FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1774

Date Filmed 8/21/85 Camera No. --- 2

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8504043986

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
L. F. Rothschild, Unterberg, Towbin	)	
	)	
L. F. Rothschild, Unterberg, Towbin PAC Andrew Blum, as treasurer	)	MUR 1774
	)	
John Glenn Presidential Committee, Inc. William R. White, as treasurer	)	
	)	
Friends of Senator D'Amato Arthur W. Jaspan, as treasurer	)	
	)	
Congressman St. Germain Re-Election Committee Fernand St. Germain, as treasurer	)	

8504043987

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 14, 1985, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1774:

1. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C).

2. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

3. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

4. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 11 C.F.R. § 110.1(a).

5. Take no further action with respect to the allegation that the Congressman St. Germain Re-Election Committee and Fernand St. Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

6. Take no further action with respect to the allegation that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

7. Take no further action with respect to the allegation that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

8. Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as treasurer, violated 2 U.S.C. § 434(b)(3)(A), but take no further action with respect to this allegation.

9. Close the file.

10. Approve and send the letters attached to the General Counsel's Report dated May 1, 1985.

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

Attest:

5-15-85
Date

Mary W. Dove
Recording Secretary

8504054398 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 1985

Thomas J. Schwarz, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1774
L. F. Rothschild, Unterberg,
Towbin
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, as treasurer

Dear Mr. Schwarz:

On September 5, 1984, the Commission found reason to believe that your client, L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. On that date, the Commission also found reason to believe that your clients, L. F. Rothschild, Unterberg, Towbin Political Action Committee ("the Committee") and Andrew Blum, as its treasurer, violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), and 11 C.F.R. § 110.1(a). On May 14, 1985, the Commission also found reason to believe that the Committee and Mr. Blum, as its treasurer violated 2 U.S.C. § 434(b)(3)(A). However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

8504054398

If you have any questions, please direct them to Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 1985

Robert Tiernan, Esquire
1800 M Street, N.W.
Suite 299
Washington, D.C. 20036

RE: MUR 1774
Congressman St Germain Re-
Election Committee
Fernand St Germain, as treasurer

Dear Mr. Tiernan:

On September 5, 1984, the Commission found reason to believe that the Congressman St Germain Re-Election Committee and Fernand St Germain, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504043991

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 1985

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

RE: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan, as treasurer

Dear Mr. Jaspan:

On September 5, 1984, the Commission found reason to believe that Friends of Senator D'Amato and you, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504054392

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 30, 1985

Harlan Pomeroy, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 1774
John Glenn Presidential
Committee, Inc.
William R. White, as treasurer

Dear Mr. Pomeroy:

On September 5, 1984, the Commission found reason to believe that your clients, the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

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General Counsel's Report

8504054399 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Thomas J. Schwarz, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1774
L. F. Rothschild, Unterberg,
Towbin
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, as treasurer

JS
5/29/85

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5/29/85

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Chairman

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General Counsel's Report

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Chairman

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert Tiernan, Esquire
1800 M Street, N.W.
Suite 299
Washington, D.C. 20036

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Fernand St Germain, as treasurer

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BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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WASHINGTON, D.C. 20463

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Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

RE: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan, as treasurer

Dear Mr. Jaspan:

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Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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WASHINGTON, D.C. 20463

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300 Garden City Plaza
Room 516
Garden City, New York 11530

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General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504054001

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WASHINGTON, D.C. 20463

Harlan Pomeroy, Esquire
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818 Connecticut Avenue, N.W.
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General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504540002

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

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Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504054003

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

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In the Matter of	)	
	)	
L. F. Rothschild, Unterberg, Towbin	)	
	)	
L. F. Rothschild, Unterberg, Towbin PAC Andrew Blum, as treasurer	)	
	)	
John Glenn Presidential Committee, Inc. William R. White, as treasurer	)	MUR 1774
	)	
Friends of Senator D'Amato Arthur W. Jaspan, as treasurer	)	
	)	
Congressman St. Germain Re-Election Committee Fernand St. Germain, as treasurer	)	

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter involves allegations of excessive contributions totalling $20,000 from L. F. Rothschild, Unterberg, Towbin ("LFRUT"), a partnership, to L. F. Rothschild, Unterberg, Towbin PAC ("LFRUT-PAC") in 1982. It also involves allegations of excessive contributions by the Committee to the committees of several federal candidates in 1982 and 1983.

A. Excessive Contributions to LFRUT-PAC

It appears that the contributions by LFRUT to LFRUT-PAC were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to LFRUT-PAC signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to LFRUT-PAC as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

According to one of the Committee's attorneys, responding to RAD on December 12, 1983, under this system, none of the individual partners would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney on January 3, 1984, indicated that the partnership was attempting to rectify its allegedly excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years.[1/] Once the Committee was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Counsel also indicated that amended reports would be filed to reflect the individual contributors.

After the referral of this matter to OGC, a new counsel for LFRUT-PAC sent a letter, dated March 13, 1984, to RAD in connection with the committee's efforts to return contributions to the contributing partners. (See the First General Counsel's Report in this matter, dated August 27, 1984, page 2-3). This letter was accompanied by an enclosure listing the amounts deducted from each partner's share, i.e., their individual contributions, for 1981, 1982, and 1983.

The contributions had not been reported on the reports filed for those years by LFRUT-PAC. In addition to the figures on the

1/ According to the Statement of Organization and a representation by counsel, LFRUT-PAC is not connected to LFRUT. Administrative costs are, therefore, paid by LFRUT-PAC out of contributions to LFRUT-PAC.

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enclosure to the letter, the aggregate of each partner's contributions for 1981 through 1983 was disclosed on LFRUT-PAC's 1984 April Quarterly which revealed the amounts given by the individual partners/contributors on their own personal checks as part of a reimbursment scheme to rectify the alleged excessive contributions. (None of the partners gave in excess of $1,000 to LFRUT-PAC during any election cycle).[2/]

On September 5, 1984, the Commission found reason to believe that LFRUT violated 2 U.S.C. § 44la(a)(1)(C). This section states that no person shall make contributions to a political committee, other than a candidate's principal campaign committee or a national party committee, which, in the aggregate, exceed $5,000. On that date, the Commission also found reason to believe that LFRUT-PAC and Mr. Blum, as its treasurer, violated 2 U.S.C. § 44la(f) which states that no political committee shall knowlingly accept any contribution in violation of the provisions of § 44la.

Counsel for LFRUT, and LFRUT-PAC, and Mr. Blum replied on October 29, 1984. On October 30, counsel also sent this Office an affidavit signed by Mr. Blum, and, on Novmeber 1, counsel sent a copy of a memorandum written by previous counsel to LFRUT explaining the legal requirements for PACs but omitting a discussion of dual attribution of PAC contributions.

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2/ These contributions were to be used to reimburse LFRUT for the amounts previously contributed to LFRUT-PAC.

With respect to the $20,000 in contributions to the PAC, counsel makes two arguments. First, counsel argues that it is inappropriate to prohibit the partners from doing in one joint check what they could have done individually. Counsel states:

> That the technical language of the definition of "person" elevates form over substance by prohibiting partners from doing collectively by means of one joint check what each is permitted to do separately by means of individual checks need not be argued here.

Second, counsel argues that any violation was inadvertent. The affidavit of Mr. Blum and the memorandum of former counsel were sent to this Office to illustrate that the partnership was not aware that it was violating 2 U.S.C. § 441a(a)(1)(C). Counsel attempted to bolster her argument by listing MURs which she characterized as involving inadvertance and which were closed without conciliation negotiations or litigation.

B. Excessive Contributions By LFRUT-PAC

Based upon a review of LFRUT's 1982 and 1983 reports the Commission's Reports Analysis Division discovered that contributions, which appeared to violate the 2 U.S.C. § 441a(a)(1)(A) limitation, were made to a number of committees. This section prohibits contributions from a person to any candidate and his authorized committees which, in the aggregate, exceed $1,000. The committees were the Congressman St Germain Re-Election Committee, the John Glenn Presidential Committee, Inc., and the Friends of Senator D'Amato.

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LFRUT-PAC appears to have made its contributions based upon the belief that it was a multicandidate committee at the time it made the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). According to 2 U.S.C. § 441a(a)(4), a committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates.

The 1983 Mid-Year Report of the Committee disclosed a $2,000 contribution to the Congressman St. Germain Committee on April 25, 1983, for the general election. The Reports Analysis Division sent Requests for Additional Information (RFAIs) on February 14 and March 8, 1984. The Committee's 1984 April Quarterly revealed a refund of $1,000 from the St Germain Committee on March 19, 1984.

