Fish Jr. (R-C-RTL)                                                                                                                            | Cold Spring<br>Millbrook                                                  | 56                             | Incumbent                                                                                                           | Unopposed<br>Unopposed                                                   |                                          |
| 22       | Lower Hudson Valley                                           | *Peter A. Peyser (D)<br>*Benjamin A. Gilman (R)<br>Nicholas L. Bertullo (C)<br>*Charles C. Beck (C)                                                                              | Irvington<br>Middletown<br>Monsey<br>Westbrookville                       | 61<br>59<br>59                 | Incumbent<br>Incumbent<br>Retired dentist                                                                           | Unopposed<br>Unopposed<br>331<br>563                                     | 37.0<br>63.0                             |





**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

August 18, 1982

**TO: Individuals on the New York Ballot**

**RE: Requirements of the Federal Election Campaign Act**

This notice is prompted by the Federal Election Commission's interest in assisting candidates to comply with the Federal Election Campaign Act of 1971, as amended (the Act).

It has come to the attention of the Commission that you may be subject to the requirements of the Act as a candidate seeking nomination to Federal office in the State of New York.

For purposes of the Act, a "candidate" is an individual who seeks nomination for election, or election, to Federal office, and who has:

1. Received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; OR
2. Given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and such person has received contributions or made expenditures aggregating in excess of \$5,000.

If you meet this definition of a candidate and have not yet designated a principal campaign committee for a 1982 election, you are required to designate a principal campaign committee within 15 days of the date you became a candidate. If you already have a registered principal campaign committee for a prior election, and choose to use this committee as your principal campaign committee for the upcoming election, you must redesignate the committee. The enclosed FEC Form 2 (Statement of Candidacy) should be used when designating or redesignating a principal campaign committee.

The treasurer of a new principal campaign committee is required to register the committee on FEC Form 1 (Statement of Organization) within 10 days of the committee's designation. Reports of receipts and disbursements are also periodically required to be filed on FEC Form 3 (Report of Receipts and Disbursements for an Authorized Committee). Enclosed for your use are the necessary FEC Forms 1 and 3.

If you meet the definition of a candidate, please also note the information on the reverse side of this notice.

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### NOTICE OF FILING DATES

This is to give notice to all political committees supporting candidates in the primary election to be held on September 23, 1982, in the State of New York, that September 11, 1982, is the filing date for the Primary Pre-Election Report of Receipts and Disbursements.

The report should disclose all unreported receipts and disbursements through September 3, 1982. Reports sent by first-class regular mail or hand-delivered must be received no later than close of business on September 11, 1982. Reports sent by registered or certified mail must be postmarked no later than midnight on September 8, 1982.

Enclosed are the forms necessary to file the required reports. Committees should consult the instructions on the back of the forms for detailed information on the contents of the reports.

Reports must be filed with Clerk of the U.S. House of Representatives or the Secretary of the Senate, as appropriate. Committees are reminded that a copy of each report must be filed with the State Board of Elections Agency, 99 Washington Avenue, Albany, New York 12210.

Committees are also reminded that last-minute contributions of \$1,000 or more received between two and 20 days before the election must be reported within 48 hours of their receipt.

For additional information or materials, committees may call the Office of Public Communications at 202/523-4068, or toll-free at 800/424-9530.

The calendar below shows the coverage and filing dates for reports required to be filed by political committees through the third quarter of 1982. Candidates and committee treasurers should read this information carefully to determine their filing requirements.

| NAME OF REPORT       | PERIOD COVERED | REG./CERT.<br>MAIL DATE | FILING<br>DATE |
|----------------------|----------------|-------------------------|----------------|
| Primary Pre-Election | 7/1/82*-9/3/82 | 9/8/82                  | 9/11/82        |
| Oct. 15th Quarterly  | 9/4/82-9/30/82 | 10/15/82                | 10/15/82       |

\*Or from date of candidacy, whichever date is later.

Names of non-filers of these reports may be published by the Commission pursuant to the provisions of the Act.

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JOHN D. GIBSON<=  
ASSISTANT STAFF DIRECTOR<=  
REPORTS ANALYSIS DIVISION<= <= <= <= <= <= <= <= <= <= <

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# FEDERAL ELECTION COMMISSION

Attachment 5  
Press Office  
1325 K Street, N.W., Washington, D.C. 20463  
Phone: Local 823-4085 Toll Free 800-424-9630



FOR IMMEDIATE RELEASE  
SEPTEMBER 20, 1982

CONTACT: FRED KILAND  
SHARON BRYDER

## NEW YORK CAMPAIGNS FAIL TO FILE PRE-PRIMARY REPORTS

WASHINGTON — Five Congressional campaigns have failed to meet the September 11 deadline for filing 12-day pre-primary reports of receipts and expenditures.

Provisions of the Federal Election Campaign Act require that committees supporting candidates seeking U.S. House and Senate seats in the September 23 primary election in New York file reports of their financial activity 12 days prior to the election.

As of 5 p.m. September 17, reports from the following committees had not been filed:

82/ NY/11.....Friends of Ed Towns.....Edolphus Towns.....Democrat  
NY/11.....Beatty for Congress.....Vander L. Beatty.....Democrat  
NY/11.....Juan Ortiz for Congress Committee.....Juan U. Ortiz.....Democrat  
NY/11.....Elect Jack Olivero To Congress Onbe.....Jack J. Olivero.....Democrat  
NY/12.....Friends of Jim Smith.....Jim Smith.....Republican

The reports were to include financial activity occurring from July 1 through September 3. If sent certified or registered mail, the reports should have been postmarked by September 8. Otherwise, the due date was close of business September 11.

Some individuals and their committees have no obligation to file reports under federal election law, even though their names may appear on state primary ballots. If an individual and his or her campaign committee raise or spend less than \$5,000, the individual is not considered a "candidate" and neither the individual nor the committee has to register.

The Commission notified the committees of all candidates participating in the primary elections of their potential filing requirements on August 18. Those committees which did not file on the due date were notified that their reports had not been received and that their names would be published for failure to file if they did not respond within 4 business days.

The Commission publishes only the names of those committees which have been designated by candidates as their principal campaign committees. Under Amendments to the Federal Election Campaign Act, effective January 8, 1980, candidates no longer are required to file personal reports of receipts and expenditures. All such information is reported by authorized committees of the candidates.

Other political committees supporting House and Senate candidates in elections (those which are not authorized units of a candidate's campaign) also are required to file pre-primary and pre-runoff reports unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers will be decided on a case-by-case basis, depending on the amount of financial activity involved, the percent of vote received and/or the lateness of the report. The election law gives the Commission broad authority to initiate enforcement actions, including

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civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willfull" violation) for infractions of the law, including failure to file required disclosure reports.

The next report due for New York candidates will be the October quarterly report, due October 15. That report will cover activity occurring between September 4 and September 30.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 21, 1982

## October Filing Notice for Authorized Committees

This notice summarizes the reporting obligations of candidate\* authorized political committees for the Third Quarterly Report of Receipts and Disbursements, to be filed under the Federal Election Campaign Act of 1971, as amended.

**WHO FILES**

Authorized committees of House and Senate candidates seeking election in 1982 and authorized committees of Presidential candidates are required to file the Third Quarterly Report by October 15, 1982. The report should cover all activity from the closing date of the last report filed or from the date of registration, if this is the committee's first report, through September 30, 1982. The reports must disclose all financial activity not previously disclosed, and must be filed regardless of the total amount of financial activity involved during the reporting period. Reports mailed first class or hand delivered must be received no later than the close of business October 15. If sent by registered or certified mail, reports must be postmarked no later than midnight October 15.

**WHO NEED NOT FILE THE THIRD QUARTERLY REPORT**

Authorized committees of House and Senate candidates not seeking election in 1982 (i.e., committees authorized by candidates who ran for Federal office

prior to 1982 or candidates who are involved in future elections) are not required to file a Third Quarterly Report. These committees will be required to file a Year-End Report due January 31, 1983.

**WHAT FORM TO USE**

All authorized committees of House and Senate candidates should use FEC Form 3 with appropriate schedules for filing the Third Quarterly Report. Presidential candidate committees file their reports on FEC Form 3P. Authorized committees, other than the principal campaign committee, should file their reports with the principal campaign committee. The principal campaign committee, in turn, files a consolidated form (FEC Form 3Z, or 3PZ in the case of Presidential committees), together with its own report and the reports of the authorized committees, with the appropriate Federal and State offices.

\*For purposes of the Act, A "candidate" is an individual who seeks nomination for election, or election, to Federal office, and who has:

1. Received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000; OR
2. Given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and such person has received contributions or made expenditures aggregating in excess of \$5,000.

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#### WHERE TO FILE

Committees should consult the instructions on the reverse side of the Summary Page of the reporting forms for details on where to file their reports.

#### FAILURE TO FILE REPORTS

Committees are advised that failure to file required reports may result in compliance proceedings under the provisions of the Federal Election Campaign Act. According to a revised Commission policy, although committees may no longer receive mailgram notification of their failure to file reports, they nevertheless remain fully liable for failure to file any report required under the Act.

Committees must submit legible reports which can be reproduced clearly. Illegible documents will not be accepted as reports and committees filing such documents will be required to refile.

#### TO REQUEST FURTHER INFORMATION OR ADDITIONAL FORMS, CONTACT:

Office of Public Communications  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463  
Telephone: (202)523-4068  
Toll-Free: (800)424-9530

---

Please peel off the label on the envelope used for this mailing and place it on the front of the reporting form. This will assist the Commission in the identification of the committee filing the report.

---





TELECON

DATE: 12/6, 12/7, 12,13, 12/14

FROM: Benita Adler

TO:

COMMITTEE: Beatty for Congress Committee

---

The committee's campaign headquarters phone is 212 636-9595. The number is not disconnected; however, there has been no answer.

Attempts to obtain a number for the treasurer - Edward Myers, or the candidate have been unsuccessful. The operator for Brooklyn, NY stated that no phones were listed for either name.

21040335009



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

31 March 1983

MEMORANDUM

TO : CHARLES N. STEELE  
GENERAL COUNSEL  
ATTENTION: DUANE BROWN

THROUGH : B. ALLEN CLUTTER *PAC*  
STAFF DIRECTOR

FROM : JOHN D. GIBSON *JDG*  
ASSISTANT STAFF DIRECTOR, RAD

SUBJECT : UPDATE TO THE BEATTY FOR CONGRESS NON-FILER REFERRAL

---

The Beatty for Congress committee filed the attached letter with the Federal Election Commission on March 30, 1983. In that letter, the treasurer of the committee asserted that he spoke with the reports analyst on March 23, 1983 and informed her that the committee had no more debts and that the committee account had been closed. The reports analyst has no record or recollection of the conversation mentioned in the letter. In addition, the committee never reported any debts.

If you have any questions please contact Benita Marcus Adler or Daniel J. Zoller in the Reports Analysis Division.

Attachment

cc: The Commissioners

21040335010

# FRIENDS OF BEATTY FOR CONGRESS: 94

670 Sterling Place  
Brooklyn, New York 11216

March 25, 1983

Ms. Benita Marcus Adler  
Federal Election Commission  
Washington, D.C. 20463

ID #C00152587

Dear Ms. Adler:

Pursuant to our conversation on March 23, 1983,  
our account is closed and finalized. We have no more debts.

Sincerely,



Edward Myers  
Treasurer

21040335011

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Beatty for Congress Committee

)  
)  
)

RAD Referral 83-NF-1

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 21, 1983, the Commission decided by a vote of 6-0 to open a MUR in the above-captioned matter.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

4-22-83

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

4-19-83, 11:05  
4-19-83, 4:00

91040335012



**SENSITIVE**

FEDERAL ELECTION COMMISSION  
1325 K Street, NW  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

83 JUN 10 AM: 49

**FIRST GENERAL COUNSEL'S REPORT**

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 6/10/83  
12:00

MUR 1545  
STAFF MEMBER:  
Duane A. Brown

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENT'S NAME: Beatty for Congress Committee  
and Edward Myers, Jr.

RELEVANT STATUTE: 2 U.S.C. § 434

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

**GENERATION OF MATTER**

The Reports Analysis Division ("RAD") referred the Beatty for Congress Committee ("the Beatty Committee") to the General Counsel's Office when the Committee failed to file its July and October Quarterly Reports and its 12 Day Pre-Primary Report in violation of 2 U.S.C. § 434 (Attachment I).

**SUMMARY OF ALLEGATIONS**

The Beatty for Congress Committee and Edward Myers, Jr., treasurer of the committee, have failed to file reports of receipts and disbursements with the Commission. The last report filed by the Beatty Committee was the April 1982 Quarterly Report.

01040335013

FACTUAL AND LEGAL ANALYSIS

The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 percent of the vote.

The Beatty Committee and Edward Myers, Jr., treasurer of the committee, have not filed a July Quarterly Report (due July 15, 1982), an October Quarterly Report (due October 15, 1982), the 12 Day Pre-Primary Election Report (due September 11, 1982), and the 1982 Year End Report (due January 31, 1983).

RAD notified the Beatty Committee that the 12 Day Pre-Primary Report was due on September 11, 1982. On September 13, 1982, a mailgram was sent to the Beatty Committee when the Clerk of the House did not receive the report. The Beatty Committee was published for its failure to file the 12 Day Pre-Primary Report on September 20, 1982.

The Beatty Committee was also notified on September 21, 1982, that the October Quarterly Report was due on October 15, 1982. On October 22, 1982, RAD sent a mailgram to the Beatty

2104035014

Committee when the Clerk of the House had not received the report. \*/

On March 28, 1983, the Commission received a letter from Edward Myers, Jr., treasurer for the Beatty Committee (Attachment II). The letter ostensibly memorializes a telephone conversation with a RAD staff member on March 23, 1983, and, as such, attempts to inform the Commission that the Committee's account is closed and has no outstanding debts. RAD has no record of such a phone call. Attempts to contact the treasurer and the candidate by phone have been unsuccessful.

2 U.S.C. § 434 requires the principal campaign committee of a candidate to file reports of receipts and disbursements. The Beatty Committee and its treasurer, Edward Myers, Jr., have not filed a July 1982 Quarterly Report, an October 1982 Quarterly Report, a 1982 12 Day Pre-Primary Election Report, and a 1982 Year End Report. Accordingly, the Office of General Counsel recommends that the Commission find reason to believe the Beatty

\*/ Although a committee which fails to file the first report after an election would normally receive notification by letter rather than mailgram, a mailgram was sent to this committee because the New York Supreme Court had overturned the primary results between Vander L. Beatty and his opponent based on allegations of vote fraud. On October 21, 1982, the court ordered a new primary to be held on November 2, 1982. In response to the court decision

, RAD sent Mr. Beatty's committee a mailgram for the apparent failure to file the quarterly report preceding an election (the October 15th Quarterly). On October 25, 1982, the Court of appeals upheld the results of the original primary election, therefore, the committee's name was not published.

2104035015

Committee violated 2 U.S.C. § 434. Further, since 2 U.S.C. § 434(a)(1) holds the treasurer individually responsible for filing reports, the Office of General Counsel recommends that the Commission find reason to believe that Edward Myers, Jr., violated 2 U.S.C. § 434.

RECOMMENDATIONS

The Office of General Counsel recommends that:

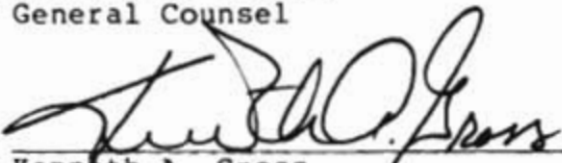
- 1) the Commission find reason to believe that the Beatty for Congress Committee violated 2 U.S.C. § 434 for failure to file a July 1982 Quarterly Report, a 1982 12 Day Pre-Primary Report, an October 1982 Quarterly Report, and a 1982 Year End Report;
- 2) the Commission find reason to believe that Edward Myers Jr., violated 2 U.S.C. § 434 for failure to file a July 1982 Quarterly Report, a 1982 12 Day Pre-Primary Report, an October 1982 Quarterly Report; and, a 1982 Year End Report; and
- 3) the Commission approve the attached letters.

Charles N. Steele  
General Counsel

Date

June 10, 1983

BY:

  
Kenneth A. Gross  
Associate General Counsel

Attachments

1. Referral
2. Letter from Edward Myers
3. Proposed Letter
4. General Counsel's Factual and Legal Analysis

21040335016



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20461

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: JUNE 15, 1983  
SUBJECT: OBJECTION - MUR 1545 First General  
Counsel's Report dated June 10, 1983

The above-named document was circulated to the  
Commission on Monday, June 13, 1983 at 11:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |             |
|-----------------------|-------------|
| Commissioner Aikens   | _____       |
| Commissioner Elliott  | _____X_____ |
| Commissioner Harris   | _____       |
| Commissioner McDonald | _____       |
| Commissioner McGarry  | _____       |
| Commissioner Reiche   | _____       |

This matter will be placed on the Executive Session  
agenda for Tuesday, June 21, 1983.

21040335017



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1545  
Edward Myers, Jr. )

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on June 21, 1983, do hereby certify that the Commission took the following actions in MUR 1545:

1. Decided by a vote of 6-0 to find reason to believe that the Beatty for Congress Committee violated 2 U.S.C. §434 for failure to file a July 1982 Quarterly Report, a 1982 12 Day Pre-Primary Report, an October 1982 Quarterly Report, and a 1982 Year End Report.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively for the decision.

2. Decided by a vote of 4-2 to find reason to believe that Edward Myers Jr., violated 2 U.S.C. §434 for failure to file a July 1982 Quarterly Report, a 1982 12 Day Pre-Primary Report, an October 1982 Quarterly Report, and a 1982 Year End Report.

Commissioners Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

3. Decided by a vote of 6-0 to approve the letters attached to the General Counsel's report dated June 10, 1983.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively.

Attest:

6/21/83

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1983

Edward Myers, Jr.  
670 Sterling Place  
Brooklyn, New York 11216

Re: MUR 1545

Dear Mr. Myers:

On June 21, 1983, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by failing to file the July 1982 Quarterly Report, the 12 Day Pre-Primary Report, the October 1982 Quarterly Report, and the 1982 Year End Report. Pursuant to 2 U.S.C. § 434(a)(1), a committee treasurer is held individually responsible for filing reports. The General Counsel's finding is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

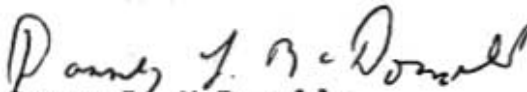
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Edward Myers, Jr.  
Page Two

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown at (202)523-5071, or Gary Johansen at (202)523-4143.

Sincerely,

  
Danny L. McDonald,  
Chairman

Enclosures

1. General Counsel's Factual and Legal Analysis
2. Procedures
3. Designation of Counsel Statement

21040335020

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1545  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202)523-5071

RESPONDENT: Edward Myers, Jr.

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Beatty for Congress Committee and Edward Myers, Jr., treasurer of the committee, have failed to file reports of receipts and disbursements with the Commission. The last report filed by the Beatty Committee was the April 1982 Quarterly Report. Failure to file reports is in violation of 2 U.S.C. § 434.

FACTUAL BASIS AND LEGAL ANALYSIS

The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 percent of the vote.

The Beatty Committee and Edward Myers, Jr., treasurer of the committee, have not filed a July Quarterly Report (due July 15, 1982), an October Quarterly Report (due October 15, 1982), the 12 Day Pre-Primary Election Report (due September 11, 1982), and the 1982 Year End Report (due January 31, 1983).

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RAD notified the Beatty Committee that the 12 Day Pre-Primary Report was due on September 11, 1982. On September 13, 1982, a mailgram was sent to the Beatty Committee when the Clerk of the House did not receive the report. The Beatty Committee was published for its failure to file the 12 Day Pre-Primary Report on September 20, 1982.

The Beatty Committee was also notified on September 21, 1982, that the October Quarterly Report was due on October 15, 1982. On October 22, 1982, RAD sent a mailgram to the Beatty Committee when the Clerk of the House had not received the report.

On March 28, 1983, the Commission received a letter from Edward Myers, Jr., treasurer for the Beatty Committee (Attachment II). The letter ostensibly memorializes a telephone conversation with a RAD staff member on March 23, 1983, and, as such, attempts to inform the Commission that the Committee's account is closed and has no outstanding debts. RAD has no record of such a phone call. Attempts to contact the treasurer and the candidate by phone have been unsuccessful.

2 U.S.C. § 434 requires the principal campaign committee of a candidate to file reports of receipts and disbursements. The Beatty Committee and its treasurer, Edward Myers, Jr., have not filed a July 1982 Quarterly Report, an October 1982 Quarterly Report, a 1982 12 Day Pre-Primary Election Report, and a 1982 Year End Report. Accordingly, the Office of General Counsel recommends that the Commission find reason to believe the Beatty

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Committee violated 2 U.S.C. § 434. Further, since 2 U.S.C. § 434(a)(1) holds the treasurer individually responsible for filing reports, the Office of General Counsel recommends that the Commission find reason to believe that Edward Myers, Jr., violated 2 U.S.C. § 434.

91040335023



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 12, 1983

MEMORANDUM

TO: CHARLES N. STEELE  
OFFICE OF GENERAL COUNSEL  
ATTENTION: DUANE BROWN

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: UPDATE TO MUR 1545 - BEATTY FOR CONGRESS

The Reports Analysis Division ("RAD") received the attached letter in response to a Request for Additional Information ("RFAI") sent to the Brooklyn Democrats - Federal Campaign Account ("Brooklyn Democrats"). The letter was sent from Edward Myers, treasurer of the Beatty for Congress Committee ("the committee"), to the Brooklyn Democrats. In this letter, Myers indicated that Senator Beatty had closed the committee's account and that the committee had "a large payable to other vendors." In a previous letter to the Reports Analysis Division, Myers stated that the committee's account was closed, but asserted that the committee had no more debts. (See the update to 83NF-1, dated March 31, 1983.)

An RFAI was not sent to the Beatty committee for receipt of an excessive contribution because the committee never reported the receipt.

If you have any questions regarding this matter, please contact Daniel Zoller in the Reports Analysis Division.

Attachment

cc: The Commissioners

2104033024

# Vander BEATTY

for congress

1983

TREASURER

AUGUST 5, 1983

August 5, 1983

Mr. William J. Garry  
Secretary  
The Brooklyn Democrats  
16 Court Street  
Brooklyn NY 11241

Dear Mr. Garry:

I am in receipt of your July 20th letter pertaining to your organization's \$2,300 contribution to the "Vander Beatty for Congress" Committee.

I am extremely sorry to hear that your organization was cited by the Federal Election Committee as an unauthorized Multi Candidate, thereby limiting your contribution to \$1,000.

Your demand of \$1,500 cannot be met at this time because the Committee no longer exists, the bank account was closed by Senator Beatty, at the time of closing the account, there were not sufficient funds to meet your demand, additionally we have a large payable to other vendors.

With the present situation being as stated above, I'm therefore requesting that your organization consider writing the \$1,500 off as a loss because there is no way that I know of ever making this refund.

Thank you.

Very truly yours,

Edward Myers, Jr.

91040335025

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
OFFICE OF THE  
CLERK OF THE  
HOUSE OF REPRESENTATIVES

In the Matter of the )  
Beatty for Congress ) MUR 1545  
Committee )  
Edward Myers, Jr., Treasurer )

83 OCT 14 AIO: 48

GENERAL COUNSEL'S REPORT

**I. BACKGROUND**

The Beatty for Congress Committee and Edward Myers, Jr., treasurer of the committee have failed to file reports of receipts and disbursements with the Commission. The last report filed by the Beatty Committee was the April 1982 Quarterly Report. On June 21, 1983, the Commission found reason to believe that the Beatty Committee and Edward Myers violated 2 U.S.C. §434.

The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 percent of the vote.

The Beatty Committee and Edward Myers, Jr., treasurer of the committee, have not filed a July Quarterly Report (due July 15, 1982), an October Quarterly Report (due October 15, 1982), the 12 Day Pre-Primary Election Report (due September 11, 1982), and the 1982 Year End Report (due January 31, 1983).

RAD notified the Beatty Committee that the 12 Day Pre-Primary Report was due on September 11, 1982. On September 13, 1982, a mailgram was sent to the Beatty Committee when the Clerk of the House did not receive the report. The Beatty Committee

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was published for its failure to file the 12 Day Pre-Primary Report on September 20, 1982.

The Beatty Committee was also notified on September 21, 1982, that the October Quarterly Report was due on October 15, 1982. On October 22, 1982, RAD sent a mailgram to the Beatty Committee when the Clerk of the House had not received the report.

On March 28, 1983, the Commission received a letter from Edward Myers, Jr., treasurer for the Beatty Committee. The letter ostensibly memorializes a telephone conversation with a RAD staff member on March 23, 1983, and, as such, attempts to inform the Commission that the Committee's account is closed and has no outstanding debts. RAD has no record of such a phone call. Attempts to contact the treasurer and the candidate by phone have been unsuccessful. In addition, Edward Myers, Jr. and the Beatty Committee have failed to respond, in writing or otherwise, to the Commission's reason to believe notification dated June 24, 1983.

On September 20, 1983, RAD sent an update to the Office of General Counsel. RAD indicated that the Brooklyn Democrats - Federal Campaign Account ("Brooklyn Democrats") in a response to an RFAI sent to it by RAD, had enclosed a letter from Edward Myers, Treasurer of the Beatty Committee. The RFAI was sent for the purpose of informing the Brooklyn Democrats that it had made an excessive contribution in the amount of \$1,500 to the Beatty for Congress Committee and that it should seek reimbursement.

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Myers, in his letter, indicates that, "Senator Beatty had closed the committee's account and that the committee had a large payable to other vendors", thereby, apparently, creating an inability on behalf of the Beatty Committee to reimburse the excessive \$1,500 to the Brooklyn Democrats (Attachment II). It appears that additional violations of the Act by the Beatty Committee and Edward Myers may have occurred. The Beatty Committee may have: (1) accepted an excessive contribution and failed to reimburse the excess portion of the contribution and; (2) provided inconsistent information to the Commission concerning the committee's debts in that in the March 28, 1983, letter to the Commission, the committee showed no outstanding debts, and later, Myers indicated in the August 5, 1983, letter to the Brooklyn Democrats that a larger payable to other vendors remain outstanding. Finally, 2 U.S.C. § 434(a)(2)(B)(i) requires political committees which are principal campaign committees of a candidate for the House of Representatives and, which in any calendar year during which there is not a regularly scheduled election, to file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31. To date the Beatty Committee and Edward Myers have failed to file the mid-year report.

Accordingly, the Office of General Counsel recommends that the Commission find reason to believe the Beatty for Congress Committee and Edward Myers, Treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) for failing to file its mid-year report and 2 U.S.C. § 441a(f) for accepting a contribution in excess of the

21040335028

contribution limitations.

**RECOMMENDATION**

The Office of General Counsel recommends the Commission:

1) find reason to believe the Beatty for Congress Committee and Edward Myers, Treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) and 2 U.S.C. § 441a(f).

2. approve attached letters.

Charles N. Steele  
General Counsel

October 13, 1983  
Date

by:

Kenneth A. Gross  
Associate General Counsel

**ATTACHMENTS**

- I. Letter from Edward Myers to RAD
- II. Letter from Edward Myers to William Garry (RAD Update)
- III. Letter to Edward Myers
- IV. Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress ) MUR 1545  
Committee )  
Edward Myers, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 18, 1983, the Commission decided by a vote of 6-0 to take the following actions in MUR 1545:

1. Find reason to believe the Beatty for Congress Committee and Edward Myers, Treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) and 2 U.S.C. § 441a(f).
2. Approve the letters as attached to the General Counsel's Report signed October 13, 1983.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

10-18-83

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

10-14-83, 10:48  
10-14-83, 2:00

91040335030



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 20, 1983

Edward Myers, Treasurer  
Friends of Beatty for Congress  
670 Sterling Place  
Brooklyn, New York 11216

Re: MUR 1545

Dear Mr. Myers:

On October 18, 1983, the Federal Election Commission determined that there is reason to believe that you and your committee violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(2)(B)(i), both provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you and your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

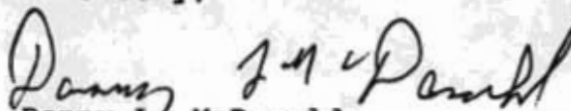
21040335031

Edward Myers, Treasurer  
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at 202/523-5071.

Sincerely,

  
Danny L. McDonald,  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

cc: Vander Beatty

91040335032

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT Beatty for Congress  
Committee

MUR NO. 1545  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202) 523-5071

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

91040335033  
The Beatty for Congress Committee and Edward Myers, Jr., treasurer of the committee have failed to file reports of receipts and disbursements with the Commission. The last report filed by the Beatty Committee was the April 1982 Quarterly Report. On June 21, 1983, the Commission found reason to believe that the Beatty Committee and Edward Myers violated 2 U.S.C. §434.

The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 percent of the vote.

The Beatty Committee and Edward Myers, Jr., treasurer of the committee, have not filed a July Quarterly Report (due July 15, 1982), an October Quarterly Report (due October 15, 1982), the 12 Day Pre-Primary Election Report (due September 11, 1982), and the 1982 Year End Report (due January 31, 1983).

RAD notified the Beatty Committee that the 12 Day Pre-Primary Report was due on September 11, 1982. On September 13, 1982, a mailgram was sent to the Beatty Committee when the Clerk of the House did not receive the report. The Beatty Committee



was published for its failure to file the 12 Day Pre-Primary Report on September 20, 1982.

The Beatty Committee was also notified on September 21, 1982, that the October Quarterly Report was due on October 15, 1982. On October 22, 1982, RAD sent a mailgram to the Beatty Committee when the Clerk of the House had not received the report.

On March 28, 1983, the Commission received a letter from Edward Myers, Jr., treasurer for the Beatty Committee. The letter ostensibly memorializes a telephone conversation with a RAD staff member on March 23, 1983, and, as such, attempts to inform the Commission that the Committee's account is closed and has no outstanding debts (Attachment I). RAD has no record of such a phone call. Attempts to contact the treasurer and the candidate by phone have been unsuccessful. In addition, Edward Myers, Jr. and the Beatty Committee have failed to respond, in writing or otherwise, to the Commission's reason to believe notification dated June 24, 1983.

On September 20, 1983, RAD sent an update to the Office of General Counsel. RAD indicated that the Brooklyn Democrats - Federal Campaign Account ("Brooklyn Democrats") in a response to an RFAI sent to it by RAD, had enclosed a letter from Edward Myers, Treasurer of the Beatty Committee. The RFAI was sent for the purpose of informing the Brooklyn Democrats that it had made an excessive contribution in the amount of \$1,500 to the Beatty for Congress Committee and that it should seek reimbursement.

Myers, in his letter, indicates that, "Senator Beatty had closed the committee's account and that the committee had a large payable to other vendors", thereby, apparently, creating an inability on behalf of the Beatty Committee to reimburse the excessive \$1,500 to the Brooklyn Democrats.

FACTUAL BASIS AND LEGAL ANALYSIS

It appears that additional violations of the Act by the Beatty Committee and Edward Myers may have occurred. The Beatty Committee may have: (1) accepted an excessive contribution and failed to reimburse the excess portion of the contribution. Finally, 2 U.S.C. § 434(a)(2)(B)(i) requires political committees which are principal campaign committees of a candidate for the House of Representatives and, which in any calendar year during which there is not a regularly scheduled election, to file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31. To date the Beatty Committee and Edward Myers have failed to file the mid-year report.

21040335035

RECEIVED AT THE FEC  
Cec # 1383  
84 JAN 10 AM 11:55  
Mur 1545

Edward Myers, Jr.  
2307 Adam Clayton Powell, Jr. Blvd.  
New York, New York 10030  
December 15, 1983

10 P12:43

Mr. Duane A. Brown  
Federal Election Commission  
1036 Longworth House Office Building  
Washington, D.C. 20515

RE: BEATTY FOR CONGRESS COMMITTEE  
I.D. #5C00152587

Dear Mr. Brown:

As per our several telephone conversations regarding the above Committee, please find enclosed copies of the following documents:

1. An amended April Quarterly Report, the Committee's receipt of Ms. Adler's September 1, 1982 letter and its response of September 9, 1982.
2. The Committee's July Quarterly Report to Ms. Adler.
3. The Committee's October Quarterly Report, the Committee's receipt of Mr. Gibson's October 19, 1982 letter and its response of October 26, 1982.

Also note that your comments regarding the March 26, 1983 letter allegedly bearing my signature is, in fact, not my signature. However, the signator did initial the signature to indicate that I did not sign the letter.

You should also note that I have not received the final closing statement from the bank pertaining to the Committee's transaction after the election. Therefore, I am unable to submit a final closing report at this time. I must emphasize that the committee no longer exists, it's not active and has not been active since the end of the election.

Mr. Duane A. Brown  
Page 2  
December 15, 1983

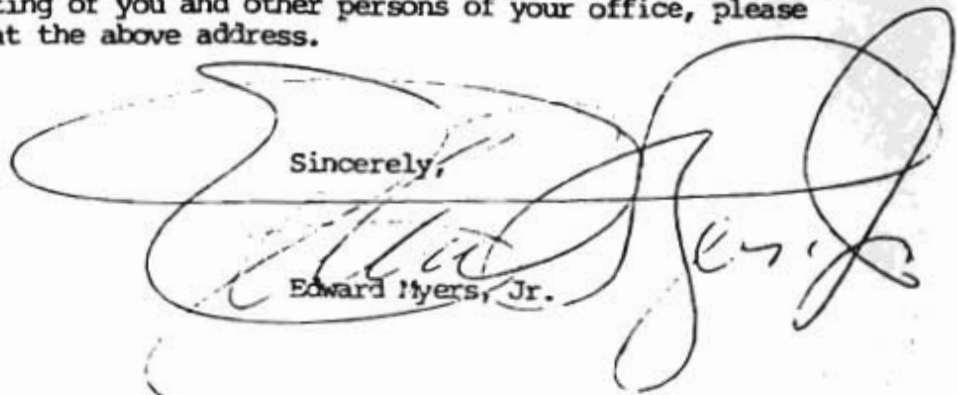
I am sorry for the delay in responding to our last telephone conversation of ten days ago. However, I thought that the bank would have given me copies of the Committee's last transaction by now which I had intended to mail along with the other documents. In any event, as soon as I am in receipt of it, I will mail same to you.

Apparently, mail has been going to the old Committee address for which I have not been informed or received copies of any correspondence. Therefore, I am once again requesting of you and other persons of your office, please correspond to me at the above address.

Thank you.

Sincerely,

Edward Myers, Jr.

A large, stylized handwritten signature in dark ink, likely belonging to Edward Myers, Jr., is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

21040335037



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

1 September 1982

Edward Myers, Treasurer  
Beatty for Congress  
670 Sterling Place  
Brooklyn, NY 11216

Identification Number: C00152587

Reference: April Quarterly Report (1/1/82-5/15/82)

Dear Mr. Myers:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify your report. It is unclear whether your activity is \$340.32 or \$34,032.00. Please amend your report to include schedules, as necessary.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4172.

Sincerely,

*Benita Marcus Adler*

Benita Marcus Adler  
Reports Analyst  
Reports Analysis Division

9/9/82 Peter Kell agreed to extend due date for this report  
another 15 days.

# Vander **BEATTY** for congress

BEATTY for Congress  
670 Sterling Place  
Brooklyn, New York 11216  
(212) 636-9595

TREASURER  
Edward Myers, Jr.  
CAMPAIGN CHAIRPERSON  
Sylvester Leaks

October 15, 1982

Ms. Behta H. Miller  
Report Analyst  
Federal Election Commission  
1036 Longworth House Office Bldg.  
Washington, D.C. 20515

RE: BEATTY FOR CONGRESS  
I.D. #000152587  
JULY QUARTERLY REPORT

Dear Ms. Adler:

Please find enclosed the July Quarterly Report for the above candidate.  
Should you have any questions, please contact me at 212/690-7000.

Thank you.

Sincerely,

Edward Myers, Jr.  
Treasurer

EMJ:nrl

cc: Senator Vander Beatty

Enclosure



(Summary Page)

|                                                                                                                                          |                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1. Name of Committee (In Full)<br><b>BEATTY FOR CONGRESS</b>                                                                             | 2. FEC Identification Number<br><b>C00152587</b>                                                       |
| Address (Number and Street)<br><b>670 Sterling Place</b>                                                                                 | 3. Is this Report an Amendment?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| City, State and ZIP Code <input type="checkbox"/> Check if address is different than previously reported.<br><b>Brooklyn, N.Y. 11216</b> |                                                                                                        |

4. TYPE OF REPORT

|                                                                           |                                                                                   |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> April 15 Quarterly Report                        | <input type="checkbox"/> Twelfth day report preceding _____<br>(Type of Election) |
| <input checked="" type="checkbox"/> July 15 Quarterly Report              | election on _____ in the State of _____                                           |
| <input type="checkbox"/> October 15 Quarterly Report                      | <input type="checkbox"/> Thirtieth day report following the General Election      |
| <input type="checkbox"/> January 31 Year End Report                       | on _____ in the State of _____                                                    |
| <input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only) | <input type="checkbox"/> Termination Report                                       |

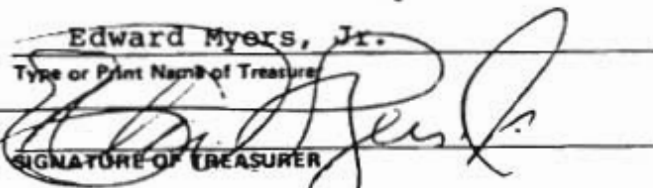
This report contains activity for — ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

| SUMMARY                                                                                                |                                      | Column A<br>This Period | Column B<br>Calendar Year-to-Date |
|--------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------|-----------------------------------|
| 5. Covering Period                                                                                     | <u>4/1/82</u> Through <u>6/30/82</u> |                         |                                   |
| 6. Net Contributions (other than loans):                                                               |                                      |                         |                                   |
| (a) Total Contributions (other than loans) (from Line 11e) . . . . .                                   |                                      | \$ 23,771.00            | \$ 43,196.48                      |
| (b) Total Contribution Refunds (from Line 20d) . . . . .                                               |                                      | \$ -0-                  | \$ -0-                            |
| (c) Net Contributions (other than loans) (Subtract Line 6b from 6a) . . . . .                          |                                      | \$ 23,771.00            | \$ 43,196.48                      |
| 7. Net Operating Expenditures:                                                                         |                                      |                         |                                   |
| (a) Total Operating Expenditures (from Line 17). . . . .                                               |                                      | \$ 21,755.13            | \$ 21,755.13                      |
| (b) Total Offsets to Operating Expenditures (from Line 14). . . . .                                    |                                      | \$ -0-                  | \$ -0-                            |
| (c) Net Operating Expenditures (Subtract Line 7b from 7a). . . . .                                     |                                      | \$ 21,755.13            | \$ 21,755.13                      |
| 8. Cash on Hand at Close of Reporting Period (from Line 27) . . . . .                                  |                                      | \$ 21,441.35            |                                   |
| 9. Debts and Obligations Owed TO the Committee<br>(Itemize all on Schedule C or Schedule D) . . . . .  |                                      | \$ -0-                  |                                   |
| 10. Debts and Obligations Owed BY the Committee<br>(Itemize all on Schedule C or Schedule D) . . . . . |                                      | \$ -0-                  |                                   |

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

Edward Myers, Jr.  
Type or Print Name of Treasurer  
  
SIGNATURE OF TREASURER

7/15/82  
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3 (3/80)

**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3)**

Name of Committee (in Full)

**BEATTY FOR CONGRESS**

Report Covering the Period:

From: 4/1/82

To: 6/30/82

**I. RECEIPTS**

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees .....  
(Memo Entry Unitemized \$.....)