The reports filed by LFRUT-PAC for 1983 revealed $3,000 in contributions to the John Glenn Presidential Committee, Inc. ("the Glenn Committee") LFRUT's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploratory Committee. These contributions were all designated for the general election. After RFAIs were sent to the Glenn Committee, LFRUT's reports disclosed $3,000 in refunds.

In the First General Counsel's Report in this matter, this Office included the $500 contribution to the Exploratory

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Committee in the contribution total. This decision was in accordance with 11 C.F.R. § 100.7(b)(1) which states that funds received solely for the purpose of determining whether an individual should become a candidate become contributions if the individual subsequently becomes a candidate.

LFRUT-PAC's 1983 reports disclose $3,000 in contributions made to Friends of Senator D'Amato, Senator D'Amato's 1986 campaign committee. LFRUT-PAC's 1982 reports disclose $1,500 in contributions made to Friends of Senator D'Amato. The reports designated these contributions for the 1980 election. Prior to the Commission's reason to believe finding, this Office, in its analysis of the matter, stated that, because the 1982 contributons were made after the 1980 election and after the 1980 D'Amato Committee (Friends of Al D'Amato) had terminated with no outstanding debts, all of the 1982 contributions, not just those in excess of $1,000, were excessive according to 11 C.F.R. § 110.1(a).

On September 5, 1984, the Commission found reason to believe that LFRUT-PAC violated 2 U.S.C. § 441a(a)(1)(A) in connection with its contributions to the candidate committees and that the Congressman St Germain Committee, the John Glenn Presidential Committee, Inc., and the Friends of Senator D'Amato violated 2 U.S.C. § 441a(f).

Counsel for LFRUT-PAC responded to the findings in its October 29 response. The gravamen of the response is the assertion that LFRUT-PAC was a multicandidate committee when it

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made the contributions. LFRUT-PAC filed it Statement of Organization on June 26, 1981. LFRUT-PAC made a contribution to its fifth recipient federal candidate on December 31, 1984. Finally, counsel argues that the contributions from the indiviudal partners should be counted in determining whether the Committee had received contributions from more than 50 persons. Counsel states:

> As the regulations state at 11 C.F.R. § 110.1(e), a contribution from a partnership shall also "be attributed to each partner in direct proportion to his or her share of the partnership profits, according to the instructions which shall be provided by the partnership to the committee" or "be attributed by agreement of the partners." As stated in our letter of January 3, 1984, to the Commission, the former method of attribution was utilized and each partner of LFRUT had deducted from his distribution of the partnership proceeds a pro rata share of the contribution to the PAC. Thus, the contribution represented the collective contributions of 61 partners, and by operation of the statute, must be atttributed to each of them individually as well as to the partnership.

Counsel states that, while it may have been "difficult or impossible" for the Commission to determine the actual number of contributors underlying the partnership, LFRUT-PAC did receive contributions from over 50 persons, and receipt, not reporting the receipt, is the requirement satisfying the second criterion.

With respect to the contributions by the Congressman St Germain Committee and the John Glenn Presidential Committee, Inc. LFRUT-PAC states that these contributions were permissible because LFRUT-PAC was a multicandidate committee at the time the

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contributions were made. Counsel also states that there were two contributions in 1982 totalling $1,000, rather than one contribution totalling $500. Counsel for the Congressman St. Germain Committee also states that his client refunded $1,000 to LFRUT-PAC well before the 1984 primary and general elections and "did not have the benefit of such monies during any politically significant portion of the 1984 election cycle." He also states that LFRUT-PAC could have contributed the same amount, i.e., $2,000, by designating half for the primary and half for the general. LFRUT did not do this because it considered itself to be a multicandidate committee. The treasurer of the John Glenn Presidential Committee, Inc. points out that the former treasurer believed "in good faith" that LFRUT-PAC could contribute in excess of $1,000. He states that "[w]hat is important is that the excessive contributions, when their excessive nature was determined, were promptly returned."

With respect to the contributions to Friends of Senator D'Amato, counsel for LFRUT-PAC also applies the argument as to the PAC's multicandidate status. With reference to the 1982 contributions, counsel points out that the two checks for these contributions were made out to Friends of Senator D'Amato, the 1986 campaign committee, and not to Friends of Al D'Amato, the 1980 campaign committee. LFRUT-PAC then mistakenly designated these contributions for the 1980 election. Upon receipt of these contributions, the 1986 committee deposited the checks. Counsel concludes by averring that there "were no memo entries on the two

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contributions in question, nor any cover letters, nor any other indication, in writing or otherwise, that connected these contributions to the 1980 election aside from inadvertent mischaracterization of the contributions on the PAC's FEC report." The treasurer of Friends of Senator D'Amato restates this argument with respect to the mistaken designation. He stated that the checks received were not designated for a specific campaign and that, since all solicitations by the Friends of Senator D'Amato were for the 1986 campaign, the D'Amato Committee "accepted and attributed the two contributions to the 1986 election."

II. LEGAL ANALYSIS

A. Excessive Contributions to LFRUT-PAC

The first issue in this matter is whether the $20,000 in contributions reported as being made by LFRUT to LFRUT-PAC are, indeed, contributions from the partnership.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar year. As set forth at 2 U.S.C. § 441a(f), no political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of § 441a.

The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the

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partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c).3/

The Commission, however, in AO 1982-63 approved a system that could lead to the issuance of a partnership check in excess of $5,000. This situation involved voluntary check-offs by which individual partners authorized the partnership to make deductions from their partnership accounts. In approving the check-off system which provided that the firm would "transfer said amount directly" to the PAC, the Commission appears to have approved of the use of a partnership check in such situations.

The process by which the contributions from LFRUT were made was a check-off system whereby each individual partner designates a specific amount of money to go to the PAC. Rather than the partnership, each partner, in effect, made an individual contribution of the amount he designated. Based on the foregoing analysis with respect to 11 C.F.R. § 110.1(e) and AO 1982-63, this Office recommends that the Commission take no further action with respect to the allegation that LFRUT violated 2 U.S.C. § 441a(a)(1)(C) and that LFRUT-PAC violated 2 U.S.C. § 441a(f).

3/ These are the limitations set out in 2 U.S.C. § 441a.

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The foregoing analysis raises a problem as to reporting. Although LFRUT reported the aggregate figure contributed by the partners, it did not report the contributions of the individual partners/contributors in 1982.[4/] Of the 48 contributors in 1982, 33 contributed $200 or over, and their contributions, therefore, should have been reported in accordance with 2 U.S.C. § 434(b)(3)(A). This section requires the identification of each person who makes a contribution to the reporting committee, and whose contribution or contributions exceed, in the aggregate, $200 in the calendar year, together with the date and amount of any such contribution. This Office, therefore, recommends that the Commission find reason to believe that LFRUT-PAC and Andrew Blum, as its treasurer, violated 2 U.S.C. § 434(b)(3)(A) in connection with the contributions by LFRUT partners in 1982.

Although there was a failure to report the individual contributors in a timely manner, the individual contributions for the year 1982 (as well as for 1981 and 1983) were reported in the enclosure to the March 13 letter. There was further disclosure in the above-referenced 1984 April Quarterly. Although late, LFRUT-PAC has now reported the appropriate activity. This Office, therefore, recommends that the Commission take no further action in this matter with respect to this issue.

4/ A review of the enclosure with the letter of March 13, 1984, reveals that the actual aggregate contribution figure from LFRUT partners in 1982 was $20,500, not $20,000.

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B. Excessive Contributions By LFRUT-PAC

According to 2 U.S.C. § 44la(a)(1)(A), no person, including a non-multicandidate political committee, shall make contributions which, in the aggregate, exceed $1,000 per election to a candidate or his authorized committees. Section 44la(a)(2)(A) states that no multicandidate committee shall make contributions to any candidate and his authorized committees with respect to any federal election which, in the aggregate, exceed $5,000. If LFRUT-PAC qualified as a multicandidate committee under 2 U.S.C. § 44la(a)(4) prior to the making of the contributions in question, the contributions to the candidate committees were lawful.

As stated in the response of LFRUT-PAC's counsel, LFRUT-PAC's Statement of Organization was filed with the Commission on June 26, 1981. According to LFRUT-PAC's 1981 Year End Report, it had contributed to nine candidates as of December 31, 1981. (Eight of the nine were sent their first contributions from the PAC on that date).

The enclosure to counsel's correspondence of March 13, 1984, indicates that 58 partners had contributed under this system by the end of 1981. Based on these facts, it appears that LFRUT-PAC was a multicandidate committee at the time of the contributions to the candidate committees involved in this matter.

It appears that the $1,500 in contributions to Friends of Senator D'Amato in 1982 were mistakenly labelled as 1980

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contributions on LFRUT-PAC's reports. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

Based on this regulation, if the evidence indicated a designation by either party for the 1980 election, none of the contribution, could have been made. The evidence presented, however, indicates clearly that the 1982 contributions were intended by both the contributor and recipient for Senator D'Amato's 1986 campaign.

Based on the foregoing analysis, the Office of General Counsel recommends that the Commission take no further action with respect to the allegations that LFRUT-PAC and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and the allegations that the candidate committees and their treasurers violated 2 U.S.C. § 441a(f).

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III. RECOMMENDATIONS

1. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C).

2. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

3. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

4. Take no further action with respect to the allegation that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 11 C.F.R. § 110.1(a).

5. Take no further action with respect to the allegation that the Congressman St. Germain Re-Election Committee and Fernand St. Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

6. Take no further action with respect to the allegation that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

7. Take no further action with respect to the allegation that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

8. Find reason to believe that L. F. Rothshild, Unterberg, Towbin Political Action Committee and Andrew Blum, as treasurer, violated 2 U.S.C. § 434(b)(3)(A), but take no further action with respect to this allegation.

9. Close the file.

10. Approve and send the attached letters.

Charles N. Steele
General Counsel

May 1, 1985
Date

BY: Kenneth A. Gross
Associate General Counsel

Attachments
Letters
Responses

8504054017

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Thomas J. Schwarz, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1774
L. F. Rothschild, Unterberg,
Towbin
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, as treasurer

Dear Mr. Schwarz:

On September 5, 1984, the Commission found reason to believe that your client, L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. On that date, the Commission also found reason to believe that your clients, L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), and 11 C.F.R. § 110.1(a). However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

Attachment 1- p. 1 of 4

8504054018

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert Tiernan, Esquire
1800 M Street, N.W.
Suite 299
Washington, D.C. 20036

RE: MUR 1774
Congressman St. Germain Re-
Election Committee
Fernand St. Germain, as treasurer

Dear Mr. Tiernan:

On September 5, 1984, the Commission found reason to believe that the Congressman St. Germain Re-Election Committee and Fernand St. Germain, as its treasurer, violated 2 U.S.C. § 44la(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

8504054019

1- p. 2 of 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Harlan Pomeroy, Esquire
Baker and Hostetler
818 Connecticut Avenue, N.W.
Washington, D.C. 20006

RE: MUR 1774
John Glenn Presidential
Committee, Inc.
William R. White, as treasurer

8504054020

Dear Mr. Pomeroy:

On September 5, 1984, the Commission found reason to believe that your clients, the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

1- p. 3 of 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

RE: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan, as treasurer

Dear Mr. Jaspan:

On September 5, 1984, the Commission found reason to believe that Friends of Senator D'Amato and you, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file in this matter.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

If you have any questions, please direct them to Jonathan Levin, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosure
General Counsel's Report

1-p. 4 of 4

8504021

GC#3368

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

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(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8000

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(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8200

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 488-4800

233 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

October 29, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Enclosed is the response of L.F. Rothschild, Unterberg, Towbin PAC and Andrew Blum, Treasurer, to MUR 1774. Also enclosed is a copy of an Affidavit by Mr. Blum. The signed original of the Affidavit will be hand delivered to you tomorrow morning.

Sincerely,

Carol C. Darr

Enclosures

RECEIVED
FEC
1984 OCT 29 AM 11:44

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Attachment 2 - p 1 of 49

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
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CHICAGO, ILLINOIS 60601
(312) 938-4000

October 29, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild,
Unterberg, Towbin PAC,
Andrew Blum, Treasurer

Dear Mr. Levin:

This response is made to the notification of the Federal Election Commission ("FEC" or "Commission") that it has found reason to believe that L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"), and the PAC's treasurer, Andrew Blum, have violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

I. SUMMARY

The Commission has made two allegations: 1) that the PAC, in reliance on the erroneous belief that it was a multi-candidate committee, made contributions in excess of $1,000 to three federal candidates; and 2) that the PAC accepted an excessive contribution of $20,000 in 1982 from the partnership.

With respect to the first allegation, the PAC became a multi-candidate committee on December 31, 1981, the date by which it satisfied the three requirements of the applicable statute. By virtue of its status as a multi-candidate committee, the PAC was permitted to contribute up to $5,000 per election to each of the three candidates. Therefore, contributions to these candidates -- all of which, respectively, were below the applicable $5,000 limit -- were entirely proper.

With respect to the second allegation, LFRUT at all relevant times made a good-faith and diligent effort to comply with the Act. However, relying upon legal advice

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which failed to point out the Act's anomalous distinction between the treatment of contributions by individual partners and those of the partnership itself, LFRUT inadvertently made an excessive contribution to the PAC. Upon discovery of this inadvertent violation, LFRUT took prompt action to rectify its error -- action which, in many instances, went well beyond the requirements of the Act. Given these circumstances, and the fact that the imposition of civil penalties or a conciliation agreement would work an inordinate hardship upon LFRUT, we believe that the Commission should take no further action in this matter.

II. DISCUSSION

A. The PAC is a Multi-Candidate Committee

The PAC qualified as a "multi-candidate committee" as defined by 11 C.F.R. § 100.5 on December 31, 1981, the date on which it satisfied all three requirements of the three-pronged test. With respect to the first requirement, the PAC had been registered as a political committee for six months by December 26, 1981, having filed its Statement of Organization on June 26, 1981.*/

With respect to the second criterion, the PAC received contributions from over 50 persons upon receipt of its first contribution of $5,000 from the partnership on December 16, 1981. As the regulations state at 11 C.F.R. § 110.1(e), a contribution from a partnership shall also "be attributed to each partner in direct proportion to his or her share of the partnership profits, according to the instructions which shall be provided by the partnership to the committee" or "be attributed by agreement of the partners." As stated in our letter of January 3, 1984, to the Commission, the former method of attribution was utilized and each partner of LFRUT had deducted from his distribution of the partnership proceeds a pro rata share of the contribution to the PAC. Thus, the contribution represented the collective contributions of 61 partners,**/ and by operation of the

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*/ The Statement of Organization, which was dated June 9, 1981, was stamped as "received" by the Commission on June 26, 1981.

**/ There were 61 partners of LFRUT during calendar year 1981. The contributions made by the partnership during the period 1981 through 1983, however, represented the contribution of 75 individuals in total, each of whom reimbursed the partnership for his proportionate share of the contributions made during his tenure.

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statute, must be attributed to each of them individually as well as to the partnership.

According to 11 C.F.R. § 102.8(b)(2), the date of receipt of a contribution shall be the date the person receiving the contribution on behalf of a political committee obtains possession of the contribution. This applies to all contributions. Consequently, the date on which the PAC "received" a contribution from each individual partner is the same date on which it received the contribution from the partnership -- December 16, 1981. Therefore, by operation of the statute, the PAC satisfied the requirement of "receiving" contributions from over 50 "persons" when it obtained possession of the partnership check. That it may have been difficult or impossible for the Commission to ascertain the actual number of contributors underlying the partnership check is uncontroverted. Nevertheless, with respect to the requirement that contributions be received from over 50 persons, mere receipt, not receipt and reporting, is all that is required to satisfy the clear language of the second criterion.

With respect to the third requirement, the PAC made a contribution to its fifth recipient federal candidate*/ on December 31, 1981. Consequently, the PAC became a multi-candidate committee on December 31, 1981, the date by which all three requirements were satisfied.

B. Allegedly Excessive Contributions

1. Contributions to Glenn and St Germaine

The PAC made two**/ contributions totalling $1,000 to the John Glenn Presidential Exploratory Committee in 1982 and four contributions totalling $3,000 to the John Glenn for President Committee in 1983. In response to a Request for Additional Information ("RFAI") from the Commission, the John Glenn Presidential Committee returned $2,500

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*/ The PAC made one contribution to the People for John Heinz on December 18, 1981, and contributions to People for John Heinz and eight other federal candidate committees on December 31, 1981.

**/ The Summary of Allegations, p. 5, lists only one contribution to the Exploratory Committee, but in fact there were two.

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to the PAC in January, 1984. The Committee also returned an additional $500 to the PAC in April, 1984.

However, given that the PAC had previously qualified as a multi-candidate committee on December 31, 1981, it had every right to contribute $4,000 in the first instance. There is and was simply no violation of the Act here.

With respect to the PAC's contributions in 1983 to the Congressman St Germaine Committee, the same argument applies. Because the PAC was a qualified multi-candidate committee, the two contributions aggregating $2,000 were not in excess of the applicable limit. Therefore, no violation of the Act occurred.