(b) Political Party Committees .....

(c) Other Political Committees .....

(d) The Candidate .....

(e) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b, 11c and 11d) .....

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

(b) All Other Loans .....

(c) TOTAL LOANS (add 13a and 13b) .....

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

**16. TOTAL RECEIPTS (Add 11e, 12, 13c, 14 and 15) .....**

**II. DISBURSEMENTS**

**17. OPERATING EXPENDITURES .....**

**18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....**

**19. LOAN REPAYMENTS:**

(a) Of Loans Made or Guaranteed by the Candidate .....

(b) Of All Other Loans .....

(c) TOTAL LOAN REPAYMENTS (add 19a and 19b) .....

**20. REFUNDS OF CONTRIBUTIONS TO:**

(a) Individuals/Persons Other Than Political Committees .....

(b) Political Party Committees .....

(c) Other Political Committees .....

(d) TOTAL CONTRIBUTION REFUNDS (add 20a, 20b and 20c) .....

**21. OTHER DISBURSEMENTS .....**

**22. TOTAL DISBURSEMENTS (Add 17, 18, 19c, 20d and 21) .....**

**III. CASH SUMMARY**

**23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD .....**

**24. TOTAL RECEIPTS THIS PERIOD (From Line 16) .....**

**25. SUBTOTAL (Add Line 23 and Line 24) .....**

**26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22) .....**

**27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25) .....**

| COLUMN A<br>Total This Period | COLUMN B<br>Calendar Year-to-Date |
|-------------------------------|-----------------------------------|
|                               |                                   |
| \$ 23,771.00                  | \$ 43,196.48                      |
|                               |                                   |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| \$ 23,771.00                  | \$ 43,196.48                      |
|                               |                                   |
|                               |                                   |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           |                                   |
| \$ 23,771.00                  | \$ 43,196.48                      |
|                               |                                   |
| \$ 21,755.13                  | \$ 21,755.13                      |
| -0-                           | -0-                               |
|                               |                                   |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
|                               |                                   |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| -0-                           | -0-                               |
| \$ 21,755.13                  | \$ 21,755.13                      |

21040335041

# Vander BEATTY

for congress

BEATTY for Congress  
670 Sterling Place  
Brooklyn, New York 11216  
(212) 636-9595

TREASURER  
Edward Myers, Jr.  
CAMPAIGN CHAIRPERSON  
Sylvester Leaks

September 20, 1982

Ms. Benita M. Adler  
Report Analyst  
Federal Election Commission  
1036 Longworth House Office Bldg.  
Washington, D.C. 20515

RE: BEATTY FOR CONGRESS  
I.D. #C00152587  
APRIL QUARTERLY REPORT (1/1/82-5/15/82)  
AMENDMENT

Dear Ms. Adler:

Pursuant to your letter of September 1, 1982 and my subsequent telephone conversation with Peter Kell of your office on September 9, 1982, please find enclosed an amended April Quarterly Report.

Should you have any additional questions concerning this report, please call me at my office 212/690-7000. May I additionally state that for any future corresponding to me should be addressed to my office at:

2307 Adam Clayton Powell Jr. Blvd.  
New York, New York 10030

Thank you for your cooperation.

Sincerely,

Edward Myers, Jr.  
Treasurer

Vander  
**BEATTY**  
for congress

September 9, 1982

Ms. Benita Marcus Adler  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Re: Beatty for Congress  
ID #C00152587  
April Quarterly Report (1/1/82 - 5/15/82)

Dear Ms. Adler:

Pursuant to my telephone conversation of September 9th with Mr. Peter Kell of your office advising me of my receipt of your September 1st letter on September 9th.

Please be informed that it is virtually impossible for me to comply with a 15 day response from September 1 because of my late receipt of same.

Mr. Kell agrees that a 15 day extension would be sufficient from September 9.

We will comply accordingly.

Sincerely yours,

Edward ~~X~~ Myers, Jr.  
Treasurer

ERM/ds

21040335043





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

1 September 1982

Edward Myers, Treasurer  
Beatty for Congress  
670 Sterling Place  
Brooklyn, NY 11216

Identification Number: C00152587

Reference: April Quarterly Report (1/1/82-5/15/82)

Dear Mr. Myers:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please clarify your report. It is unclear whether your activity is \$340.32 or \$34,032.00. Please amend your report to include schedules, as necessary.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4172.

Sincerely,

*Benita Marcus Adler*

Benita Marcus Adler  
Reports Analyst  
Reports Analysis Division

*9/9/82 Peter Kell agreed to extend due date for this report another (15) days.*

21040335044

(Summary Page)  
AMENDMENT TO ORIGINAL REPORT

|                                                                                                                                          |                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1. Name of Committee (in Full)<br><b>BEATTY FOR CONGRESS</b>                                                                             | 2. FEC Identification Number<br><b>C00152587</b>                            |
| Address (Number and Street)<br><b>670 Sterling Place</b>                                                                                 | 3. Is this Report an Amendment?<br><b>X</b> YES <input type="checkbox"/> NO |
| City, State and ZIP Code <input type="checkbox"/> Check if address is different than previously reported.<br><b>Brooklyn, N.Y. 11216</b> |                                                                             |

4. TYPE OF REPORT

☒ April 15 Quarterly Report    ☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)  
☐ July 15 Quarterly Report    election on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ October 15 Quarterly Report    ☐ Thirtieth day report following the General Election  
☐ January 31 Year End Report    on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ July 31 Mid-Year Report (Non-election Year Only)    ☐ Termination Report

This report contains activity for — ☒ Primary Election    ☐ General Election    ☐ Special Election    ☐ Runoff Election

| SUMMARY                                                                                      |                                       | Column A<br>This Period | Column B<br>Calendar Year-to-Date |
|----------------------------------------------------------------------------------------------|---------------------------------------|-------------------------|-----------------------------------|
| 5. Covering Period                                                                           | <u>2/17/82</u> Through <u>3/31/82</u> |                         |                                   |
| 6. Net Contributions (other than loans):                                                     |                                       |                         |                                   |
| (a) Total Contributions (other than loans) (from Line 11e)                                   |                                       | \$ 19,425.48            | \$ 19,425.48                      |
| (b) Total Contribution Refunds (from Line 20d)                                               |                                       | \$ -0-                  | \$ -0-                            |
| (c) Net Contributions (other than loans) (Subtract Line 6b from 6a)                          |                                       | \$ 19,425.48            | \$ 19,425.48                      |
| 7. Net Operating Expenditures:                                                               |                                       |                         |                                   |
| (a) Total Operating Expenditures (from Line 17)                                              |                                       | \$ -0-                  | \$ -0-                            |
| (b) Total Offsets to Operating Expenditures (from Line 14)                                   |                                       | \$ -0-                  | \$ -0-                            |
| (c) Net Operating Expenditures (Subtract Line 7b from 7a)                                    |                                       | \$ -0-                  | \$ -0-                            |
| 8. Cash on Hand at Close of Reporting Period (from Line 27)                                  |                                       | \$ 19,425.48            |                                   |
| 9. Debts and Obligations Owed TO the Committee<br>(Itemize all on Schedule C or Schedule D)  |                                       | \$ -0-                  |                                   |
| 10. Debts and Obligations Owed BY the Committee<br>(Itemize all on Schedule C or Schedule D) |                                       | \$ -0-                  |                                   |

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

Edward Myers, Jr.

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

9/20/82  
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3 (3/80)



**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3)  
AMENDMENT TO ORIGINAL REPORT**

Name of Committee (in Full)

**BEATTY FOR CONGRESS**

Report Covering the Period:

From: 2/17/82 To: 3/31/82

|                                                                                           | COLUMN A<br>Total This Period | COLUMN B<br>Calendar Year-to-Date |
|-------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------|
| <b>I. RECEIPTS</b>                                                                        |                               |                                   |
| <b>11. CONTRIBUTIONS (other than loans) FROM:</b>                                         |                               |                                   |
| (a) Individuals/Persons Other Than Political Committees .....                             | \$ 19,425.48                  | \$ 19,425.48                      |
| (Memo Entry Unitemized \$.....)                                                           |                               |                                   |
| (b) Political Party Committees .....                                                      |                               |                                   |
| (c) Other Political Committees .....                                                      |                               |                                   |
| (d) The Candidate .....                                                                   |                               |                                   |
| (e) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b, 11c and 11d) .....              | \$ 19,425.48                  | \$ 19,425.48                      |
| <b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....</b>                               |                               |                                   |
| <b>13. LOANS:</b>                                                                         |                               |                                   |
| (a) Made or Guaranteed by the Candidate .....                                             | -0-                           | -0-                               |
| (b) All Other Loans .....                                                                 | -0-                           | -0-                               |
| (c) TOTAL LOANS (add 13a and 13b) .....                                                   | -0-                           | -0-                               |
| <b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....</b>               | -0-                           | -0-                               |
| <b>15. OTHER RECEIPTS (Dividends, Interest, etc.) .....</b>                               | -0-                           | -0-                               |
| <b>16. TOTAL RECEIPTS (Add 11a, 12, 13c, 14 and 15) .....</b>                             | \$ 19,425.48                  | \$ 19,425.48                      |
| <b>II. DISBURSEMENTS</b>                                                                  |                               |                                   |
| <b>17. OPERATING EXPENDITURES .....</b>                                                   | -0-                           | -0-                               |
| <b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....</b>                                 | -0-                           | -0-                               |
| <b>19. LOAN REPAYMENTS:</b>                                                               |                               |                                   |
| (a) Of Loans Made or Guaranteed by the Candidate .....                                    | -0-                           | -0-                               |
| (b) Of All Other Loans .....                                                              | -0-                           | -0-                               |
| (c) TOTAL LOAN REPAYMENTS (add 19a and 19b) .....                                         | -0-                           | -0-                               |
| <b>20. REFUNDS OF CONTRIBUTIONS TO:</b>                                                   |                               |                                   |
| (a) Individuals/Persons Other Than Political Committees .....                             | -0-                           | -0-                               |
| (b) Political Party Committees .....                                                      | -0-                           | -0-                               |
| (c) Other Political Committees .....                                                      | -0-                           | -0-                               |
| (d) TOTAL CONTRIBUTION REFUNDS (add 20a, 20b and 20c) .....                               | -0-                           | -0-                               |
| <b>21. OTHER DISBURSEMENTS .....</b>                                                      | -0-                           | -0-                               |
| <b>22. TOTAL DISBURSEMENTS (Add 17, 18, 19c, 20d and 21) .....</b>                        | -0-                           | -0-                               |
| <b>III. CASH SUMMARY</b>                                                                  |                               |                                   |
| <b>23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD .....</b>                        | \$                            | -0-                               |
| <b>24. TOTAL RECEIPTS THIS PERIOD (From Line 16) .....</b>                                | \$                            | 19,425.48                         |
| <b>25. SUBTOTAL (Add Line 23 and Line 24) .....</b>                                       | \$                            | 19,425.48                         |
| <b>26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22) .....</b>                           | \$                            | -0-                               |
| <b>27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25) .....</b> | \$                            | 19,425.48                         |

21040335046



# Vander **BEATTY** for congress

BEATTY for Congress  
670 Sterling Place  
Brooklyn, New York 11216  
(212) 636-9595

TREASURER  
Edward Myers, Jr.  
CAMPAIGN CHAIRPERSON  
Sylvester Leaks

October 26, 1982

Mr. John D. Gibson  
Assistant Staff Director  
Federal Election Commission  
1036 Longworth House Office Bldg.  
Washington, D.C. 20515

RE: BEATTY FOR CONGRESS  
I.D. #C00152587  
JULY QUARTERLY REPORT

Dear Mr. Gibson:

Pursuant to my receipt of your October 10, 1982 letter requesting submission of July's Quarterly Report for the above candidate,

Please be advised that the July report was submitted on October 15, per the enclosed letter.

Also find enclosed our October 15 report which is late due to late receipt of the bank statement. May I note, as previously done in my September 20 letter to Ms. Adler, that any correspondence to me should be made to my personal office at:

2307 Adam Clayton Powell, Jr. Blvd.  
New York, New York 10030

Thank you.

Sincerely,

Edward Myers, Jr.  
Treasurer



**(Summary Page)**

4. TYPE OF REPORT

|                                                                           |                                                                                   |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> April 15 Quarterly Report                        | <input type="checkbox"/> Twelfth day report preceding _____<br>(Type of Election) |
| <input type="checkbox"/> July 15 Quarterly Report                         | election on _____ in the State of _____                                           |
| <input checked="" type="checkbox"/> October 15 Quarterly Report           | <input type="checkbox"/> Thirtieth day report following the General Election      |
| <input type="checkbox"/> January 31 Year End Report                       | on _____ in the State of _____                                                    |
| <input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only) | <input type="checkbox"/> Termination Report                                       |

This report contains activity for — ☒ Primary Election    ☐ General Election    ☐ Special Election    ☐ Runoff Election

| SUMMARY                                                                                      |                       | Column A<br>This Period | Column B<br>Calendar Year-to-Date |
|----------------------------------------------------------------------------------------------|-----------------------|-------------------------|-----------------------------------|
| 5. Covering Period                                                                           | 7/1/82 Through 9/3/82 |                         |                                   |
| 6. Net Contributions (other than loans):                                                     |                       |                         |                                   |
| (a) Total Contributions (other than loans) (from Line 11e)                                   |                       | \$ 57,024.90            | \$ 100,221.38                     |
| (b) Total Contribution Refunds (from Line 20d)                                               |                       | \$ -0-                  | \$ -0-                            |
| (c) Net Contributions (other than loans) (Subtract Line 6b from 6a)                          |                       | \$ 57,024.90            | \$ 100,221.38                     |
| 7. Net Operating Expenditures:                                                               |                       |                         |                                   |
| (a) Total Operating Expenditures (from Line 17)                                              |                       | \$ 86,912.43            | \$ 108,667.56                     |
| (b) Total Offsets to Operating Expenditures (from Line 14)                                   |                       | \$ -0-                  | \$ -0-                            |
| (c) Net Operating Expenditures (Subtract Line 7b from 7a)                                    |                       | \$ 86,912.43            | \$ 108,667.56                     |
| 8. Cash on Hand at Close of Reporting Period (from Line 27)                                  |                       | \$ 1,553.82             |                                   |
| 9. Debts and Obligations Owed TO the Committee<br>(Itemize all on Schedule C or Schedule D)  |                       | \$ -0-                  |                                   |
| 10. Debts and Obligations Owed BY the Committee<br>(Itemize all on Schedule C or Schedule D) |                       | \$ 10,000.00            |                                   |

**For further information, contact:**

Edward Myers, Jr  
Type or Print Name of Treasurer

**SIGNATURE OF TREASURER**

10/15/82  
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437e.

**All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.**

|  |  |  |  |  |  |  |  |  |
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FEC FORM 3 (3/80)

**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3)**

Name of Committee (in Full)

**BEATTY FOR CONGRESS**

Report Covering the Period:

From: **7/16/82** To: **9/3/82**

|                                                                                  | COLUMN A<br>Total This Period | COLUMN B<br>Calendar Year-to-Date |
|----------------------------------------------------------------------------------|-------------------------------|-----------------------------------|
| <b>I. RECEIPTS</b>                                                               |                               |                                   |
| <b>11. CONTRIBUTIONS (other than loans) FROM:</b>                                |                               |                                   |
| (a) Individuals/Persons Other Than Political Committees . . . . .                | \$ 57,024.90                  | \$ 100,221.38                     |
| (Memo Entry Unitemized \$ _____)                                                 |                               |                                   |
| (b) Political Party Committees . . . . .                                         | -0-                           | -0-                               |
| (c) Other Political Committees . . . . .                                         | -0-                           | -0-                               |
| (d) The Candidate . . . . .                                                      | -0-                           | -0-                               |
| (e) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b, 11c and 11d) . . . . . | \$ 57,024.90                  | \$ 100,221.38                     |
| <b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES . . . . .</b>                  | -0-                           | -0-                               |
| <b>13. LOANS:</b>                                                                |                               |                                   |
| (a) Made or Guaranteed by the Candidate . . . . .                                | -0-                           | -0-                               |
| (b) All Other Loans . . . . .                                                    | \$ 10,000.00                  | \$ 10,000.00                      |
| (c) TOTAL LOANS (add 13a and 13b) . . . . .                                      | \$ 10,000.00                  | \$ 10,000.00                      |
| <b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) . . . . .</b>  | -0-                           | -0-                               |
| <b>15. OTHER RECEIPTS (Dividends, Interest, etc.) . . . . .</b>                  | -0-                           | -0-                               |
| <b>16. TOTAL RECEIPTS (Add 11e, 12, 13c, 14 and 15) . . . . .</b>                | \$ 67,024.90                  | \$ 110,221.38                     |
| <b>II. DISBURSEMENTS</b>                                                         |                               |                                   |
| <b>17. OPERATING EXPENDITURES . . . . .</b>                                      | \$ 86,912.43                  | \$ 108,667.56                     |
| <b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES . . . . .</b>                    | -0-                           | -0-                               |
| <b>19. LOAN REPAYMENTS:</b>                                                      |                               |                                   |
| (a) Of Loans Made or Guaranteed by the Candidate . . . . .                       | -0-                           | -0-                               |
| (b) Of All Other Loans . . . . .                                                 | -0-                           | -0-                               |
| (c) TOTAL LOAN REPAYMENTS (add 19a and 19b) . . . . .                            | -0-                           | -0-                               |
| <b>20. REFUNDS OF CONTRIBUTIONS TO:</b>                                          |                               |                                   |
| (a) Individuals/Persons Other Than Political Committees . . . . .                | -0-                           | -0-                               |
| (b) Political Party Committees . . . . .                                         | -0-                           | -0-                               |
| (c) Other Political Committees . . . . .                                         | -0-                           | -0-                               |
| (d) TOTAL CONTRIBUTION REFUNDS (add 20a, 20b and 20c) . . . . .                  | -0-                           | -0-                               |
| <b>21. OTHER DISBURSEMENTS . . . . .</b>                                         | -0-                           | -0-                               |
| <b>22. TOTAL DISBURSEMENTS (Add 17, 18, 19c, 20d and 21) . . . . .</b>           | \$ 86,912.43                  | \$ 108,667.56                     |

**III. CASH SUMMARY**

|                                                                                               |              |
|-----------------------------------------------------------------------------------------------|--------------|
| <b>23. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD . . . . .</b>                        | \$ 21,441.35 |
| <b>24. TOTAL RECEIPTS THIS PERIOD (From Line 16) . . . . .</b>                                | \$ 67,024.90 |
| <b>25. SUBTOTAL (Add Line 23 and Line 24) . . . . .</b>                                       | \$ 88,466.25 |
| <b>26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22) . . . . .</b>                           | \$ 86,912.43 |
| <b>27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25) . . . . .</b> | \$ 1,553.82  |

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|                                                                                                                                          |                                              |                                          |                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------|------------------------------------------------------------------|
| Name of Committee (in Full)<br><b>BEATTY FOR CONGRESS</b>                                                                                |                                              |                                          |                                                                  |
| A. Full Name, Mailing Address and ZIP Code of Loan Source<br><b>Richard Greenhoward<br/>355 W. 124th Street<br/>New York, N.Y. 10027</b> | Original Amount of Loan<br><b>\$5,000.00</b> | Cumulative Payment To Date<br><b>-0-</b> | Balance Outstanding at Close of This Period<br><b>\$5,000.00</b> |
| Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):         |                                              |                                          |                                                                  |
| Terms: Date Incurred <b>8/9/82</b> Date Due <b>On Demand</b> Interest Rate <b>-0-</b> % (apr) <input type="checkbox"/> Secured           |                                              |                                          |                                                                  |
| List All Endorsers or Guarantors (if any) to Item A                                                                                      |                                              |                                          |                                                                  |
| 1. Full Name, Mailing Address and ZIP Code<br><br><b>N/A</b>                                                                             | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| 2. Full Name, Mailing Address and ZIP Code                                                                                               | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| 3. Full Name, Mailing Address and ZIP Code                                                                                               | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| B. Full Name, Mailing Address and ZIP Code of Loan Source                                                                                |                                              |                                          |                                                                  |
| 2040 8th Avenue<br>New York, N.Y. 10026                                                                                                  | Original Amount of Loan<br><b>\$5,000.00</b> | Cumulative Payment To Date<br><b>-0-</b> | Balance Outstanding at Close of This Period<br><b>\$5,000.00</b> |
| Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):         |                                              |                                          |                                                                  |
| Terms: Date Incurred <b>8/9/82</b> Date Due <b>On Demand</b> Interest Rate <b>-0-</b> % (apr) <input type="checkbox"/> Secured           |                                              |                                          |                                                                  |
| List All Endorsers or Guarantors (if any) to Item B                                                                                      |                                              |                                          |                                                                  |
| 1. Full Name, Mailing Address and ZIP Code<br><br><b>N/A</b>                                                                             | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| 2. Full Name, Mailing Address and ZIP Code                                                                                               | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| 3. Full Name, Mailing Address and ZIP Code                                                                                               | Name of Employer                             |                                          |                                                                  |
|                                                                                                                                          | Occupation                                   |                                          |                                                                  |
|                                                                                                                                          | Amount Guaranteed Outstanding:<br>\$         |                                          |                                                                  |
| SUBTOTALS This Period This Page (optional) . . . . .                                                                                     |                                              |                                          |                                                                  |
| TOTALS This Period (last page in this line only) . . . . .                                                                               |                                              |                                          | <b>\$10,000.00</b>                                               |
| Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.     |                                              |                                          |                                                                  |

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## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

19 October 1982

Edward Myers, Jr., Treasurer  
Beatty for Congress  
670 Sterling Place  
Brooklyn, NY 11216

Identification Number: C00152587

Dear Mr. Myers:

It has come to the attention of the Federal Election Commission that you may have failed to file the July Quarterly Report of Receipts and Expenditures as required by the Federal Election Campaign Act. Prior notice was sent to you in June 1982 advising you that the July Quarterly Report (covering the period from the closing date of your last report or from the date of registration, whichever is later, through June 30, 1982) was due on July 15, 1982.

It is important for your report to be available on a timely basis for the public record. The report should be filed immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 119 D Street, NE, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer.

The failure to file the July Quarterly Report may result in audit or legal enforcement action.

If you have any questions regarding this matter, please contact Benita Marcus Adler on our toll-free number (800) 424-9530. Our local number is (202) 523-4172

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

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BEFORE THE FEDERAL ELECTION COMMISSION  
January 11, 1984

RECEIVED  
OFFICE OF THE  
CLERK OF THE COMMISSION

In the Matter of the )  
Beatty for Congress Committee ) MUR 1545

84 JAN 25 A10: 33

COMPREHENSIVE INVESTIGATIVE REPORT #1

91040335053  
The Beatty for Congress Committee and Edward Myers, Jr., treasurer, have failed to file reports of receipts and disbursements with the Commission. The last report filed by the Beatty Committee was the April 1982 Quarterly Report. On June 21, 1983, the Commission found reason to believe the Beatty Committee and Edward Myers violated 2 U.S.C. §434. Also, on October 18, 1983, the Commission found reason to believe the Beatty Committee and Edward Myers violated 2 U.S.C. § 434(a)(2)(B)(i) for its failure to file the mid-year report for the period covering January 1 and ending June 30, and 2 U.S.C. § 441a(f) for accepting a contribution in excess of the contribution limitations.

After numerous efforts, telephone contact was finally made with Edward Myers. Mr. Myers indicated that he had not received either of the Commission's RTB notifications and was not aware that the Commission had generated an action against him and the committee. Myers stated that the committee office to which both notifications were mailed was closed over a year ago soon after the campaign ended. Myers also stated that to the best of his knowledge and belief, all proper reports had been filed and were up to date except for the filing of a termination report. Myers

indicated that the termination report had not been filed since he is still awaiting closing year statements from the bank.

As a result of the aforementioned conversation, General Counsel staff forwarded copies of both Commission letters to Mr. Myers for his immediate attention. A follow-up conversation confirming their receipt also occurred. It was during the follow-up conversation of December 13 that Mr. Myers agreed to respond to the Commission's findings and forward copies of all reports allegedly filed with the Commission by him in an effort to resolve this matter in an expeditious manner. As of January 6, no communication of any type had been received by the Commission from Edward Myers.

On January 9, General Counsel staff again telephoned Mr. Myers in an effort to ascertain the status of the response. Mr. Myers, appearing surprised at the staff inquiry indicated that the material had been mailed as early as December 18, 1983, and read what purported to be the cover letter to the package. When asked as to where the items were mailed, Mr. Myers for the first time indicated that all materials had been mailed to the Clerk of the House in the Longworth Office Building. Mr. Myers indicated that it was his understanding that the reports were to be filed with the Clerk and assumed that the same were then forwarded to the Commission. In any event, on January 9, 1984,

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Mr. Myers agreed to send the requested documents to the Commission by Express Mail. On January 10, 1984, the documents were received at the Commission. The documents consisted of copies of quarterly reports, letters to the Commission and responses to RFAI's which the respondent indicated were all filed previously and in a timely manner.

Once the documents are evaluated, General Counsel staff will draft a report with the appropriate recommendations.

January 24, 1984  
Date

Charles N. Steele  
General Counsel

By:

Kenneth A. Gross  
Kenneth A. Gross  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: JANUARY 26, 1984  
SUBJECT: OBJECTION - MUR 1545 - Comprehensive  
Investigative Report #1 dated  
January 11, 1984

The **above**-named document was circulated to the  
Commission on Wednesday, January 25, 1984 at 4:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |                                   |
|-----------------------|-----------------------------------|
| Commissioner Aikens   | <u>          X          </u>      |
| Commissioner Elliott  | <u>                          </u> |
| Commissioner Harris   | <u>                          </u> |
| Commissioner McDonald | <u>                          </u> |
| Commissioner McGarry  | <u>                          </u> |
| Commissioner Reiche   | <u>                          </u> |

This matter will be placed on the Executive Session  
agenda for Tuesday, January 31, 1984.

21040335056



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

20 January 1984

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR, RAD

SUBJECT: REFERRAL OF COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEFERETTI

This is the referral of the Committee to Re-Elect Congressman Leo C. Zeferetti. According to the non-compliance standards contained in the Review and Referral Procedures, the committee has accepted excessive contributions totalling \$5,500 from the Brooklyn Democratic-Federal Campaign Fund (also known as the Brooklyn Democrats-Federal Campaign Account) (Chart 3). A companion referral of the Brooklyn Democrats-Federal Campaign Account is being forwarded separately.

Please note, this committee was referred to OGC for failing to timely file the 30 Day Post-General Election Report (83 NF-18). MUR 1573 was opened on July 26, 1983. On August 12, 1983, the Commission closed the MUR after finding reason to believe, but taking no further action. A notice of failure to file the 1983 Mid-Year report was sent to the committee on December 2, 1983. To date, no response to the notice has been received.

If you have any questions, please contact Linda Tangney at 523-4172.

Attachments

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 20 January 1984ANALYST: Linda Tangney

I. COMMITTEE: Committee to Re-Elect Congressman  
Leo C. Zeferetti (C00049312)  
Eileen Deering, Treasurer  
11 Jamaica Walk  
Breezy Point, NY 11697

II. RELEVANT STATUTE: 2 U.S.C. 441a(f)

## III. BACKGROUND:

The Committee to Re-Elect Congressman Leo C. Zeferetti (the "Committee") received a total of \$7,500 in contributions from the Brooklyn Democratic-Federal Campaign Fund (also known as the Brooklyn Democrats-Federal Campaign Account (the "Fund"). At the time of the contributions, the Fund was not qualified. The 1982 October Quarterly report disclosed a \$2,500 contribution received on September 27, 1982 designated for the general election (Attachment 2); the 12 Day Pre-General Election report disclosed a \$3,500 contribution received on October 13, 1982 designated for the primary and general elections (Attachment 3); and the 30 Day Post-General Election report disclosed a \$1,500 contribution received on October 28, 1982 designated for the general election (Attachment 4).

On June 14, 1983, the committee was sent a Request for Additional Information (RFAI) requesting clarification and/or the refund of the excessive contributions disclosed on the October Quarterly and 12 Day Pre-General reports (Attachment 5).<sup>1/</sup> No written response was received,

<sup>1/</sup> The 30 Day Post-General report was inadvertently excluded from the RFAI; however, the committee stated in their letter of August 25, 1983 that the total excessive amount \$5,500 had been refunded to the Brooklyn Democratic Federal Campaign Fund.

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therefore a second letter was sent on July 7, 1983 (Attachment 6).

On August 29, 1983, a written response was received from the committee which stated that they had refunded \$5,500 of the \$7,500 received.<sup>2/</sup> The committee also stated that they were under the impression that the Fund was a multi-candidate Committee (Attachment 7).

On October 25, 1983 the committee was sent a RFAI on their 30 Day Post-General report which noted the acceptance and subsequent refund of the excessive contributions received from the Fund (Attachment 8).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

Attachments

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<sup>2/</sup> The date of the refund is unknown because the Commission has not received reports disclosing the committee's 1983 financial activity.

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## FEDERAL ELECTION COMMISSION

DATE 22NOV83

1981-1982

## CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

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| CANDIDATE/COMMITTEE/DOCUMENT                       | OFFICE SOUGHT/ | PARTY            | RECEIPTS |         | DISBURSEMENTS |         | COVERAGE DATES      | # OF<br>PAGES<br>TYPE OF FILER | MICROFILM<br>LOCATION |
|----------------------------------------------------|----------------|------------------|----------|---------|---------------|---------|---------------------|--------------------------------|-----------------------|
|                                                    |                |                  | PRIMARY  | GENERAL | PRIMARY       | GENERAL |                     |                                |                       |
| ZEFERETTI, LEO C                                   | HOUSE 14       | DEMOCRATIC PARTY |          |         | NEW YORK      |         | 1982 ELECTION       | ID# M6NY15050                  |                       |
| 1. STATEMENT OF CANDIDATE                          |                |                  |          |         |               |         |                     |                                |                       |
| 1982 STATEMENT OF CANDIDATE                        |                |                  |          |         |               |         | 20JUN82             | 1                              | 82HSE/222/2494        |
| MISCELLANEOUS REPORT                               |                |                  |          |         |               |         | 8JUL82              | 1                              | 82FEC/235/0554        |
| STATEMENT OF CANDIDATE - AMENDMENT                 |                |                  |          |         |               |         | 98EP82              | 1                              | 82HSE/225/4281        |
| STATEMENT OF CANDIDATE                             |                |                  |          |         |               |         | 118EP82             | 1                              | 82HSE/225/507         |
| STATEMENT OF CANDIDATE - AMENDMENT                 |                |                  |          |         |               |         | 118EP82             | 1                              | 82HSE/225/5073        |
| 2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES    |                |                  |          |         |               |         |                     |                                |                       |
| 3. PRINCIPAL CAMPAIGN COMMITTEE                    |                |                  |          |         |               |         |                     |                                |                       |
| COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEFERETTI |                |                  |          |         |               |         |                     |                                |                       |
| 1981 STATEMENT OF ORGANIZATION - AMENDMENT         |                |                  |          |         |               |         | ID# C00049312 HOUSE |                                |                       |
| MID-YEAR REPORT                                    |                |                  | 36,148   |         | 22,417        |         | 29SEP81             | 2                              | 81HSE/205/3748        |
| MID-YEAR REPORT - AMENDMENT                        |                |                  | 36,148   |         | 22,417        |         | 1JAN81 -30JUN81     | 16                             | 81HSE/204/2368        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |                  |          |         |               |         | 1JAN81 -30JUN81     | 16                             | 82HSE/211/1331        |
| YEAR-END                                           |                |                  | 6,365    |         | 16,966        |         | 1JAN81 -30JUN81     | 1                              | 82FEC/224/3025        |
| 1982 48 HOUR CONTRIBUTION NOTICE                   |                |                  |          |         |               |         | 1JUL81 -31DEC81     | 7                              | 82HSE/208/2079        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 21SEP82             | 1                              | 82HSE/226/1387        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 21SEP82             | 1                              | 82HSE/226/1345        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 22SEP82             | 1                              | 82HSE/226/1361        |
| MISCELLANEOUS REPORT                               |                |                  |          |         |               |         | 27SEP82 TO FEC      | 1                              | 82HSE/226/2550        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 18OCT82             | 1                              | 82HSE/230/4188        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 18OCT82             | 1                              | 82HSE/230/4192        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 25OCT82             | 1                              | 82HSE/234/3857        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 25OCT82             | 1                              | 82HSE/234/3786        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 25OCT82             | 1                              | 82HSE/234/3784        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 25OCT82             | 1                              | 82HSE/234/3630        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 28OCT82             | 1                              | 82HSE/235/1597        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 1NOV82              | 1                              | 82HSE/235/320         |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 1NOV82              | 1                              | 82HSE/235/321         |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 1NOV82              | 1                              | 82HSE/235/3111        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 1NOV82              | 1                              | 82HSE/235/3106        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 4NOV82              | 1                              | 82HSE/235/4646        |
| 48 HOUR CONTRIBUTION NOTICE                        |                |                  |          |         |               |         | 10NOV82             | 1                              | 82HSE/236/0386        |
| APRIL QUARTERLY                                    |                |                  | 64,330   |         | 32,560        |         | 1JAN82 -31MAR82     | 20                             | 82HSE/214/1160        |
| APRIL QUARTERLY - AMENDMENT                        |                |                  | -        |         | -             |         | 1JAN82 -31MAR82     | 3                              | 82HSE/216/1068        |
| JULY QUARTERLY                                     |                |                  | 12,718   |         | 14,697        |         | 1APR82 -30JUN82     | 7                              | 82HSE/221/3606        |
| PRE-PRIMARY                                        |                |                  | 35,984   |         | 63,888        |         | 1JUL82 - 3SEP82     | 16                             | 82HSE/225/4920        |
| PRE-PRIMARY - AMENDMENT                            |                |                  | 35,984   |         | 63,888        |         | 1JUL82 - 3SEP82     | 18                             | 82HSE/235/1450        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |                  |          |         |               |         | 1JUL82 - 3SEP82     | 1                              | 82FEC/249/4740        |
| OCTOBER QUARTERLY                                  |                |                  |          | 36,842  |               | 29,015  | 4SEP82 -30SEP82     | 16                             | 82HSE/229/3356        |
| OCTOBER QUARTERLY - AMENDMENT                      |                |                  |          | 36,842  |               | 29,015  | 4SEP82 -30SEP82     | 16                             | 82HSE/235/4878        |
| OCTOBER QUARTERLY - AMENDMENT                      |                |                  |          | 36,842  |               | 29,015  | 4SEP82 -30SEP82     | 16                             | 83HSE/244/2749        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |                  |          |         |               |         | 4SEP82 -30SEP82     | 1                              | 82FEC/259/1512        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND             |                |                  |          |         |               |         | 4SEP82 -30SEP82     | 2                              | 83FEC/260/2954        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |                  |          |         |               |         | 4SEP82 -30SEP82     | 4                              | 83FEC/273/2241        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND             |                |                  |          |         |               |         | 4SEP82 -30SEP82     | 5                              | 83FEC/274/5178        |
| PRE-GENERAL                                        |                |                  |          | 23,305  |               | 31,076  | 10CT82 -13OCT82     | 11                             | 82HSE/234/0998        |



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FEDERAL ELECTION COMMISSION  
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PAGE 2

| CANDIDATE/COMMITTEE/DOCUMENT                       | OFFICE SOUGHT/ | PARTY | RECEIPTS |         | DISBURSEMENTS |         | COVERAGE DATES   | # OF<br>PAGES<br>TYPE OF FILER | MICROFILM<br>LOCATION |
|----------------------------------------------------|----------------|-------|----------|---------|---------------|---------|------------------|--------------------------------|-----------------------|
|                                                    |                |       | PRIMARY  | GENERAL | PRIMARY       | GENERAL |                  |                                |                       |
| PRE-GENERAL                                        | - AMENDMENT    |       |          | 23,305  |               | 31,076  | 10CT82 -130CT82  | 11                             | 83HSE/244/2738        |
| PRE-GENERAL                                        | - AMENDMENT    |       |          | -       |               | -       | 10CT82 -130CT82  | 1                              | 83HSE/250/0059        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |       |          |         |               |         | 10CT82 -130CT82  | 1                              | 82FEC/259/2493        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND             |                |       |          |         |               |         | 10CT82 -130CT82  | 1                              | 83FEC/260/3344        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |       |          |         |               |         | 10CT82 -130CT82  | 1                              | 83FEC/273/3040        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND             |                |       |          |         |               |         | 10CT82 -130CT82  | 1                              | 83FEC/275/0063        |
| POST-GENERAL                                       |                |       |          | 96,818  |               | 101,899 | 130CT82 -22NOV82 | 27                             | 83HSE/244/2765        |
| POST-GENERAL                                       | - AMENDMENT    |       |          | -       |               | -       | 130CT82 -22NOV82 | 2                              | 83HSE/246/1546        |
| POST-GENERAL                                       | - AMENDMENT    |       |          | -       |               | -       | 130CT82 -22NOV82 | 4                              | 83HSE/250/3263        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |       |          |         |               |         | 130CT82 -22NOV82 | 1                              | 83FEC/271/2275        |
| REQUEST FOR ADDITIONAL INFORMATION 2ND             |                |       |          |         |               |         | 130CT82 -22NOV82 | 2                              | 83FEC/272/4269        |
| REQUEST FOR ADDITIONAL INFORMATION                 |                |       |          |         |               |         | 130CT82 -22NOV82 | 6                              | 83FEC/286/1122        |
| YEAR-END                                           |                |       |          | 4,048   |               | 781     | 23NOV82 -31DEC82 | 6                              | 83HSE/244/2732        |
| 1983 MISCELLANEOUS REPORT                          |                |       |          |         |               |         | 13JAN83 FROM FEC | 1                              | 83FEC/261/1900        |
| TOTAL                                              |                |       |          | 155,545 | 161,013       | 150,528 | 162,771          | 260                            | TOTAL PAGES           |
| 4. AUTHORIZED COMMITTEES                           |                |       |          |         |               |         |                  |                                |                       |
| 4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES |                |       |          |         |               |         |                  |                                |                       |

ALL REPORTS RECEIVED BASIC REVIEW

1982 ENDING CASH ON HAND: \$5990

1982 ENDING DEBTS OWED BY THE COMMITTEE: \$13798

ATTACHMENT 1  
Page 2 of 3

| CANDIDATE/COMMITTEE/DOCUMENT | OFFICE SUGHT/ | PARTY | RECEIPTS |         | DISBURSEMENTS |         | COVERAGE DATES | # OF PAGES | MICROFILM LOCATION |
|------------------------------|---------------|-------|----------|---------|---------------|---------|----------------|------------|--------------------|
|                              |               |       | PRIMARY  | GENERAL | PRIMARY       | GENERAL |                |            |                    |

ZEPERETTI, LEO C. HOUSE 14 DEMOCRATIC PARTY

NEW YORK

1982 ELECTION ID# H6NY15050

1. STATEMENT OF CANDIDATE
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES
3. PRINCIPAL CAMPAIGN COMMITTEE  
 COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEPERETTI  
 1983 NOTICE OF FAILURE TO FILE
4. AUTHORIZED COMMITTEES
- 4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES

ID# C00049312 HOUSE  
 1JAN83 -30JUN83 1 83FEC/288/2689

NO REPORTS FILED

Page 1 of 1  
LIFE NUMBER 11  
Substitute Schedule for each  
category of the Dependent  
(Summary Page)

ATTACHMENT 2

COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEFERETTI

| A. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|----------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------|-------------------------|------------------------------------|
| BROOKLYN DEMOCRATS FEDERAL CAMPAIGN FUND<br>16 COURT ST. BROOKLYN, NY 11231                                                            |  | Occupation                | 9/27/82                 | 2,500.00                           |
| Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br><input type="checkbox"/> Other (specify): |  | Aggregate Year-to-Date-\$ |                         | 2,500.00                           |
| B. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| C. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| D. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| E. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| F. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| G. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| H. Full Name, Mailing Address and ZIP Code                                                                                             |  | Name of Employer          | Date (month, day, year) | Amount of Each Receipt This Period |
|                                                                                                                                        |  | Occupation                |                         |                                    |
| Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):            |  | Aggregate Year-to-Date-\$ |                         |                                    |
| SUBTOTAL of Receipts on This Page (optional)                                                                                           |  |                           |                         | 2,500.00                           |
| TOTAL This Period (last page this line number only)                                                                                    |  |                           |                         | 2,500.00                           |

## ITEM NO. 57.

**Figure 2**

[illegible]

## SCHEDULE A

DAY POST GENERAL REPORT  
ITEMIZED RECEIPTS

Page 1 of 1  
 Also attach schedule for each  
 category of the Detailed  
 Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

COMMITTEE TO RE-ELECT CONGRESSMAN LEO C. ZEPERETTI

A. Full Name, Mailing Address and ZIP Code

 BROOKLYN DEMOCRATIC FEDERAL  
 CAMPAIGN FUND  
 16 COURT ST  
 BROOKLYN NY

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

10/28/82

1,500.00

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

7,500.00

B. Full Name, Mailing Address and ZIP Code

 DEMOCRATIC CONGRESSIONAL CAMPAIGN  
 COMMITTEE  
 400 NO. CAPITOL ST. N.W. - SUITE 319  
 WASHINGTON, D.C. 20001

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

10/15/82

2,500.00

10/22/82

2,500.00

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

10,000.00

C. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

D. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

E. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt This Period

Occupation

Receipt For:

☐ Primary☒ General☐ Other (specify):

Aggregate Year-to-Date-\$

SUBTOTAL of Receipts This Page (optional).....