2. Contributions to D'Amato

In 1982, the PAC made two contributions totalling $1,500 to Friends of Senator D'Amato, the 1986 campaign committee of Senator Alphonse D'Amato. The PAC, however, on its FEC reports, erroneously reported the contributions as having been made to Senator D'Amato's 1980 general election campaign, even though the name of that committee was Friends of Al D'Amato, and it had already terminated with no outstanding debts. Upon receipt, the 1986 committee, the Friends of Senator D'Amato, to whom the checks were made payable, duly deposited the contributions.

There were no memo entries on the two contributions in question, nor any cover letters, nor any other indication, in writing or otherwise, that connected these contributions to the 1980 election, aside from inadvertent mischaracterization of the contributions on the PAC's FEC report. Thus, the Commission's assertion that the contributions counted toward the 1980 election because they were so "designated in writing" is in error.

In 1983, the PAC made an additional contribution of $3,000 to the 1986 committee, the Friends of Senator D'Amato, bringing the total contributions made to that committee to $4,500, well within the $5,000 limit applicable to multi-candidate committees. This latter contribution was correctly reported by the PAC on its FEC report.

In response to a 1984 RFAI, Friends of Senator D'Amato returned $3,000 to the PAC. However, as was the case with its contributions to Glenn and St Germaine, the PAC was well within its rights to make the contributions, and committed no violation of 2 U.S.C. § 441a(a).

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D. No Action Should be Taken Against LFRUT's PAC or the PAC's Treasurer Concerning the Partnership Contribution

1. The imposition of penalties would result in extreme hardship to LFRUT

LFRUT's status as an investment banker and broker/dealer requires that it file a "Form BD" with the SEC and with each of the 47 jurisdictions in which the firm is registered as a broker/dealer. Form BD requires, inter alia, the disclosure of disciplinary actions, civil and criminal fines or penalties, and other related sanctions by the U.S. government or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information on its Form BD filings, thereby jeopardizing LFRUT's status in several states and possibly resulting in LFRUT's suspension as a broker/dealer. Needless to say, any such suspension would cause significant financial losses.

Consequently, imposition by the Commission of fines or a conciliation agreement could have truly draconian effects on LFRUT and set in motion penalties far in excess of those warranted by the present violation.

2. The excessive contribution from the partnership was a de minimis violation

As the law now stands, a contribution by partnership check, which represents the collective contributions of several partners, also counts as a contribution from the partnership itself. This provision is one of the more anomalous and, consequently, often misunderstood provisions of the Act. That the technical language of the definition of "person" elevates form over substance by prohibiting partners from doing collectively by means of one joint check what each is permitted to do separately by means of individual checks need not be argued here. Rather, the Commission has sensibly resolved previous instances of violations of this section by bringing the violation to the filer's attention by means of RFAIs.

Although the FEC's "MUR Index" lists two MURs*/ as having been concerned with partnership contributions,

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*/ See MURs 736 and 981 concerning, inter alia, improper reporting of partnership contributions.

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a review of those MURs does not indicate that excessive partnership contributions were ever at issue. A review of a privately-published Index of MURs Closed Through 1982 yielded nothing on the topic of excessive partnership contributions. It appears that the Commission has never dealt with, in the context of a MUR, a situation of otherwise proper contributions from several partners that, because they were made by means of partnership checks, exceeded the partnership limit. In light of the Commission's past resolution of such inadvertent, and basically de minimis, violations through the RFAI process, and the extenuating circumstances involved here, we believe that further action against the respondents is unwarranted.

3. LFRUT made a diligent and good-faith effort to comply with the Act

As a highly regulated investment banking firm subject to stringent disclosure and other regulatory requirements under state and federal law, LFRUT has always been particularly sensitive to the need to comply with all regulatory requirements governing its activities. Prior to establishing its PAC, LFRUT diligently sought the advice of legal counsel who prepared, at LFRUT's request, a legal memorandum*/ that set forth the general provisions and requirements for establishing and maintaining a PAC. Unfortunately, the memorandum, while referring to limits for the individual partners of the partnership, did not state that a partnership is itself subject to a per person limitation on contributions. See p. 4 of memorandum. The failure to mention this FEC requirement gives the misleading impression to the reader that a partnership may make contributions in substantial amounts so long as the individual partners' limits are not exceeded. Regretfully, LFRUT's reliance on the memorandum resulted in an inadvertent violation which was first brought to its attention by an RFAI from the Commission.

Upon receipt of the RFAI, LFRUT moved immediately to correct this inadvertent error, and retained new legal counsel. The PAC collected personal checks from each individual contributor and reimbursed the partnership in full for its entire contributions. This full reimbursement exceeded the requirements of the Act and was intended to demonstrate a good-faith effort to correct the errors. The PAC was then terminated.

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*/ See Attachment A.

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In several MURs involving inadvertent violations and immediate good-faith attempts to rectify the errors, the Commission took no further action against the respondents beyond a "reason to believe" finding, and closed the files.

In MUR 1534, the Commission discovered through the RFAI process that the Oil, Chemical and Atomic Workers International Union Political and Legislative League Fund ("Fund") had inadvertently comingled union treasury funds with voluntary funds in amounts approaching $22,000 in contravention of 2 U.S.C. § 441b. During the MUR proceeding, the Fund notified the Commission that since the discovery of the initial infraction, no further comingling had occurred. The Fund further noted that a new "voluntary" account was opened into which contributions had been deposited, and that the "old" voluntary account which contained the comingled amounts had been closed out, the funds having been transferred to a nonvoluntary account. Finally, the Fund notified the Commission that administrative and accounting procedures were being revamped so as to obviate the possibility of future errors.

With respect to the above, the General Counsel's Recommendations stated:

> In this case, the subject funds have now been segregated and voluntary compliance has been achieved. We believe that since the [Fund] has corrected its accounting problems and such violations are not likely to occur in the future, the Commission should find reason to believe and close the file.

The Commission followed the General Counsel's recommendation by a 6-0 vote.*/

In MUR 1493, Thompson's People, the principal campaign committee of former Congressman Frank Thompson, Jr., accepted excessive contributions from the separate segregated funds of the national and local chapters of United Food and Commercial Workers ("U.F.C.W."). The Commission's General Counsel, having recommended a "reason to believe" finding, stated:

> [H]owever, because the money has been refunded, Thompson's People terminated over a year ago, and

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*/ See also MUR 1538; MUR 1547.

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the U.F.C.W. has changed its procedures to avoid making excessive contributions, it is recommended that no further action be taken.

The Commission, following the General Counsel's recommendation, found reason to believe and closed the file by a vote of 5-1.

In MUR 1517, the Cliff Dickman for Congress Committee, in reliance on erroneous legal advice, accepted loans totalling $20,500, endorsed by three individuals, which resulted in their making excessive contributions. The loans were later refinanced. The Commission found reason to believe that the committee had violated the Act, but took no further action and closed the file. The Commission followed the General Counsel's recommendation by a vote of 5-1.

In MUR 895, it was alleged that a mailing by the Beloit Corporation had been sent to ineligible employees, thereby violating 2 U.S.C. § 441b.*/ Upon investigation, the facts revealed that Beloit had violated the provision. However, the proof submitted showed that the cause of the incorrect mailing was due to a lack of communication during the period between those planning the mailing and those actually implementing it. It was further shown that upon learning that the communication had been sent to ineligible employees, Beloit: 1) promptly initiated an investigation into the matter; 2) considered what, if any, corrective action could appropriately be taken concerning the violation; and 3) took steps to insure that such violations would not occur in the future. Although the Commission made a final determination that Beloit had violated the statute, it took no further action and closed the file after considering the circumstances of the case outlined above.

The instant case involves similar considerations of a good-faith attempt to comply with the Act and prompt efforts to correct inadvertent violations upon discovery thereof. Furthermore, the PAC has gone well beyond the requirements of the Act by fully reimbursing the partnership, by voluntarily requesting the return of contributions

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*/ Beloit had mailed 1,183 letters concerning a pending Congressional race. Of these, 665 letters were received by ineligible employees.

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from several candidates without the prompting of the Commission, and, finally, by terminating its operations. We submit that substantial compliance has already been achieved in this case, and respectfully request that the Commission take no further action in this matter and close the file.

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM

Thomas J. Schwarz by CCD
Thomas J. Schwarz

Carol C. Darr
Carol C. Darr

8504054403 1

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1774 - L. F. Rothschild, Unterberg, Towbin PAC

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

ANDREW BLUM, being duly sworn, deposes and says:

1. I am an Administrative Managing Director of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"). During the relevant time period for this matter, I served as the Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership.