6,500.00

TOTAL This Period (last page this line number only).....

6,500.00

83692342277





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 14, 1983

Eileen Deering, Treasurer  
Committee to Re-Elect Congressman  
Leo C. Zeferetti  
11 Jamaica Walk  
Breezy Point, NY 11697

Identification Number: C00049312

Reference: October Quarterly (9/4/82-9/30/82) and 12 Day Pre-  
General (10/1/82-10/13/82) Reports

Dear Ms. Deering:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee, other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats was not a qualified multicandidate committee at the time the contributions were made. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If you find the contribution(s) in question was disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration by the Commission.

2813004302873455016769



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-3

July 7, 1983

Eileen Deering, Treasurer  
Committee to Re-Elect Congressman  
Leo C. Zeferetti  
11 Jamaica Walk  
Breezy Point, NY 11697

Identification Number: C00049312

Reference: October Quarterly (9/4/82-9/30/82) and 12 Day Pre-General (10/1/82-10/13/82) Reports

Dear Ms. Deering:

This letter is to inform you that as of July 6, 1983, the Commission has not received your response to our request for additional information, dated June 14, 1983. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Benita Marcus Adler on our toll-free number (800) 424-9530 or our local number (202) 523-4172.

Sincerely,

*John D. Gibson*  
John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

Enclosure

9 3 3 0 4 3 0 2 3 7 4 5 1 6 7 7

5-5  
7/8  
7-11

AUG 25 1983  
REGULAR MAIL

ATTACHMENT 7

RECEIVED AT THE

83 AUG 29 PM 2:00

August 25, 1983

Federal Election Commission  
Washington, D.C. 20463

042056  
Re: Committee to Re-Elect  
Congressman Leo C. Zeferelli

Dear Mr. Gibson:

In regard to your letter of June 14, 1983 we have returned the excess contributions of \$5,500.00 to the Brooklyn Democrats Federal Campaign Fund. As to our knowledge, we were under the impression that they were a multi-candidate committee eligible to give \$5,000.00 per election.

Sorry for the delay, but with the committee inactive, it was hard to trace the necessary information.

Very truly yours,

Committee to Re-Elect  
Congressman Leo C. Zeferelli

LT

8301250059  
J 4033068



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

ATTACHMENT 8

Page 1 of 2

RQ-2

October 25, 1983

Eileen Deering, Treasurer  
Committee to Re-Elect Congressman  
Leo C. Zefferetti  
11 Jamaica Walk  
Breezy Point, NY 11697

Identification Number: C00049312

Reference: 30 Day Post-General Report (10/13/82-11/22/82)

Dear Ms. Deering:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee, other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If you find the contribution(s) in question was disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration by the Commission.

9104 283 5069  
10-28-83  
10/27/83

-The Commission notes your refund(s) of the excessive contribution(s) received from the Brooklyn Democratic Federal Campaign Fund.

LT

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4172.

Sincerely,

*Linda Tangney*  
Linda Tangney  
Reports Analyst  
Reports Analysis Division

201004033300701



FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSIONER

FIRST GENERAL COUNSEL'S REPORT

84 FEB 21 P 3: 51

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION

RAD Referral 84L-1a  
STAFF MEMBER  
Thedford

**SENSITIVE**

COMPLAINANT'S NAME: INTERNALLY GENERATED

RESPONDENT'S NAME: Committee to Re-Elect Congressman  
Leo C. Zeferetti  
Eileen Deering, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 441a(f), § 434(a)(2)(B)

INTERNAL REPORTS CHECKED: Committee to Re-Elect Congressman  
Leo C. Zeferetti

FEDERAL AGENCIES CHECKED: N/A

GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division on January 20, 1984.

SUMMARY OF ALLEGATIONS

The Committee to Re-Elect Congressman Leo C. Zeferetti (the "Committee") received a total of \$7,500 in contributions from the Brooklyn Democratic-Federal Campaign Fund (also known as the Brooklyn Democrats-Federal Campaign Account (the "Fund"). At the time of the contributions, the Fund was not a qualified multicandidate committee. The 1982 October Quarterly Report disclosed a \$2,500 contribution received on September 27, 1982, designated for the general election; the 12 Day Pre-General Election Report disclosed a \$3,500 contribution received on October 13, 1982, designated for the primary and general elections; and the 30 Day Post-General Election Report disclosed a \$1,500 contribution received on October 28, 1982, designated

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for the general election.

On June 14, 1983, the Committee was sent a Request for Additional Information (RFAI) requesting clarification and/or the refund of the excessive contributions disclosed on the October Quarterly and 12 Day Pre-General Reports.<sup>1/</sup> No written response was received, therefore a second letter was sent on July 7, 1983.

On August 29, 1983, a written response was received from the Committee which stated that they had refunded \$5,500 of the \$7,500 received.<sup>2/</sup> The Committee also stated that they were under the impression that the Fund was a multicandidate committee.

On October 25, 1983, the Committee was sent a RFAI on their 30 Day Post-General Report which noted the acceptance and subsequent refund of the excessive contributions received from the Fund.

The Reports Analysis Division also noted in its referral that the Committee has failed to file the 1983 Mid-Year Report. A notice was sent to the Committee on December 2, 1983, for failing to file. No response has been received from the Committee.

---

<sup>1/</sup> The 30 Day Post-General Report was inadvertently excluded from the RFAI; however, the Committee stated in their letter of August 25, 1983, that the total excessive amount of \$5,500 had been refunded to the Brooklyn Democratic Federal Campaign Fund.

<sup>2/</sup> The date of the refund is unknown because the Commission has not received reports disclosing the Committee's 1983 financial activity.

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**FACTUAL AND LEGAL ANALYSIS**

2 U.S.C. § 441a(a)(1)(A) limits the contributions that a non-qualified multicandidate committee may make to a candidate and his/her authorized committee to \$1,000 per election. 2 U.S.C. § 441a(f) prohibits a political committee from knowingly accepting any contribution in violation of the limits of 2 U.S.C. § 441a.

2 U.S.C. § 434(a)(2)(B) requires a principal campaign committee of a candidate to file a report covering January 1 through June 30. This report is due July 31 in a non-election year.

As presented by the facts in this matter, the Committee received a total of \$7,500 in contributions for the primary and general elections from the Fund. Since the Fund was not a multicandidate committee as defined in 2 U.S.C. § 441a(a)(4), the Fund was limited to contributing \$1,000 per election to the Committee. The amount in excess was \$5,500 and was refunded to the Fund sometime on or around August 25, 1983.

The Committee has also failed to file the 1983 Mid-Year Report. The Reports Analysis Division notified the Committee of its failure in December; to date, no report has been filed.

Based on the above facts, the Office of General Counsel recommends opening a MUR and finding reason to believe the Committee and its treasurer violated 2 U.S.C. §§ 441a(f) and 434(a)(2)(B).

21040335073

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe the Committee to Re-Elect Leo C. Zeferetti and its treasurer, Eileen Deering, violated 2 U.S.C. § 441a(f) and § 434(a)(2)(B).
3. Send the attached letter and General Counsel's Legal and Factual Analysis.

Charles N. Steele  
General Counsel

Date

*February 21 1954*

By:

*Kenneth A. Gross*  
Kenneth A. Gross  
Associate General Counsel

Attachments

- I. Referral
- II. Letter
- III. Legal and Factual Analysis

91040335074

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 20 January 1984ANALYST: Mike Tanqney

I. COMMITTEE: Brooklyn Democrats - Federal Campaign  
Account (C00157503)  
Alan Lebowitz, Treasurer  
16 Court Street  
Brooklyn, NY 11241

II. RELEVANT STATUTE: 2 U.S.C. 441a(a)(1)(A)  
11 CFR 110.1(a)(1)

## III. BACKGROUND:

## Excessive Contributions Made to Federal Candidates

The 1982 12 Day Pre-Primary, October Quarterly, 12 Day Pre-General and 30 Day Post-General reports filed by the Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") disclosed \$7,500 in excessive contributions to authorized committees. The reports indicated that excessive contributions were made to the following committees: \$1,500 to Beatty for Congress on August 20, 1982; \$500 to Friends of Ed Towns on September 20, 1982; \$1,500 on September 22, 1982, \$2,500 on October 7, 1982 and \$1,500 on October 28, 1982 to the Committee to Re-Elect Congressman Zeferetti (Attachment 2).

A Request for Additional Information (RFAI) was sent to the Brooklyn Democrats on June 15, 1983 (Attachment 3). The RFAI advised the Brooklyn Democrats that an individual or political committee, other than a multi-candidate committee, is prohibited from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats were asked to notify the recipients and request refunds of the amounts in excess of \$1,000.

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21040335076

A Second Notice was sent on July 7, 1983 for failure to respond to the original RFAI (Attachment 4). The assistant treasurer of the Brooklyn Democrats, Mr. William Garry, telephoned the analyst on August 11, 1982, to discuss matters contained in the RFAI (Attachment 5).

Mr. Garry acknowledged that the Brooklyn Democrats had made excessive contributions under the mistaken assumption that they were a multicandidate committee at that time.<sup>1/</sup> He also stated that letters had been sent to the authorized committees, seeking refunds. Mr. Garry was informed by the analyst that a letter explaining his efforts and copies of the letters requesting refunds should be sent to the Commission.

A response was received from the assistant treasurer of the Brooklyn Democrats on August 15, 1983 (Attachment 6a). It included copies of letters which were sent to the candidate committees requesting refunds of the excessive amounts, and, in the case of Friends of Ed Towns, redesignation of a \$1,000 contribution to the general election (Attachments 6b-d). Additionally, the response included a copy of a letter the Brooklyn Democrats received from Beatty for Congress, which stated that the committee no longer existed and therefore did not have money to make a refund (Attachment 6e).

On August 22, 1983, a letter was received from the Brooklyn Democrats stating that the committee had received a \$5,500 refund (\$1,500 for the 1982 primary and \$4,000 for the 1982 general election) from the Committee to Re-Elect Congressman Zeferetti (Attachment 7).<sup>2/</sup> The Brooklyn Democrats provided no further information regarding the disposition of the excessive contributions to the Beatty for Congress and the Friends of Ed Towns committees.<sup>3/</sup>

#### IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

---

<sup>1/</sup> The Brooklyn Democrats qualified as a multicandidate political committee on December 7, 1982 after satisfying the six month registration requirement.

<sup>2/</sup> The Brooklyn Democrats-Federal Campaign Account does not disclose the receipt of any refunds from candidates on the committee's 1983 reports; therefore, the date the refund was received from the Committee to Re-Elect Congressman Zeferetti is unknown.

<sup>3/</sup> In a letter dated August 2, 1983, the Friends of Ed Towns amended their 1982 October Quarterly report to reflect the redesignation (Attachment 8).

NON-PARTY RELATED

| COMMITTEE                                                                                   | DOCUMENT                               | RECEIPTS | DISBURSEMENTS | TYPE OF FILER<br>COVERAGE DATES | # OF<br>PAGES | MICROFILM<br>LOCATION |
|---------------------------------------------------------------------------------------------|----------------------------------------|----------|---------------|---------------------------------|---------------|-----------------------|
| BROOKLYN DEMOCRATS - FEDERAL CAMPAIGN ACCOUNT<br>CONNECTED ORGANIZATION: BROOKLYN DEMOCRATS |                                        |          |               | NON-PARTY QUALIFIED             | ID #C00157503 |                       |
| 1982                                                                                        | STATEMENT OF ORGANIZATION              |          |               | 7JUN82                          | 2             | 82FEC/232/4141        |
|                                                                                             | STATEMENT OF ORGANIZATION - AMENDMENT  |          |               | 23AUG82                         | 2             | 82FEC/241/2087        |
|                                                                                             | JULY QUARTERLY                         | 11,300   | 0             | 13MAY82 - 30JUN82               | 12            | 82FEC/235/0473        |
|                                                                                             | PRE-PRIMARY                            | 0        | 2,500         | 1JUL82 - 3SEP82                 | 4             | 82FEC/242/3428        |
|                                                                                             | PRE-PRIMARY - AMENDMENT                | -        | -             | 1JUL82 - 3SEP82                 | 7             | 83FEC/281/2570        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION     |          |               | 1JUL82 - 3SEP82                 | 1             | 83FEC/273/2951        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION 2ND |          |               | 1JUL82 - 3SEP82                 | 1             | 83FEC/275/0633        |
|                                                                                             | OCTOBER QUARTERLY                      | 1,000    | 4,000         | 4SEP82 - 30SEP82                | 5             | 82FEC/245/4744        |
|                                                                                             | OCTOBER QUARTERLY - AMENDMENT          | -        | -             | 4SEP82 - 30SEP82                | 1             | 83FEC/281/3275        |
|                                                                                             | OCTOBER QUARTERLY - AMENDMENT          | -        | -             | 4SEP82 - 30SEP82                | 1             | 83FEC/282/1099        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION     |          |               | 4SEP82 - 30SEP82                | 1             | 83FEC/273/2950        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION 2ND |          |               | 4SEP82 - 30SEP82                | 1             | 83FEC/275/0634        |
|                                                                                             | PRE-GENERAL                            | -        | 5,000         | 1OCT82 - 13OCT82                | 4             | 82FEC/249/1008        |
|                                                                                             | PRE-GENERAL - AMENDMENT                | -        | -             | 1OCT82 - 13OCT82                | 1             | 83FEC/281/3276        |
|                                                                                             | PRE-GENERAL - AMENDMENT                | -        | -             | 1OCT82 - 13OCT82                | 1             | 83FEC/282/1098        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION     |          |               | 1OCT82 - 13OCT82                | 1             | 83FEC/273/2949        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION 2ND |          |               | 1OCT82 - 13OCT82                | 1             | 83FEC/275/0632        |
|                                                                                             | POST-GENERAL                           | 7,650    | 1,500         | 14OCT82 - 22NOV82               | 8             | 82FEC/254/4188        |
|                                                                                             | POST-GENERAL - AMENDMENT               | -        | -             | 14OCT82 - 22NOV82               | 1             | 83FEC/281/3277        |
|                                                                                             | POST-GENERAL - AMENDMENT               | -        | -             | 14OCT82 - 22NOV82               | 2             | 83FEC/282/0680        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION     |          |               | 14OCT82 - 22NOV82               | 6             | 83FEC/273/2637        |
|                                                                                             | REQUEST FOR ADDITIONAL INFORMATION 2ND |          |               | 14OCT82 - 22NOV82               | 7             | 83FEC/274/5141        |
|                                                                                             | YEAR-END                               | 0        | 0             | 23NOV82 - 31DEC82               | 3             | 83FEC/260/4229        |
|                                                                                             | TOTAL                                  | 19,950   | 0 13,000      | 0                               | 73            | TOTAL PAGES           |

All reports reviewed (Condensed)

Ending cash-on-hand as of 12/31/82: \$6,950

Outstanding Debts \$0

NON-PARTY RELATED

| COMMITTEE                                                                                   | DOCUMENT             | RECEIPTS | DISBURSEMENTS | TYPE OF FILER<br>COVERAGE DATES | # OF<br>PAGES | MICROFILM<br>LOCATION |
|---------------------------------------------------------------------------------------------|----------------------|----------|---------------|---------------------------------|---------------|-----------------------|
| BROOKLYN DEMOCRATS - FEDERAL CAMPAIGN ACCOUNT<br>CONNECTED ORGANIZATION: BROOKLYN DEMOCRATS |                      |          |               | NON-PARTY QUALIFIED             |               | ID #C00157503         |
|                                                                                             | 1983 MID-YEAR REPORT | 3,346    | 0             | 1JAN83 - 30JUN83                | 7             | 83PEC/276/1674        |
|                                                                                             | YEAR-END             | 156      | 3,001         | 1JUL83 - 31DEC83                | 6             | 84PEC/290/1083        |
|                                                                                             | TOTAL                | 3,502    | 0             | 0                               | 13            | TOTAL PAGES           |

No reports reviewed

Ending cash-on-hand as of 6/30/83: \$7,451

Outstanding debts \$0

**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

**ATTACHMENT 2**

(Page 1 of 4)

of 2 for  
(U.S. Representative) for  
to 1 of the Detailed  
Summary Page)

12 Day Pre Primary 7/1/82-9/3/82

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

**The Brooklyn Democrats - Federal Campaign Account**

| A. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement                                                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| <b>Committee for Congress C0052587</b><br><b>Ed Kohn, Treasurer</b><br><b>670 Sterling Place</b><br><b>Brooklyn, New York 11216</b><br><b>(12th C.D. - New York)</b> | <b>Contribution</b><br>Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | 8/20/82                 | 2 500.00                                |
| B. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| C. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| D. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| E. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| F. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| G. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| H. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| I. Full Name, Mailing Address and ZIP Code                                                                                                                           | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):        | Date (month, day, year) | Amount of Each Disbursement This Period |
| SUBTOTAL of Disbursements This Page (optional)                                                                                                                       |                                                                                                                                                                    |                         |                                         |
| TOTAL This Period (last page this line number only)                                                                                                                  |                                                                                                                                                                    |                         | 2 500.00                                |

91040335079  
H2032423430

### ITEMIZED DISBURSEMENTS

October Quarterly 9/4/82-9/30/82

Name of Committee (in full)

**The Brooklyn Democrats - Federal Campaign Account**

| A. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| Friends of Ed Towns (11th CD)<br>Vivian Bright, Treasurer (NY)<br>117 Pennsylvania Avenue<br>Brooklyn, New York 11207       | Contribution<br>Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify)) | 9/15/82                 | 500.00                                  |
| B. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
| Friends of Ed Towns (11th CD)<br>Vivian Bright, Treasurer (NY)<br>117 Pennsylvania Avenue<br>Brooklyn, New York 11207       | Contribution<br>Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify)) | 9/20/82                 | 1 000.00                                |
| C. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
| Committee to Reelect Zeferetti (14th CD-NY)<br>Eileen Deering, Treasurer<br>31 Jamaica Walk<br>Breezy Point, New York 11697 | Contribution<br>Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify)) | 9/22/82                 | 2 500.00                                |
| D. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| E. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| F. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| G. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| H. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| I. Full Name, Mailing Address and ZIP Code                                                                                  | Purpose of Disbursement                                                                                                            | Date (month, day, year) | Amount of Each Disbursement This Period |
|                                                                                                                             | Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br>(Other (specify))                            |                         |                                         |
| SUBTOTAL of Disbursements This Page (optional)                                                                              |                                                                                                                                    |                         |                                         |
| TOTAL This Page (if last page, this is line number only)                                                                    |                                                                                                                                    |                         | 4 000.00                                |



12 Day Pre General 10/1/82-10/13/82

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

The Brooklyn Democrats - Federal Campaign Account

| A. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement                                                                                                                                     | Date (month, day, year) | Amount of Each Disbursement This Period |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| Committee to Elect Senator<br>Kohnen, Inc.<br>John Westergaard, Treas.<br>P.O. Box 2 - 1982<br>Grand Central Station<br>New York, New York 10163                            | Contribution<br>Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | 10/7/82                 | 1,000.00                                |
| B. Full Name, Mailing Address and ZIP Code<br>Dante Pascell Campaign Committee<br>George Korge, Treasurer<br>P.O. Box 2884<br>Washington, D.C. 20013<br>(19th C.D. Florida) | Contribution<br>Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | 10/7/82                 | 500.00                                  |
| C. Full Name, Mailing Address and ZIP Code<br>Committee to Reelect Cong.<br>Zeferetti<br>Eileen Deering, Treasurer<br>11 Jamaica Walk<br>Brooklyn, New York 11697           | Contribution<br>Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | 10/7/82                 | 3,500.00                                |
| D. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| E. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| F. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| G. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| H. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| I. Full Name, Mailing Address and ZIP Code                                                                                                                                  | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| SUBTOTAL of Disbursements This Page (optional)                                                                                                                              |                                                                                                                                                             |                         |                                         |
| TOTAL This Period (last page this line number only)                                                                                                                         |                                                                                                                                                             |                         | 5 000.00                                |

**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

30 Day Post General 10/14/82-11/22/82

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

**The Brooklyn Democrats - Federal Campaign Account**

|                                                                                                                                                                                                              |                                                                                                                                                                                                         |                                                |                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------|
| <b>A. Full Name, Mailing Address and ZIP Code</b><br>Committee to Reelect Congress-<br>man Zeferetti<br>Eileen Deering, Treasurer<br>11 Jamaica Walk<br>Breezy Point, New York 11697<br>114th C.D., New York | <b>Purpose of Disbursement</b><br><br><b>Contribution</b><br>Disbursement for <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | <b>Date (month, day, year)</b><br><br>10/28/82 | <b>Amount of Each Disbursement This Period</b><br><br>1 500.00 |
| <b>B. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>C. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>D. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>E. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>F. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>G. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>H. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |
| <b>I. Full Name, Mailing Address and ZIP Code</b>                                                                                                                                                            | <b>Purpose of Disbursement</b><br><br>Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                                   | <b>Date (month, day, year)</b>                 | <b>Amount of Each Disbursement This Period</b>                 |

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

1 500.00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 15, 1983

Alan L. Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign  
Account  
16 Court Street  
Brooklyn, NY 11241

Identification Number: C00157503

Reference: 12 Day Pre-Primary (7/1/82-9/3/82), October Quarterly  
(9/4/82-9/30/82), 12 Day Pre-General (10/1/82-  
10/13/82) and 30 Day Post-General (10/14/82-11/22/82)  
Reports

Dear Mr. Lebowitz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your reports (pertinent portion(s) attached) disclose contributions which appears to exceed the limits established by the Act. The Act precludes an individual or a political committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. 441a(a)) If you have made an excessive contribution, the Commission recommends that you notify the recipient and request a refund of the amount in excess of \$1,000. Please inform the Commission, in writing, of the refund and provide a photocopy of your refund request sent to the recipient. In addition, any refund should appear on Line 16 of Schedule A of your next report.

If you find the contribution(s) in question was disclosed incompletely or incorrectly, please amend your original reports with the clarifying information.

Although the Commission may take further legal steps concerning the excessive contribution(s), prompt action by you to obtain a refund will be taken into consideration by the Commission.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission

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within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 357-0026.

Sincerely,

A handwritten signature in cursive script that reads "Mike Tangney".

Mike Tangney  
Reports Analyst  
Reports Analysis Division

91040335084



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

July 7, 1983

Alan L. Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign  
Account  
16 Court Street  
Brooklyn, NY 11241

Identification Number: C00157503

Reference: 12 Day Pre-Primary (7/1/82-9/3/82), October Quarterly  
(9/4/82-9/30/82), 12 Day Pre-General (10/1/82-  
10/13/82) and 30 Day Post-General (10/14/82-11/22/82)  
Reports

Dear Mr. Lebowitz:

This letter is to inform you that as of July 6, 1983, the Commission has not received your response to our request for additional information, dated June 15, 1983. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Mike Tangney on our toll-free number (800) 424-9530 or our local number (202) 357-0026.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

Enclosure

91040335035



TELECONANALYST Mike Tangney

TELECON WITH: William Garry, Assistant Treasurer

Candidate/Committee: Brooklyn Democrats Federal Campaign Account

DATE: August 11, 1982

SUBJECT(S): Excessive contributions to Federal Candidates

---

Mr. Garry telephoned to discuss the Request For Additional Information sent to the committee. He stated that the Brooklyn Democrats Federal Campaign Account had made excessive contributions to Federal Candidates only because they were under the assumption that they were qualified to do so when the contributions were made. He also stated that the committees that had received excessive contributions had been sent letters requesting refunds. Mr. Garry was informed that he should provide a written explanation of his efforts and supply copies of the letters that request the refunds to the Commission.

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## THE BROOKLYN DEMOCRATS AUG 15 AID: 09

16 COURT STREET ★ BROOKLYN, N. Y. 11241

Attachment 6a  
(page 1 of 2)

August 12, 1983

Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Attention: Mr. Mike Tangney, Reports Analyst  
Reports Analysis Division

Re: The Brooklyn Democrats - Federal Campaign Account  
Identification Number C00157503

Dear Mr. Tangney:

We would like you to consider this letter as an amendment of our previous reports to reflect the transfers we indicate in our letter to Mr. Towns, copy of which is attached.

We also enclose herewith a copy of our letter sent to Mr. Beatty's committee, and the reply thereto.

We believe this answers the request in your letters dated June 15, 1983 and July 7, 1983, at least in reference to Mr. Beatty and Mr. Towns.

This leaves the problem with former Congressman Leo C. Zeferetti. Mr. Zeferetti was involved in both a Primary and a General election. On September 22, 1982, we made a \$2,500 contribution to Mr. Zeferetti for his Primary campaign. On October 7, 1982, we made a \$3,500 contribution for his General election campaign, and on October 28, 1982, we made an additional \$1,500 contribution for Mr. Zeferetti's General election campaign.

On June 3, 1982, we registered under Section 433, believing we were a "Multi-Candidate" committee. We have been advised your interpretation is that we did not become a Multi-Candidate committee until December 1982.

Attachment 6a  
(page 2 of 2)

Federal Election Commission  
Page 2.

August 12, 1983

We also enclose herewith a copy of  
our letter to the Committee for Leo C. Zeferetti, and we shall  
continue to follow up on same.

We will advise you of further progress.

Very truly yours,



William J. Garry  
Assistant Treasurer

wjg:rfg  
encs.

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THE BROOKLYN DEMOCRATS

16 COURT STREET



BROOKLYN, N. Y. 11211

Attachment 6b

July 19, 1983

Friends of Ed Towns  
c/o Vivian Bright  
Office of Vincent Johnson  
26 Court Street Room 1212

Dear Ms. Bright:

We have received correspondence from the Federal Election Commission in reference to two contributions made to the committee known as Friends of Ed Towns. One of the contributions was on 9/15/82 for \$500.00 and the other on 9/20/82 in the amount of \$1,000.00. At the time of these contributions, the Brooklyn Democrats were not a qualified "multicandidate committee".

In view of the same, we intend to file amended reports indicating that the contribution on 9/15/82 in the amount of \$ 500.00 was for the primary and the contribution of 9/20/82 for \$1,000.00 was for the General Elections, 1982.

We suggest that you amend your October quarterly report in the year 1982. Please acknowledge receipt of this letter.

Thank you.

Very truly yours,

William L. Gandy  
Secretary

WLG:cc

9104033039

THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

Attachment 6C

July 20, 1983

Beatty for Congress  
c/o Myers, Smith & Granady  
2307 Adam Clay Powell Boulevard  
New York, New York 10030

ATT: Ed Myers

Dear Mr. Myers:

On August 20, 1982 our organization made a contribution to your committee in the amount of \$2,500.00.

We have received correspondence from the Federal Election Committee that we were not an authorized multicandidate committee and we were only permitted to make a contribution to the campaign in the amount of \$1,000.00

In view of our limitation, we hereby demand you to refund the amount of \$1,500.00 to us.

Thank you.

Very truly yours,

William J. Garry  
Secretary

WJG/cd

91040335020



THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

Attachment 6d

August 12, 1983

Committee to Reelect Zefaretti  
Eileen Deering, Treasurer  
11 Jamaica Walk  
Breezy Point, New York 11697

Dear Ms. Deering:

On September 22, 1982, October 7, 1982  
and October 28, 1982, we made contributions in the  
amounts of \$2,500, \$3,500 and \$1,500 respectively to  
the Committee to Reelect Zefaretti.

We have received correspondence from  
the Federal Election Committee that we were not an  
authorized multi-candidate committee, and we were only  
permitted to make contributions to the campaign in the  
amount of \$1,000, per election, during 1982.

In view of our limitation, we hereby  
request you to refund the amount of \$1,500 for the Primary  
election and \$4,000 for the General election - a total of  
\$5,500, made during 1982.

Thank you for your cooperation.

Very truly yours,

William J. Barry  
Assistant Treasurer

wjg:rfc

91040335091

# Vander BEATTY

for congress

1983

Attachment 6c

BEATTY FOR CONGRESS

TREASURER

AUGUSTIN HANSEN

August 5, 1983

Mr. William J. Garry  
Secretary  
The Brooklyn Democrats  
16 Court Street  
Brooklyn NY 11241

Dear Mr. Garry:

I am in receipt of your July 20th letter pertaining to your organization's \$2,500 contribution to the "Vander Beatty for Congress" Committee.

I am extremely sorry to hear that your organization was cited by the Federal Election Committee as an unauthorized Multi Candidate, thereby limiting your contribution to \$1,000.

Your demand of \$1,500 cannot be met at this time because the Committee no longer exists, the bank account was closed by Senator Beatty, at the time of closing the account there were not sufficient funds to meet your demand, additionally we have a large payable to other vendors.

With the present situation being as stated above, I'm therefore requesting that your organization consider writing the \$1,500 off as a loss because there is no way that I know of ever making this refund.

Thank you.

Very truly yours,

Edward Myers, Jr.

THE BROOKLYN DEMOCRATS

16 COURT STREET



BROOKLYN, N. Y. 11241

03 AUG 22 P 1:16

Attachment 7

August 19, 1983

Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Attention: Mr. Mike Tangney, Reports Analyst  
Reports Analysis Division

Re: The Brooklyn Democrats - Federal Campaign Account  
Identification Number - C00157503

Dear Mr. Tangney:

Pursuant to our letter dated August 12, 1983 to the Committee to Reelect Congressman Zeferetti, copy of which was sent to you with our letter of that same date, we have received the sum of \$5,500 from that Committee.

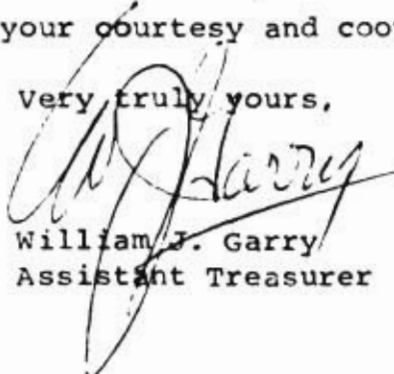
Of the \$5,500, \$1,500 is a refund for the 1982 Primary election, and \$4,000 is a refund for the 1982 General election.

Therefore, we would like you to consider this letter as amending our reports to reflect the changes with respect to our contributions to Congressman Zeferetti's committee. And, in addition, with respect to our contributions to the Towns' Committee.

We believe that this should conclude the matter.

Again, we thank you for your courtesy and cooperation.

Very truly yours,

  
William J. Garry  
Assistant Treasurer

wjg:rfg

AUG - 2 1983

# Friends of Ed Towns

Attachment 8

REGULAR MAIL 28 COURT STREET • ROOM 1212 • BROOKLYN, N. Y. 11201

Vincent L. Johnson, Chairman

August 2, 1983

Clerk of The House of Representatives  
1036 Longworth House Office Building  
Washington, D.C. 20515

Att: Benita Marcus Adler  
Report Analyst

10048

I.D. #C00152066

Re: October Quarterly Report: 9/4/82 - 9/30/82

Dear Ms. Adler:

Please amend our report of the above listed quarter to read as follows:

Under Schedule A - Itemized Receipts: The Brooklyn Democratic Federal Commission Fund, 16 Court Street, Brooklyn, New York 11241.

Contribution on 9/18/82 - \$500 for Primary '82

Contribution on 9/20/82 - \$1,000 for General Election '82

If anymore information is needed, please contact me.

*Vivian Y. Bright*  
Vivian Y. Bright  
Treasurer

RECEIVED  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

103 AUG - 4 AM 1:06

RECEIVED  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

103 AUG - 4 AM 8:36

RECEIVED  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES

33012492264

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT MAR 21 A10: 32

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION

3/21/84 - 10:25

RAD # 84L-1b  
STAFF MEMBER  
Duane A. Brown

**SENSITIVE**

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS' NAMES: Brooklyn Democrats Federal Campaign Account  
Alan Lebowitz, Treasurer  
Committee to Re-elect Congressman Leo  
Zeferetti - Eileen Deering, Treasurer  
Friends of Ed Towns - Vivian Y. Bright,  
Treasurer  
Beatty for Congress Committee - Ed Myers,  
Treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A), 2 U.S.C. § 441a(f),  
2 U.S.C. § 434(a)(4)(A)(iv)  
11 C.F.R. § 110.1(a)(1)

INTERNAL REPORTS CHECKED: Respondents' Reports

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was generated by the Reports Analysis Division ("RAD") as the result of a review of the reports filed by the Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") (Attachment I).

SUMMARY OF ALLEGATIONS

The 1982 12 Day Pre-Primary, October Quarterly, 12 Day Pre-General and 30 Day Post-General reports filed by the Brooklyn Democrats Federal Campaign Account disclosed \$7,500 in apparent excessive contributions to authorized committees. The contributions were made to the following committees: \$1,500 to

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Beatty for Congress on August 20, 1982; \$500 to Friends of Ed Towns on September 20, 1982; \$1,500 on September 22, 1982, \$2,500 on October 7, 1982 and \$1,500 on October 28, 1982 to the Committee to Re-Elect Congressman Zeferetti.

A Request for Additional Information (RFAI) was sent to the Brooklyn Democrats on June 15, 1983. The RFAI advised the Brooklyn Democrats that an individual or political committee, other than a multicandidate committee, is prohibited from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats were asked to notify the recipients and request refunds of the amounts in excess of \$1,000.

A Second Notice was sent on July 7, 1983, for failure to respond to the original RFAI. The assistant treasurer of the Brooklyn Democrats, Mr. William Garry, telephoned the analyst on August 11, 1982, to discuss matters contained in the RFAI.

Mr. Garry acknowledged that the Brooklyn Democrats had made excessive contributions under the mistaken assumption that it was a multicandidate committee at the time the contributions were made. 1/ He also stated that letters had been sent to the authorized committees seeking refunds and that copies of those letters would be forwarded to the Commission.

A communication was received from the assistant treasurer on August 15, 1983. It included copies of letters that had been sent to the candidate committees requesting refunds of the

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1/ The Brooklyn Democrats qualified as a multicandidate political committee on December 7, 1982.

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excessive amounts, and, in the case of Friends of Ed Towns, a copy of that committee's letter to the Commission amending its report and allocating \$1,000 of the \$1,500 contribution received to the general election. Additionally, the response included a copy of a letter the Brooklyn Democrats received from the Beatty for Congress Committee, which stated that the committee no longer existed and, therefore, did not have money to make a refund. 2/

On August 22, 1983, a letter was received from the Brooklyn Democrats stating that it had received a \$5,500 refund (\$1,500 for the 1982 primary and \$4,000 for the 1982 general election) from the Committee to Re-Elect Congressman Zeferetti. 3/

In addition, it appears that the Committee to Re-Elect Congressman Leo Zeferetti ("the Zeferetti Committee") may have failed to file the 1983 Mid-Year Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

#### FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person 4/ (except multicandidate committees) shall make contributions - to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

---

2/ The Beatty Committee's termination status and violations related to it are being considered in MUR 1545.

3/ The Brooklyn Democrats did not disclose the receipt of any refunds from candidates on the committee's 1983 reports, therefore, the date the refund was received from the Committee to Re-Elect Congressman Zeferetti is unknown.

4/ For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ... .

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In addition, 2 U.S.C. § 441a(a)(4) defines a multicandidate committee as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

Although the Brooklyn Democrats met two of the requirements for multicandidate status at the time it made the above described contributions, it failed to satisfy the third prerequisite since it was not registered as a political committee for a period of at least 6 months. Because the Brooklyn Democrats was not a multicandidate committee when it made contributions exceeding \$1,000 to the Friends of Ed Towns Committee, the Beatty for Congress Committee and the Zeferetti Committee, it appears to have violated 2 U.S.C. § 441a(a)(1)(A). In addition, by accepting the excessive contributions from the Brooklyn Democrats, the three recipient committees apparently violated 2 U.S.C. § 441a(f).

Once the Zeferetti Committee was notified of the excessive contribution by the Brooklyn Democrats, it refunded the Brooklyn Democrats \$5,500 (\$1,500 for the 1982 primary and \$4,000 for the 1982 general). The Towns Committee, at the suggestion of the Brooklyn Democrats, reallocated its \$1,500 (\$500 excessive)

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contribution to show that \$500 was for the primary and \$1,000 for the general. Although the repayment and reallocation may be mitigating factors, they do not negate the fact that the violations occurred. The Beatty Committee response indicated that the Committee no longer existed and, therefore, retained no funds to make the \$1,500 refund to the Brooklyn Democrats.

Finally, it appears that the Zeferetti Committee violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file its 1983 Mid-Year Report in a timely manner. The Mid-Year report, which was due July 31, 1983, and the Year-End Report were both filed on February 3, 1984.

#### RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the Brooklyn Democrats and Alan Lebowitz, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1).
3. Find reason to believe the Committee to Re-elect Congressman Leo Zeferetti and Eileen Deering, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(4)(A)(iv).
4. Find reason to believe the Friends of Ed Towns and Vivian Y. Bright, as treasurer, violated 2 U.S.C. § 441a(f).
5. Find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 441a(f).

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6. Approve and send the attached letters.

Charles N. Steele  
General Counsel

3/20/84  
Date

By:

Kenneth A. Gross (B-192)  
Kenneth A. Gross  
Associate General Counsel

Attachments:

1. RAD Referral
2. Proposed letters (4)
3. Factual and Legal Analyses (4)

91040335100





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE  
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/ JODY C. RANSOM *jax*

DATE:

FEBRUARY 23, 1984

SUBJECT:

OBJECTION - RAD REFERRAL 84L-1a  
First General Counsel's Report  
signed February 21, 1984

The above-named document was circulated to the  
Commission on Wednesday, February 22, 1984 at 11:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |               |
|-----------------------|---------------|
| Commissioner Aikens   | _____         |
| Commissioner Elliott  | _____ X _____ |
| Commissioner Harris   | _____         |
| Commissioner McDonald | _____         |
| Commissioner McGarry  | _____         |
| Commissioner Reiche   | _____         |

This matter will be placed on the Executive Session  
agenda for Tuesday, February 28, 1984.

91040335101



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: MARCH 26, 1984  
SUBJECT: OBJECTION - RAD REFERRAL #84L-1b  
First General Counsel's Report  
dated March 21, 1984

The above-named document was circulated to the  
Commission on Wednesday, March 21, 1984 at 4:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |                   |
|-----------------------|-------------------|
| Commissioner Aikens   | <u>X</u>          |
| Commissioner Elliott  | <u>          </u> |
| Commissioner Harris   | <u>          </u> |
| Commissioner McDonald | <u>          </u> |
| Commissioner McGarry  | <u>          </u> |
| Commissioner Reiche   | <u>          </u> |

This matter will be placed on the Executive Session  
agenda for Tuesday, April 3, 1984.

21040335102

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Brooklyn Democrats Federal Campaign Account )

Alan Lebowitz, Treasurer )

Committee to Re-elect Congressman Leo )

Zeferetti - Eileen Deering, Treasurer )

Friends of Ed Towns - Vivian Y. Bright, )

Treasurer )

Beatty for Congress Committee - Ed Myers, )

Treasurer )

RAD # 84L-1b

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on April 3, 1984, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in the above-captioned referral:

1. Open a Matter Under Review.
2. Find reason to believe that the Brooklyn Democrats and Alan Lebowitz, as treasurer, violated 2 U.S.C. § 441a(a) (1) (A) and 11 C.F.R. § 110.1(a) (1).
3. Find reason to believe the Committee to Re-elect Congressman Leo Zeferetti and Eileen Deering, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a) (4) (A) (iv).
4. Find reason to believe the Friends of Ed Towns and Vivian Y. Bright, as treasurer, violated 2 U.S.C. § 441a(f).
5. Find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 441a(f).
6. Approve and send the letters attached to the General Counsel's report dated March 21, 1984.

Commissioners Aikens, Elliott, McDonald, and McGarry voted affirmatively for the decision; Commissioners Harris and Reiche were not present at the time of the vote.

Attest:

4-4-84

Date

Marjorie W. Emmons  
Secretary of the Commission

31040335103



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

84 APR 6 A 9: 39

April 6, 1984

**SENSITIVE**

MEMORANDUM TO: The Commission  
FROM: Charles N. Steele  
General Counsel  
By: Kenneth A. Gross  
Associate General Counsel *KAG*  
SUBJECT: RAD Referral 84L-1a and 84L-1b

On April 3, 1984 the Commission approved the recommendation that the subject RAD Referrals be made a MUR. Therefore, all documents which had previously been identified as RAD Referrals 84L-1a and 84L-1b should now become MUR # 1662.

Attachment  
Copy of Certification

91040835104



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

6 April 1984

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1545 (RAD REFERRAL #83NF-1) - UPDATE REGARDING  
BEATTY FOR CONGRESS

To assist the Commission in its deliberations regarding matters associated with the Beatty for Congress committee ("the Committee"), the following additional information is provided. The matter discussed herein involves a possible violation of 2 U.S.C. 434(a)(2)(B)(ii).

On January 7, 1984, the Committee was notified that the 1983 Year End Report was due on January 31, 1984 (Attachment 1). A notice for failure to file the report was sent to the Committee on February 28, 1984 (Attachment 2). As of April 5, 1984, the Committee has not yet filed the report.

If you have any questions regarding this matter, please contact Pat Sheppard at 523-4048.

Attachments

9104035105





## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 7, 1984

**JANUARY 31 YEAR-END REPORT NOTICE****WHO MUST FILE**

ALL POLITICAL COMMITTEES currently registered with the Commission must file a year-end report by January 31, 1984.

**WHAT MUST BE REPORTED**

All financial activity must be disclosed from the last report filed through December 31, 1983. Registered committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration\* through December 31, 1983.

**FILING DATE**

Reports sent by registered or certified mail must be postmarked no later than midnight January 31, 1984. Reports hand delivered or mailed first class must be received no later than close of business January 31, 1984.

**WHERE TO FILE**

Committees should consult the instructions on the enclosed form for details.

**COMPLIANCE**

Political committees are fully liable for failure to file any report required under the Act. Furthermore, failure to file in a timely fashion is a serious violation and an offending committee is subject to enforcement action. Committees must also submit legible reports which can be clearly reproduced. Illegible reports and reports submitted on non-FEC forms will not be accepted and committees filing such documents will be required to refile.

**1984 FILING REQUIREMENTS**

See the January 1984 issue of the FEC Record for filing requirements during 1984.

\*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received during the current reporting period. See 11 CFR 104.3(a) and (b).

**FOR INFORMATION CALL:** Office of Public Communications  
202/523-4068 or 800/424-9530

91040335106



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

FEB 28 1984, HQ-7

Edward Myers, Jr., Treasurer  
Beatty for Congress  
670 Sterling Place  
Brooklyn, NY 11216

Identification Number: C00152587

Reference: 1983 Year End Report (7/1/83-12/31/83)

Dear Mr. Myers:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, Office of Public Records, 119 D Street, NE, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Pat Sheppard on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

A handwritten signature in cursive script that reads "John D. Gibson".

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 9, 1984

Vivian Y. Bright, Treasurer  
Friends of Ed Towns  
117 Pennsylvania Avenue  
Brooklyn, New York 11207

Re: MUR 1662  
Friends of Ed Towns  
Vivian Y. Bright, Treasurer

Dear Ms. Bright:

On April 3, 1984, the Federal Election Commission determined that there is reason to believe that the Friends of Ed Towns and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting an excessive contribution from the Brooklyn Democrats in the amount of \$500. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within ten days.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

91040335108

Letter to Vivian Y. Bright  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

91040335109

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1662  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202) 523-5071

RESPONDENT: Friends of Ed Towns  
Vivian Y. Bright, Treasurer

SOURCE OF MUR: INTERNALLY GENERATED

SUMMARY OF ALLEGATIONS

The Friends of Ed Towns Committee ("the Towns Committee") and Vivian Y. Bright, as treasurer, accepted an excessive contribution in the amount of \$500 from the Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") in violation of 2 U.S.C. § 441a(f).

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person <sup>1/</sup> (except multicandidate committees) shall make contributions - to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

In addition, 2 U.S.C. § 441a(f) states that:

No candidate or political committee shall knowingly accept any contribution ... in violation of the provisions of this section.

Finally, 2 U.S.C. § 441a(a)(4) defines a "multicandidate political committee" as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

<sup>1/</sup> For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ... .

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On September 15, 1982, the Towns Committee received a \$500 contribution from the Brooklyn Democrats. On September 20, 1982, the Towns Committee received a \$1,000 contribution from the Brooklyn Democrats. At the time it made the contributions the Brooklyn Democrats was not a qualified multicandidate committee. 2/ Consequently, the Towns Committee was prohibited from accepting in excess of \$1,000 in contributions per election from the Brooklyn Democrats. At the suggestion of the Brooklyn Democrats, the Towns Committee, reallocated its \$1,500 contribution to show that \$500 from the Brooklyn Democrats was for the primary and \$1,000 was for the general election. Nonetheless, the subsequent reallocation of the contributions does not negate the fact that the Towns Committee violated 2 U.S.C. § 441a(f) by accepting an excessive contribution.

Accordingly, the Office of General Counsel recommends that the Commission find reason to believe the Friends of Ed Towns Committee and Vivian Y. Bright, as treasurer, violated 2 U.S.C. § 441a(f).

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2/ The Brooklyn Democrats qualified as a multicandidate committee on December 7, 1982.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 9, 1984

Edward Myers, Treasurer  
Beatty for Congress Committee  
2307-Adam Clayton Powell, Jr., Boulevard  
New York, New York 10030

Re: MUR 1662  
Beatty for Congress Committee  
Edward Myers, Treasurer

Dear Mr. Myers:

On April 3, 1984, the Federal Election Commission determined that there is reason to believe that the Beatty for Congress Committee and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting an excessive contribution from the Brooklyn Democrats in the amount of \$1,500. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within ten days.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

91040335112

Letter to Edward Myers  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

91040335113

FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1662  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202) 523-5071

RESPONDENT: Beatty for Congress Committee  
Ed Myers, Treasurer

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Beatty for Congress Committee ("the Beatty Committee") and Edward Myers, as treasurer, accepted an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") in violation of 2 U.S.C. § 441a(f).

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person <sup>1/</sup> (except multicandidate committees) shall make contributions - to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

In addition, 2 U.S.C. § 441a(f) states that:

No candidate or political committee shall knowingly accept any contribution ... in violation of the provisions of this section.

Finally, 2 U.S.C. § 441a(a)(4) defines a "multicandidate political committee" as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

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<sup>1/</sup> For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ... .

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On August 20, 1982, the Beatty Committee accepted a \$2,500 contribution from the Brooklyn Democrats. At that time the Brooklyn Democrats was not a qualified multicandidate committee. 2/ Consequently, the Beatty Committee was prohibited from accepting in excess of \$1,000 in contributions per election from the Brooklyn Democrats.

By letter dated July 20, 1983, the Brooklyn Democrats notified the Beatty Committee of the fact that it had made a \$1,500 excessive contribution to the Beatty Committee and requested a refund. By letter dated August 5, 1983, Edward Myers replied by stating that the Beatty Committee no longer existed, its account had been closed by the candidate, and, that large payables were owing to other vendors causing an inability on behalf of the Beatty Committee to refund the contribution.

Because the Beatty Committee accepted a contribution exceeding \$1,000 from the Brooklyn Democrats prior to the time the Brooklyn Democrats qualified for multicandidate status, the Office of General Counsel recommends that the Commission find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 441a(f).

---

2/ The Brooklyn Democrats qualified as a multicandidate committee on December 7, 1982.

21040335115





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 9, 1984

Eileen Deering, Treasurer  
Committee to Re-elect Leo Zeferetti  
11 Jamaica Walk  
Breezy Point, New York 11697

Re: MUR 1662  
Committee to Re-elect  
Leo Zeferetti  
Eileen Deering, Treasurer

Dear Ms. Deering:

On April 3, 1984, the Federal Election Commission determined that there is reason to believe that the Committee to Re-elect Leo Zeferetti and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting an excessive contribution from the Brooklyn Democrats in the amount of \$5,500. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within ten days.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

9104035116

Letter to Eileen Deering  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

91040335117

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1662  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202) 523-5071

RESPONDENT: Committee to Re-elect Congressman Zeferetti  
Eileen Deering, Treasurer

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Committee to Re-elect Congressman Zeferetti ("the Zeferetti Committee") and Eileen Deering, as treasurer, accepted \$5,500 in excessive contributions from the Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") in violation of 2 U.S.C. § 441a(f). In addition, the Zeferetti Committee failed to file its Mid-Year Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person <sup>1/</sup> (except multicandidate committees) shall make contributions - to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

2 U.S.C. § 441a(f) states that:

No candidate or political committee shall knowingly accept any contribution ... in violation of the provisions of this section.

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<sup>1/</sup> For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ...

In addition, 2 U.S.C. § 441a(a)(4) defines a "multicandidate political committee" as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

On September 22, 1982, October 7, 1982 and October 28, 1982, the Zeferetti Committee accepted contributions in the amounts of \$1,500, \$2,500 and \$1,500 respectively from the Brooklyn Democrats. At the time the Brooklyn Democrats was not a qualified multicandidate committee. <sup>2/</sup> Consequently, the Zeferetti Committee was prohibited from accepting contributions in excess of \$1000 per election from the Brooklyn Democrats. On or about August 22, 1983 and at the request of the Brooklyn Democrats, the Zeferetti Committee refunded the \$5,500 excessive contribution (\$1,500 for the primary and \$4,000 for the general election).

2 U.S.C. § 434a(4)(A)(iv) states that:

All political committees other than authorized committees of a candidate shall file ... in any other calendar year [other than an election year in which a general election is held] a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 ... .

It appears the Zeferetti Committee failed to file its Mid-Year Report in a timely manner. The Mid-Year Report, which was due July 31, 1983, was filed February 3, 1984.

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<sup>2/</sup> The Brooklyn Democrats qualified as a multicandidate committee on December 7, 1982.

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Accordingly, the Office of General Counsel recommends the Commission find reason to believe the Committee to Re-elect Congressman Leo Zeferetti and Eileen Deering, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 434(a)(4)(A)(iv).

91040835120





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 9, 1984

Alan Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign Account  
16 Court Street  
Brooklyn, New York 11241

RE: MUR 1662  
Brooklyn Democrats Federal  
Campaign Account  
Alan Lebowitz, Treasurer

Dear Mr. Lebowitz:

On April 3, 1984, the Federal Election Commission determined that there is reason to believe the Brooklyn Democrats Federal Campaign Account and you, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") by making excessive contributions to authorized candidate committees. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within ten days.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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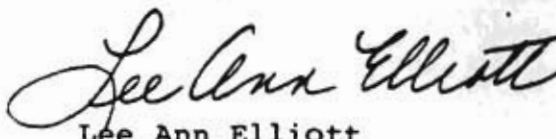
Letter to Alan Lebowitz  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

91040335122

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1662  
STAFF MEMBER & TEL. NO.  
Duane A. Brown  
(202) 523-5071

RESPONDENT: Brooklyn Democrats Federal Campaign Account  
Alan Lebowitz, Treasurer

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

The Brooklyn Democrats Federal Campaign Account ("the Brooklyn Democrats") and Alan Lebowitz, as treasurer, made \$7,500 in excessive contributions to authorized committees during the period August 20, 1982 through October 28, 1982 in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1).

FACTUAL BASIS AND LEGAL ANALYSIS

The 1982 12 Day Pre-Primary, October Quarterly, 12 Day Pre-General and 30 Day Post-General reports filed by the Brooklyn Democrats Federal Campaign Account disclosed \$7,500 in excessive contributions to authorized committees. The contributions were made to the following committees: \$1,500 to Beatty for Congress on August 20, 1982; \$500 to Friends of Ed Towns on September 20, 1982; \$1,500 on September 22, 1982, \$2,500 on October 7, 1982 and \$1,500 on October 28, 1982 to the Committee to Re-Elect Congressman Zeferetti.

A Request for Additional Information (RFAI) was sent to the Brooklyn Democrats on June 15, 1983. The RFAI advised the Brooklyn Democrats that an individual or political committee,

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other than a multi-candidate committee, is prohibited from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats were asked to notify the recipients and request refunds of the amounts in excess of \$1,000.

A Second Notice was sent on July 7, 1983, for failure to respond to the original RFAI. The assistant treasurer of the Brooklyn Democrats, Mr. William Garry, telephoned the analyst on August 11, 1982, to discuss matters contained in the RFAI.

Mr. Garry acknowledged that the Brooklyn Democrats had made excessive contributions under the mistaken assumption that it was a multicandidate committee at the time the contributions were made. 1/ He also stated that letters had been sent to the authorized committees seeking refunds and that copies of those letters would be forwarded to the Commission.

A communication was received from the assistant treasurer on August 15, 1983. It included copies of letters that has been sent to the candidate committees requesting refunds of the excessive amounts, and, in the case of Friends of Ed Towns, a copy of that committee's letter to the Commission amending its report and allocating \$1,000 of the \$1,500 contribution received from the Brooklyn Democrats to the general election. Additionally, the response included a copy of a letter the Brooklyn

---

1/ The Brooklyn Democrats qualified as a multicandidate committee on December 7, 1982.

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Democrats received from the Beatty for Congress Committee, which stated that the committee no longer existed and therefore did not have money to make a refund. On August 22, 1983, the Commission received a letter from the Brooklyn Democrats stating that the committee had received a \$5,500 refund (\$1,500 for the 1982 primary and \$4,000 for the 1982 general election) from the Committee to Re-Elect Congressman Zeferetti.

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person <sup>2/</sup> (except multicandidate committees) shall make contributions - to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

In addition, 2 U.S.C. § 441a(a)(4) defines a "multicandidate political committee" as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

At the time it made the above described contributions, the Brooklyn Democrats had not qualified as a multicandidate committee and was, therefore, prohibited from making contributions in excess of \$1,000 per election to any candidate and his authorized committees. Although the subsequent repayments and reallocation of these excessive contributions may be viewed as

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<sup>2/</sup> For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ... .

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mitigating factors, they do not negate the original violations. Accordingly, the Office of General Counsel recommends the Commission find reason to believe the Brooklyn Democrats and Alan Lebowitz, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1).

91040335126

RECEIVED  
OFFICE OF THE  
COMMISSIONER SECRETARY

84 APR 26 P1:15

GCC# 2272

*MUR 1662*  
*Brown*

APR 19 3:53

April 19, 1984

Federal Election Commission  
Washington, DC 20463

Attn: Lee Ann Elliott

Re: MUR 1662  
Committee to Re-elect  
Congressman Zefererett

Dear Ms. Elliot:

I am in receipt of your letter of April 9, 1984 describing possible violations that the committee may have committed.

Technically, you are correct that the mid-year report was filed late but it was filed as soon as it came to our attention that a mid-year report was required. This came about at the end of 1983 when we under the impression that as a non-candidate that a report for the calendar year was all that was required; this was required prior to January 31, 1984 which we thought was the due date. A mid-year and full year report were filed at this time.

As to the second charge that the Brooklyn Democrats exceeded their contribution limit, we were under the impression that they were qualified as a multi-candidate committee and could contribute up to \$5,000 for the primary and \$5,000 to the general election. As soon as we learned that they were qualified as a multi-candidate committee after the date of our contributions we, after discussions with the Federal Election Commission, returned the receipts to them.

Therefore, neither item represents a deliberate attempt on our part to violate any rules of the Federal Election Commission and a review of our record, though we are amateurs, will reveal every attempt was made to comply with federal election rules over the years.

Very truly yours,

*Leo C. Zeferetti*  
Committee to Re-elect  
Congressman Leo C. Zeferetti

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Myers, Smith & Granady, Inc.

RECEIVED AT THE FEC  
GCC #3052  
84 MAY 7 9:58

LICENSED  
REAL ESTATE BROKERS

4 MAY 7 12:10

2307 ADAM CLAYTON POWELL JR. BLVD.  
NEW YORK, N. Y. 10030  
TELEPHONE 812-680-7000

*MUR 1662  
Brown*

May 1, 1984

Duane A. Brown, Esq.  
Federal Election Committee  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: MURO 1662  
Beatty for Congress Committee  
Edward Myers, Jr./Treasurer

Dear Mr. Brown:

Pursuant to our telephone conversation today and my previous receipt of the above referenced materials, please be informed that it is my opinion that we are not in violation of 2 U.S.C. Section 441 a (f), for the following reasons:

1. The Beatty for Congress Committee did not accept nor were we offered a contribution of \$2,500 on August 20, 1982 as alleged in the General Council's factual and legal analysis.
2. On July 20, 1983 we received a letter from the Brooklyn Democratic Club alleging that on August 20, 1982 they made a contribution of \$2,500 to the Beatty for Congress Committee without having been authorized as a multi-candidate committee—as such they were in violation of 2 U.S.C. Section 441 a (f)—they therefore requested a refund of \$1,500 accordingly.
3. My August 5, 1983 reply to the Brooklyn Democratic Club, advising them that a refund of \$1,500 could not be refunded was a statement made without full knowledge of facts as they are now available. On closer review of the records, it is apparent that on October 25, 1982 we received a check from the Brooklyn Democratic Club in the amount of \$5,000 which was made payable to the Committee to Elect Beatty; however, on October 28, 1982 the Brooklyn Democratic Club made a stop payment on said check which was subsequently returned to them.

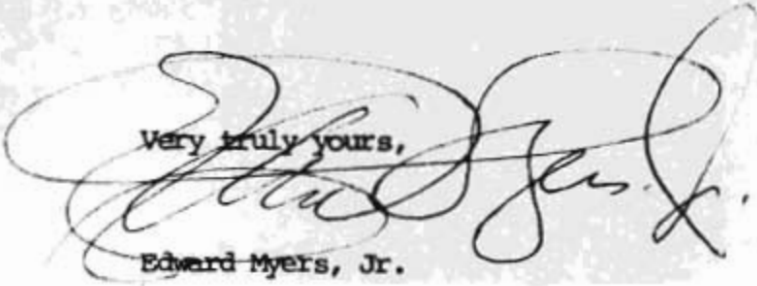
I am enclosing for your information and records a copy of the Committee's bank statement for October 1-29, 1982 which shows a credit of \$5,000 on October 25 and a debit of the same amount on the 28th of October. I am also enclosing a copy of the bank's debit memorandum for a stop payment for \$5,000.

Duane A. Brown, Esq.  
Federal Election Committee  
May 1, 1984  
Page 2

I trust that upon review and consideration of the enclosed documentation  
that this matter will be resolved without further delay.

Thank you.

Very truly yours,

  
Edward Myers, Jr.

EM:meg  
cc: file  
enclosures

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139

Date 10/28/82

|                                                             |                                                                           |                                           |                |
|-------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------|----------------|
| Particulars<br>(Include<br>CUSIP No.<br>when<br>applicable) | The Brooklyn Democrats check <del>262222</del> return for<br>Stop Payment |                                           |                |
| Account Number                                              | 139-023445                                                                | We Charge your account per details above. | Amount 5000.00 |

Charge

Committee to Elect BEatty

Units

Tr Code

Clerk

Officer

682

07 0642 (12-79) 11-80

⑈ 139023445 ⑈

68,0000 500000,⑈

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# CHEMICAL BANK

BEATTY FOR CONGRESS  
670 STERLING PL  
BKLYN NY 11216

L

0 139

| Statement Period      | Enclosures | Account Number | Balances | Amount |
|-----------------------|------------|----------------|----------|--------|
| OCT 01 - OCT 29, 1982 | 7          | 139-023445     |          |        |
| Previous Balance      | 3 Credits  | 10,000.00      |          |        |
| Closing Balance       | 9 Debits   | 13,416.61      |          |        |

BETWEEN INVESTMENTS? CHEMICAL'S NEW 7-DAY VARIABLE RATE C.D. IS A PERFECT PLACE TO PARK \$20,000 OR MORE. ASK FOR DETAILS AT ANY CHEMICAL BRANCH.

## \*\*\*\*\* DEPOSITS AND CREDITS \*\*\*\*\*

OCT 22 1,000.00 DEPOSIT  
OCT 25 (X) 5,000.00 DEPOSIT  
OCT 26 4,000.00 DEPOSIT

## \*\*\*\*\* CHECKS AND DEBITS \*\*\*\*\*

OCT 01 1,000.00 DEPOSITED CHECK RETURNED  
OCT 05 1,000.00  
OCT 25 400.00 1,000.00 2,500.00  
2,500.00  
14.00 SERVICE CHARGE  
OCT 28 (X) 5,000.00 DEBIT MEMORANDUM  
OCT 29 2.61 MAINTENANCE CHARGE

| OCT |          |
|-----|----------|
| 1   | 1,553.82 |
| 5   | 553.82   |
| 22  | 1,553.82 |
| 25  | 139.82   |
| 26  | 4,139.82 |
| 28  | 860.18-  |
| 29  | 862.79-  |

PLEASE EXAMINE AT ONCE. EXCEPT FOR ELECTRONIC TRANSFERS, ACCOUNT WILL BE CONSIDERED CORRECT IF NO REPORT IS RECEIVED WITHIN 14 DAYS.

THE CHEMISTRY'S JUST RIGHT AT CHEMICAL

ATTACHMENT II

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

⑤ 1001

August 30, 1982

PAY TO THE ORDER OF

FOR THE

Bank of America

FOR

4062033901

10000050000

\$ 2,500.00

DOLLAR

*Stella Miller Glasser*

91040335132

21040335133

BEATTY for congress  
139023495

AC 81 24  
62 BIRTHAL 6499  
NEW YORK  
FBI NEW YORK

84

84 MAY 7 12:32

*Fisher & Fisher*  
*Attorneys at Law*  
 189 Montague Street  
 Brooklyn, New York 11201  
 (212) 624-0608

HAROLD L. FISHER  
 ANDREW S. FISHER  
 KENNETH K. FISHER

GERALD GORINSKY  
 GAIL R. CLOTT  
 HOWARD R. BIRNBACH  
 STEPHEN R. GELLER\*  
 RANDI SCHILLINGER  
 ELLEN M. LEWANT

\*ADMITTED IN N.Y. & N.J.

COUNSEL  
 MARSHALL G. KAPLAN  
 GEORGE SHEBITZ  
 IRWIN M. STRUM

EUROPEAN COUNSEL  
 ERIC BO EBBROV  
 JENS ANKER SØRENSEN  
 S. KJÆRULFF-SCHMIDT  
 (NOT ADMITTED IN UNITED STATES)

BO LILLE STRANDBYRAEDE  
 DK-1854 COPENHAGEN K  
 DENMARK

*MUR 1662*  
*Brown*

May 3, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Duane A. Brown, Esq.  
 Office of General Counsel  
 Federal Election Commission  
 Washington, D.C. 20463

Re: Friends of Ed Towns  
MUR 1662

Dear Mr. Brown:

Enclosed herewith is the statement designating counsel.

Sincerely,

*KKF*  
 Kenneth K. Fisher

KKF:lc  
 enc.

21040335134

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: KENNETH K. FISHER, ESQ.

ADDRESS: 189 MONTAGUE STREET  
BROOKLYN, NEW YORK 11201

TELEPHONE: (212) 624-0608

The above-named individual is hereby designated as my  
counsel and is authorized to receive any notifications and  
other communications from the Commission and to act on my  
behalf before the Commission.

5/3/84  
Date

  
Signature

By: Vincent Johnson, Esq.  
Chairman

NAME: FRIENDS OF ED TOWNS  
c/o VINCENT JOHNSON, ESQ.  
ADDRESS: 26 Court Street  
Brooklyn, New York 11242

HOME PHONE:

BUSINESS PHONE: (212) 858-1313

21040335135



HAROLD L. FISHER  
ANDREW S. FISHER  
KENNETH K. FISHER

GERALD GORINSKY  
GAIL R. CLOTT  
HOWARD R. BIRNBACH  
STEPHEN R. GELLER\*  
RANDI SCHILLINGER  
ELLEN M. LEVANTI

\*ADMITTED IN N.Y. & N.J.

*Fisher & Fisher*  
*Attorneys at Law*  
*189 Montague Street*  
*Brooklyn, New York 11201*  
*(212) 624-0608*

COUNSEL  
MARSHALL G. KAPLAN  
GEORGE SHERITZ  
IRWIN M. STRUM

EUROPEAN COUNSEL  
ERIC SO ESKOV  
JENS ANKER SØRENSEN  
S. KJÆRULFF-SCHMIDT  
(NOT ADMITTED IN UNITED STATES)

BO LILLE STRANDBYSTRÆDE  
DK-1254 COPENHAGEN K  
DENMARK

May 3, 1984

EXPRESS MAIL

Duane A. Brown, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear Mr. Brown:

Reference our telephone conversation regarding MUR-1662.  
As counsel for respondents, we request that we be able to  
file our written response to be received in the Commission  
offices by the close of business on May 10.

Sincerely,

*Kenneth K. Fisher*  
Kenneth K. Fisher

KKF:lc

91040335136

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84 MAY 8 11 11 AM

200 #3097



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 7, 1984

Ken Fisher, Esquire  
189 Montague Street  
Brooklyn, New York

Re: MUR 1662

Dear Mr. Fisher:

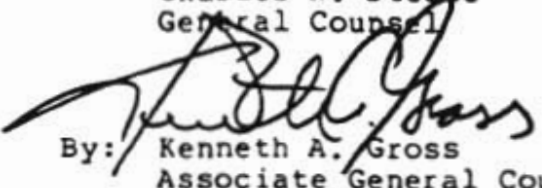
This is to confirm your telephone conversation of May 3, 1984 with Attorney Duane Brown in which you requested an extension of time until May 10, 1984, to submit your response to the Commission's letter of notification.

You are hereby notified that your request has been granted and your response is expected at the Commission no later than May 10, 1984.

Also, as you have requested please find attached a copy of Directive #19 for your attention.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

91040335137

HAROLD L. FISHER  
ANDREW B. FISHER  
KENNETH K. FISHER

GERALD GORINSKY  
GAIL R. CLOTT  
HOWARD R. BIRNBACH  
STEPHEN R. GELLER\*  
RANDI SCHILLINGER  
ELLEN M. LEVANTI

\*ADMITTED IN N.Y. & N.J.

*Fisher & Fisher*  
*Attorneys at Law*  
*189 Montague Street*  
*Brooklyn, New York 11201*  
*(212) 624-0608*

RECEIVED AT THE FEC

HAND DELIVERED

84 MAY 10 AM 11:20

GCC#3107

COUNSEL  
MARSHALL G. KAPLAN  
GEORGE SHEBITZ  
IRWIN M. STRUM

EUROPEAN COUNSEL  
ERIC BO EBBKOV  
JENS ANKER SØRENSEN  
S. KJAERULFF-SCHMIDT  
(NOT ADMITTED IN UNITED STATES)

20 LILLE STRANDSTRAEDE  
DK-1254 COPENHAGEN K  
DENMARK

May 9, 1984

Federal Election Commission  
1325 K Street N.W.  
Washington, D.C. 20463

Attn: Duane A. Brown, Esq.

Re: MUR-1662/Friends of Ed Towns  
Vivian Y. Bright, Treasurer

Dear Mr. Brown:

On behalf of the Friends of Ed Towns (herein, Towns Committee) and its treasurer, Vivian Y. Bright, we request that the following items be considered in mitigation or remedy of the above-referenced matter:

- 1) 11 C.F.R. §103.3(b), which requires a treasurer to use "best efforts" to determine the legality of a contribution which "appears" to be illegal is inapplicable here, because the thousand dollar (\$1,000) contribution received on September 20, 1982 from the Brooklyn Democrats Federal Campaign Account (herein, Brooklyn Democrats) appeared to be proper under the circumstances.
- 2) An inquiry to the contributor by the treasurer to verify the status of the Brooklyn Democrats would not have provided contrary information.

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Federal Election Commission  
Attn: Duane A. Brown, Esq.  
May 9, 1984  
Page 2 of 6

- 3) The Towns Committee and its treasurer did not violate 2 U.S.C. §441 a (f) because under the circumstances, the treasurer did not "knowingly" accept an improper contribution.
- 4) The Towns Committee immediately complied with remedial action which it reasonably could and did, in fact, assume was suggested and sanctioned by FEC staff. The Brooklyn Democrats confirmed in letters to FEC staff (annexed) that amendment to the Towns report was the only step required, although it arranged a refund from a different recipient committee. Because the Towns Committee did not receive any correspondence from the FEC or further correspondence from the Brooklyn Democrats which indicated that additional or contrary action was necessary to correct any violation which might have occurred, until the recent April 9, 1984 letter from the FEC, the Towns Committee and its treasurer were reasonably lead to believe no refund was required.

On September 15, 1982, the Towns Committee received and duly reported a \$500 contribution from the Brooklyn Democrats. Subsequently, on September 20, 1982, the Towns Committee received and duly reported a \$1,000 contribution from the Brooklyn Democrats, which at the time believed itself to be a multicandidate committee, permitted to contribute a maximum of \$5,000 to an authorized candidate committee per election. See letter dated August 12, 1983. The assistant treasurer of the Brooklyn Democrats, William J. Garry is secretary of the Kings County (Brooklyn) Democratic County Committee and the treasurer, Alan L. Lebowitz, is the chairperson of the party Law Committee.

Section §103.3(b) of C.F.R., title 11 provides in pertinent part:

"Contributions which appear to be illegal shall be, within 10 days, either returned to the contributor or deposited into the campaign depository, and reported ... The treasurer shall make his or her best efforts to determine the legality of the contribution." (emphasis added)

21040335139

Federal Election Commission  
Attn: Duane A. Brown, Esq.  
May 9, 1984  
Page 3 of 6

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The "best efforts" imposed on the treasurer by 11 C.F.R. §103.3(b), "to determine the legality of the contribution," arises only if the subject contribution appears to be illegal. In the instant case, the individuals entrusted with responsibility for the making of contributions and expenditures, on behalf of the Brooklyn Democrats, see, 11 C.F.R. §102.7, were attorneys who were heavily involved in political endeavors for several years. It was reasonable for the Towns Committee treasurer to assume that these lawyers, who are active within the very geographic area in which the Towns Committee is based, were sufficiently familiar with the requirements of the Act to enable them to make a correct determination\* as to whether the Brooklyn Democrats qualified as a multicandidate committee. The contributions involved here amounted to \$1,500, an amount well under the \$5,000 per year imposed on multicandidate committees by 11 C.F.R. §110.2 (a)(1) and 2 U.S.C. §441 a (2)(A). If the contributions had aggregated \$5,001, for example, we acknowledge that this hypothetical contribution would appear to be illegal and trigger 11 C.F.R. §103.3(b) requirements. This was not a group of strangers whose status the treasurer was required to question. Here, not only were there no circumstances at the time the contribution was received which would have alerted the treasurer of the Towns Committee to a possible violation of contribution limits, but circumstances were such as to reasonably indicate that the Brooklyn Democrats would be in a better position than most to determine whether its contribution was legal.

Even if the Treasurer had attempted to verify the Brooklyn Democrats' multicandidate status at the time she received the contribution, she would have found that the Brooklyn Democrats believed it was able to make the contribution.

11 C.F.R. §102.9(d) does not impose an additional duty as to political action committees. This section requires, in pertinent part, that: "In performing recordkeeping duties, the treasurer ... shall use his or her best efforts to obtain, maintain, and submit the required information and shall keep a complete record of such efforts." However, 11 C.F.R. §102.9(a) (3) requires that recordkeeping duties, "for contributions from

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\*It was reasonable for the Towns Committee to make this assumption even though the determination apparently proved incorrect.