2. On September 19, 1984, the Federal Election Commission ("FEC" or "Commission") by letter requested, in part, that LFRUT submit factual materials which would be relevant to the Commission's analysis of MUR 1774 and that, where appropriate, a statement be submitted under oath. This statement is submitted pursuant to that request.

The Establishment of the PAC

3. LFRUT is engaged in the business of securities brokerage, trading and research, investment banking, and other related financial services. Many aspects of LFRUT's business

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2-p. 11 of 49

are highly regulated and subject to stringent disclosure and other regulatory requirements under state and federal law.

4. As a result, it has been and is the policy of LFRUT diligently and closely to monitor and comply with all regulatory requirements governing its activities.

5. Thus, prior to establishing its PAC, LFRUT sought the advice of its former legal counsel in order to ensure its compliance with the Federal Election Campaign Act of 1971, as amended (the "Act").

6. In March or April, 1981 LFRUT had its first discussions with its former counsel to determine the feasibility of establishing the PAC to facilitate contributions to federal candidates.

7. In May, 1981, LFRUT determined that it would establish the PAC and retained that counsel to provide legal advice and assistance.

8. On May 29, 1981, counsel submitted a legal memorandum ("Memorandum") to LFRUT that set forth the general provisions and requirements for establishing and maintaining a PAC under the Act.

9. On June 9, 1981, pursuant to the procedures set forth in the Memorandum, the PAC filed its Statement of Organization, which was received by the Commission on June 26, 1981.

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10. On December 16, 1981, LFRUT made its first contribution of $5,000 to the PAC by means of a partnership check. This check represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution was reduced by the amount of his specific contribution. Thereafter, LFRUT transferred funds as needed to the PAC by means of checks drawn on the LFRUT account.

11. LFRUT operated according to the procedures set forth above, at all times believing in good faith that its actions were in accord with the general provisions and requirements of the Act as set forth in the Memorandum.

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Notification of the Alleged Violation

12. On October 19, 1983, LFRUT received a letter from the Commission notifying it, among other things,*/ of the alleged violation concerning the partnership's contributions to the PAC in excess of the allowable limit.

---

*/ The Commission also notified LFRUT that it had reason to believe that LFRUT had made excessive contributions to three federal candidates. However, the accompanying memorandum submitted by LFRUT's present counsel shows that the PAC met the legal requirements necessary to qualify as a multi-candidate committee, in which case the contributions were within the allowable limit. Because this issue is a question of law, my statement will not address this point further.

13. This was the first indication that LFRUT received that its reliance upon the advice contained in the Memorandum was misplaced. The Memorandum did not make clear the distinction between the treatment of contributions from a partnership and those of the individual partners nor indicate that all contributions from the partners made by means of a partnership check also count against the partnership limit. Unfortunately, the partnership relied on the material contained in the Memorandum and never received any advice as to the existence of a partnership limit.

14. Upon receiving the Commission's letter, LFRUT contacted the counsel that had prepared the Memorandum. Discussions with counsel proved to be unsatisfactory, whereupon LFRUT retained new counsel, Skadden, Arps, Slate, Meagher & Flom, in an attempt to correct the errors made previously.

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Actions Taken to Rectify LFRUT's Inadvertent Error

15. After apprising itself of the situation, LFRUT moved immediately to rectify its inadvertent error.

16. First, LFRUT, through its new counsel, responded to the Commission's Request for Additional Information ("RFAI") by letter of January 3, 1984.

17. Second, LFRUT had each individual transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distri-

bution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro-rata share of the administrative expenses advanced by the partnership for each of the three years. This process was completed by April 2, 1984.

18. Third, on March 13, 1984, LFRUT made available to the Commission by letter the identities of 73 individuals who had to date reimbursed the PAC and the amount of their contributions, thereby placing the above-described information into the public record.

19. Fourth, the PAC promptly filed its April 15, 1984, Quarterly Report which listed the required information for the 73 individuals whose contributions (reimbursements) had been received by the close of books on March 31, 1984.

20. Fifth, and on its own initiative -- even though LFRUT strongly believed and still believes that the PAC is a multi-candidate committee -- LFRUT requested and received refunds for the excess over $1,000 it had contributed to various political committees that were not named in the various RFAIs.

21. Finally, after receiving contributions from the two remaining contributors, and reimbursing the partnership in full, the PAC filed a Termination Report on April 11, 1984, and concluded its existence.

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22. Thus, upon comprehending the error of the advice of counsel it had followed, LFRUT took prompt and thorough actions to correct not only the errors pointed out in the Commission's RFAI, but also on its own initiative, took many corrective steps far in excess of anything demanded by the Act, including, in the end, terminating its PAC.

LFRUT May Suffer Inordinate Hardship if Penalties are Imposed

23. LFRUT wishes to bring an additional factor to the Commission's attention. Because LFRUT's business consists of, among other things, acting as a registered broker/dealer in the securities industry, it must file various forms with the Securities and Exchange Commission and with each of the 47 jurisdictions in which the firm is registered.

24. One required filing--Form BD--requires the disclosure of all disciplinary actions, any civil or criminal fines and penalties, and any other related sanctions by a federal agency or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations.

25. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information in its Form BD filings with the various jurisdictions.

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26. Broker/dealers are among the most strictly scrutinized of all securities industry participants. Therefore, such a disclosure could possibly result in LFRUT's suspension as a broker/dealer, and would cause significant financial losses.

CONCLUSION

27. The foregoing sets forth, to the best of my knowledge and belief, the facts, the sequence of events, and the potential consequences involved in this matter.

L.F. Rothschild, Unterberg, Towbin

By: _____
Andrew Blum

Sworn to before me this
____ day of October, 1984.

8504054039

GCC# 3402

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233 NORTH MICHIGAN AVENUE
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October 30, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

84 OCT 30 AM 10:49
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Pursuant to our telephone conversation yesterday, enclosed is the original executed Affidavit by Mr. Andrew Blum. This supplements the response of L.F. Rothschild, Unterberg, Towbin PAC and Andrew Blum, Treasurer, to MUR 1774, filed with your office yesterday.

Sincerely,

Carol Darr

Carol C. Darr

Enclosure

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2-p. 18 of 49

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

84 OCT30 A10:49

RE: MUR 1774 - L. F. Rothschild, Unterberg, Towbin PAC

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

ANDREW BLUM, being duly sworn, deposes and says:

1. I am an Administrative Managing Director of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"). During the relevant time period for this matter, I served as the Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership.

2. On September 19, 1984, the Federal Election Commission ("FEC" or "Commission") by letter requested, in part, that LFRUT submit factual materials which would be relevant to the Commission's analysis of MUR 1774 and that, where appropriate, a statement be submitted under oath. This statement is submitted pursuant to that request.

The Establishment of the PAC

3. LFRUT is engaged in the business of securities brokerage, trading and research, investment banking, and other related financial services. Many aspects of LFRUT's business

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2-p. 19 of 49

are highly regulated and subject to stringent disclosure and other regulatory requirements under state and federal law.

4. As a result, it has been and is the policy of LFRUT diligently and closely to monitor and comply with all regulatory requirements governing its activities.

5. Thus, prior to establishing its PAC, LFRUT sought the advice of its former legal counsel in order to ensure its compliance with the Federal Election Campaign Act of 1971, as amended (the "Act").

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8. On May 29, 1981, counsel submitted a legal memorandum ("Memorandum") to LFRUT that set forth the general provisions and requirements for establishing and maintaining a PAC under the Act.

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12. On October 19, 1983, LFRUT received a letter from the Commission notifying it, among other things,*/ of the alleged violation concerning the partnership's contributions to the PAC in excess of the allowable limit.

---

*/ The Commission also notified LFRUT that it had reason to believe that LFRUT had made excessive contributions to three federal candidates. However, the accompanying memorandum submitted by LFRUT's present counsel shows that the PAC met the legal requirements necessary to qualify as a multi-candidate committee, in which case the contributions were within the allowable limit. Because this issue is a question of law, my statement will not address this point further.

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15. After apprising itself of the situation, LFRUT moved immediately to rectify its inadvertent error.

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17. Second, LFRUT had each individual transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distri-

bution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro-rata share of the administrative expenses advanced by the partnership for each of the three years. This process was completed by April 2, 1984.

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23. LFRUT wishes to bring an additional factor to the Commission's attention. Because LFRUT's business consists of, among other things, acting as a registered broker/dealer in the securities industry, it must file various forms with the Securities and Exchange Commission and with each of the 47 jurisdictions in which the firm is registered.