Federal Election Commission  
Attn: Duane A. Brown, Esq.  
May 9, 1984  
Page 4 of 6

a political committee, ... shall include the identification of the political committee and the date of receipt and amount of such contribution." (emphasis added) There is no express requirement to identify the political committee contributor as a multicandidate committee. Further, since in the instant case, the treasurer did, in fact, comply with 11 C.F.R. §102.9(a) (3) recordkeeping requirements, 11 C.F.R. §104.7(a), would apply, which states in pertinent part: "When the treasurer ... shows that best efforts have been used to obtain, maintain and submit the information required by the Act ... any report of such committee shall be considered in compliance with the Act."

The "Federal Election Commission General Counsel's Factual and Legal Analysis" concerning the instant matter contends that the Towns Committee and its treasurer may have violated 2 U.S.C. §441 a (f) which states in pertinent part that:

"No candidate or political committee shall knowingly accept any contribution ... in violation of the provisions of [the Act]." (emphasis added)

However, the treasurer, did not "knowingly" accept an excessive contribution when she received the \$1,000 contribution from the Brooklyn Democrats on September 20, 1982. Such knowledge was lacking because the Brooklyn Democrats believed it was entitled to contribute a total of \$5,000 to the Towns Committee in connection with Mr. Towns' efforts to succeed in the then, upcoming primary election. See letter dated August 12, 1983, which states that "On June 3, 1982, we were registered under Section 433, believing we were a 'Multi-Candidate' committee." The element of knowledge was totally lacking.

Upon information and belief, the first time the Brooklyn Democrats considered that it might not have qualified for multicandidate status, at the time of its allegedly excessive contributions to the Towns Committee as well as to others, was upon receipt of the June 15, 1983 letter from the FEC prompted by the Commission's preliminary review of the therein referenced reports of the Brooklyn Democrats. Further, between June 15, 1982 and September 20, 1982, the Brooklyn Democrats was required to file three financial disclosure forms. Its second financial disclosure form, filed seventeen days before the contribution in question (annexed), demonstrated that it mistakenly believed it had qualified. The Commission could have called this to the attention of the Brooklyn Democrats prior to the contribution in question, which was made during and disclosed in its third report.

91040335141

Federal Election Commission  
Attn: Duane A. Brown, Esq.  
May 9, 1984  
Page 5 of 6

Once the Brooklyn Democrats learned from the FEC that it did not qualify as a multicandidate committee until December, 1982, it communicated by telephone with the Commission staff and notified the Towns Committee by letter, dated July 19, 1983, to amend its reports in connection with the allegedly excessive contribution, in accordance with that conversation. The July 19, 1983 letter suggested that the Towns Committee reallocate the subject contribution to the general election. The Towns Committee immediately complied with what it believed to be corrective action suggested and apparently sanctioned by the FEC. No further correspondence was had with the Towns Committee which indicated that additional or contrary action was necessary to correct any violation which might have occurred.

The Brooklyn Democrats forwarded to the FEC a copy of the July 19, 1983 letter, in which it suggested the reallocation of the contribution, with a letter of August 12, 1983, in which it reported the status of various contributions the FEC alleged to be improper. In light of the fact that (1) the FEC was aware of several allegedly excessive contributions by the Brooklyn Democrats, including the Towns Committee contribution; and (2) the Brooklyn Democrats had requested a refund in connection with contributions it had made to the Committee to Reelect Congressman Zeferetti, see, letter dated August 19, 1983, the Towns Committee was reasonably lead to believe that in its case, no refund was required to correct the alleged violation of contribution limits.

The only indication that contribution limits might have been exceeded was received by the Towns Committee by letter from the FEC, dated April 9, 1984, which notified the treasurer that the matter was currently under review. This was at least eighteen months after it was reported by the Towns Committee\*, nine months after the Brooklyn Democrats advised it to amend its reports and eight months after the Brooklyn Democrats confirmed its course of action with the FEC.

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\*The subject contribution was disclosed in the Towns' Committee October 15 Quarterly Report which was dated October 14, 1982.

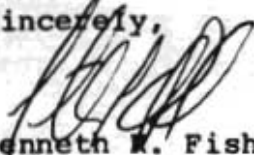
*Fisher & Fisher*

Federal Election Commission  
Attn: Duane A. Brown, Esq.  
May 9, 1984  
Page 6 of 6

We respectfully request that you consider the foregoing in the above-referenced matter as a basis not to proceed against the Towns Committee (which is prepared to refund the \$1,000, although today the Brooklyn Democrats could recontribute that sum and more for debt reduction, if any) or in the alternative, mitigate any sanctions which might flow from the alleged violation of 2 U.S.C. §441 a (f).

If you require additional information, please feel free to contact the undersigned.

Sincerely,



Kenneth W. Fisher

KKF:lc  
enc.

21040335143

The Brooklyn Democrat -  
Federal Campaign Account

Address (Number and Street)

16 Court Street

City, State and ZIP Code

Brooklyn, New York 11241

☐ Check if address is different than previously reported.

2. FEC Identification Number  
C00157503

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on \_\_\_\_\_ (date)

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Monthly Report for \_\_\_\_\_

☒ Twelfth day report preceding Primary

(Type of Election)  
election on 9/23/82 in the State of New York

☐ Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☒ NO

SUMMARY

5. Covering Period 7/1/82 Through 9/3/82

6. (a) Cash on Hand January 1, 1982

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)

Column A  
This Period

Column B  
Calendar Year-to-Date

\$ None

\$ None

\$ 11 300.00

\$ 11 300.00

\$ 11 300.00

\$ 11 300.00

\$ 2 500.00

\$ 2 500.00

\$ 8 800.00

\$ 8 800.00

\$ None

\$ None

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information, contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

William J. Garry

Type or Print Name of Treasurer Assistant Treasurer

SIGNATURE OF TREASURER

Date

9/3/82

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 1977.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

CLERK'S INITIALS

GPO : 1987-O-234-337

(Supersedes FEC Forms 13, 14, 15)  
GPO 909-680



# RECEIPTS

## 11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(Memo Entry Unitemized \$ )

(b) Political Party Committees

(c) Other Political Committees

(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)

## 12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES

## 13. ALL LOANS RECEIVED

## 14. LOAN REPAYMENTS RECEIVED

## 15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

## 16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES

## 17. OTHER RECEIPTS (Dividends, Interest, etc.)

## 18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)

## II. DISBURSEMENTS

## 19. OPERATING EXPENDITURES

## 20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES

## 21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES

## 22. INDEPENDENT EXPENDITURES (Use Schedule E)

## 23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441ald) (Use Schedule F)

## 24. LOAN REPAYMENTS MADE

## 25. LOANS MADE

## 26. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other Than Political Committees

(b) Political Party Committees

(c) Other Political Committees

(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)

## 27. OTHER DISBURSEMENTS

## 28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)

## III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

## 29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d

## 30. TOTAL CONTRIBUTION REFUNDS from Line 26d

## 31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)

## 32. TOTAL OPERATING EXPENDITURES from Line 19

## 33. OFFSETS TO OPERATING EXPENDITURES from Line 15

## 34. NET OPERATING EXPENDITURES (subtract Line 33 from Line 32)

From: 7/1/82 to 9/3/82

COLUMN A  
This Period

COLUMN B  
Calendar Year-to-Date

11 300.00

11 300.00

None

11 300.00

2 500.00

2 500.00

2 500.00

2 500.00

None

11 300.00

None

11 300.00

None

None

None

None

None

None

6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

☆ UPO 1977-O-234-337

☆ GPO 1977-O-234-337

FEC Form  
(Supersedes FEC Forms 13, 14, and 15)  
GPO 909-680



Any information copied from such Reports or statements may not be sold or used by any person for the purpose of commercial purposes, other than using the name and address of any political committee to solicit contributions from such contributions.

Name of Committee (in Full)

**The Brooklyn Democrats - Federal Campaign Account**

| A. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Contribution                                                                                                                     | Date (month, day, year) | Amount of Each Disbursement This Period |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| Beatty for Congress<br>Ed Myers, Treasurer<br>670 Sterling Place<br>Brooklyn, New York 11216<br>(12th C.D. - New York) | Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify):                 | 8/20/82                 | 2 500.00                                |
| B. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| C. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| D. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| E. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| F. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| G. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| H. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| I. Full Name, Mailing Address and ZIP Code                                                                             | Purpose of Disbursement<br>Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Date (month, day, year) | Amount of Each Disbursement This Period |
| SUBTOTAL of Disbursements This Page (optional)                                                                         |                                                                                                                                                             |                         |                                         |
| TOTAL This Period (last page this line number only)                                                                    |                                                                                                                                                             |                         | 2 500.00                                |

6. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

# THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

August 12, 1983

Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Attention: Mr. Mike Tangney, Reports Analyst  
Reports Analysis Division

Re: The Brooklyn Democrats - Federal Campaign Account  
Identification Number 000157503

Dear Mr. Tangney:

We would like you to consider this letter as an amendment of our previous reports to reflect the transfers we indicate in our letter to Mr. Towns, copy of which is attached.

We also enclose herewith a copy of our letter sent to Mr. Beatty's committee, and the reply thereto.

We believe this answers the request in your letters dated June 15, 1983 and July 7, 1983, at least in reference to Mr. Beatty and Mr. Towns.

This leaves the problem with former Congressman Leo C. Zeferetti. Mr. Zeferetti was involved in both a Primary and a General election. On September 22, 1982, we made a \$2,500 contribution to Mr. Zeferetti for his Primary campaign. On October 7, 1982, we made a \$3,500 contribution for his General election campaign, and on October 28, 1982, we made an additional \$1,500 contribution for Mr. Zeferetti's General election campaign.

On June 3, 1982, we registered under Section 433, believing we were a "Multi-Candidate" committee. We have been advised your interpretation is that we did not become a Multi-Candidate committee until December 1982.

91040335147

Federal Election Commission  
Page 2.

August 12, 1983

We also enclose herewith a copy of  
our letter to the Committee for Joe C. Zefaretti, and we shall  
continue to follow up on same.

We will advise you of further progress.

Very truly yours,

William J. Garry  
Assistant Treasurer

wjg:vfg  
encs.

21040335148

THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

July 19, 1983

Friends of Ed Towns  
c/O Vivian Bright  
Office of Vincent Johnson  
26 Court Street Room 1212

Dear Ms. Bright:

We have received correspondence from the Federal Election Commission in reference to two contributions made to the committee known as Friends of Ed Towns. One of the contributions was on 9/15/82 for \$500.00 and the other on 9/20/82 in the amount of \$1,000.00. At the time of these contributions, the Brooklyn Democrats were not a qualified "multicandidate committee".

In view of the same, we intend to file amended reports indicating that the contribution on 9/15/82 in the amount of \$ 500.00 was for the primary and the contribution of 9/20/82 for \$1,000.00 was for the General Elections, 1982.

We suggest that you amend your October quarterly report in the year 1982. Please acknowledge receipt of this letter.

Thank you.

Very truly yours,

William J. Garry  
Secretary

WJG/cd

21040335149



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-3

July 7, 1983

Alan L. Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign  
Account  
16 Court Street  
Brooklyn, NY 11241

Identification Number: C00157503

Reference: 12 Day Pre-Primary (7/1/82-9/3/82), October Quarterly  
(9/4/82-9/30/82), 12 Day Pre-General (10/1/82-  
10/13/82) and 30 Day Post-General (10/14/82-11/22/82)  
Reports

Dear Mr. Lebowitz:

This letter is to inform you that as of July 6, 1983, the Commission has not received your response to our request for additional information, dated June 15, 1983. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Mike Tangney on our toll-free number (800) 424-9530 or our local number (202) 357-0026.

Sincerely,

*John D. Gibson*

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

7/12/83  
Enclosure





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 15, 1983

Alan L. Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign  
Account  
16 Court Street  
Brooklyn, NY 11241

Identification Number: C00157503

Reference: 12 Day Pre-Primary (7/1/82-9/3/82), October Quarterly  
(9/4/82-9/30/82), 12 Day Pre-General (10/1/82-  
10/13/82) and 30 Day Post-General (10/14/82-11/22/82)  
Reports

Dear Mr. Lebowitz:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule B of your reports (pertinent portion(s) attached) disclose contributions which appears to exceed the limits established by the Act. The Act precludes an individual or a political committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. 441a(a)) If you have made an excessive contribution, the Commission recommends that you notify the recipient and request a refund of the amount in excess of \$1,000. Please inform the Commission, in writing, of the refund and provide a photocopy of your refund request sent to the recipient. In addition, any refund should appear on Line 16 of Schedule A of your next report.

If you find the contribution(s) in question was disclosed incompletely or incorrectly, please amend your original reports with the clarifying information.

Although the Commission may take further legal steps concerning the excessive contribution(s), prompt action by you to obtain a refund will be taken into consideration by the Commission.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission

within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 357-0026.

Sincerely,

*Mike Tangney*

Mike Tangney  
Reports Analyst  
Reports Analysis Division

21040335152

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY  
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of the )  
Beatty for Congress Committee )  
Edward Myers, Jr., Treasurer )

84 MAY 9 P 1: 36  
MUR 1545

GENERAL COUNSEL'S REPORT

**SENSITIVE**

I. **BACKGROUND**

This matter was generated by the Reports Analysis Division ("RAD") as a result of the Beatty for Congress Committee's ("the Committee") failure to file its July 1982 Quarterly Report, October 1982 Quarterly Report, 12 Day Pre-Primary Report and 1982 Year End Report.

The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 per cent of the vote.

The appropriate letters of notification and mailgrams were sent by RAD in an effort to assist the committee in complying with the Act. At no time prior to March 28, 1983, did the respondent communicate with the Commission either in writing or by telephone.

On March 28, 1983, the Commission received a letter with the signature of Edward Myers, Jr., treasurer for the Beatty Committee. The letter ostensibly memorializes a telephone conversation with a RAD staff member on March 23, 1983, and, as such, attempts to inform the Commission that the Committee's account is closed and has no outstanding debts. (Attachment I). RAD has no record of such a phone call.

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On June 21, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434 for their failure to file the July and October 1982 Quarterly Report, 12 Day Pre-Primary and 1982 Year End Report. No response was received to this RTB notification.

On September 20, 1983, RAD sent an update to the Office of General Counsel. RAD indicated that the Brooklyn Democrats - Federal Campaign Account ("Brooklyn Democrats") in a response to an RFAI sent to it by RAD, had enclosed a letter from Edward Myers, Treasurer of the Beatty Committee. The RFAI was sent for the purpose of informing the Brooklyn Democrats that it had made an excessive contribution in the amount of \$1,500 to the Beatty for Congress Committee and that it should seek reimbursement. Myers, in his responsive letter to the Brooklyn Democrats indicates that, "Senator Beatty had closed the committee's account and that the committee had a large payable to other vendors", thereby, apparently, creating an inability on behalf of the Beatty Committee to reimburse the excessive \$1,500 to the Brooklyn Democrats (Attachment II). An RFAI was subsequently sent to the Beatty Committee for receipt of an excessive contribution since the Committee never reported the receipt.

On October 18, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f) for accepting an excessive contribution from the

91040335154

Brooklyn Democrats. On the same date, the Commission found reason to believe the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) for their failure to file the mid-year report for the period covering January 1 and ending June 30.

After numerous efforts, telephone contact was finally made with Edward Myers. Mr. Myers indicated that he had not received either of the Commission's RTB notifications and was not aware that the Commission had generated an action against him and the committee. Myers stated that the committee office to which both notifications were mailed was closed over a year ago soon after the campaign ended. Myers also stated that to the best of his knowledge and belief, all proper reports had been filed and were up to date except for the filing of a termination report. Myers indicated that the termination report had not been filed since he is still awaiting closing year statements from the bank.

As a result of the aforementioned conversation, General Counsel staff forwarded copies of both Commission letters to Mr. Myers for his immediate attention. A follow-up conversation confirming their receipt also occurred. It was during the follow-up conversation of December 13, 1983, that Mr. Myers agreed to respond to the Commission's findings and forward copies of all reports allegedly filed with the Commission by him in an effort to resolve this matter in an expeditious manner.

21040335155



On January 9, 1984, General Counsel staff again telephoned Mr. Myers in an effort to ascertain the status of the response. Mr. Myers, appearing surprised at the staff inquiry indicated that the material had been mailed as early as December 18, 1983, \*/ and read what purported to be the cover letter to the package. When asked as to where the items were mailed, Mr. Myers for the first time indicated that all materials had been mailed to the Clerk of the House in the Longworth Office Building. Mr. Myers indicated that it was his understanding that the reports were to be filed with the Clerk and assumed that the same were then forwarded to the Commission. In any event, on January 9, 1984, Mr. Myers agreed to send the requested documents to the Commission by Express Mail. On January 10, 1984, the documents were received at the Commission. The documents consisted of copies of quarterly reports, letters to the Commission and responses to RFAI's which the respondent indicated were all filed previously and in a timely manner (Attachment III).

## II. LEGAL ANALYSIS

Based on a review of the file it appears that additional violations of the Act by the Beatty Committee and Edward Myers, as treasurer may have occurred. It appears that the Committee may have knowingly provided the Commission with false information by indicating in the March 28, 1983, letter to the Commission

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\*/ The House Index shows the reports were received as a package on December 21, 1983, and that neither the reports or letters arrived prior to this date.

that the Committee had no outstanding debts, when, later, Ed Myers indicates in his letter of August 5, 1983, to the Brooklyn Democrats that "a large payable to other vendors" remained outstanding. Moreover, a review of the reports received at the Commission on January 10, 1984, revealed numerous discrepancies. The reports reveal, inter alia, several excessive contributions apparently in violation of 2 U.S.C. § 441a(a)(1)(A) and missing contributor information on alleged loans apparently in violation of 2 U.S.C. § 434(b)(3)(E). In addition, a review of the Rangel for Congress Committee reports revealed that the Rangel Committee contributed \$500 to the Beatty Committee. This information was not reported on the Beatty Committee reports in apparent violation of 2 U.S.C. § 432(a)(1). Moreover, because of the outstanding loans found in these reports and the outstanding debt to the Brooklyn Democrats, the Committee would not be permitted to terminate as it attempted to do in its March 28, 1983 letter. Also, the campaign appears to have amassed nearly \$110,000 in contributions, yet, only 2 per cent or \$1,930 was reported by the Committee as itemized.

Finally, the candidate, Vander Beatty, was sentenced on February 5, 1984, to sixteen months in prison for election fraud in his unsuccessful race for the House in 1982. In telephone conversations with Commission staff, Ed Myers, indicated that Mr. Beatty made withdrawals from the campaign account, "from time to time". In addition, Myers indicated in his responsive letter to the Brooklyn Democrats that, "Senator Beatty had closed the Committee's account".

Because of the numerous discrepancies and irregularities appearing in the reports, and because of the numerous violations which appear to have occurred, the Office of General Counsel recommends the Commission refer this matter to the Audit Division for further review and audit of the Beatty for Congress Committee.

RECOMMENDATION

The Office of General Counsel recommends that the Beatty for Congress Committee (MUR 1545), be referred to the Audit Division for further review and audit.

Charles N. Steele  
General Counsel

Date

May 9, 1984

By:

Kenneth A. Gross  
Associate General Counsel

Attachments

- I March 25 letter from "Edward Myers"
- II Letter to William Garry from Edward Myers
- III Letter with attachments from Edward Myers

91040335158

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1545  
Beatty for Congress Committee )  
Edward Myers, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 14, 1984, the Commission determined by a vote of 5-0 that the Beatty for Congress Committee (MUR 1545), be referred to the Audit Division for further review and audit.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

May 14, 1984

Date

Judy C. Hanson

for Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

5-9-84, 1:36  
5-10-84, 11:00

91040335159



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 16, 1984

May 15, 1984

MEMORANDUM TO: Robert J. Costa,  
Assistant Staff Director  
Audit Division

FROM: Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

A handwritten signature, likely of Kenneth A. Gross, is written over the typed name and title.

SUBJECT: Referral of Beatty for Congress Committee  
(MUR 1545)

On May 14, 1984, the Commission determined that the Beatty for Congress Committee be referred to the Audit Division for audit.

If you have any questions, feel free to contact Duane A. Brown, the attorney assigned this matter at 523-4000.

91040335160





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 24, 1984

William J. Garry, Esquire  
Chairman and Assistant Treasurer  
Brooklyn Democrats Federal  
Campaign Account  
16 Court Street  
Brooklyn, New York 11241

RE: MUR 1662  
Brooklyn Democrats  
Federal Campaign Account  
Alan Lebowitz, Treasurer

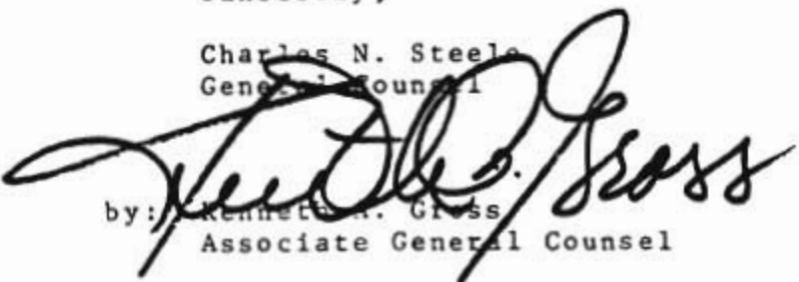
Dear Mr. Garry:

This is to confirm your telephone conversation of today with Attorney Duane A. Brown in which you indicated that neither your office nor Alan Lebowitz has received the Commission's notification letter of April 9, 1984 regarding its recent reason to believe finding against the Brooklyn Democrats and Alan Lebowitz, as Treasurer.

Please find attached a copy of the letter and the General Counsel's Factual and Legal Analysis originally mailed to Mr. Lebowitz. Because of the unexpected delay in this matter, we would expect a response as soon as possible.

Sincerely,

Charles N. Steele  
General Counsel

  
by: Kenneth A. Gross  
Associate General Counsel

Enclosures

91040335161

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

In the Matter of )  
Beatty for Congress Committee )  
Edward Myers, as Treasurer )  
Committee to Re-elect Congressman )  
Leo Zeferetti )  
Eileen Deering, as Treasurer )  
Friends of Ed Towns )  
Vivian Y. Bright, as Treasurer )  
Brooklyn Democrats Federal )  
Campaign Account )  
Alan Lebowitz, as Treasurer )

84 MAY 31 A 9: 57

MUR 1662

**COMPREHENSIVE INVESTIGATIVE REPORT #1**

On April 3, 1984, the Commission found reason to believe the Friends of Ed Towns and Vivian Y. Bright, as Treasurer and the Beatty for Congress Committee with Edward Myers, as Treasurer violated 2 U.S.C. § 441a(f) for accepting an excessive contribution. Simultaneously, the Commission found reason to believe the Brooklyn Democrats Federal Campaign Account and Alan Lebowitz, as Treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) for making excessive contributions, and found reason to believe the Committee to Re-elect Congressman Leo Zeferetti and Eileen Deering, as Treasurer, violated 2 U.S.C. §§ 441a(f) and 434(a)(4)(A)(iv) for accepting an excessive contribution and failing to file the mid-year report in a timely manner.

Responses were received from each of the committees except the Brooklyn Democrats. In a telephone conversation with General

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Counsel staff, William Garry, Esq., Chairman and Assistant Treasurer of the committee stated that the committee never received the Commission's letter of April 9. As a result, on May 23, staff remailed a copy of the Commission's notification letter accompanied by the General Counsel's Factual and Legal Analysis.

It is necessary to obtain a response from the Brooklyn Democrats before we can move to the next stage of the enforcement process. That response is due on June 11, 1984. Upon receipt of the response this Office will prepare the appropriate document.

Charles N. Steele  
General Counsel

Date

By:

Kenneth A. Gross  
Associate General Counsel

91040835163



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/SUSAN M. TEIR *SMT*

DATE: JUNE 1, 1984

SUBJECT: MUR 1662 - COMPREHENSIVE INVESTIGATIVE  
REPORT #1 signed May 31, 1984

The above-named document was circulated to the  
Commission on a 24 hour no-objection basis at 4:00 on  
May 31, 1984.

There were no objections to the Investigative Report  
at the time of the deadline.

91040335164



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 1984

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JCS*  
STAFF DIRECTOR *AC*

FROM: ROBERT J. COSTA  
ASSISTANT STAFF DIRECTOR  
FOR AUDIT

SUBJECT: RESULTS OF AUDIT ON THE BEATTY FOR CONGRESS  
COMMITTEE MUR 1545

I. BACKGROUND

Attached for your information are the findings of our audit of the Beatty for Congress Committee ("the Committee"). On October 18, 1983, the Commission found reason to believe that the Committee had violated 2 U.S.C. Section 434(a)(2)(B)(i) for failure to file reports. On January 10, 1984 the Committee filed various documents with the Commission which revealed numerous reporting discrepancies. Therefore, on May 14, 1984 the Commission approved OGC's recommendation of May 10, 1984 that the Committee "be referred to the Audit Division for further review and audit." On May 17, 1984 OGC and Audit staff met and agreed that a full scope audit of the Committee should be performed. The same day a letter was sent to the Committee notifying them of the audit. Fieldwork began on June 12, 1984 and was concluded with an exit conference on June 13, 1984 during which audit findings were discussed with the Committee Treasurer. Copies of workpapers detailing the auditor's findings were presented to the Treasurer during the exit conference.

The audit was conducted in accordance with Section 437g(a)(2) of Title 2 of the United States Code which provides that when the Commission determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed a violation of the Federal Election Campaign Act of 1971 as amended ("the Act"), the Commission shall make an investigation of such alleged violation, which may include an audit.

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The Committee registered with the United States House of Representatives on March 26, 1982 and maintained its headquarters in Brooklyn, New York.

The audit covered the period from February 17, 1982 through December 31, 1982. 1/ The Committee reported a beginning cash balance on February 17, 1982 of \$-0-; total receipts for the period of \$110,221.38; total expenditures for the period of \$108,667.56; and a closing cash balance on September 30, 1982 of \$1,553.82. 1/

This report is based on documents and workpapers supporting each of its factual statements. They form part of the record upon which the Audit Division based its conclusions on the matters in this report and are available to Commissioners and appropriate staff for review.

The Treasurer of the Committee during the period covered by the audit was Mr. Edward Myers, Jr.

## II. Summary of Findings

### A. Receipt of Contributions From Corporations and Labor Organizations

Section 441b(a) of Title 2 of the United States Code prohibits a corporation or labor organization from making a contribution to a candidate for the House of Representatives. Section 431(8)(A)(i) of Title 2 of the United States Code defines contributions to include loans.

The Audit staff reviewed the Committee's available records for contributions received and noted receipt of 28 contributions from apparent corporations 2/ totaling \$26,820.00 and one contribution from a labor organization totaling \$1,000.00 (See Attachment A). In addition, the Committee received two (2) loans totaling \$10,000.00 from two (2) apparent corporations 2/ which have not been paid back (See Finding II.F.). The Treasurer of the Committee explained that these contributions (except for the loans) actually represent collections from individual contributors (probably less than \$50.00 per person) for

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1/ The Committee only reported activity through September 30, 1982 but indicated further reports would be filed. The Audit staff noted that the Committee had reportable financial activity through December 31, 1982 (See Finding II.G.). Bank records indicated a residual balance of \$173.95 as of December 31, 1982. The Treasurer was unable to provide records for or explain the disposition of these funds.

2/ A letter has been sent to the New York State Secretary of State to verify if these entities are incorporated. (See Attachment A.)

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fundraising events held at the corporations or labor organizations. He said some of the checks received were written on corporate checks and realizes now that he should have required that the funds collected be deposited directly into the Committee depository. He said he would obtain statements and documentation to demonstrate that these contributions represent small individual contributions and not contributions from corporations or labor organizations. He said the loans noted above represent contributions from individuals who worked at the listed corporations but was not sure of the details regarding these loans.

It is the opinion of the Audit staff that the Committee be required to submit evidence demonstrating that these contributions were not received from prohibited sources. If such evidence is presented, some of the contributions may be excessive and should be considered along with other contributions noted in Finding II.B. (Receipt of Contributions in Excess of the Limitations). Absent such evidence, it is the opinion of the Audit staff that the Committee be required to refund the contributions received from corporations or labor organizations.

B. Receipt of Contributions in Excess of the Limitations

Section 441a(a) (A) of Title 2 of the United States Code prohibits an individual from contributing in excess of \$1,000.00 to a candidate for Federal office and prohibits a political committee (other than a multicandidate committee) from contributing in excess of \$1,000 to a candidate for Federal office. Section 431(8) (A) (i) of Title 2 of the United States Code defines a contribution to include loans.

In addition to the contributions noted in Finding II.A., the Audit staff's review of available Committee receipts records identified contributions from nine (9) individuals totaling \$19,717 which were in excess of the \$1,000.00 limitation by \$10,717 (See Attachment B). Further, the Audit staff noted a loan of \$17,000 from the Beatty family which has not been paid back (See Finding II.F.). Finally, a \$2,500 contribution was received from a political committee which is not a multicandidate committee. (this contribution is the subject of MUR #1662). With respect to the nine (9) contributions from individuals, the Treasurer of the Committee said that the contributions represent ticket sales collected from various individuals (probably less than \$50.00 per person). He said the listed individuals held fundraisers and collected funds on behalf of the Committee. The Treasurer was not aware of the recordkeeping requirements for Committee collection agents. He said he would obtain documentation and statements from these individuals which would demonstrate that the contributions were not excessive. With

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respect to the \$17,000 loan from the Beatty family, The Treasurer said he had no detailed knowledge of the loan and wasn't sure if the amount represented a contribution from the candidate himself exclusively or which family members made the loan. The Treasurer was also unsure of the facts surrounding the receipt of the apparent excessive contribution from the political committee which is the subject of MUR #1662.

It is the opinion of the Audit staff that the Committee be required to submit evidence demonstrating the apparent excessive contributions were not excessive or be required to refund the excessive portions.

C. Recordkeeping For Contributions

Section 432(c) of Title 2 of the United States Code requires the treasurer of a political committee to keep an account of the name and address of any person who makes a contribution in excess of \$50, together with the date and amount of such contribution; and the identification of any person making contributions aggregating more than \$200.00 during a calendar year together with the date and amount of any such contributions. Section 431(13) of Title 2 of the United States Code defines identification in the case of individuals to include the name, address, occupation and name of employer.

The Audit staff reviewed deposits on the Committee's bank statements and noted the receipt of \$118,191.38. The Committee supplied the Audit staff with a list of contributors names and amounts totaling \$105,791.00. The Treasurer of the Committee said that the balance of \$12,400.38 probably represented contributions received directly at the Committee's Brooklyn office about which he had no knowledge. He said he attempted to contact the manager of the Brooklyn office prior to our audit but his efforts were unsuccessful. The list he supplied to the Audit staff did not contain addresses, dates, or occupation and name of employer for the contributors listed. No deposit tickets or other documentation were available to verify that the listed contributions represent the deposits noted on the Committee's bank statements. No solicitation materials were available for our review. The Treasurer said that there was no control over the Committee's activities. He said he was appointed Treasurer presumably because of his position in the community and the activities he performed for the Committee occurred in his office in northern Manhattan. An office manager in the Brooklyn office handled day-to-day activities including receipt and deposit of contributions and check signing and preparation.



It is the opinion of the Audit staff that the Committee be cited for failure to maintain contribution records.

D. Itemization of Contributions

Sections 434(b)(3)(A) and (B) of Title 2 of the United States Code requires political committees to disclose the name, address, date, and amount of all contributions received from political committees, and the name, address, date, amount, and occupation and employer of individuals whose contributions aggregate in excess of \$200.00 per calendar year.

The Audit staff reviewed available contribution records and noted contributions from 35 individuals totaling \$41,354 which were not itemized on Committee reports as required. The dollar amount not itemized represents 96.5% of the amount of contributions required to be itemized. In addition, the Audit staff noted two (2) contributions from political committees totaling \$3,000. which were not itemized on Committee reports as required. (These amounts do not include corporate and labor contributions discussed in Finding II.A. If it is determined that those contributions were not received from prohibited sources, additional disclosure may be necessary). The Committee Treasurer said he was not aware of the detailed disclosure required for contributions and expenditures but said he would be willing to file the detailed amended reports disclosing the required information.

It is the opinion of the Audit staff that the Committee be required to file a comprehensive amendment disclosing the contributions from political committees and individuals as required.

E. Itemization of Expenditures

Section 434(b)(5) of Title 2 of the United States Code requires a committee to disclose the name and address, of all persons to whom an expenditure in an aggregate amount or value in excess of \$200.00 is made within a calendar year, together with the date, amount, and purpose of such expenditure.

The Audit staff reviewed cancelled checks maintained by the Committee and noted 89 expenditures totaling \$117,066.72 which were not itemized on Committee reports as required. Since the Committee has not itemized any expenditures, this represents 100% of the amount required to be itemized. The Treasurer of the Committee said he was not aware of the detailed disclosure requirements. He said he would file the required amendments to bring the Committee reports into compliance.

It is the opinion of the Audit staff that the Committee be required to file a comprehensive amendment for 1982 disclosing the 89 expenditures as required.

F. Reporting of Loans

Section 434(b)(3)(E) of Title 2 of the United States Code requires a political committee to disclose the amount of loans received. In addition, the name, address, date, and amount of the loan should be disclosed. Section 104.11 of Title 11 of the Code of Federal Regulations requires a committee to continuously report debts until extinguished.

The Audit staff reviewed the Committee's contribution records and noted two (2) \$5,000 loans from corporations (See Finding II.A.). A review of the 1982 October Quarterly report revealed disclosure of two (2) outstanding \$5,000 loans. One was disclosed as received from an individual and the other was unidentified. Since no subsequent report was filed (see Finding II.G.), there is no disclosure of the disposition of these loans. In addition, it was noted that the Committee received a \$17,000 loan from the Beatty family which has never been reported. There is no evidence that these loans have been repaid. The Committee's Treasurer said that the two (2) \$5,000 loans were actually received from individuals. He said he had no knowledge of the details of the \$17,000 loan from the Beatty family. He said he would attempt to determine the details regarding these loans and file amended reports disclosing their disposition.

It is the opinion of the Audit staff that the Committee be required to file amended reports which continuously report the details of these loans as required until liquidation.

G. Disclosure of Financial Activity

Section 434(a)(2)(A) of Title 2 of the United States Code requires a treasurer of a principal campaign committee of a candidate for the House of Representatives to file a quarterly report for the quarter ending December 31 of the year in which the election is held. Section 434(b)(1)(2) and (4) requires the treasurer to report beginning cash on hand and the total amount of receipts and disbursements made during a reporting period and the calendar year.

The Audit staff performed a reconciliation of the Committee's bank activity with reported activity for 1982. It was noted that the Committee made disbursements totaling \$9,349.87 and made deposits totaling \$7,970.00 for the period October 1, 1982 through December 31, 1982 which have not been reported as required. The Treasurer said he could file the required report.

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It is the opinion of the Audit staff that the Committee file a report of receipts and disbursements for the quarter ending December 31, 1982. The Audit staff further recommends that this report include proper itemization of receipts and expenditures as well as disclosure of loans (See Findings II.B., II.C., and II.F.).

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**BEATTY FOR CONGRESS**  
**APPARENT LABOR UNION AND CORPORATE CONTRIBUTIONS AND LOANS**

Apparent Labor Contribution:

| <u>Name</u>                             | <u>Amount of Contribution</u> |
|-----------------------------------------|-------------------------------|
| Local 144 Political Education Committee | \$ 1,000                      |

Apparent Corporate Contributions:

| <u>Name</u>                              | <u>Amount of Contribution</u> |
|------------------------------------------|-------------------------------|
| Carmichel's Diner, Inc.                  | \$ 200                        |
| Wiljer Plumbing Co.                      | 1,000                         |
| Hygrade Electrical Corp.                 | 500                           |
| Shipur Haschuma Corp.                    | 500                           |
| Paving Restoration Corp.                 | 200                           |
| Smart Shoppers Liquor Corp.              | 250                           |
| Edward Myers, Smith and Granady, Inc.    | 300                           |
| Sylvester Leaks Assoc, Inc.              | 200                           |
| Percy E. Sutton Intercontinental, Inc.   | 150                           |
| Tower Isles Baker, Inc.                  | 1,500                         |
| Mars Productions                         | 1,165                         |
| LeGrand Reed, Inc.                       | 100                           |
| Universal Outreach Mission Fund of Wash. |                               |
| Temple Church of God in Christ, Inc.     | 100                           |
| Watchdog, Inc.                           | 1,750                         |
| Citizens For a Better Community          | 260                           |
| Brooklyn Private Car Assn. Inc.          | 1,000                         |
| Phillip Morris Incorporated              | 100                           |
| Merco Properties Inc.                    | 750                           |
| DPS Protective Systems                   | 2,500                         |
| Vanguard Oil Company                     | 2,500                         |
| Black Principals Assoc, Inc.             | 1,000                         |
| Carol Parker & Fairwether                | 2,000                         |
| Walterio                                 | 2,150                         |
| Michael's Restaurant                     | 2,420                         |
| Westking Inc.                            | 500                           |
| Gaylord Restaurant                       | 1,100                         |
| Raphael Brokerage, Inc.                  | 1,000                         |
| Jewels Restaurant                        | 1,625                         |
| <b>TOTAL</b>                             | <b><u>\$26,820</u></b>        |

Apparent Corporate Loans:

| <u>Name</u>                       | <u>Amount of Loan</u>  |
|-----------------------------------|------------------------|
| Groundhouse Petroleum Inc.        | \$ 5,000               |
| 110th Street Service Station Inc. | 5,000                  |
| <b>TOTAL</b>                      | <b><u>\$10,000</u></b> |

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## BEATTY FOR CONGRESS

## Apparent Excessive Contributions

| <u>Name</u>           | <u>Amount of<br/>Contribution</u> | <u>Amount<br/>Excessive</u> |
|-----------------------|-----------------------------------|-----------------------------|
| Sherman Edmiston      | \$ 1735                           | \$ 735                      |
| Dr. Pasquale          | 3240                              | 2240                        |
| Dr. Arthur Risbrook   | 3000                              | 2000                        |
| Dr. Carl Baptiste     | 1502                              | 502                         |
| Nathaniel Rogers      | 1450                              | 450                         |
| Clearine Hunter       | 1670                              | 670                         |
| Moise Michel          | 1725                              | 725                         |
| William Greene        | 2690                              | 1690                        |
| Dr. George Washington | 2705                              | 1705                        |
| <b>Total</b>          | <b><u>\$19,717</u></b>            | <b><u>\$10,717</u></b>      |

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 10, 1984

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

FROM: ROBERT J. COSTA *Ph For RJC, 7/10/84*  
ASSISTANT STAFF DIRECTOR  
AUDIT DIVISION

SUBJECT: POSSIBLE CORPORATE CONTRIBUTORS,  
BEATTY FOR CONGRESS COMMITTEE (MUR 1545)

As noted in footnote 2 on page 2 of our June 27, 1984 memorandum to your office, a letter was sent to the New York State Secretary of State to verify if the 30 contributors listed on Attachment A of our memorandum were incorporated. Attached is the response from the Secretary of State's office which indicates that 12 of these contributors were corporations in good standing at the time the contributions were made.<sup>1/</sup> The Committee records available for our review during audit fieldwork did not contain addresses for the 30 contributors and it is possible that the 14 contributors for which New York State has no record are incorporated in other states.

If you have any questions, please contact Steve Sanford at 523-4155.

<sup>1/</sup> Four (4) contributors were corporations which were dissolved by proclamation of the State of New York prior to 1982 (Mars Production, Inc., DPS Protective Systems, Inc., Raphael Brokerage Corporation, and Percy E. Sutton Intercontinental, Inc.).

Attachment as stated

2104033174



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ALBANY, N.Y. 12231

GAIL S. SHAFFER  
SECRETARY OF STATE

July 5, 1984

Federal Election Commission  
Washington, D.C. 20463

Attn: Robert J. Costa

Dear Sir:

5  
① WILJER PLUMBING CO., INC.- was filed on 9/6/68 in Bronx County. No dissolution filed.

② PAVING RESTORATION CORPORATION OF NEW YORK- a not-for-profit corporation filed on 1/4/80 in Kings County. No dissolution filed.

③ SMART SHOPPERS LIQUOR CORP.- was filed on 8/7/78 in New York County. No dissolution filed.

④ MYERS, SMITH & GRANADY, INC.- was filed on 6/5/72 in New York County. No dissolution filed.

⑤ SYLVESTER LEAKS ASSOCIATES, INC.- was filed on 7/11/73 and dissolved by Proclamation of the Secretary of State Published 12/29/82. Principal location is Kings County.

⑥ PERCY SUTTON INTERCONTINENTAL CORPORATION- was filed on 12/28/77 and was dissolved by Proclamation of the Secretary of State Published 12/30/81. Principal location is New York County.

⑦ TOWER ISLE'S BAKERY, INC.- filed on 9/29/69 in Kings County. No dissolution filed.

MARS PRODUCTIONS, INC.- was filed on 9/5/51 and dissolved by Proclamation of the Secretary of State Published 12/15/60. Principal location is New York County.

⑧ LEGRAND REED, INC.- was filed on 8/4/75 in New York County. No dissolution filed.

⑨ BROOKLYN PRIVATE CAR ASS'N, INC.- a not-for-profit corporation filed on 4/20/64 in Kings County. No dissolution filed.

⑩ PHILIP MORRIS, INCORPORATED- a Virginia corporation assumed its name on 6/28/55. No surrender of authority was filed. Principal location is New York County.

⑪ MERCIO PROPERTIES, INC.- was filed on 10/13/66 in Kings County. No dissolution filed.



July 5, 1984

D.P.S. PROTECTIVE SYSTEMS, INC.- was filed on 8/20/74 and was dissolved by Proclamation of the Secretary of State Published 12/30/81. Principal location is New York County.

(11) VANGUARD OIL & SERVICE CO. INC.- was filed on 7/29/70 in Kings County. No dissolution filed.

MICHAEL'S RESTAURANT AND PIZZERIA, INC.- was filed on 10/17/83 in Westchester County. No dissolution filed.

RAPHAEL BROKERAGE CORPORATION- was filed on 12/13/76 and was dissolved by Proclamation of the Secretary of State Published 3/25/81. Principal location is Nassau County.

(12) 110th STREET SERVICE STATION, INC.- was filed on 1/7/81 in New York County. No dissolution filed.

We have no record of a corporation filed with this office under the following:

CARMICHELS DINER, INC.  
HYGRADE ELECTRICAL CORP.  
SHIPUR HASCHUMA CORP.  
UNIVERSAL OUTREACH MISSION FUND OF WASH. TEMPLE CHURCH OF  
GOD IN CHRIST, INC.  
WATCHDOG, INC.  
CITIZENS FOR A BETTER COMMUNITY  
BLACK PRINCIPALS ASSOC. INC.  
WALTERIO  
WESTKING, INC.  
GAYLORD RESTAURANT  
CAROL PARKER & FAIRWETHER  
JEWELS RESTAURANT  
GROUNDHOUSE PETROLEUM INC.

Very truly yours,

*Robert S. Goldup, Jr.*

Robert S. Goldup, Jr.  
Principal Clerk  
Searching Unit

FSG/hh

Note: numbers appearing in left margin by Audit staff 7-9-84 *Ph*

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**THE BROOKLYN DEMOCRATS**

16 COURT STREET ★ BROOKLYN, N. Y. 11241

430 P 3: 29

July 27, 1984

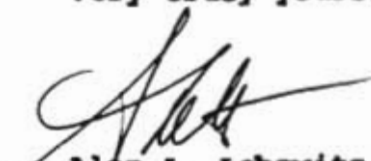
Duane Brown, Esquire  
Federal Election Commission  
1312 K Street, N.W.  
Washington, D.C. 20463

RE: MUR 1662  
Brooklyn Democrats  
Federal Campaign Account  
Alan Lebowitz, Treasurer

Dear Mr. Brown,

As per our telephone conversation of this date, in order to expedite these proceedings, it is my desire to enter into a Pre-Probable Cause Conciliation Agreement with your Commission.

Very truly yours,

  
Alan L. Lebowitz  
Treasurer

ALL/cs

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HAROLD L. FISHER  
ANDREW S. FISHER  
KENNETH K. FISHER

GERALD GORINSKY  
GAIL R. CLOTT  
HOWARD R. BIRNBACH  
STEPHEN R. GELLER  
RANDI SCHILLINGER  
ELLEN M. LEVANTI

\*ADMITTED IN N.Y. & N.J.

*Fisher & Fisher*  
*Attorneys at Law*  
*189 Montague Street*  
*Brooklyn, New York 11201*  
*(212) 624-0608*

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COUNSEL  
MARSHALL G. KARLAN  
GEORGE SHEBITZ  
IRWIN M. STRUM

EUROPEAN COUNSEL  
ERIC BO EBBKOV  
JENS ANKER SORENSEN  
S. RJAERULFF SCHMIDT  
(NOT ADMITTED IN UNITED STATES)

20 LILLE STRANDSTRAEDE  
DK-1254 COPENHAGEN K  
DENMARK

July 31, 1984

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

Duane A. Brown, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear Mr. Brown:

Reference our telephone conversation of Friday, July 27, 1984 regarding MUR 1662.

On behalf of respondents, we request pre-probable cause conciliation in this matter.

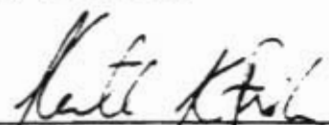
This will confirm also our discussion of the procedure, namely that you will be preparing a proposed conciliation agreement, (giving due consideration to the material previously submitted by us) for approval by the Commission;

If resolved, the matter would be concluded. If we are unable to agree, the matter would be referred to the Commission for a probable cause finding which, if made, would trigger a 15 day period in which conciliation would be possible.

If my understanding of the procedure is incorrect, please let me know; otherwise, I will anticipate receiving the proposed conciliation agreement at your convenience.

Very truly yours,

FISHER & FISHER

By: 

KENNETH K. FISHER

KKF:lc

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*Zeferetti Consulting Corporation*

84 <sup>Aug</sup> ~~JUL~~ 1 A8:30

LEO C. ZEFERETTI, PRESIDENT

923 - 15th Street, N.W.  
Washington, D. C. 20005

*Mure  
1669*

*BCC  
#4228*

Telephone (202) 783-7877  
(212) 836-6290

July 30, 1984

Mr. Duane Brown  
Federal Election Commission  
1325 K Street, N.W.  
Washington, DC 20463

Dear Mr. Brown:

As per our conversation of July 27, 1984, in order to expedite these proceedings, it is my desire to enter into a preprobable cause conciliation agreement with the Commission.

Thank you.

With kind regards, I am

Sincerely,

*Leo C. Zeferetti*  
Leo C. Zeferetti

LCZ:vlw

18:00 40M. 1

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84 AUG 27 4: 08 PM

Edward Myers, Jr.  
2307 Adam Clayton Powell, Jr. Boulevard  
New York, New York 10030

August 23, 1984

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
24 AUG 27 11: 22 AM

Attorney Duane Brown  
Federal Escalation Commission  
1325 K Street, NW  
Washington, DC 20463

RE: MUR 1662

Dear Mr. Brown:

Pursuant to our telephone conversation of today, please be advised that I am requesting Pre-Probable Cause Conciliation in an effort to bring this matter to a close. Your consideration in expediting said request is greatly appreciated.

Thank you.

Very truly yours,

Edward Myers, Jr.

EMJ:nrl

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RECEIVED  
BEFORE THE FEDERAL ELECTION COMMISSION  
COMMISSION SECRETARY

In the Matter of )  
Beatty for Congress Committee )  
Edward Myers, as Treasurer )  
Committee to Re-Elect Congressman )  
Leo Zeferetti )  
Eileen Deering, as Treasurer )  
Friends of Ed Towns )  
Vivian Y. Bright, as Treasurer )  
Brooklyn Democrats Federal )  
Campaign Account )  
Alan Lebowitz, as Treasurer )

84 SEP 21 12:51

**SENSITIVE**

MUR 1662

GENERAL COUNSEL'S REPORT

BACKGROUND

On April 3, 1984, the Commission found reason to believe the Friends of Ed Towns and Vivian Y. Bright, as Treasurer, and the Beatty for Congress Committee with Edward Myers, as Treasurer, violated 2 U.S.C. § 441a(f) for accepting an excessive contribution from the Brooklyn Democrats Federal Campaign Account ("Brooklyn Democrats"). Simultaneously, the Commission found reason to believe the Brooklyn Democrats and Alan Lebowitz, as Treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) for making excessive contributions, and found reason to believe the Committee to Re-Elect Congressman Leo Zeferetti and Eileen Deering, as Treasurer, violated 2 U.S.C. §§ 441a(f) and 434(a)(4)(A)(iv) for accepting an excessive contribution and failing to file the mid-year report in a timely manner.

## DISCUSSION

### The Zeferetti Committee

2104035182  
Congressman Leo Zeferetti replied to the Commission's reason to believe finding on behalf of the committee and its treasurer (Attachment I). First, Mr. Zeferetti concedes the fact that the committee failed to file the 1983 Mid-Year Report in a timely manner. He defends his committee's late filing with the rationale that the committee was under the impression that only a year end report was required of a "non-candidate" in a non-election year. In any event, Mr. Zeferetti concludes by indicating that the Mid-Year and Year End Reports were filed January 31, 1984.<sup>1/</sup> Secondly, although Mr. Zeferetti acknowledges that his committee accepted \$5,500 in excessive contributions from the Brooklyn Democrats, he explains that it was the committee's impression that the Brooklyn Democrats was a multicandidate committee at the time of the contribution, and, as soon as it was determined otherwise, the excessive amount was returned. In conclusion, Mr. Zeferetti argues that neither the late filing nor the acceptance of the excessive contributions "represents a deliberate attempt" on the part of the committee to violate the Act.

Whether or not the Zeferetti Committee intentionally violated the Act, the fact remains that violations of the Act have

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<sup>1/</sup> Both the Mid-Year and Year End Reports were postmarked certified mail on January 31, 1984.

occurred. The Zeferetti Committee and Eileen Deering, as treasurer, had the responsibility not only to determine which reports were to be filed and when, but also to determine whether the Brooklyn Democrats were a qualified multicandidate committee prior to accepting the excessive contributions. In this instance, impressions and assumptions do not provide a sufficient mitigating circumstance to permit the committee to avoid its responsibilities under the Act.

By letter Leo Zeferetti requested pre-probable cause conciliation in an effort to conclude this matter (Attachment II).

The Beatty Committee

Edward Myers, treasurer of the Beatty Committee, responded to the Commission's reason to believe finding. Mr. Myers asserts that, in his opinion, the Beatty Committee did not violate 2 U.S.C. § 441a(f) for accepting an excessive contribution from the Brooklyn Democrats (Attachment III). Myers avers that: 1) the Beatty Committee did not accept nor was it offered a \$2,500 contribution on August 20, 1982; and 2) the letter written by him dated August 5, 1983 (Attachment IV) to Mr. William Garry of the Brooklyn Democrats in response to Mr. Garry's request to return the \$1,500 excessive contribution made to the committee by the Brooklyn Democrats, and his statement in the letter that a refund could not be made since the account had been closed, was

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"not made with full knowledge of the facts" since a later review of committee records disclosed that the committee received a check for \$5,000 from the Brooklyn Democrats on October 25, 1982, and not \$2,500 on August 20, 1982. Myers further states, however, that the Brooklyn Democrats stopped payment on the \$5,000 check on October 28, 1982, and no benefit was ever derived (Attachment V).

Accordingly, Myers argues that only the contribution of \$5,000 was made to the Beatty Committee and not the contribution of \$2,500 as the Brooklyn Democrats indicated in its reports. On the other hand, it appears that Mr. Myers may have failed to keep proper bookkeeping records.

Based on materials submitted by the Brooklyn Democrats in response to the Commission's RTB finding, it appears that a \$2,500 contribution was made to the Beatty Committee on August 20, 1982 (Attachment VI). The attachment shows the check payable to the Beatty Committee and deposited in what appears to be the Beatty Committee account. Therefore, the Beatty Committee did receive an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats, but, failed to report its receipt and failed to return the excessive amount in violation of 2 U.S.C. §§ 434(a)(1) and 441a(f) respectively.

Accordingly, it is recommended that the Commission find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 434(a)(1) for the failure to report the receipt of a contribution from the Brooklyn Democrats.

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The Towns Committee

Kenneth Fisher, Esq., filed a lengthy response on behalf of the Towns Committee and Vivian Bright, its treasurer (Attachment VIII). The respondents argue, inter alia, that "11 C.F.R. § 103.3(b), which requires a treasurer to use 'best efforts' to determine the legality of a contribution which 'appears' to be illegal is inapplicable" since the contribution from the Brooklyn Democrats appeared to be proper under the circumstances.

Simply because the contribution did not appear improper on its face, does not mean the recipient committee had no obligation to determine the contributor's status. The Act limits contributions from committees to \$1000 unless they have attained multicandidate status. The recipient committee had the responsibility to determine whether the contributor committee had attained such multicandidate status. Records of committee status at the Commission are and have always been at the public's disposal if the public expresses an interest in ascertaining the



status of a particular committee. The respondents' failure to ascertain the status of the Brooklyn Democrats caused them to violate § 441a(f) by accepting the excessive contribution.

The respondents argue further that the Towns Committee did not violate § 441a(f) because the treasurer did not "knowingly" accept the improper contribution. The term "knowingly" as used in § 441a(f) does not mean the committee had to know that the contribution was illegal when it was accepted. All that is required to meet that standard is that the committee knew the facts surrounding the acceptance of the contribution. Here, the committee knew it was accepting the contribution from the Brooklyn Democrats and had an obligation to check on the propriety of that contribution. Therefore, the respondent is responsible for accepting the illegal contributions from the Brooklyn Democrats in violation of 2 U.S.C. § 441a(f).

Finally, the respondents argue that they took immediate remedial action to correct the transactions in question by amending the committee's reports to reflect \$500 of the contribution as allocated to the primary and the remaining \$1,000 as allocated to the general election as was the suggestion of the Brooklyn Democrats. The respondents argue that the reason they did not make a refund of the excessive amount to the Brooklyn Democrats was because the Towns Committee did not receive any communication from the Brooklyn Democrats or the FEC to do otherwise until the Commission's April 9, 1984 letter. It was the Brooklyn Democrats, in fact, who advised the Towns Committee

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to allocate the total contribution over the primary and general election period. Although the respondents argue that the FEC acquiesced in the committee's actions as they relate to the reallocation by the committee, there is no information in the records from which to draw this same conclusion. It appears that it was the advice of the Brooklyn Democrats and not the FEC that caused the respondents to be in the situation in which they now find themselves. The respondents present no information or evidence to show that the errant action of not refunding the excessive contribution was based on FEC staff recommendations. The respondents attempts to defend those actions, which were made primarily on the recommendations of the Brooklyn Democrats, who, admittedly is the same committee that had previously provided them the wrong information regarding its multicandidate status.

In any event, the respondents have requested pre-probable cause conciliation. (Attachment IX).

The Brooklyn Democrats

Alan Lebowitz, committee treasurer, filed the response to the Commission's RTB finding (Attachment X). The respondents do not attempt to defend their actions of making excessive contributions to the Zeferetti, Towns and Beatty Committees except to say that at the time the contributions occurred, the respondents believed the Brooklyn Democrats was a qualified multicandidate committee. Although the respondents requested refunds of the excessive amounts from the Beatty and Zeferetti Committees, they advised the Towns Committee to retain the

excessive amount and reallocate the same over the primary and general election period.

CONCLUSION

Believing that the committee had attained multicandidate committee status, the Brooklyn Democrats and Alan Lebowitz, as treasurer, made excessive contributions to the Friends of Ed Towns Committee in the amount of \$500, the Beatty for Congress Committee in the amount of \$1,500 and the Committee to Re-Elect Congressman Zeferetti in the amount of \$5,500- all in violation of 2 U.S.C. § 441a(a)(1)(A). Based on that same belief, each of the three recipient committees violated 2 U.S.C. § 441a(f) when they accepted the excessive contributions from the Brooklyn Democrats. Moreover, the Beatty Committee with Ed Myers, as treasurer, failed to report a contribution of \$2,500 in violation of 2 U.S.C. § 434.

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RECOMMENDATIONS

1. Find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 434(a)(1).
  
3. Enter into conciliation with the Committee to Re-Elect Congressman Leo Zeferetti and Eileen Deering, as treasurer, prior to a finding of probable cause to believe.

5. Enter into conciliation with the Friends of Ed Towns Committee and Vivian Bright, as treasurer, prior to a finding of probable cause to believe.
6. Approve the attached conciliation agreements.
7. Approve the attached letters.

Charles N. Steele  
General Counsel

September 21, 1964  
Date

By: Kenneth A. Gross

Kenneth A. Gross  
Associate General Counsel

Attachments:

- I. Reply letter from Leo Zeferetti
- II. Letter from Leo Zeferetti
- III. Reply letter from Edward Myers
- IV. Letter from Myers to William Garry
- V. Stop payment check
- VI. Contribution to Beatty for Congress
- VII. Letter from Edward Myers
- VIII. Reply letter from Ken Fisher, Esq.
- IX. Letter from Ken Fisher, Esq.
- X. Reply letter from Alan Lebowitz
- XI. Letter from Alan Lebowitz
- XII. Letter and Conciliation Agreement to Leo Zeferetti
- XIV. Letter and Conciliation Agreement to Ken Fisher, Esq.

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ATTACHMENT X

THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

24 JUL 1984 P12:35

July 12, 1984

GCC #4058

Duane Brown, Esquire  
Federal Election Commission  
1312 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1662  
Brooklyn Democrats  
Federal Campaign Account  
Alan Labovits, Treasurer

Dear Mr. Brown:

As per our telephone conversation this morning, this letter will serve as an explanation to the letter received by us from Kenneth A. Gross dated May 24, 1984.

In reference to the excess campaign contributions set forth in the allegation, this is to advise that on June 3, 1982 we registered under section 433 believing we were a "Multi-Candidate" Committee. However, we were subsequently advised by you that pursuant to your interpretation of Section 433 we did not become a Multi-Candidate Committee until December 1982.

Subsequently, we advised the Committee for Friends of Ed Towns that we were not a Multi-Candidate Committee and, therefore, a check sent to that Committee on September 15, 1982 for \$500 was for the Primary election and the contribution of September 20, 1982 for \$1,000 was for the General election. We recommended that this Committee amend its October Quarterly report for 1982 accordingly.

In addition, on August 12, 1983 a letter was sent to the Committee to Elect Zefaretti setting forth that on September 22, 1982, October 7, 1982 and October 28, 1982 contributions in the amounts of \$2,500, \$3,500 and \$1,500 respectively were made to the Committee. Said Committee was advised that we were not a Multi-Candidate Committee and we were only permitted to make contributions to the

Federal Election Commission  
July 12, 1984  
Page Two

campaign in the amounts of \$1,000 per election during 1982. We therefore advised the Committee to refund the sum of \$5,500 to the Brooklyn Democrats which sum represents in excess of \$1,500 for the Primary election and \$4,000 for the General election. By check #3911 dated August 18, 1983, the Committee to Re-Elect Keferetti refunded to the Brooklyn Democrats \$5,500.

Please note that your report reflects that on September 22, 1982 \$1,500 was made to the Keferetti Committee, this should be corrected to reflect the true amount of \$2,500. In addition, a contribution on October 8, 1982 should be corrected to report that \$3,500 was contributed rather than the sum of \$2,500 in your report. Copies of the checks sent to the Committee to Re-elect Keferetti are annexed hereto.

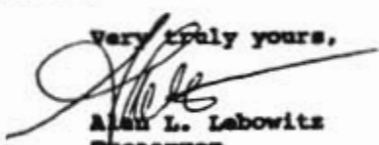
In reference to the contribution made to Beatty For Congress, on August 20, 1982, your report reflects the sum of \$1,500, the true sum should be \$2,500. You have advised me this morning that the Beatty Committee stated that they did not receive this check. I am enclosing a copy of the check together with the endorsement of the check to reflect that said contribution reported by the Brooklyn Democrats was in fact made.

With reference to the \$5,000 check made to the Beatty Committee on October 25, 1982, payment on this check was stopped and the Committee was notified accordingly. A copy of the check and the stop payment notice are annexed hereto.

This information was forwarded to your Commission by letter dated August 12, 1983 to the attention of Mr. Mike Tangney, Reports Analyst, Reports Analysis Division. Copies of all correspondence forwarded to the Federal Election Commission and the various Committees are annexed hereto.

I apologize for failing to answer your letter of May 24, 1984, as I was under the misapprehension that the information you required was already on file. I trust that the above information should satisfy the Commission.

Very truly yours,

  
Alan L. Labowitz  
Treasurer

ALL/cs

(18)

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51 PAY TO THE ORDER OF  
THE CHASE MANHATTAN BANK, N.A.  
THE COMMITTEE TO RE-ELECT  
LEO C. ZEPARETTI TO CONGRESS  
051-1036758

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CHASE MANHATTAN BANK  
PAY ANY BANK P.E.G.  
NEW YORK, N.Y. 10017  
155-2750 1325

INSTR 1016758

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51 PAY TO THE ORDER OF  
THE CHASE MANHATTAN BANK, N.A.  
THE COMMITTEE TO RE-ELECT  
LEO C. ZEPARETTI TO CONGRESS  
051-1036758

23 PAY ANY BANK P.E.G.  
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NEW YORK, NEW YORK  
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CHASE  
MANHATTAN BANK  
NEW YORK, N.Y.

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51 PAY TO THE ORDER OF  
THE CHASE MANHATTAN BANK, N.A.  
THE COMMITTEE TO RE-ELECT  
LEO C. ZEPARETTI TO CONGRESS  
051-1036758

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CHASE MANHATTAN BANK  
PAY ANY BANK P.E.G.  
NEW YORK, N.Y. 10017

21

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1004

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

September 22, 1982

PAY TO THE ORDER OF The Committee to Reelect Referetti \$ 2,500.00

Two thousand, five hundred and 00/100 DOLLARS

BankAmerica  
TRUST COMPANY OF NEW YORK  
NEW YORK, NEW YORK 10038

OR Contribution

⑆026002794⑆ 40520579⑆01 ⑈0000250000⑈

1008

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

October 8, 1982

PAY TO THE ORDER OF Committee to Reelect Congressman Referetti \$ 3,500.00

Three thousand, five hundred and 00/100 DOLLARS

BankAmerica  
TRUST COMPANY OF NEW YORK  
NEW YORK, NEW YORK 10038

OR Contribution

⑆026002794⑆ 40520579⑆01 ⑈0000350000⑈

1010

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

October 28, 1982

PAY TO THE ORDER OF Committee to Reelect Congressman Referetti \$ 1,500.00

One thousand, five hundred and 00/100 DOLLARS

BankAmerica  
TRUST COMPANY OF NEW YORK  
NEW YORK, NEW YORK 10038

OR Contribution

⑆026002794⑆ 40520579⑆01 ⑈0000150000⑈

29



22

THE COMMITTEE TO RE-ELECT  
LEO C. ZEPHERETTI TO CONGRESS

3911

1-8/210/001

Length 83

5500:00

PRO TO THE  
Brooklyn Democrats  
Lester J. Landman / 100



The Office of the Chairman  
3013 Third Avenue  
Brooklyn, New York 11209

FD039111\* (0210000211: 051 1 03675800 4 0 1 1)

Julius F. Landman

THIS DOCUMENT CONTAINS AN OFFICIAL WATERMARK. NO. 11-1



22

THE COMMITTEE TO RE-ELECT  
LEO C. ZEPHERIN TO CONGRESS

THE PROSODY DEMOCRATS

Luigi #83

SS00:00

1-2/21/01

FOR THE PROSODY DEMOCRATS

John F. Stoney

FD03911P • 40210000214: 051 1 036758P

91540335196

**CHECKING ACCOUNT DEPOSIT TICKET**  
 Please be sure all items are properly endorsed. Let checks represent  
 your clear copy. Please comply with Ball Point Pen

DATE: 8/19/83

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TOTAL ITEMS:

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**BankTenn**  
FIRST CHOICE OF NEW YORK  
ON BANKING, WE'VE GOT IT ALL.

**THE BROOKLYN DEMOCRATS**  
FEDERAL CAMPAIGN ACCOUNT

0520579401

23

91040335198

FOR DEPOSIT ONLY  
FRIENDS OF ED TOWNS  
10000011185-85

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FOR DEPOSIT ONLY  
FRIENDS OF ED TOWNS  
10000011185-85

24

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

10

September 20, 1982

PAY TO THE ORDER OF Friends of Ed Towns \$ 1,000.00  
One thousand and 00/100 DOLLARS

Bank of America  
TRUST COMPANY OF NEW YORK  
AND ROYAL BANK OF CANADA

For Contribution

⑆026002794⑆

405205290⑆

⑈0000100000⑈

*William J. Harry*

THE BROOKLYN DEMOCRATS  
FEDERAL CAMPAIGN ACCOUNT

1002

September 15, 1982

PAY TO THE ORDER OF Friends of Ed Towns \$ 500.00  
Five hundred and 00/100 DOLLARS

Bank of America  
TRUST COMPANY OF NEW YORK  
AND ROYAL BANK OF CANADA

For Contribution

⑆026002794⑆

405205290⑆

⑈0000050000⑈

*William J. Harry*

PAY TO THE ORDER OF

*Five hundred and the*

Bank of America  
TRUST COMPANY OF NEW YORK  
AND ROYAL BANK OF CANADA

For Contribution

⑆026002794⑆

405205290⑆

⑈0000050000⑈

*William J. Harry*

91040335199



111

BRANCH



TEL (212) 632-6000

TRUST COMPANY OF NEW YORK

RI N°100916

DATE 10/27/82

We have returned your check(s) for reason marked (X) below:

NO. 1009 PAYABLE TO: Committee to Elect. Beatty DATED 10/25/82 AMOUNT \$5,000.00

CHECKS

PENALTY CHARGE

\$5,000 00

Returned @ \$3.00 each \$  
Paid @ \$3.00 each \$

TOTAL PENALTY CHARGE \$

We have paid your check(s) drawn against funds marked (00) below:

AMOUNT AMOUNT AMOUNT AMOUNT

MAIL TO:

The Brooklyn Democrats  
#40-520579-01

- ☐ Amount Irregularity  
☐ Drawn against uncollected funds  
☐ Not sufficient funds

- ☐ Date Irregularity  
☒ Payment Stopped  
☐ Other

TRF. ALTH.  
RM. CS

BANK LEUMI TRUST COMPANY OF NEW YORK

CHEMICAL BANK

Debit Advice 1

139

Date 10/28/82

| Particulars<br>(Include<br>CUSIP No.<br>when<br>applicable) | The Brooklyn Democrats check return for<br>Stop Payment |                                           |                |
|-------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------|----------------|
| Account Number                                              | 139-023445                                              | We Charge your account per details above. | Amount 5000.00 |

Mail To

Committee to Elect BEatty

02 0642 (12-79) 11-80

1009

TO THE BROOKLYN DEMOCRATS

- ☐ GENERAL CAMPAIGN ACCOUNT  
☒ PAYMENT STOPPED  
☐ POST DATED  
☐ REFER TO MAKER

PAY TO THE ORDER OF

SIGNATURE

Bank Leumi  
TRUST COMPANY OF NEW YORK  
400 Broadway, New York, N.Y. 10013

PAID  
OCT 27 1982  
\$5,000.00

DOLLARS

26





FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

MEMORANDUM TO:

CHARLES N. STEELE, GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/THERESE M. GREYER *JMG*

DATE:

THURSDAY, SEPTEMBER 27, 1984

SUBJECT:

MUR 1662 GENERAL COUNSEL'S REPORT  
SIGNED SEPTEMBER 21, 1984.

The above-named document was circulated to the  
Commission on Monday, September 24, 1984.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |             |
|-----------------------|-------------|
| Commissioner Aikens   | _____       |
| Commissioner Elliott  | _____       |
| Commissioner Harris   | _____X_____ |
| Commissioner McDonald | _____       |
| Commissioner McGarry  | _____       |
| Commissioner Reiche   | _____       |

This matter will be placed on the Executive Session  
agenda for Tuesday, October 2, 1984.

21040335201

BEFORE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, as Treasurer, )  
et. al. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 2, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1662:

1. Find reason to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 434(a)(1).

3. Enter into conciliation with the Committee to Re-Elect Congressman Leo Zeferetti and Eileen Deering, as treasurer, prior to a finding of probable cause to believe.

(Continued)

5. Enter into conciliation with the Friends of Ed Towns Committee and Vivian Bright, as treasurer, prior to a finding of probable cause to believe.
6. Approve the conciliation agreements submitted with the General Counsel's Report signed September 21, 1984.
7. Approve the letters attached to the General Counsel's September 21, 1984 Report.

Commissioners Aikens, Elliott, Harris, McDonald,  
McGarry and Reiche voted affirmatively in this matter.

Attest:

10-2-84

Date

Judy C. Ransom  
for Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:  
Objection withdrawn:

9-21-84, 12:51  
9-24-84, 4:00  
10-2-84, 9:46

21040335203



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 1984

Edward Myers, Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell Jr. Blvd.  
New York, N.Y. 10030

RE: MUR 1662  
Beatty for Congress Committee  
Edward Myers, Treasurer

Dear Mr. Myers:

On April 3, 1984, the Commission found reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441a(f). In addition, on October 2, 1984, the Commission found reason to believe your committee and you, as treasurer violated 2 U.S.C. § 434(a)(1). At your request, the Commission determined on October 2, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

*Lee Ann Elliott*  
Lee Ann Elliott  
Chairman

Enclosures

9104033204



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 1984

Kenneth Fisher, Esq.  
189 Montague Street  
Brooklyn, New York 11201

RE: MUR 1662  
Friends of Ed Towns  
Vivian Bright, Treasurer

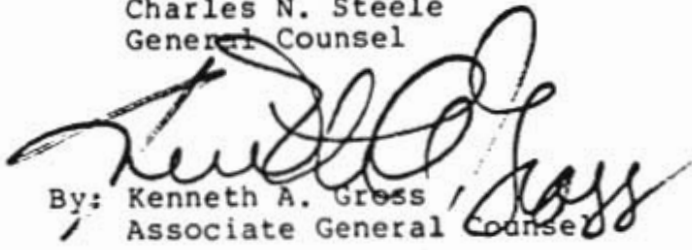
Dear Mr. Fisher:

On April 3, 1984, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f). At your request, the Commission determined on October 2, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 4, 1984

Leo Zeferetti  
923 15th Street, N.W.  
Washington, D.C. 20005

RE: MUR 1662  
Committee to Re-elect  
Congressman Leo Zeferetti  
Eileen Deering, Treasurer

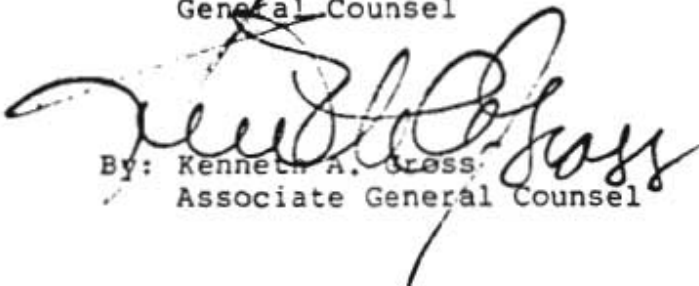
Dear Mr. Zeferetti:

On April 3, 1984, the Commission found reason to believe that your committee and its treasurer, violated 2 U.S.C. §§ 441a(f) and 434(a)(4)(A)(iv). At your request, the Commission determined on October 2, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 1984

Alan Lebowitz, Treasurer  
Brooklyn Democrats Federal Campaign Account  
16 Court Street  
Brooklyn, New York 11241

RE: MUR 1662  
Brooklyn Democrats Federal  
Campaign Account  
Alan Lebowitz, Treasurer

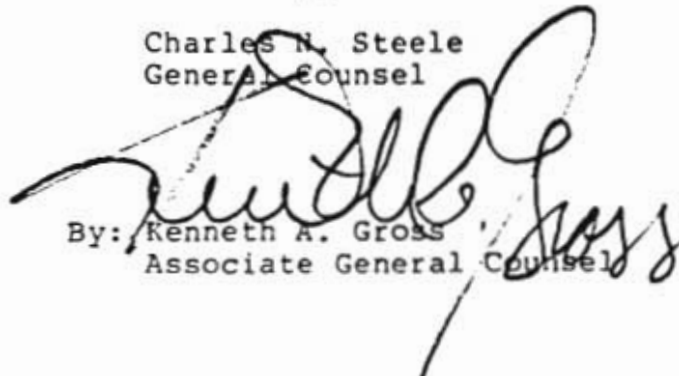
Dear Mr. Lebowitz:

On April 3, 1984, the Commission found reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). At your request, the Commission determined on October 2, 1984, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Associate General Counsel

Enclosures

21040335207

OGC#5214

October 18, 1984

Charles N. Steele, General Counsel  
Federal Election Commission  
1325 K St., N.W.  
Washington, D.C. 20463

RE: FECMUR 1662

14 OCT 19 11:01

RECEIVED  
GENERAL  
COUNSEL

Pursuant to II C.F.R. III.23, I hereby designate  
Margaret E. McCormick as my counsel in the above-referenced  
matter.

Ms. McCormick is authorized to receive any notifications  
and other communications from the Commission in connection  
with this matter and to act on my behalf before the Federal  
Election Commission.

Ms. McCormick's address is: AFL-CIO Legal Department,  
815 Sixteenth St., N.W., Washington, D.C. 20006. Her  
telephone numbers are: (Office) 202-637-5397; (Home) 301-  
656-9612.

Sincerely,

*Leo C. Zeferetti*

Leo C. Zeferetti

3104033208

**SENSITIVE**  
**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
FEC  
CLERK

In the Matter of )  
Beatty for Congress Committee )  
Edward Myers, as treasurer )

MUR 1545 84 OCT 25 P 4: 09

**GENERAL COUNSEL'S REPORT**

**BACKGROUND**

This matter was generated by the Reports Analysis Division ("RAD") as a result of the Beatty for Congress Committee's ("the Committee") failure to file its July 1982 Quarterly Report, October 1982 Quarterly Report, 12 Day Pre-Primary Report and 1982 Year End Report. The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York primary election. Mr. Beatty lost the election with 46 per cent of the total vote.

On June 21, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434 for their failure to file the July and October 1982 Quarterly Reports, the 12 Day Pre-Primary and 1982 Year End Reports. Also, on October 18, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Brooklyn Democrats Federal Campaign Account. 1/ On the same date, the Commission found reason to believe the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) for their failure to file the mid-year

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1/ This violation is being reviewed in MUR 1662.

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report for the period covering January 1 and ending June 30, 1983.

After numerous efforts, telephone contact was finally made with Edward Myers. Mr. Myers indicated that he had not received either of the Commission's RTB notifications and was not aware that the Commission had generated an action against him and the committee. Myers stated that the committee office to which both notifications were mailed was closed over a year ago soon after the campaign ended. Myers also stated that to the best of his knowledge and belief, all proper reports had been filed and were up to date except for the filing of a termination report. Myers indicated that the termination report had not been filed since he is still awaiting closing year statements from the bank.

As a result of the aforementioned conversation, General Counsel staff forwarded copies of both Commission letters to Mr. Myers for his immediate attention. On January 9, 1984, Mr. Myers agreed to send the requested documents to the Commission by Express Mail. On January 10, 1984, the documents were received at the Commission. The documents consisted of copies of quarterly reports, letters to the Commission and responses to RFAI's which the respondent indicated were all filed previously and in a timely manner.