24. One required filing--Form BD--requires the disclosure of all disciplinary actions, any civil or criminal fines and penalties, and any other related sanctions by a federal agency or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations.

25. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information in its Form BD filings with the various jurisdictions.

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26. Broker/dealers are among the most strictly scrutinized of all securities industry participants. Therefore, such a disclosure could possibly result in LFRUT's suspension as a broker/dealer, and would cause significant financial losses.

CONCLUSION

27. The foregoing sets forth, to the best of my knowledge and belief, the facts, the sequence of events, and the potential consequences involved in this matter.

L.F. Rothschild, Unterberg, Towbin

By: _____
Andrew Blum

Sworn to before me this
29th day of October, 1984.

_____
Notary Public

JOHN A. CASSATA
Notary Public, State of New York
No. 24-4759076
Qualified in Kings County
Commission Expires March 30, 1986

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6CC#544

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November 1, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Enclosed is Attachment A, "Information Material: Establishment and Administration of Partnership Political Action Committees," to the October 29, 1984 response referenced above. The attachment was inadvertently left out when the response was filed with your office.

Sincerely,

Carol Darr

Carol C. Darr

Enclosure

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2-p. 26 of 49

May 29, 1981

INFORMATIONAL MATERIAL: ESTABLISHMENT AND ADMINISTRATION OF PARTNERSHIP POLITICAL ACTION COMMITTEES

Introduction

The Federal Election Campaign Act (FECA) gives alternative definitions of a political action committee (PAC). One type of PAC is the "separate segregated fund," which functions primarily as a vehicle to allow national banks, corporations, and labor organizations to avoid FECA's general prohibition of their participation in Federal election campaign contributions or expenditures. In addition, the term "separate segregated fund" applies to PACs of membership organizations (trade associations) and cooperatives. Corporate, national bank, and labor PACs (separate segregated funds) are subject to strict regulation, especially concerning the permissible scope and methods of soliciting contributions to the PAC.

Unfortunately, it is commonly perceived that "separate segregated funds" are synonymous with, rather than a subset of, the term "PAC." FECA also defines PAC as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). The key elements in the above PAC definition are: (1) consisting of two or more persons; (2) having yearly contributions or expenditures greater

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than $1,000; and (3) not established by a corporation, national bank, or labor organization (because such PACs are separately defined and regulated as separate segregated funds). The following discussion pertains to PACs within the latter definition, including partnership PACs.

Establishment of a PAC

The process for establishing a PAC is surprisingly simple. FECA considers a PAC "established" once the sponsoring organization takes formative action; such action can consist of a vote by the governing body to create the PAC, selection of the initial PAC officers, or payment by the sponsoring organization of the initial PAC expenses. Within ten days of establishment, the PAC must register with the Federal Election Commission (FEC) by having its treasurer file a statement of organization (FEC Form 1 -- a short, simple form). As for the name of the PAC, there are absolutely no restrictions (unlike separate segregated funds' names, which must include the name of the sponsoring organization). The only officer which FECA requires is a treasurer, who is responsible for the PAC's recordkeeping and reporting obligations. Those who control the PAC may also be officers of the sponsoring organization. Articles and bylaws are not required by FECA, but are often drafted to provide PAC officers guidance on the operation of the PAC.

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One issue upon which both the federal regulations and courts have focused is separateness. PACs must have a separate depository; commingling PAC funds with either personal funds or sponsoring organization funds is prohibited. If the PAC proposes to be active in both federal and non-federal elections, a separate federal account in a depository institution must be established.

One other important issue is the cost of establishing and administering a PAC. In this regard, separate segregated funds have an advantage over other PACs. Corporations and other such sponsoring organizations may pay for all costs of establishing and operating a PAC, including the cost of office space, phones, salaries, utilities, supplies, and legal and accounting fees. For others, such as partnership PACs, payments for such expenses are considered contributions and, therefore, count toward the contribution limits imposed on individuals and partnerships. [For a discussion of the limits on contributions to PACs, see below.]

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Administration of a PAC

The PAC treasurer is responsible for keeping the following records: (1) an accounting of all contributions; (2) name and address of any person who donates over $50; (3) name, address, occupation, and name of employer of any contributor who gives

more than $200; (4) name and address of any committee which gives money to the PAC; and (5) name and address of any person to whom a disbursement is made plus date, amount and purpose (there is a special rule for disbursements to candidates and their committees). There must be a receipt, invoice or cancelled check for any disbursement over $200. The treasurer must also submit regular reports to the FEC. Those reports reflect the financial activity of the PAC; their contents are similar to the records kept by the treasurer. [For a complete listing of contents, see 2 U.S.C. § 434(b).]

In the important area of limitations on contributions, contributions to a PAC are limited to $5,000 from whatever source (except those specifically prohibited -- see below). Partnership contributions are distributed either pro rata among the partners in proportion to their partnership shares, or otherwise according to partnership agreement. Each partner's portion of the contribution counts toward his overall annual limit ($25,000) as well as his $5,000-to-PAC limit. Limits on contributions by a PAC depend upon whether the PAC qualifies as a "multicandidate political committee"; that is defined as "a political committee which has been registered ... 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." 2 U.S.C. § 441a(a)(4). For multicandidate political committees, the contribution

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limits are $5,000/election to a Federal election candidate or his or her authorized political committee, $15,000/year to a national political party committee, and $5,000/year to any other political committee. For other PAC's, the respective figures are $1,000, $20,000, and $5,000. [For a summary of PAC contribution limits, see the attached table.]

FECA completely prohibits certain contributions, and knowing acceptors of such contributions are liable in addition to the contributors. Included in those prohibited are contributions (1) from national banks, corporations, or labor unions; (2) from federal contractors; (3) from foreign nationals; (4) in the name of another person; (5) made anonymously in excess of $50; (6) of currency in excess of $100; and (7) in excess of an FECA limit.

It is in the area of solicitation that other PACs enjoy the clearest advantage over separate segregated funds. In essence, the latter may solicit only administrative personnel and stockholders (or members), with an exception for broader, twice-yearly solicitations. For the former PACs, on the other hand, the "solicitable class" is unlimited. PACs may solicit the general public, or target any smaller group. The only two requirements are that (1) the solicitation expressly state that the contribution will be used in connection with a federal

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election; and (2) contributors be informed that all contributions are subject to the prohibitions and limitations of FECA.

On final, important, and evolving area of federal election campaign law is the "independent expenditure," which is defined as an expenditure

> expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17). An advertisement for or against a candidate in a newspaper or magazine would be an example of an independent expenditure. The U.S. Supreme Court has held that, due to First Amendment and other considerations, independent expenditures cannot be limited in amount. For PACs, the only FECA provision relating to independent expenditures is the requirement of a notice disclaiming connection with the candidate or his or her authorized committee. In present practice, the permissibility of unlimited independent expenditures constitutes something approaching a "loophole" in federal election campaign law. Therefore, although action to close the loophole may occur at some point, PACs should keep independent expenditures in mind as a means of maximizing election campaign activity.

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PAC CONTRIBUTION LIMITATIONS (Federal)

Contributions to a PAC (yearly)

Individuals, Partnerships, etc.	$ 5,000
Other PAC's	$ 5,000
Affiliated PAC's	no limit

Contributions by a PAC

	Multicandidate Committees	Other
Candidates	$ 5,000/election	$ 1,000/election
National Party Committees	$ 15,000/year	$ 20,000/year
Other PAC's	$ 5,000/year	$ 5,000/year

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GCC #5205

LAW OFFICES
ROBERT O. TIERNAN
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1800 M STREET, N.W.
WASHINGTON, D.C. 20036
(202) 638-6617

October 17, 1984

84 OCT 18 P3:22

BY HAND

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1774
Congressman St Germain
Re-Election Committee
Fernand J. St Germain,
Treasurer

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Dear Mr. Gross:

This letter is in response to Chairman Lee Ann Elliot's notice of September 17, 1984 that the Federal Election Commission ("FEC") has determined that there is reason to believe that Respondents in the above-entitled matter 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 L.F. Rothschild, Unterberg, Towbin PAC ("the PAC"). Respondents appreciate this opportunity to demonstrate, in writing, that no action should be taken against them in this matter, and wish to set forth their reasons, both factual and legal, why the FEC should dismiss this action against Respondents and close the file.

The sole basis for the FEC's finding of reason to believe is contained in the General Counsel's two page factual and legal analysis which accompanied the September 17, 1984 notice to Respondents. In this analysis, the General Counsel states that the PAC made a $2,000 contribution to Respondents on April 25, 1983 for the 1984 election. It is the contention of the General Counsel that the PAC was subject to a contribution limit of $1,000 per election to any candidate and his/her authorized political committees under 2 U.S.C. §441a(a)(1)(A) because the PAC had not achieved multicandidate status under 2 U.S.C. §441a(a)(2)(A) which would otherwise permit contributions of up to $5,000 per candidate/per election from the PAC. Therefore, the General Counsel's analysis alleges, Respondents have violated

2 U.S.C. §441a(f) by accepting a contribution from the PAC which was $1,000 in excess of the limitation.

The General Counsel's analysis and conclusion that a violation of the contribution limits has occured rests upon a factual allegation that as of April 25, 1984, the PAC had not achieved the multicandidate status under 2 U.S.C. §441a(a)(2)(A) necessary to increase the contribution limit from $1,000 to $5,000 per candidate/per election. Under this provision of the Act, the PAC becomes a multicandidate committee when 1) it has been registered for six months or more, 2) when it has received contributions from more than fifty persons, and 3) when it has made contributions to at least five federal candidates. All three conditions or elements must be present for multicandidate status to apply to the PAC, and the contribution limits from the PAC to increase to $5,000 per candidate/per election. However, there are also no futher requirements under the Act or FEC regulations for multicandidate status other than these three factual elements. Under the Act, multicandidate status is not a privilege which is subject to a discretionary ruling or action of the FEC. Nor is multicandidate status dependent upon any other action taken by the PAC, i.e. timely or accurate reporting to the FEC. Multicandidate status, and the correlative increase in the contribution limits from $1,000 to $5,000 per candidate/per election, occurs ipso facto when the three factual criteria are met.

In this matter, the General Counsel has stipulated in the analysis that the first and third factual criteria for multicandidate status have been met, i.e. registration of the PAC for six months, and PAC contributions to at least five federal candidates. It is only the second criterion for multicandidate status, the receipt by the PAC of contributions from more than fifty persons, which the General Counsel alleges the PAC had not fulfilled, and which omission, therefore, premises the finding of an excessive contribution by the PAC in violation of the limits, and a violation by Respondents in accepting the excessive contribution.

Respondents would respectfully contend that, in fact, the second criterion necessary for multicandidate status for the PAC was met in a timely manner, and the PAC had received contributions from more than fifty persons at the time the contribution was made in 1983 from the PAC to Respondents. Reference is made to PAC disclosure documents filed with the FEC and open for public inspection at the FEC Office of Public Records. In a PAC FEC Report identified

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on the FEC's Committee Index of Disclosure Documents - (C) (83-84) as a 1984 Miscellaneous Report at microfilm location 84FEC/299/2176, Counsel for the PAC provided the FEC Reports Analysis Division with a list of persons who had contributed to the PAC and the amounts of their contributions for the years 1981, 1982 and 1983. Even though there is no minimum contribution amount which is required by the Act or FEC regulations to satisfy the fifty contributors criterion, and nor is there a requirement that the requisite fifty persons who contributed be specifically identified by name in PAC reports, a review of this report to the FEC indicates a total of seventy three persons contributed to the PAC in 1981, 1982 and 1983. Of this number, fifty nine persons are identified as contributors to the PAC in 1981 and 1982 before the contribution in question in this matter was made by the PAC to Respondents in 1983.

Since the General Counsel's analysis states that multi-candidate status for the PAC was dependent only upon the satisfaction of the second criterion requiring contributions to the PAC from more than fifty persons, the PAC's contribution limitation to candidates and their committees was automatically increased from $1,000 to $5,000 by operation of law when the fifty-first person contributed to the PAC. Because the fifty-first person contributed to the PAC no later than the end of 1982, a $2,000 contribution from the PAC to Respondents on April 25, 1983 occured after the PAC had achieved multicandidate in fact, and by operation of the Act. Under such circumstances, the $2,000 contribution by the PAC was within the applicable $5,000 limitation of 2 U.S.C. §441a(a)(2)(A) and therefore Respondents did not violate 2 U.S.C. §441a(f) as alleged by accepting this contribution from the PAC.

In addition to Respondents' contention that no violation occured because multicandidate status had been appropriately and timely achieved by the PAC before their 1983 contribution was received, Respondents would like to call the FEC's attention to two additional considerations in this matter. First of all, Respondents refunded $1,000 to the PAC well before the 1984 primary or general elections and did not have the benefit of such monies during any politically significant portion of the 1984 election cycle. Secondly, even if the PAC had not achieved multicandidate status at the time the contribution was made on April 25, 1983 (a proposition which Respondents maintain is erroneous), the PAC could have contributed the exact same amount of $2,000 to Respondents at that time by designating $1,000 of the contribution to the 1984 primary election and $1,000 to the 1984 general election. Since, of course, the PAC considered

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that multicandidate status had been achieved at that time, such designations were no doubt felt to be unnecessary or superfluous.

Respondents appreciate this opportunity to demonstrate that no action should be taken against them in this matter entitled MUR 1774. For the reasons stated above, Respondents believe this matter should be dismissed and the file closed.

Should there be any further questions with regard to this matter, Respondents would be ready to answer the FEC's inquiries through their designated counsel. In particular, Respondents would be interested in a resolution of this compliance action prior to the statutory steps which are a necessary antecedent to a finding of probable cause.

Sincerely,

Robert O. Tiernan / by deo

ROBERT O. TIERNAN

David E. Osterhout

DAVID E. OSTERHOUT

DEO/deo

8504054058

John Glenn

RECEIVED AT THE FEC
GCC#5395
84 OCT 30 A8:26

October 26, 1984

84 OCT 30 A10:01
GENERAL COUNSEL

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

Gentlemen:

Re: MUR 1774

The undersigned has succeeded Robert A. Farmer as Treasurer of John Glenn Presidential Committee Inc.

Pursuant to your letter of September 17, 1984, and an extension previously granted, I am advising you as follows.

Contributions in the aggregate amount of $4,000 were received by the Committee from L.F. Rothschild, Unterberg, Towbin PAC, reflected in the following batch numbers, deposit dates and amounts.

Batch	Deposit Date	Amount
000	12/31/83	$500.00
003	02/08/83	500.00
250	06/29/83	1000.00
385	08/25/83	1000.00
385	08/25/83	500.00
576	10/14/83	500.00
TOTAL		$4000.00

The Committee believed in good faith that this political action committee was a PAC from which contributions in excess of $1000 and up to $5000 could legally be received. It appears also that the PAC so regarded itself.

However, it was the Committee's general practice to verify all PAC's status as one from which contributions in excess of $1000 could be received when and if the aggregate contributions from the PAC exceeded $1000.

2-p. 38 of 49

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Federal Election Commission.

Upon learning that $2500 in excessive contributions had been received by the Committee from the PAC, the Committee refunded the amount of the excessive contribution on January 27, 1984 by Committee check number 4545. Subsequently, the Committee learned that there was another $500 of excessive contributions which was received after the $2500 excess had been received. This was refunded by a check for $500 to the PAC on April 24, 1984 (check #5568) which apparently was lost by the PAC and duplicated (after stop payment order on the first check) by a reissued check drawn June 18, 1984 (#5796) for $500. These refunds were made by the Committee at its own initiative prior to the time the FEC auditors began their audit of Committee records.

Appropriate copies of the checks by which the refunds were made (front and back) are enclosed in documentation of the above statement. Clearly the Committee's conduct was reasonable under these rather unusual facts.

Under Regulations §103.3(b), a potentially illegal contribution, including an excessive contribution, must within 10 days either be returned to the contributor or deposited and reported. The Treasurer is required to use his best efforts to determine the legality of the contribution. The Committee believes that Mr. Farmer, who was then the Committee Treasurer, complied with this requirement. Contributions which are not legal must be returned within a reasonable time. This all appears to have been done by the Committee with respect to the contributions being questioned.

In view of the large volume of receipts by the Committee, and the fact that a seemingly well-informed PAC made contributions to the Committee in excess of $1000 believing that such contributions were legal, the Committee behaved quite reasonably under the circumstances. What is important is that the excessive contributions, when their excessive nature was determined, were promptly returned. It is quite clear that no penalty is to be imposed where such contributions are returned on notification of their illegality and there is no intent to violate the Act. See for example MURs 1151 (10/7/80), 1493 (1/4/83) and 1489 (1/4/83). Moreover, where as here the violation is at best de minimis and there is an effort to comply with the Act, no penalty should be imposed. MUR 1153 (4/20/81) and 1451 (8/24/82).

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Federal Election Commission

Please let me know if I can be of any more assistance.

Sincerely,

William R. White
Treasurer

DISTRICT OF COLUMBIA: SS

Sworn to and subscribed before me this 29th day of October, 1984.