Based on a review of the file, however, it appeared that additional violations of the Act by the Beatty Committee and Edward Myers, as treasurer, may have occurred. It appeared that the Committee may have knowingly provided the Commission with

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false information by indicating in a March 28, 1983, termination letter to the Commission that the Committee had no outstanding debts, when Ed Myers later indicated in an August 5, 1983 letter to the Brooklyn Democrats that "a large payable to other vendors" remained outstanding. Moreover, a review of the reports received at the Commission on January 10, 1984, revealed numerous discrepancies. The reports revealed, inter alia, several apparently excessive contributions in violation of 2 U.S.C. § 441a(a)(1)(A) and missing contributor information on alleged loans apparently in violation of 2 U.S.C. § 434(b)(3)(E). In addition, a review of the Rangel for Congress Committee ("Rangel Committee") reports revealed that the Rangel Committee contributed \$500 to the Beatty Committee. This information was not reported on the Beatty Committee reports in apparent violation of 2 U.S.C. § 432(a)(1). Moreover, because of the outstanding loans found in these reports and the outstanding debt to the Brooklyn Democrats, the Committee would not be permitted to terminate as it attempted to do in its March 28, 1983 letter. Also, the campaign appeared to have amassed nearly \$110,000 in contributions, yet only 2 per cent or \$1,930 was reported by the Committee as itemized.

Because of the numerous discrepancies and irregularities appearing in the reports, and because of the numerous violations which appeared to have occurred, this Office recommended that the Commission refer this matter to the Audit Division for further review and audit.

On May 14, 1984, the Commission referred this matter to the Audit Division for further review and audit.

**FACTUAL AND LEGAL ANALYSIS OF THE AUDIT**

The audit covered the period February 17, 1982 through December 31, 1982. 2/

A. Receipt of Contributions in Violation of 2 U.S.C. § 441b

2 U.S.C. § 441b(a) states that:

It is unlawful for any...corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which...a Senator or Representative to Congress are to be voted for... .

The Audit staff reviewed the Committee's available records for contributions received and noted receipt of 28 contributions from apparent corporations totaling \$26,820 and one contribution from a labor organization totaling \$1,000 (See Attachment III). In addition, the Committee received two loans totaling \$10,000 from two apparent corporations which have not been refunded. The treasurer of the Committee explained that these contributions (except for the loans) actually represent collections from individual contributors (probably less than \$50 per person) at fundraising events held at the corporations or labor organizations. Audit staff indicated that Mr. Myers said some of the checks received were written on corporate checks and that he

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2/ The Committee only reported activity through September 30, 1982, but indicated further reports would be filed. The Audit staff noted that the Committee had reportable financial activity through December 31, 1982. Bank records indicated a residual balance of \$173.95 as of December 31, 1982. The treasurer was unable to provide records for or explain the disposition of these funds.

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realizes now that he should have required the funds collected from the corporate employees to be deposited directly into the Committee depository as opposed to the corporations depositing the checks into their accounts and writing checks on the corporate accounts in amounts representing the monies collected at the fundraisers. Audit staff indicated that Mr. Myers said he would obtain statements and documentation to demonstrate that these contributions represent small individual contributions and not contributions from corporations or labor organizations. Myers indicated the loans noted above represent contributions from individuals who worked at the listed corporations but was not sure of the details regarding these loans.

Since the Committee has not produced any evidence demonstrating that the aforementioned contributions were not received from prohibited sources, this office recommends that the Commission find reason to believe the Beatty for Congress Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441b(a).

B. Receipt of Contributions in Violation of 2 U.S.C. § 441a(f)

2 U.S.C. § 441a(a)(1)(A) states that:

No person shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceed \$1,000;

In addition, 2 U.S.C. § 441a(f) states that:

No candidate or political committee shall knowingly accept any contribution...in violation of the provisions of this section.

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The Audit staff's review of available Committee receipts disclosed contributions from nine individuals, totaling \$19,717, which were in excess of the \$1,000 limitation (See Attachment IV). Further, the Audit staff noted a loan of \$17,000 from the Beatty family which has not been repaid. (This issue is discussed further in section F of this report.) With respect to the nine contributions from individuals, the treasurer of the Committee said that the contributions actually represent receipts for ticket sales collected from various individuals (probably less than \$50 per person) by the nine listed individuals. He said the listed individuals held fundraisers and collected funds on behalf of the Committee. The treasurer indicated he was not aware of the recordkeeping requirements for individuals collecting funds on behalf of the Committee. He said he would obtain documentation and statements from these individuals that would demonstrate that the contributions were not excessive. With respect to the \$17,000 loan from the Beatty family, the treasurer said he had no detailed knowledge of the loan and was not sure if the amount represented a contribution from the candidate exclusively or from family members.

Since the Committee has produced no evidence demonstrating that the aforementioned contributions were not excessive and have not been refunded or repaid, this office recommends that the Commission find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f).

C. Recordkeeping Requirements

2 U.S.C. § 432(c)(1) through (3) states that:

The treasurer of a political committee shall keep an account of:

- (1) all contributions received by or on behalf of such political committee;
- (2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;
- (3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

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The Audit staff reviewed deposits on the Committee's bank statements and noted the receipt of \$118,191.38. The Committee supplied the Audit staff with a list of contributor names and amounts totaling \$105,791. The treasurer of the Committee said that the balance of \$12,400.38 probably represented contributions received directly at the Committee's Brooklyn office about which he had no knowledge. He said he attempted to contact the manager of the Brooklyn office prior to the audit but his efforts were unsuccessful. The list he supplied to the Audit staff did not contain addresses, dates, or the occupations and names of employers for the contributors listed. No deposit tickets or other documentation were available to verify that the listed contributions represented the deposits noted on the Committee's bank statements. No solicitation materials were available for Audit's review. The treasurer indicated that there was no control over the Committee's activities. He further stated that



he was appointed treasurer presumably because of his position in the community and that the activities he performed for the Committee occurred in his office in northern Manhattan. An office manager in the Brooklyn office handled day-to-day activities including receipt and deposit of contributions and check signing and preparation.

Since the Committee has failed to maintain accurate contributor records, this office recommends that the Commission find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 432(c)(1), (2) and (3).

D. Itemization of Contributions

2 U.S.C. § 434(b)(3)(A) and (B) states that:

Each report under this section shall disclose the identification of each - (A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution; (B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

The Audit staff reviewed available contribution records and noted contributions from 35 individuals totaling \$41,354 which were not itemized on Committee reports as required. The dollar amount not itemized represents 96.5 per cent of the amount of contributions required to be itemized. In addition, Audit staff

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noted two contributions from political committees totaling \$3,000 which were not itemized on Committee reports as required. These amounts do not include corporate and labor contributions discussed in Finding A. The Committee treasurer said he was not aware of the detailed disclosure required for contributions and expenditures but said he would be willing to file the detailed amended reports disclosing the required information.

Since the Committee has failed to maintain an appropriate itemization of contributions from individuals and political committees, this office recommends that the Commission find reason to believe the Beatty Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and (B).

E. Itemization of Expenditures

2 U.S.C. § 434(b)(5)(A) states that:

Each report under this section shall disclose - the name and address of each - person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

The Audit staff reviewed cancelled checks maintained by the Committee and noted 89 expenditures totaling \$117,066.72 which were not itemized on Committee reports as required. Since the Committee has not itemized any expenditures, this represents 100 per cent of the amount required to be itemized. The treasurer of the Committee indicated that he was not aware of the detailed

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disclosure requirements. He stated he would file the required amendments to bring the Committee reports into compliance.

Since the Committee has failed to disclose the name and address of each person to whom an expenditure was made in an aggregate amount in excess of \$200 and since the Committee has failed to maintain the date, amount and purpose of such expenditures, this office recommends that the Commission find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(5)(A).

F. Reporting of Loans

2 U.S.C. § 434(b)(3)(E) states that:

Each report under this section shall disclose - the identification of each - person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount of value of such loan;

In addition, 11 C.F.R. § 104.11(2) states that:

Debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished.

The Audit staff reviewed the Committee's contribution records and noted two \$5,000 loans from corporations. (See Finding A.). A review of the 1982 October Quarterly report disclosed two outstanding \$5,000 loans. One was disclosed as received from an individual and the other was unidentified. Since no subsequent report was filed (see Finding G.), there

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is no disclosure of the disposition of these loans. In addition, it was noted that the Committee received a \$17,000 loan from the Beatty family which has never been reported. There is no evidence that these loans have been repaid. The Committee's treasurer said that the two \$5,000 loans which appear to be corporate were actually received from individuals. He said he had no knowledge of the details of the \$17,000 loan from the Beatty family. He said he would attempt to determine the details regarding these loans and file amended reports disclosing their disposition.

Since the Committee has failed to disclose the identification of each person who made a loan to the Committee and since the Committee has failed to continually report its outstanding debts and obligations, this office recommends that the Commission find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.11(2).

G. Disclosure of Financial Activity

2 U.S.C. § 434(a)(2)(A)(iii) states, in pertinent part, that:

The treasurer of a political committee which is the principal campaign committee of a candidate for the House of Representatives... shall file...quarterly reports...except that the report ending for the quarter ending December 31 shall be filed no later than January 31 of the following year;

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The Audit staff performed a reconciliation of the Committee's bank activity with reported activity for 1982. It was noted that the Committee made disbursements totaling \$9,349.87 and made deposits totaling \$7,970 for the period October 1, 1982 through December 31, 1982 which have not been reported as required. The treasurer said he would file the required report.

Since the Committee has failed to file a report of receipts and disbursements for the quarter ending December 31, 1982, this office recommends that the Commission find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii).

#### RECOMMENDATIONS

Based on the 2 U.S.C. § 437g audit and other information available to the Commission, it appears that the Beatty Committee and Ed Myers, as treasurer, have committed numerous violations of the Act. Accordingly, the Office of General Counsel recommends that the Commission:

- 1) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441b;
- 2) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f);
- 3) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 432(c)(1), (2) and (3);
- 4) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and (B);

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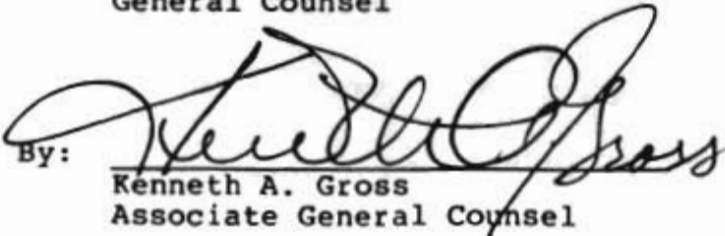


- 5) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b) (5) (A);
- 6) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b) (3) (E) and 11 C.F.R. § 104.11(2);
- 7) Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. §§ 434(a) (2) (A) (iii) and 434(b) (1), (2) and (4); and
- 8) Approve and send the attached letter.

Charles N. Steele  
General Counsel

Oct. 25, 1984  
Date

By:

  
Kenneth A. Gross  
Associate General Counsel

Attachments

- I Audit Memo dated June 27
- II Audit Memo dated July 10
- III Audit Attachment "A"
- IV Audit Attachment "B"
- V Letter to Ed Myers
- VI Factual and Legal Analysis

21040335221

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1545  
Edward Myers, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1545:

1. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441b.
2. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 432(c)(1), (2) and (3).
4. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and (B).
5. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(5)(A).
6. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.11(2).

(Continued)

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Certification  
General Counsel's Report  
Signed October 25, 1984

7. Find reason to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(iii) and 434(b)(1), (2) and (4).
8. Approve and send the letter attached to the General Counsel's Report signed October 25, 1984.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

10-31-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

10-25-84, 4:09  
10-26-84, 2:00

91040335223



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 1, 1984

Ed Myers  
Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell, Jr., Blvd.  
New York, New York 10030

Re: MUR 1545  
Beatty for Congress Committee  
Ed Myers, as treasurer

Dear Mr. Myers:

On October 30, 1984, the Federal Election Commission determined that there is reason to believe the Beatty for Congress Committee and you, as treasurer, violated numerous provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials, within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if so desired. See 11 C.F.R. § 111.18(d).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

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Letter to Ed Myers  
Page 2

stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

  
Lee Ann Elliott  
Chairman

Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

21040335225



SENSITIVE

RECEIVED

BEFORE THE FEDERAL ELECTION COMMISSION  
SECRETARY

In the Matter of )  
Friends of Ed Towns )  
Vivian Bright, as treasurer )

NOV 16 10:08  
MUR 1662

GENERAL COUNSEL'S REPORT

Background

Attached is a conciliation agreement which has been signed by treasurer of the Friends of Ed Towns Committee.

The attached agreement contains no changes from the agreement approved by the Commission and a check for the civil penalty has been received.

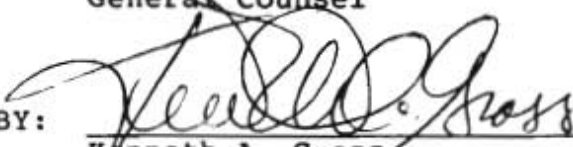
Recommendation

The Office of General Counsel recommends the acceptance of this agreement and closing the file as it pertains to this respondent.

Charles N. Steele  
General Counsel

Nov. 16, 1984  
Date

BY:

  
Kenneth A. Gross  
Associate General Counsel

Attachment(s)

Conciliation Agreement  
Letter to Kenneth Fisher, Esq.

21040335226

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Friends of Ed Towns ) MUR 1662  
Vivian Bright, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 20, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1662:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed November 16, 1984.
2. Close the file as it pertains to to this respondent.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

11-20-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

11-16-84, 10:08  
11-16-84, 2:00

21040335227



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 23, 1984

Kenneth F. Fisher, Esquire  
189 Montague Street  
Brooklyn, New York 11201

Re: MUR 1662  
Friends of Ed Towns  
Vivian Bright, as treasurer

Dear Mr. Fisher:

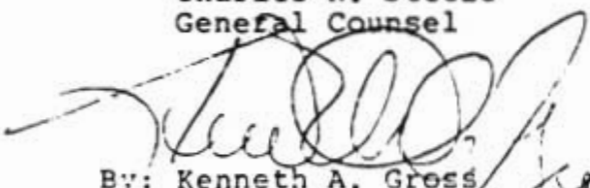
On November 20, 1984, the Commission accepted the conciliation agreement signed by your client, and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

21040335228

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Friends of Ed Towns ) MUR 1662  
Vivian Bright, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Friends of Ed Towns and Vivian Bright, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting an excessive contribution in the amount of \$500.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1) Respondent, Friends of Ed Towns, is a political committee registered with the Commission.

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2) Respondent, Vivian Bright, is the registered treasurer of the political committee.

3) As such, the Respondents accepted an excessive contribution from the Brooklyn Democrats Federal Campaign Account in the amount of \$500.

V. Respondents accepted the excessive contribution in the amount of \$500 in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of one hundred dollars (\$100), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree not to undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and

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implement the requirements contained in this agreement and to so notify the Commission.

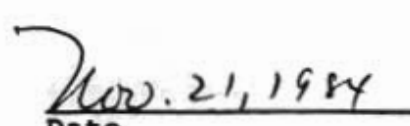
XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statements, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

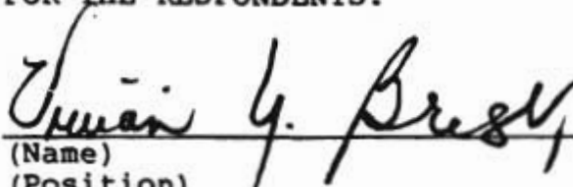
Charles N. Steele  
General Counsel

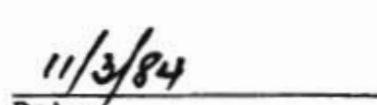
BY:

  
Kenneth A. Gross  
Associate General Counsel

  
Date

FOR THE RESPONDENTS:

  
(Name)  
(Position)

  
Date

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RECEIVED AT THE FEC  
GCL #5850  
84 DEC 3 AIO: 35

Edward Myers, Jr.  
2307 Adam Clayton Powell Jr. Blvd.  
New York, New York 10030

November 30, 1984

4 NOV 2  
P12: 12

Mr. Duane Brown, Esq.  
1325 K Street N.W.  
Washington, D.C. 20463

Re: MUR 1545 Commissions Summay of Allocations

Dear Mr. Brown:

I have reviewed the commissions summary of allocations contained in its November 1, 1984 letter to me and to say the least, I am very confused. I am not a Certified Public Accountant who may be able to read this material, do calculations and respond accordingly. Therefore, will you please advise me as to what I am supposed to respond to and a copy of your audit staffs backup and calculation for each allocation that a response is required from me. When this information is received, I will better be able to respond and submit copies of whatever material and documents that I may have or may be able to receive.

Thank you.

Very truly yours,

Edward Myers, Jr.

EM:mb

91040332232

**SENSITIVE**  
**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Committee to Re-Elect )  
Congressman Leo Zeferetti )  
Eileen Deering, as treasurer )

MUR 1662

APR 6 11:54

**GENERAL COUNSEL'S REPORT**

**BACKGROUND**

On April 3, 1984, the Commission found reason to believe the Committee to Re-Elect Congressman Leo Zeferetti and Eileen Deering, as treasurer ("respondents") violated 2 U.S.C. §§ 441a(a) and 434(a)(4)(A)(iv) for accepting an excessive contribution and failing to file the mid-year report in a timely manner.

By letter Leo Zeferetti requested pre-probable cause conciliation in an effort to conclude this matter.

**FACTUAL AND LEGAL ANALYSIS**

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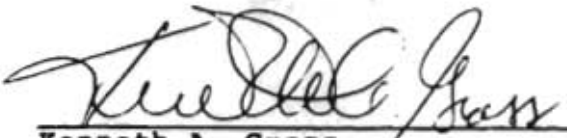
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**RECOMMENDATIONS**

1. Accept the respondents' counterproposal to the Commission's conciliation agreement.
2. Approve and send the attached conciliation agreement and letter.

Charles N. Steele  
General Counsel

Dec 6, 1984  
Date

By:   
Kenneth A. Gross  
Associate General Counsel

**Attachments**

- I.
- II.
- III. Conciliation Agreement
- IV. Letter to Margaret McCormick

910403352335





FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*  
DATE: DECEMBER 11, 1984  
SUBJECT: OBJECTION - MUR 1662 General Counsel's Report  
signed December 6, 1984

The above-named document was circulated to the  
Commission on Friday, December 7, 1984 at 2:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

|                       |                   |
|-----------------------|-------------------|
| Commissioner Aikens   | <u>X</u>          |
| Commissioner Elliott  | <u>          </u> |
| Commissioner Harris   | <u>          </u> |
| Commissioner McDonald | <u>          </u> |
| Commissioner McGarry  | <u>          </u> |
| Commissioner Reiche   | <u>          </u> |

This matter will be placed on the Executive Session  
agenda for Tuesday, December 18, 1984.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*

DATE: DECEMBER 11, 1984

SUBJECT: MUR 1662 - General Counsel's Report  
signed December 6, 1984

Attached is a copy of Commissioner Reiche's  
vote sheet with comments regarding his objection,  
for record purposes only.

Attachment:  
copy of vote sheet

91040335237

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Committee to Re-Elect )  
Congressman Leo Zeferetti )  
Eileen Deering, as treasurer )

MUR 1662

CERTIFICATION

I, Mary W. Dove, Administrative Secretary for the Federal Election Commission, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1662 in its executive session of December 18, 1984:

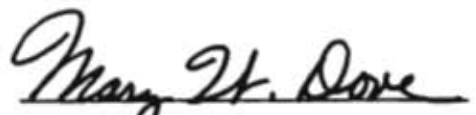
1. Accept the respondents' counterproposal to the Commission's conciliation agreement.
2. Approve and send the conciliation agreement and letter attached to the General Counsel's report dated December 6, 1984.

Commissioners Aikens, Elliott, Harris, McDonald, and McGarry voted affirmatively for the decision. Commissioner Reiche dissented.

Attest:

12-21-84

Date

  
Mary W. Dove  
Administrative Secretary

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

RECEIVED  
FEC  
COMMISSION SECRETARY

In the Matter of )  
Committee to Re-Elect )  
Congressman Leo Zeferetti )  
Eileen Deering, as treasurer )

MUR 1662

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**GENERAL COUNSEL'S REPORT**

BACKGROUND

Attached is a conciliation agreement which has been signed by counsel for the respondents.

The attached agreement contains no changes from the agreement approved by the Commission.

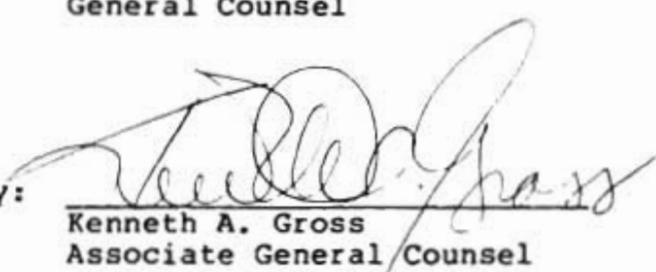
RECOMMENDATION

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file as it pertains to these respondents, and sending the attached letter.

Charles N. Steele  
General Counsel

January 31, 1955  
Date

By:

  
Kenneth A. Gross  
Associate General Counsel

Attachment(s)

1. Conciliation Agreement
2. Letter to Margaret McCormick

91040335239

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1662  
Committee to Re-Elect )  
Congressman Leo Zeferetti )  
Eileen Deering, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 4, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1662:

1. Accept the conciliation agreement attached to the General Counsel's Report signed January 31, 1985.
2. Close the file as it pertains to these respondents.
3. Send the letter attached to the General Counsel's Report signed January 31, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

2-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

1-31-85, 12:54  
1-31-85, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1985

Margaret McCormick, Esq.  
815 - 16th Street, N.W.  
Washington, D.C. 20006

Re: MUR 1662  
Committee to Re-Elect  
Congressman Leo Zeferetti  
Eileen Deering, as treasurer

Dear Ms. McCormick:

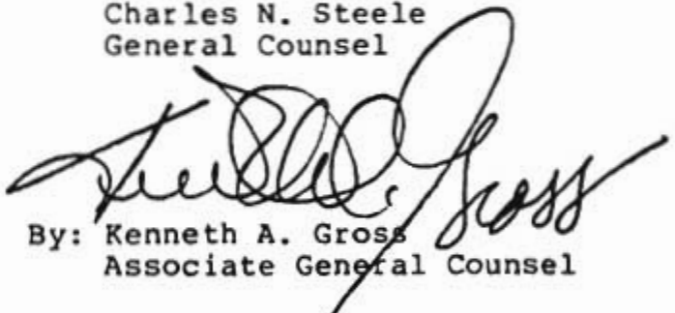
On February 4, 1985, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

2104035241

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Committee to Re-Elect ) MUR 1662  
Congressman Leo Zeferetti )  
Eileen Deering, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Committee to Re-Elect Congressman Leo Zeferetti and Eileen Deering, as treasurer ("Respondents"), violated 2 U.S.C. §§ 434(a)(4)(A)(iv) and 441a(f) by failing to file the 1983 Mid-Year Report in a timely manner and knowingly accepting excessive contributions in the amount of \$5,500, respectively.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

1) Respondent Committee to Re-Elect Congressman Leo Zeferetti, was a political committee registered with the Commission until the Committee terminated its registration with the Commission in 1984.

2) Respondent Eileen Deering was the treasurer of the committee until its termination.

3) The Respondents failed to file the 1983 Mid-Year Report in a timely manner.

4) Respondents accepted excessive contributions in the amount of \$1,500 for the 1982 primary election and \$4,000 for the 1982 general election from the Brooklyn Democrats Federal Campaign Account.

V. Respondents' untimely filing of the Committee's 1983 Mid-Year Report violated 2 U.S.C. § 434(a)(4)(A)(iv).

VI. Respondents' acceptance of contributions exceeding \$1,000 for the 1982 primary and general elections from the Brooklyn Democrats Federal Campaign Account violated 2 U.S.C. § 441a(f).

VII. Respondents contend that the above-described violations of the Act were inadvertent.

VIII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred Dollars (\$300), pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. Respondents agree not to undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

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X. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

XI. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XII. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statements, promise, or agreement, either written or

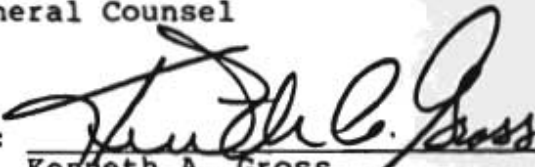
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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

  
Kenneth A. Gross  
Associate General Counsel

  
February 13, 1985  
Date

FOR THE RESPONDENTS:

Margaret E. McCormick  
(Name) Margaret E. McCormick  
(Position) Counsel for Respondents

1/15/85  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE FEC  
COMMISSIONER SECRETARY

FEB 13 P 1:00

February 13, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

SUBJECT: MUR 1662

**SENSITIVE**

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the Respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on February 13, 1985. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

Brief

Letter to Respondents

91040335246



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 13, 1985

Alan Lebowitz, Esq.  
Treasurer  
The Brooklyn Democrats  
Federal Campaign Account  
16 Court Street  
Brooklyn, New York 11241

Re: MUR 1662

Dear Mr. Lebowitz:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on , 1985, found reason to believe that the Brooklyn Democrats Federal Campaign Account and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(C) and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

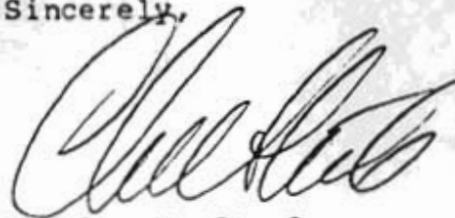
If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

Letter to Alan Lebowitz  
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

21040835248

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
The Brooklyn Democrats Federal ) MUR 1662  
Campaign Account )  
Alan Lebowitz, Treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

This matter was generated by the Reports Analysis Division ("RAD") as the result of a review of the reports filed by the Brooklyn Democrats Federal Campaign Account.

The 1982 12 Day Pre-Primary, October Quarterly, 12 Day Pre-General and 30 Day Post-General reports filed by the Brooklyn Democrats Federal Campaign Account disclosed \$7,500 in apparent excessive contributions to authorized committees. The contributions were made to the following committees: \$1,500 to Beatty for Congress on August 20, 1982; \$500 to Friends of Ed Towns on September 20, 1982; \$1,500 on September 22, 1982, \$2,500 on October 7, 1982 and \$1,500 on October 28, 1982 to the Committee to Re-Elect Congressman Zeferetti.

A Request for Additional Information (RFAI) was sent to the Brooklyn Demcorats on June 15, 1983. The RFAI advised the Brooklyn Democrats that an individual or political committee, other than a multicandidate committee, is prohibited from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats were asked to notify the recipients and request refunds of the amounts in excess of \$1,000.

A Second Notice was sent on July 7, 1983, for failure to respond to the original RFAI. The assistant treasurer of the Brooklyn Democrats, Mr. William Garry, telephoned the analyst on August 11, 1982, to discuss matters contained in the RFAI.

Mr. Garry acknowledged that the Brooklyn Democrats had made excessive contributions under the mistaken assumption that it was a multicandidate committee at the time the contributions were made. He also stated that letters had been sent to the authorized committees seeking refunds and that copies of those letters would be forwarded to the Commission.

A communication was received from the assistant treasurer on August 15, 1983. It included copies of letters that had been sent to the candidate committees requesting refunds of the excessive amounts, and, in the case of Friends of Ed Towns, a copy of that committee's letter to the Commission amending its report and allocating \$1,000 of the \$1,500 contribution received to the general election. Additionally, the response included a copy of a letter the Brooklyn Democrats received from the Beatty for Congress Committee, which stated that the committee no longer existed and, therefore, did not have money to make a refund.

On August 22, 1983, a letter was received from the Brooklyn Democrats stating it had received a \$5,500 refund (\$1,500 for the 1982 primary and \$4,000 for the 1982 general election) from the Committee to Re-Elect Congressman Zeferetti.

On April 3, 1984, the Commission found reason to believe the respondents violated 2 U.S.C. § 441a(a)(1)(A).

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On October 2, 1984, upon the request of committee treasurer, Alan Lebowitz, the Commission decided to enter into negotiations directed toward reaching a conciliation agreement with the respondents prior to a finding of probable cause. Those negotiations were unfruitful.

## II. Legal Analysis

2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a)(1) state that:

No person \*/ (except multicandidate committees) shall make contributions -to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000;

In addition, 2 U.S.C. § 441a(a)(4) defines a multicandidate committee as:

A political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, ... has made contributions to 5 or more candidates for Federal office.

Although the Brooklyn Democrats met two of the requirements for multicandidate status at the time it made the above described contributions, it failed to satisfy the third prerequisite since it was not registered as a political committee for a period of at least 6 months. Because the Brooklyn Democrats was not a multicandidate committee when it made contributions exceeding

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\*/ For purposes of this section, 2 U.S.C. § 431(11) defines "person" as an individual, partnership, [or] committee ... .

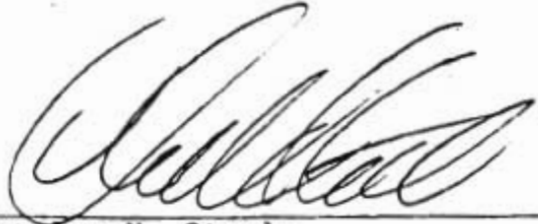
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\$1,000 to the Friends of Ed Towns Committee, the Beatty for Congress Committee and the Zeferetti Committee, it violated 2 U.S.C. § 441a(a)(1)(A). Consequently, this Office recommends that the Commission find probable cause to believe the Brooklyn Democrats Federal Campaign Account and Alan Lebowitz, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

### III. General Counsel's Recommendation

The General Counsel recommends that the Commission find probable cause to believe the Brooklyn Democrats Federal Campaign Account and Alan Lebowitz, as treasurer violated 2 U.S.C. § 441a(a)(1)(A).

12 Feb 1985  
Date

  
Charles N. Steele  
General Counsel

21040335252

EX-6818  
THE FEC

THE BROOKLYN DEMOCRATS

16 COURT STREET ★ BROOKLYN, N. Y. 11241

85 MAR 5 P2:49

D. Brown

In the Matter of )  
 )  
The Brooklyn Democrats Federal ) MUR 1662  
Campaign Account )  
Alan Lebowitz, Treasurer )

RESPONDENT'S BRIEF

The facts as set forth in the Brief of the General Counsel are not in dispute. What is in dispute is the fact that the excess contributions were not deliberate, but were merely an error in the interpretation of the Brooklyn Democrats status as a multi-candidate committee.

Upon receipt of information that the Brooklyn Democrats had violated 2 U.S.C. § 441a(a)(1)(A), 11 C.F.R. § 110.1 (a)(1), and 2 U.S.C. § 441a(a)(4), efforts were made by the Brooklyn Democrats to rectify this error, and all the committees were advised to refund the excess contributions.

All committees responded with the exception of the Committee to elect Beatty for Congress.

By letter dated August 19, 1983, Mr. William J. Garry, the Assistant Treasurer of the Brooklyn Democrats advised the Federal Election Commission of our efforts to have the excess funds returned to the Brooklyn Democrats, and in addition, explained that this was an inadvertant error, we believed we were a multi-candidate committee.

Thereafter, by letter dated July 12, 1984 to Duane A. Brown of the Federal Election Commission, Alan L. Lebowitz, Treasurer of the Brooklyn Democrats, set forth all the factual data with reference to this error

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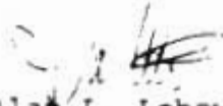
Thereafter, by letter dated February 13, 1985, the General Counsel's office advised that they were prepared to recommend that the Federal Election Commission find probable cause that a violation did in fact occur at which time a copy of that brief was submitted.

The only violation upon which the General Counsel's office is requesting a probable cause finding is that the Brooklyn Democrats were not a multi-candidate committee, by virtue of the fact it was not registered as a Political Committee for a period of six months. At no time is there an allegation that the Brooklyn Democrats intended to violate the law. In fact it is conceded that all requirements other than the six month period were met by the Brooklyn Democrats.

In view of the fact that the error was inadvertant, and the sums were refunded to the Brooklyn Democrats,

the Federal Election Commission  
should not find probable cause

Sincerely,

  
Alan L. Lebowitz  
Treasurer

ALL/cs

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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OFFICE OF THE FEC  
COMMISSION SECRETARY

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March 22, 1985

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CNS/asm*  
General Counsel

SUBJECT: MUR 1545

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on March 22, 1985. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

Brief

Letter to respondents

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 22, 1985

Edward Myers, Jr., Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell Jr. Boulevard  
New York, New York 10030

Re: MUR 1545  
Beatty for Congress Committee  
Edward Myers, Jr., as treasurer

Dear Mr. Myers:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you the Federal Election Commission, on June 21, 1983, October 18, 1983 and October 30, 1984, found reason to believe that the Beatty for Congress Committee and you, as treasurer, violated numerous sections of the Federal Campaign Act of 1971, as amended and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the violations have occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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Letter to Edward Myers  
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1545  
Edward Myers, as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

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This matter was generated by the Reports Analysis Division ("RAD") as a result of the Beatty for Congress Committee's ("the Committee") failure to file its July 1982 Quarterly Report, October 1982 Quarterly Report, 12 Day Pre-Primary Report and 1982 Year End Report. The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York Democratic primary election from the 12th District. Mr. Beatty lost the election with 46 per cent of the total vote.

On June 21, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, ("Respondents") violated 2 U.S.C. § 434 for their failure to file the July and October 1982 Quarterly Reports, the 12 Day Pre-Primary and 1982 Year End Reports. Also, on October 18, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Brooklyn Democrats Federal Campaign Account. On the same date, the Commission found reason to believe the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) for their failure to file the mid-year report for the period covering January 1 and ending June 30, 1983.

On January 10, 1984, the appropriate documents were received at the Commission.

Because of the numerous discrepancies and irregularities appearing in the reports, and because of the numerous violations which appeared to have occurred, this Office recommended that the Commission refer this matter to the Audit Division for further review and audit.

On October 30, 1984, based on the findings of the Audit Division, the Commission found reason to believe Respondents violated 2 U.S.C. §§ 441b, 441a(f), 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434(b)(5)(A), 434(b)(3)(E), 434(a)(2)(A)(iii), 434(b)(1), (2) and (4) and 11 C.F.R. § 104.11(a).

## II. FACTUAL AND LEGAL ANALYSIS

The audit covered the period February 17, 1982 through December 31, 1982. 2/

### A. Receipt of Contributions in Violation of 2 U.S.C. § 441b

2 U.S.C. § 441b(a) states that:

It is unlawful for any...corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which...a Senator or Representative to Congress are to be voted for... .

---

2/ The Committee only reported activity through September 30, 1982, but indicated further reports would be filed. The Audit staff noted that the Committee had reportable financial activity through December 31, 1982. Bank records indicated a residual balance of \$173.95 as of December 31, 1982. The treasurer was unable to provide records for or explain the disposition of these funds.

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The Audit staff reviewed the Committee's available records for contributions received and noted receipt of 28 contributions from apparent corporations totaling \$26,820 and one contribution from a labor organization totaling \$1,000. In addition, the Committee received two loans totaling \$10,000 from two apparent corporations which have not been refunded. The treasurer of the Committee explained that these contributions (except for the loans) actually represent collections from individual contributors (probably less than \$50 per person) at fundraising events held at the corporations or labor organizations. Audit staff indicated that Mr. Myers said some of the checks received were written on corporate checks and that he realizes now that he should have required the funds collected from the corporate employees to be deposited directly into the Committee depository as opposed to the corporations depositing the checks into their accounts and writing checks on the corporate accounts in amounts representing the monies collected at the fundraisers. Audit staff indicated that Mr. Myers said he would obtain statements and documentation to demonstrate that these contributions represent small individual contributions and not contributions from corporations or labor organizations. Myers indicated the loans noted above represent contributions from individuals who worked at the listed corporations but was not sure of the details regarding these loans.

Because the Committee has not produced any evidence demonstrating that the aforementioned contributions were not received from prohibited sources, this office recommends that the



Commission find probable cause to believe the Beatty for Congress Committee and Ed Myers, as treasurer, violated 2 U.S.C.

§ 441b(a).

B. Receipt of Contributions in Violation of 2 U.S.C.  
§ 441a(f)

2 U.S.C. § 441a(a) (1) (A) states that:

No person shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceed \$1,000;

In addition, 2 U.S.C. § 441a(f) states that:

No candidate or political committee shall knowingly accept any contribution...in violation of the provisions of this section.

The Audit staff's review of available Committee receipts disclosed contributions from nine individuals, totaling \$19,717, which were in excess of the \$1,000 limitation. Further, the Audit staff noted a loan of \$17,000 from the Beatty family which has not been repaid. (This issue is discussed further in section F of this brief.) With respect to the nine contributions from individuals, the treasurer of the Committee said that the contributions actually represent receipts for ticket sales collected from various individuals (probably less than \$50 per person) by the nine listed individuals. He said the listed individuals held fundraisers and collected funds on behalf of the Committee. The treasurer indicated he was not aware of the recordkeeping requirements for individuals collecting funds on behalf of the Committee. He said he would obtain documentation and statements from these individuals that would demonstrate that the contributions were not excessive. With respect to the

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\$17,000 loan from the Beatty family, the treasurer said he had no detailed knowledge of the loan and was not sure if the amount represented a contribution from the candidate exclusively or from family members. Moreover, the respondents accepted, and have yet to return, an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats.

Because the Committee has produced no evidence demonstrating that the aforementioned contributions were not excessive and have not refunded or repaid the same, this office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f).

C. Recordkeeping Requirements

2 U.S.C. § 432(c) (1) through (3) states that:

The treasurer of a political committee shall keep an account of:

- (1) all contributions received by or on behalf of such political committee;
- (2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;
- (3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

The Audit staff reviewed deposits on the Committee's bank statements and noted the receipt of \$118,191.38. The Committee supplied the Audit staff with a list of contributor names and amounts totaling \$105,791. The treasurer of the Committee said that the balance of \$12,400.38 probably represented contributions received directly at the Committee's Brooklyn office about which he had no knowledge. He said he attempted to contact the manager of the Brooklyn office prior to the audit but his efforts were unsuccessful. The list he supplied to the Audit staff did not

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contain addresses, dates, or the occupations and names of employers for the contributors listed. No deposit tickets or other documentation were available to verify that the listed contributions represented the deposits noted on the Committee's bank statements. No solicitation materials were available for Audit's review. The treasurer indicated that there was no control over the Committee's activities. He further stated that he was appointed treasurer presumably because of his position in the community and that the activities he performed for the Committee occurred in his office in northern Manhattan. An office manager in the Brooklyn office handled day-to-day activities including receipt and deposit of contributions and check signing and preparation.

Because the Committee has failed to maintain accurate contributor records, this office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 432(c)(1), (2) and (3).

D. Itemization of Contributions

2 U.S.C. § 434(b)(3)(A) and (B) states that:

Each report under this section shall disclose the identification of each - (A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution; (B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

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The Audit staff reviewed available contribution records and noted contributions from 35 individuals totaling \$41,354 which were not itemized on Committee reports as required. The dollar amount not itemized represents 96.5 per cent of the amount of contributions required to be itemized. In addition, Audit staff noted two contributions from political committees totaling \$3,000 which were not itemized on Committee reports as required. These amounts do not include corporate and labor contributions discussed in Finding A. The Committee treasurer said he was not aware of the detailed disclosure required for contributions and expenditures but said he would be willing to file the detailed amended reports disclosing the required information.

Because the Committee has failed to maintain an appropriate itemization of contributions from individuals and political committees, this office recommends that the Commission find probable cause to believe the Beatty Committee and Edward Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) and (B).

E. Itemization of Expenditures

2 U.S.C. § 434(b)(5)(A) states that:

Each report under this section shall disclose - the name and address of each - person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

The Audit staff reviewed cancelled checks maintained by the Committee and noted 89 expenditures totaling \$117,066.72 which

were not itemized on Committee reports as required. Since the Committee has not itemized any expenditures, this represents 100 per cent of the amount required to be itemized. The treasurer of the Committee indicated that he was not aware of the detailed disclosure requirements. He stated he would file the required amendments to bring the Committee reports into compliance.

Because the Committee has failed to disclose the name and address of each person to whom an expenditure was made in an aggregate amount in excess of \$200 and since the Committee has failed to maintain the date, amount and purpose of such expenditures, this office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(5)(A).

F. Reporting of Loans

2 U.S.C. § 434(b)(3)(E) states that:

Each report under this section shall disclose - the identification of each - person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount of value of such loan;

In addition, 11 C.F.R. § 104.11(2) states that:

Debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished.

The Audit staff reviewed the Committee's contribution records and noted two \$5,000 loans from corporations. (See Finding A.). A review of the 1982 October Quarterly report

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disclosed two outstanding \$5,000 loans. One was disclosed as received from an individual and the other was unidentified. Since no subsequent report was filed (see Finding G.), there is no disclosure of the disposition of these loans. In addition, it was noted that the Committee received a \$17,000 loan from the Beatty family which has never been reported. There is no evidence that these loans have been repaid. The Committee's treasurer said that the two \$5,000 loans which appear to be corporate were actually received from individuals. He said he had no knowledge of the details of the \$17,000 loan from the Beatty family. He said he would attempt to determine the details regarding these loans and file amended reports disclosing their disposition.

Because the Committee has failed to disclose the identification of each person who made a loan to the Committee and since the Committee has failed to continually report its outstanding debts and obligations, this office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.11(a).

G. Disclosure of Financial Activity

2 U.S.C. § 434 states, in pertinent part, that the treasurer of a political committee which is the principal campaign committee of a candidate for the House of Representatives shall file:

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(a)(2)(A)(i) a pre-election report which shall be filed no later than the 12th day before any election in which such candidate is seeking election... .

(a)(2)(A)(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter... except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year.

In addition, 2 U.S.C. § 434(a)(2)(B)(i) requires such a committee to file a mid-year report in years where there is no scheduled election for the candidate.

Furthermore, 2 U.S.C. § 434(b)(1)(2) and (4) requires the treasurer to report beginning cash on hand and the total amount of receipts and disbursements made during a reporting period and the calendar year.

The Audit staff performed a reconciliation of the Committee's bank activity with reported activity for 1982. It was noted that the Committee made disbursements totaling \$9,349.87 and made deposits totaling \$7,970 for the period October 1, 1982 through December 31, 1982 which have not been reported as required.

Because the Committee has failed to file a report of receipts and disbursements for the quarter ending December 31, 1982, and because the Committee has failed to report beginning cash and total receipts and disbursements made during the reporting period, this office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Myers, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(iii) and 434(b)(1)(2) and (4), respectively.

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Finally, because the Committee failed to file its 1982 July and October Quarterly Reports, its 1982 Pre-Primary Report and its 1983 mid-year report, this Office recommends that the Commission find probable cause to believe the Beatty Committee and Ed Meyers, as treasurer, violated 2 U.S.C. §§ 434 and 434(a)(2)(B)(i).

The respondents' reply letter expresses confusion as to the Commission's findings. Mr. Myers indicates that he is not a "Certified Public Accountant" and that he is unable to read the materials sent him by the Commission. Moreover, Mr. Myers requests a copy of Audit's "backup" materials to assist him in responding to each allegation.

During the Audit review at Mr. Myers' New York office, members of the Audit Staff did orally detail the bases for their findings. Based on those same findings, the Commission found reason to believe the respondents violated the Act. Furthermore, a detailed Factual and Legal Analysis accompanied the November 1 letter to Mr. Myers. Any inability Mr. Myers may have at this point in understanding the bases upon which the Commission has made its findings is inexcusable since the information he requests is at his disposal.

#### GENERAL COUNSEL'S RECOMMENDATIONS

Inasmuch as the respondents have failed to submit an adequate response to the Commission's reason to believe findings,

and inasmuch as the respondents have not requested pre-probable cause conciliation in this matter, the General Counsel recommends that the Commission find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434, 441a(f), 434(a)(2)(B)(i), 441b, 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434(b)(5)(A), 434(b)(3)(E) and 11 C.F.R. § 104.11(a), 434(a)(2)(A)(iii) and 434(b)(1), (2) and (4).

3/21/55  
Date

Charles N. Steele  
Charles N. Steele  
General Counsel

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

April 17, 1985

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

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**MEMORANDUM TO:** The Commission

**FROM:** Charles N. Steele  
General Counsel

**SUBJECT:** MUR 1662

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on April 17, 1985. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 17, 1985

Edward Myers, Jr., Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell, Jr. Blvd.  
New York, New York 10030

Re: MUR 1662  
Beatty for Congress Committee  
Edward Myers, Jr., as treasurer

Dear Mr. Myers:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you the Federal Election Commission, on April 3, 1984 and October 2, 1984, found reason to believe that the Beatty for Congress Committee and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(a)(1) respectively, and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the violations occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

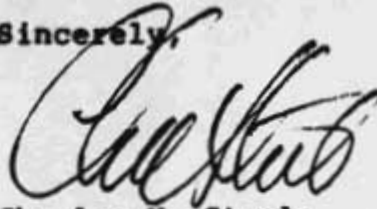
A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

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Letter to Edward Myers  
Page 2

Should you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, as treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On April 3, 1984, the Commission found reason to believe that the Beatty for Congress Committee and Edward Myers, as treasurer, ("respondents") violated 2 U.S.C. § 441a(f) when they accepted an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats Federal Campaign Account. On October 2, 1984, the Commission found reason to believe the respondents violated 2 U.S.C. § 434(a)(1) when they failed to report the receipt of that same contribution from the Brooklyn Democrats.

At the respondents' request, the Commission entered into negotiations towards reaching an agreement in settlement of this matter. Those negotiations were not productive.

II. Legal Analysis

Edward Myers, treasurer of the Beatty Committee, responded to the Commission's reason to believe finding. Mr. Myers asserts that, in his opinion, the Beatty Committee did not violate 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Brooklyn Democrats. Myers avers that: 1) his "activities and control of [the] committee was very limited" and he did not have responsibility for making deposits into the committee account; 2) the Beatty Committee did not accept nor was it offered a \$2,500 contribution on August 20, 1982; and 3) his

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August 5, 1983 response to the Brooklyn Democrats' request for the return the \$1,500 excessive contribution, stating that a refund could not be made because the account had been closed, was "not made with full knowledge of the facts." A later review of committee records disclosed that the committee received a check for \$5,000 from the Brooklyn Democrats on October 25, 1982, and not \$2,500 on August 20, 1982. Myers further states, however, that the Brooklyn Democrats stopped payment on the \$5,000 check on October 28, 1982, and no benefit was ever derived by the Beatty Committee. Accordingly, Myers argues that only the contribution of \$5,000 was made to the Beatty Committee and not the contribution of \$2,500 as the Brooklyn Democrats indicated in its reports.

It appears, however, that Mr. Myers may have failed to keep proper bookkeeping records. Based on materials submitted by the Brooklyn Democrats in response to the Commission's RTB finding, it appears that a \$2,500 contribution was made to the Beatty Committee on August 20, 1982. The submission shows a check in the amount of \$2,500 payable to the Beatty Committee and deposited in what appears to be the Beatty Committee account.

2 U.S.C. § 441a(f) states that:

[N]o candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section.

Moreover, 2 U.S.C. § 434(a)(1) states that:

Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection.

As the Beatty Committee did receive an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats, but failed to report its receipt and failed to return the excessive amount, it appears there is probable cause to believe the committee and its treasurer violated 2 U.S.C. §§ 434(a)(1) and 441a(f).

Mr. Myers states that the committee disbanded soon after the candidate lost the election. That does not change the fact that the committee had an obligation to report the receipt of all contributions and to reimburse all excessive contributions. Furthermore, although Mr. Myers has attempted to remove himself as the person primarily responsible for the committee's recordkeeping, reports filed with the Commission, including the committee's statement of organization, indicate that he is the committee's designated treasurer.

### III. General Counsel's Recommendation

The General Counsel recommends that the Commission find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434(a)(1) and 441a(f).

16 April 1945  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
The Brooklyn Democrats ) MUR 1662  
Federal Campaign Account )  
Alan Lebowitz, as treasurer )

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

APR 23 1985

I. BACKGROUND

This matter was generated by the Reports Analysis Division ("RAD") as the result of a review of the reports filed by the Brooklyn Democrats Federal Campaign Account.

The 1982 12 Day Pre-Primary, October Quarterly, 12 Day Pre-General and 30 Day Post-General reports filed by the Brooklyn Democrats Federal Campaign Account disclosed \$7,500 in apparent excessive contributions to authorized committees. The contributions were made to the following committees: \$1,500 to Beatty for Congress on August 20, 1982; \$500 to Friends of Ed Towns on September 20, 1982; \$1,500 on September 22, 1982, \$2,500 on October 7, 1982 and \$1,500 on October 28, 1982 to the Committee to Re-Elect Congressman Zeferetti.

A Request for Additional Information (RFAI) was sent to the Brooklyn Democrats on June 15, 1983. The RFAI advised the Brooklyn Democrats that an individual or political committee, other than a multicandidate committee, is prohibited from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The Brooklyn Democrats were asked to notify the recipients and request refunds of the amounts in excess of \$1,000.

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A Second Notice was sent on July 7, 1983, for failure to respond to the original RFAI. The assistant treasurer of the Brooklyn Democrats, Mr. William Garry, telephoned the analyst on August 11, 1982, to discuss matters contained in the RFAI.

Mr. Garry acknowledged that the Brooklyn Democrats had made excessive contributions under the mistaken assumption that it was a multicandidate committee at the time the contributions were made. He also stated that letters had been sent to the authorized committees seeking refunds and that copies of those letters would be forwarded to the Commission.

A communication was received from the assistant treasurer on August 15, 1983. It included copies of letters that had been sent to the candidate committees requesting refunds of the excessive amounts and, in the case of Friends of Ed Towns, a copy of that committee's letter to the Commission amending its report and allocating \$1,000 of the \$1,500 contribution received to the general election. Additionally, the response included a copy of a letter the Brooklyn Democrats received from the Beatty for Congress Committee, which stated that the committee no longer existed and, therefore, did not have money to make a refund.

On August 22, 1983, a letter was received from the Brooklyn Democrats stating it had received a \$5,500 refund (\$1,500 for the 1982 primary and \$4,000 for the 1982 general election) from the Committee to Re-Elect Congressman Zeferetti.

On April 3, 1984, the Commission found reason to believe the respondents violated 2 U.S.C. § 441a(a)(1)(A).

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On October 2, 1984, upon the request of committee treasurer Alan Lebowitz, the Commission decided to enter into negotiations directed toward reaching a conciliation agreement with the respondents prior to a finding of probable cause. Those negotiations were unfruitful.

A General Counsel's Brief dated February 13, 1985, was mailed to the respondents setting forth the legal and factual issues of this matter. Respondent's reply Brief was received at the Commission on March 5, 1985.

## II. LEGAL ANALYSIS

(See OGC Brief of February 13, 1985)

Respondents' reply Brief essentially reiterates the position taken in earlier correspondence with the Commission. The respondents argue that once notified of the excessive contributions by the Commission, they took immediate action to correct the situation. They notified the four candidate committees receiving the excessive contributions of the error. Only one of the committees failed to reimburse them. They continue by arguing that since only one of the three criteria was not met for meeting multicandidate committee status, this factor should be taken into consideration in determining a fair civil penalty.

Finally, respondents argue that at no time does the Commission allege that the Brooklyn Democrats intended to violate the law.

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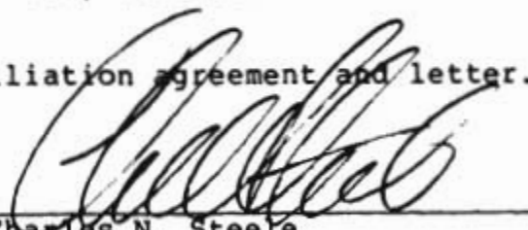
Although the respondents argue that the committee made the excessive contributions to three authorized committees under the "mistaken" belief that it was a multicandidate committee, this reasoning is not a sufficient mitigating circumstance to relieve it of its responsibilities under the Act. The committee and its treasurer were responsible for knowing whether the committee had met the requirements for such status. Furthermore, it is not necessary that the Commission find that the respondents "intended" to violate the Act. The fact that the violation occurred is, on its own, a sufficient basis for the Commission to proceed.

### III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

#### IV. RECOMMENDATIONS

1. Find probable cause to believe The Brooklyn Democrats and Alan L. Lebowitz, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
2. Approve the attached conciliation agreement and letter.

18 April 1985  
Date

  
Charles N. Steere  
General Counsel

#### Attachments

1. Respondents' Reply Brief
2. Letter to Alan L. Lebowitz, Esquire
3. Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
The Brooklyn Democrats ) MUR 1662  
Federal Campaign Account )  
Alan Lebowitz, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of April 23,  
1985, do hereby certify that the Commission decided by a  
vote of 6-0 to take the following actions in MUR 1662:

1. Find probable cause to believe The  
Brooklyn Democrats and Alan L. Lebowitz,  
as treasurer, violated 2 U.S.C.  
§ 441a(a)(1)(A).
2. Approve the conciliation agreement and  
letter attached to the General Counsel's  
report dated April 18, 1985.

Commissioners Aikens, Elliott, Harris, McDonald,  
McGarry and Reiche voted affirmatively for the decision.

Attest:

4-23-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 26, 1985

Alan Lebowitz, Esquire  
Treasurer  
The Brooklyn Democrats  
16 Court Street  
Brooklyn, New York 11241

RE: MUR 1662  
The Brooklyn Democrats  
Alan Lebowitz, as  
treasurer

Dear Mr. Lebowitz:

On April 23, 1985, the Commission determined that there is probable cause to believe that The Brooklyn Democrats and you, as treasurer, committed a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

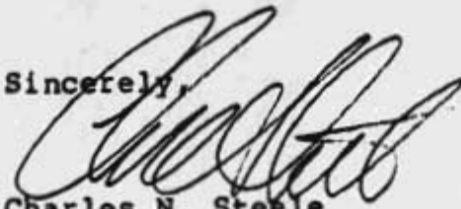
We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

91040335231

Alan Lebowitz, Esquire  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

21040335282

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, as treasurer )

20 MAY 29 10:55

**EXECUTIVE SESSION**

**GENERAL COUNSEL'S REPORT**

**MAY 29 1985**

**I. BACKGROUND**

This matter was generated by the Reports Analysis Division as the result of a review of the reports filed by the Beatty for Congress Committee.

On April 3, 1984, the Commission found reason to believe that the Beatty for Congress Committee and Edward Myers, as treasurer, ("respondents") violated 2 U.S.C. § 441a(f) when they accepted an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats Federal Campaign Account. On October 2, 1984, the Commission found reason to believe the respondents violated 2 U.S.C. § 434(a)(1) when they failed to report the receipt of that same contribution from the Brooklyn Democrats.

In responding to the Commission's reason to believe finding, Mr. Myers asserts that, in his opinion, the Beatty Committee did not violate 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Brooklyn Democrats. Myers avers that:

- 1) his "activities and control of [the] committee was very limited" and he did not have responsibility for making deposits into the committee account;
- 2) the Beatty Committee did not accept nor was it offered a \$2,500 contribution on August 20, 1982; and
- 3) his August 5, 1983 response to the Brooklyn

91040335264

Democrats' request for the return the \$1,500 excessive contribution, stating that a refund could not be made because the account had been closed was "not made with full knowledge of the facts." A later review of committee records disclosed that the committee received a check fo \$5,000 from the Brooklyn Democrats on October 25, 1982, and not \$2,500 on August 20, 1982. Myers further states, however, that the Brooklyn Democrats stopped payment on the \$5,000 check on October 28, 1982, and no benefit was ever derived by the Beatty Committee. Accordingly, Myers argues that only the contribution of \$5,000 was made to the Beatty Committee and not the contribution of \$2,500 as the Brooklyn Democrats indicated in its reports.

It appears, however, that Mr. Myers may have failed to keep proper bookkeeping records. Based on materials submitted by the Brooklyn Democrats in response to a Commission RTB find pertaining to a related matter, it appears that a \$2,500 contribution was made to the Beatty Committee on August 20, 1982. The submission shows a check in the amount of \$2,500 payable to the Beatty Committee and deposited in what appears to be the Beatty Committee account.

A General Counsel's Brief dated April 17, 1985 was mailed to the respondents setting forth the legal and factual issues of

this matter. The respondents have failed to reply to the Commission's Brief.

## II. LEGAL ANALYSIS

(See OGC Brief of April 17, 1985).

Inasmuch as the respondents have failed to reply to the Commission's Brief and inasmuch as the respondents did receive an excessive contribution in the amount of \$1,500 from the Brooklyn Democrats, but failed to report its receipt return the excessive amount, it appears there is probable cause to believe the committee and its treasurer violated 2 U.S.C. §§ 434(a)(1) and 441a(f).

## IV. RECOMMENDATIONS

1. Find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434(a)(1) and 441a(f).

Date

17 May 1985

Charles N. Steele  
General Counsel

### Attachments

1. Letter to Edward Myers



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 4, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1662:

1. Find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434(a)(1) and 441a(f).
2. Direct the Office of General Counsel to circulate a revised proposed conciliation agreement for Commission approval.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

6/5/85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

9104035206

**SENSITIVE**

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee )  
Edward Myers, as treasurer )

MUR 1545 MAY 20 P 2: 07

GENERAL COUNSEL'S REPORT

**EXECUTIVE SESSION**

JUN 4 1985

I. BACKGROUND

This matter was generated by the Reports Analysis Division ("RAD") as a result of the Beatty for Congress Committee's failure to file its July 1982 Quarterly Report, October 1982 Quarterly Report, 12 Day Pre-Primary Report and 1982 Year End Report. The Beatty Committee was the principal campaign committee supporting Vander L. Beatty in the 1982 New York Democratic primary election from the 12th District. Mr. Beatty lost the election with 46 per cent of the total vote.

On June 21, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, ("Respondents") violated 2 U.S.C. § 434 for their failure to file the July and October 1982 Quarterly Reports, the 12 Day Pre-Primary and 1982 Year End Reports. Also, on October 18, 1983, the Commission found reason to believe that the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Brooklyn Democrats Federal Campaign Account. On the same date, the Commission found reason to believe the Committee and Ed Myers, as treasurer, violated 2 U.S.C. § 434(a)(2)(B)(i) for their failure to file the mid-year report for the period covering January 1 and ending June 30, 1983. On January 10, 1984, the appropriate documents were received at the Commission.

91040335237

Because of the numerous discrepancies and irregularities appearing in the reports, and because of the numerous violations which appeared to have occurred, this Office recommended that the Commission refer this matter to the Audit Division for further review and audit.

On October 30, 1984, based on the findings of the Audit Division, the Commission found reason to believe Respondents violated 2 U.S.C. §§ 441b, 441a(f), 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434(b)(5)(A), 434(b)(3)(E), 434(a)(2)(A)(iii), 434(b)(1), (2) and (4) and 11 C.F.R. § 104.11(a).

Inasmuch as the Respondents did not request pre-probable cause conciliation, a General Counsel's Brief was mailed to the Respondents setting forth the legal and factual issues of this matter. Respondents did not reply to the General Counsel's Brief.

## II. LEGAL ANALYSIS

(See OGC Brief of March 21, 1985)

Inasmuch as the Respondents have failed to respond to the General Counsel's Brief, it appears that there is probable cause to believe the Respondents violated 2 U.S.C. §§ 434, 441a(f), 434(a)(2)(B)(i), 441b, 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434(b)(5)(A), 434(a)(2)(A)(iii), 434(b)(1), (2) and (4), 434(b)(3)(E) and 11 C.F.R. § 104.11(a).

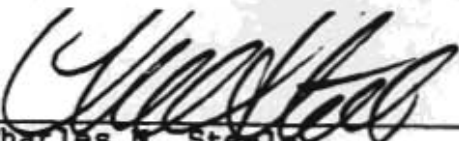
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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434, 441a(f), 434(a)(2)(B)(i), 441b, 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434(b)(5)(A), 434(a)(2)(A)(iii), 434(b)(1), (2) and (4), 434(b)(3)(E) and 11 C.F.R. § 104.11(a).

28 May 1955  
Date

  
Charles N. Steele  
General Counsel

Attachments

I. Letter to Edward Myers

21040330239

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Beatty for Congress Committee )

Edward Myers, as treasurer )

MUR 1545

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 4, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1545:

1. Merge MUR 1545 into MUR 1662.
2. Find probable cause to believe the Beatty for Congress Committee and Edward Myers, as treasurer, violated 2 U.S.C. §§ 434, 441a(f), 434(a)(2)(B)(i), 441b, 432(c)(1), (2) and (3), 434(b)(3)(A) and (B), 434b(5)(A), 434(a)(2)(A)(iii), 434(b)(1), (2) and (4), 434(b)(3)(E) and 11 C.F.R. § 104.11(a).

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

6/5/85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

91040335290





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

85 JUN 27 All: 16

June 27, 1985

TO: The Commission  
FROM: Charles N. Steele  
General Counsel

**SENSITIVE**

BY: Kenneth A. Gross  
Associate General Counsel *KAG*

SUBJECT: Revised Conciliation Agreement in MUR 1662

Pursuant to the Commission's determination of June 4, 1985 this Office has attached for Commission review a revised proposed conciliation agreement to the Beatty for Congress Committee and Edward Myers, as treasurer.

2104035201

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 9, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1662:

1. Approve the proposed conciliation agreement attached to the General Counsel's Memorandum to the Commission dated June 27, 1985.
2. Approve the letter attached to the General Counsel's Memorandum dated July 9, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

7-11-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

9104035292

**SENSITIVE**



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 9, 1985

MEMORANDUM

**EXECUTIVE SESSION**

TO: The Commission  
FROM: Charles N. Steele  
General Counsel

JUL 9 1985

By: Kenneth A. Gross  
Associate General Counsel

SUBJECT: MUR 1662

95 JUL 9 P 1:33

RECEIVED  
OFFICE OF THE FEC  
COMMISSIONER SECRETARY

Attached is a letter to the respondents in the above-captioned MUR. The letter indicates that the Commission has merged MUR 1545 into MUR 1662 and also notifies the respondents of the Commission's probable cause findings with regard to those matters.

RECOMMENDATIONS

1. Approve the proposed conciliation agreement attached to the General Counsel's Memorandum to the Commission dated June 27, 1985.
2. Approve the attached letter.

Attachment  
Letter

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

In the Matter of )

The Brooklyn Democrats Federal )  
Campaign Account )

Alan Lebowitz, as treasurer )

MUR 1662

25 JUL 10 AS: 43

GENERAL COUNSEL'S REPORT

BACKGROUND

Attached is a conciliation agreement which has been signed  
by the treasurer for the respondents committee.

91040335294

**RECOMMENDATION**

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file as it pertains to this respondent.

July 8, 1985  
Date

Charles N. Steele  
General Counsel

Kenneth A. Gross  
BY: Kenneth A. Gross  
Associate General Counsel

**Attachments**

- I. Conciliation Agreement/Civil Penalty
- II. Letter to Alan Lebowitz

91040335295



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
The Brooklyn Democrats Federal ) MUR 1662  
Campaign Account )  
Alan Lebowitz, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 12, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1662:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed July 8, 1985.
2. Close the file as it pertains to this respondent.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

7-15-85

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

7-10-85, 9:43  
7-10-85, 4:00

21040335296



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 22, 1985

Alan Lebowitz, treasurer  
The Brooklyn Democrats  
16 Court Street  
Brooklyn, New York 11241

RE: MUR 1662  
The Brooklyn Democrats  
Alan Lebowitz, as treasurer

Dear Mr. Lebowitz:

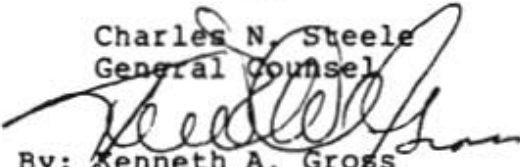
On July 12, 1985, the Commission accepted the conciliation agreement signed by you, and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to The Brooklyn Democrats and you, as treasurer, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

91040335277

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Brooklyn Democrats Federal Campaign Account)  
Alan Lebowitz, as Treasurer )

MUR 1662

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

15 JUN 21 4:21 PM

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Brooklyn Democrats and Alan Lebowitz, as Treasurer, ("Respondents") violated 2 U.S.C. §441a(a)(1)(A) making excessive contributions to three authorized political committees.

NOW, THEREFORE, the Commission and Respondents having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1) Respondent, Brooklyn Democrats is a political committee registered with the Commission.

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2) Respondent, Alan Lebowitz, is the registered treasurer of the political committee.

3) As such, Respondents made mistaken contributions to three candidate committees which totalled, in the aggregate, \$7,500, which were in excess of the statutory limits; and further, the facts surrounding these contributions are contained in a letter dated May 30, 1985 to the Commission, a copy of which is attached hereto, and included herein by reference.

V. Respondents made the mistaken contributions in the amount of \$7,500 in violation of 2 U.S.C. §441a(a)(1)(A).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Thousand Dollars (\$1,000), pursuant to 2 U.S.C. §437g(a)(5)(A).

VII. Respondents agree not to undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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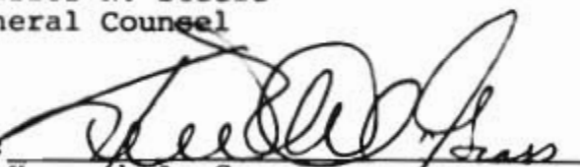
X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

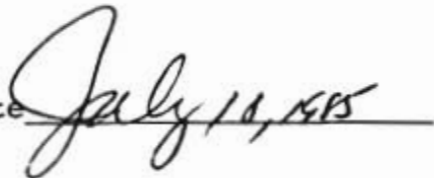
FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

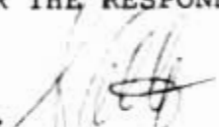
  
Kenneth A. Gross  
Associate General Counsel

Date

  
July 11, 1985

FOR THE RESPONDENTS:

BY:

  
Alan L. Lebowitz  
Treasurer  
Brooklyn Democrats

Date

6/13/85

91040335300





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1985

Edward Myers, Jr., Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell Jr. Boulevard  
New York, New York 10030

Re: MUR 1662  
Beatty for Congress Committee  
Edward Myers, Jr., as treasurer

Dear Mr. Myers:

On June 4, 1985, the Commission determined that there is probable cause to believe the Beatty for Congress Committee, and you, as treasurer, committed violations of 2 U.S.C. §§ 432(c)(1), (2) and (3), 434, 434(a)(1), 434(a)(2)(A)(iii), 434(a)(2)(B)(i), 434(b)(1), (2) and (4), 434(b)(3)(A), (B) and (E), 434(b)(5)(A), 441a(f) and 441b, provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.11(a) of the Commission's regulations, in connection with the Commission's investigation into this matter. Also on that date the Commission voted to merge MUR 1545 into MUR 1662.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

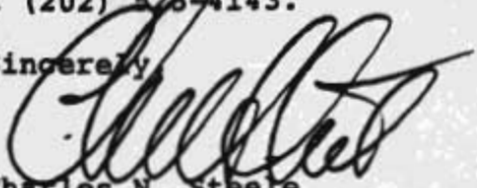
We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. This conciliation agreement includes all the violations contained in MURS 1545 and 1662. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.



Letter to Edward Myers  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Michele D. Brown, the attorney assigned this matter, at (202) 525-4143.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

191040335302



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 11, 1985

Edward Myers, Jr., Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell Jr. Boulevard  
New York, New York 10030

Re: MUR 1662  
Beatty for Congress Committee  
Edward Myers, as treasurer

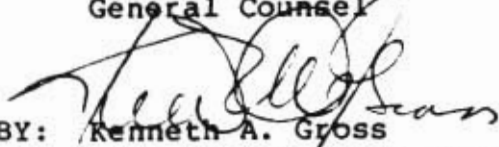
Dear Mr. Myers:

On August 29, 1985, the Commission sent you a conciliation agreement in settlement of MUR 1662. We have not received any acknowledgement or response from you nor have we been able to obtain a telephone number for you. Please contact Michele Brown, the staff member assigned to this matter, at (202) 523-4143, as soon as possible.

In the absence of a response from you, the Office of General Counsel will make a recommendation to the Commission concerning the filing of a civil suit against the committee and you.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

910403303

BEFORE THE FEDERAL ELECTION COMMISSION  
December , 1985

In the Matter of )

Beatty for Congress Committee )  
Edward Myers, Jr., as treasurer )

MUR 1662

JAN 2 P2:13

GENERAL COUNSEL'S REPORT

JAN 14 1986

I. BACKGROUND/PREVIOUS COMMISSION ACTION

On June 4, 1985, the Commission found probable cause to believe that the Beatty for Congress Committee and Edward Myers, Jr., as treasurer, violated 2 U.S.C. §§ 432(c)(1), (2) and (3), 434, 434(a)(1), 434(a)(2)(A)(iii), 434(a)(2)(B)(i), 434(b)(1), (2) and (4), 434(b)(3)(A), (B), and (E), 434(b)(5)(A), 441a(f) and 441b of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. 104.11(a) of the Commission's regulations.

A follow-up

letter requesting that Mr. Myers, the treasurer, contact the Office of General Counsel was sent on October 11, 1985. Mr. Myers called to say that the Committee had disbanded immediately after the election and that he was not personally involved in the campaign. He said that there is no committee money left and that

The staff member asked Mr. Myers to prepare and submit to the Commission a written statement setting out the circumstances. Mr. Myers said he would do so, but he has not.

9104033304

II. RECOMMENDATION

Authorize the Office of General Counsel to file a civil suit for relief in the United States District Court against Beatty for Congress Committee and Edward Myers, Jr., as treasurer.

Date

1/2/96

*Charles N. Steele*  
Charles N. Steele  
General Counsel

Attachment

1. Letter to Respondent

91040335305

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Beatty for Congress Committee ) MUR 1662  
Edward Myers, Jr., as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 14, 1986, do hereby certify that the Commission decided by a vote of 5-0 to authorize the Office of General Counsel to file a civil suit for relief in the United States District Court against Beatty for Congress Committee and Edward Myers, Jr., as treasurer.

Commissioners Aikens, Elliott, Harris, Josefiak, and McGarry voted affirmatively for the decision; Commissioner McDonald was not present.

Attest:

1-14-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

91040335306



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 27, 1986

Edward Myers, Jr., Treasurer  
Beatty for Congress Committee  
2307 Adam Clayton Powell Jr. Boulevard  
New York, New York 10030

RE: MUR 1662  
Beatty for Congress Committee  
Edward Myers, Jr., as  
treasurer

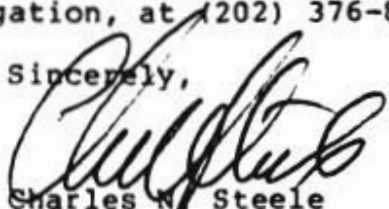
Dear Mr. Myers:

You were previously notified that on June 4, 1985, the Federal Election Commission found probable cause to believe that Beatty for Congress Committee and you, as treasurer, violated 2 U.S.C. 432(c)(1), (2), and (3), 434, 434(a)(1), 434(a)(2)(A)(iii), 434(a)(2)(B)(i), 434(b)(1), (2) and (4), 434(b)(3)(A), (B) and (E), 434(b)(5)(A), 441a(f) and 441b, provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. 104.11(a) of the Commission's regulations, in connection with the captioned matter.

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the institution of a civil action for relief in the U.S. District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, the Assistant General Counsel for Litigation, at (202) 376-8200.

Sincerely,

  
Charles W. Steele  
General Counsel

9104035307



88 MAR 28 AM 11:05

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

FEDERAL ELECTION COMMISSION, )

Plaintiff-Appellee, )

v. )

BEATTY FOR CONGRESS COMMITTEE, )  
and EDWARD MYERS, )

Defendants-Appellant. )

No. 88-6011



STIPULATED DISMISSAL AND SETTLEMENT AGREEMENT

The Federal Election Commission ("FEC"), plaintiff-appellee, by its attorneys Lawrence M. Noble, General Counsel, Richard B. Bader, Associate General Counsel, and Jonathan A. Bernstein, attorney and Edward Myers, Jr. ("Myers"), defendant-appellant, individually and in his capacity as Treasurer for the Beatty for Congress Committee ("Committee"), by his attorney Gilbert A. Holmes, agree that the above-captioned appeal shall be resolved as follows:

1. With the FEC's consent, on the terms contained herein Myers withdraws with prejudice his appeal of a final order by Judge Robert C. Carter in No. 86-Civ.-3894 (S.D.N.Y.), entered or about October 22, 1987. That order denied Myers' motion to set aside the default judgment ("Judgment") entered against him on January 15, 1987 (copy attached), which imposed a civil penalty of \$5,000 for each of the seventeen (17) independent violations of the Federal Election Campaign Act alleged in the FEC's complaint in this case.

2. Myers shall pay the sum of Fifteen Thousand (\$15,000.00) Dollars to FEC under the following schedule, which

CERTIFIED: March 21, 1988

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the FEC will accept as full satisfaction of the Judgment:

- a. \$5,000.00 on or before April 4, 1988.
- b. \$1,000.00 per month commencing May 1, 1988 and concluding with the final payment on February 1, 1989, unless additional payments are required under Paragraph "6", infra.

3. In the event Myers fails to make any payment set forth in Paragraph "2" above within five (5) days of the due date of same, FEC shall have the right after ten (10) days written notice to Myers by certified mail, return receipt requested, to seek enforcement of the full amount of the Judgment against Myers, with interest from the date of entry and with credit to Myers for all payments made before the default. Myers agrees that in the case of such enforcement of the Judgment, service of all papers may be made upon Gilbert A. Holmes as his attorney.

4. Upon the tender and receipt of the final payment set forth in Paragraph "2", the Judgment shall be deemed satisfied. After receipt of the final payment, FEC shall cause a satisfaction of judgment to be filed in the United States District Court for the Southern District of New York, with service of a copy upon Myers' attorney, Gilbert A. Holmes.

5. In addition to the payments set forth above, Myers shall file original or amended reports for the following periods:

- a. 1982 April Quarterly, July Quarterly, Pre-Primary, October Quarterly and Year End Reports
- b. 1983 Mid-Year and Year End Reports

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- c. 1984 Mid-Year and Year End Reports
- d. 1985 Mid-Year and Year End Reports
- e. 1986 Mid-Year and Year End Reports
- f. 1987 Mid-Year and Year End Reports
- g. 1988 Mid-Year Report

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6. Myers shall file these original or amended reports by July 1, 1988 in a form and manner acceptable to the FEC. In the event Myers does not file such original or amended reports by July 1, 1988, the payments set out in Paragraph 2.b. shall be increased by \$1,000.00 per month until such reports and amendments are filed, even if this should be beyond February 1, 1989. If Myers does file these reports or amendments, they shall be considered acceptable unless and until the FEC has notified him by certified mail, return receipt requested, that he has failed to sufficiently cooperate in remedying any deficiencies. In determining whether such notification is warranted, the FEC will utilize its usual standards for adequate compliance with the Act's reporting requirements. If the FEC so notifies him, then the payments set out in Paragraph "2" shall be increased by \$1,000.00 per month until he fully complies to the satisfaction of the FEC, even if this should be beyond February 1, 1989. At such time as the FEC finally concludes that he has satisfied all of his obligations under this Paragraph, FEC will so notify Myers.

7. Upon the acceptable filing of the final report as set forth in paragraph "5", Myers intends to request a termination of

the Committee to be filed under the procedures of FEC.

8. Myers covenants, warrants and agrees, to refrain from violating any provisions of the Federal Election Law or the rules and regulations of FEC.

9. This settlement agreement embodies the entire understanding of FEC and Myers. This agreement was entered into by FEC and Myers voluntarily and willingly. Myers acknowledges that he was represented by Gilbert A. Holmes, in the negotiations and execution of this agreement. Myers agrees that service of all notifications or other papers called for by this agreement may be made upon him through his attorney, Gilbert A. Holmes. This agreement may be executed in multiple copies and any copy containing the original signature of all of the parties shall be treated as an original document.

Dated: New York, New York

~~February 7, 1988~~ *RGH*

~~March~~

*[Signature]*  
Edward Myers, Jr.

*[Signature]*  
Gilbert A. Holmes, Esq.

*[Signature]*  
Lawrence M. Noble  
General Counsel

*[Signature]*  
Richard B. Bader  
Associate General Counsel

*[Signature]*  
Jonathan Bernstein  
Attorney

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463  
(202) 376-8200

~~February 1988~~

~~March 14, 1988~~

SO ORDERED:

FOR THE COURT,

*[Signature]*  
Elaine B. Goldsmith  
Clerk

A TRUE COPY  
ELAINE B. GOLDSMITH

*[Signature]*  
Clerk

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1662/1545

DATE FILMED 4/25/91 CAMERA NO. 4

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