Rachel L. Will
Notary Public in and for the
District of Columbia
My commission expires

My Commission Expires December 14, 1988

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THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

RECEIVED AT THE FEC
HAND DELIVERED
84 OCT 30 A10:42

Send All Correspondence To:
300 Garden City Plaza
Room 516
Garden City, New York 11530
(516) 746-8000

October 29, 1984

84 OCT 30 P1:11
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

Federal Election Commission
Washington, D.C. 20463

Re: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan

Gentlemen:

Enclosed herewith is my affidavit stating factual and legal material which we believe is relevant to the Commission's consideration of the above matter.

The second paragraph of the letter from the Chairman of the Commission dated September 17, 1984 refers to answers to enclosed questions. No questions were included with the letter, and therefore have not been responded to. If in fact there are questions to be responded to please submit a copy so that we can prepare appropriate responses.

Very truly yours,

Arthur W. Jaspan
Treasurer

AWJ:sm
Enclosure

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2-p. 41 of 49

Paid for by Friends of Senator D'Amato

FEDERAL ELECTION COMMISSION

MUR No. 1774

RESPONDENT Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Arthur W. Jaspan, being duly sworn, deposes and says:

1. Deponent is the Treasurer of Friends of Senator D'Amato (the Committee).

2. This affidavit is submitted in response to the determination of the Federal Election Commission that there is reason to believe that the Committee violated 2 U.S.C. Section 44la(f) by accepting excessive contributions from L.F. Rothschild, Unterberg, Towbin PAC (the PAC).

3. The Committee was formed in 1981 as an authorized Committee. The Committee was formed to support Senator D'Amato in the 1986 election.

4. On January 22, 1982, the Committee received a contribution of $500.00 from the L.F. Rothschild, Unterberg Towbin PAC. On June 16, 1982 the Committee received an additional contribution of $1,000.00 from the PAC.

5. The checks received from the PAC did not designate the contributions for any specific campaigns. A current check of records has located no transmittal letter or note from the PAC designating the contributions for any specific campaign.

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6. Since all solicitations by the Committee were for the 1986 campaign, the Committee accepted and attributed the two contributions to the 1986 election. From its inception in 1981 the Committee only accepted contributions for the 1986 election.

7. Prior to filing the 1982 Mid-Year Report an inquiry was made as to whether or not the PAC was a Multi-Candidate Committee. The Committee was advised by a representative of the PAC that the PAC was a Multi-Candidate Committee. The Mid-Year Report for 1982 therefore attributed the two contributions to the 1986 primary.

8. On February 25, 1983 the Committee received an additional contribution of $3,000.00 from the PAC. Based on the previous representation by the PAC this contribution was accepted and attributed to the 1986 primary. The contribution was reported by the Committee in its 1983 Mid-Year Report.

9. On October 14, 1983 the Reports Analysis Division of the Commission made an inquiry regarding the two 1982 contributions totalling $1,500.00 listed in the Committee's 1982 report. The inquiry made no reference to the $3,000.00 contribution made in 1983.

10. Deponent contacted representatives of the PAC. Deponent was advised that the PAC had also been contracted by the Federal Election Commission regarding its status. The

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PAC had consulted with counsel in Washington. The representative indicated that counsel had advised them that in fact they did qualify as a Multi-Candidate Committee. The PAC's representative also stated that counsel was holding discussions with the Commission to clarify the records.

11. Deponent asked to be kept advised. After several additional conversations with representatives of the PAC, deponent was referred to counsel for the PAC in Washington. Counsel indicated that the problem related to the number of contributors to the PAC. He also stated that he believed that if appropriate amendments to the PAC's reports were filed, the issue could be resolved and the PAC recognized as a Multi-Candidate Committee retroactive to 1981.

12. In late December 1983 deponent again spoke with counsel for the PAC. Counsel indicated that the matter had still not been resolved. After the discussion it was determined that pending resolution of the issue, the portion of the contribution made by the PAC for the 1986 campaign in excess of $2,000.00 be refunded. The refund of $2,500.00 was made on December 27, 1983 and reported in the 1983 Year End Report.

13. The Committee received a letter from the Reports Analysis Division dated April 18, 1984. This letter received

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almost four months after the refund was made, was the first inquiry received from the Commission relating to the 1983 contribution of $3,000.00 which was partially refunded.

14. Prior to responding to the letter of April 18, 1984, deponent spoke with new counsel for the PAC. Deponent was advised that the issue as to whether or not the PAC was a Multi-Candidate Committee had still not been resolved.

15. The Committee's letter of May 1, 1984 was submitted to the Secretary of the Senate in response to the letter of April 18, 1984.

16. Deponent has recently spoken with counsel for the PAC. Deponent was advised that the issue has still not been resolved and that the PAC continues to maintain that it became a Multi-Candidate Committee in 1981, qualified to contribute up to $5,000.00 per election.

17. The determination of the Commission specifically refers to a violation of 2 U.S.C. Section 441a(f) which provides as follows:

> "(f) PROHIBITED CONTRIBUTIONS AND EXPENDITURES. No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate or knowingly make any expenditure on behalf of a candidate in violation of any limitation imposed on contributors and expenditures under this section."

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18. General Counsel's Factual and Legal Analysis states, on page 2, "The PAC appears to have made its contributions based upon the mistaken idea that it was a Multi-Candidate Committee at the time of the contributions". Deponent has been advised by counsel for the PAC that the issue as to whether or not the PAC was a Multi-Candidate Committee has not been resolved between the PAC and the Commission. If the PAC's position is correct, the Committee did not accept an excessive contribution and there was no violation of the Act.

19. Until some formal determination has been made as to whether the PAC was a Multi-Candidate Committee, no action seems appropriate.

20. Even if a determination is made that the PAC was not a Multi-Candidate Committee, the actions of the Committee and position of the PAC that it was a Multi-Candidate Committee precludes a finding that the Committee and its Treasurer knowingly accepted an excessive contribution in violation of 2 U.S.C. Section 441a(f).

21. General Counsel's Factual and Legal Analysis takes the position that the Committee was obligated to consult the Commission to determine that the PAC had multi-candidate status. While in many instances under the Act and Regulations the information on file with the Commission

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would be the ultimate source, determination as to whether a political committee is a Multi-Candidate Committee is not based on an immediate filing.

22. 2 U.S.C. Section 441(a)(a)(4) of the Federal Election Campaign Act defines a "Multi-Candidate Political Committee as a committee which has been (1) registered for a period of not less than 6 months (2) which has received contributions from more than 50 persons and (3) has made contributions to 5 or more candidates for Federal office.

23. While compliance with the first requirement is based on an appropriate filing, compliance with the second and third requirements require no filing. In fact a Committee which qualifies as a Multi-Candidate Committee in early January or early July of a non election year by completing either the second or third requirement will not have its qualification placed on public record for almost seven months. The public records will only show compliance when the semi annual report is filed at the end of July or the end of January of the succeeding year. If the Act and Regulations intended to require a committee to consult with the Commission to determine if a political committee is a Multi-Candidate Committee, provision would have been made for a filing when the three requirements to qualify have been met.

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If General Counsel's position is correct no candidate committee can accept a contribution from a committee in excess of $1,000.00 per election until (1) the Committee has qualified as a Multi-Candidate Committee, (2) the Committee filed its next Report of Receipts and Disbursements which could be almost seven months later and (3) the Commission reviewed the report and determined that the Committee qualified. Clearly this is not the intent of the Act and Regulations.

24. To allow a Multi-Candidate Committee to have its qualification immediately effective, a candidate Committee must rely on the representations of the representative of the Multi-Candidate Committee.

25. In the instant case Friends of Senator D'Amato and its Treasurer relied on the representations of the representatives of the PAC. No claim is made that a candidate committee can retain the amount in excess of $1,000.00 per election if it is finally determined that the contributor was not a Multi-Candidate Committee. It is, however, unjustified for the Commission to claim a violation of Section 441a(f) of the Act which requires knowledge of the violation when the contribution is accepted.

26. Page 3 of General Counsel's Factual and Legal Analysis appears to claim that the $1,500.00 contribution received in 1982 should not have been accepted. As previously indicated Friends of Senator D'Amato was formed for and only

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solicited contributions for Senator D'Amato's 1986 campaign. While the PAC's report of Receipts and Disbursements may have in error designated the contributions for the 1980 General Election, nothing presented to the Committee made such a designation. The Committee properly accepted the contributions and attributed them to the 1986 election.

27. The facts presented which are generally uncontested, show good faith action by the Committee and deponent, and no actions which violate 2 U.S.C. Section 441a(f) of the Federal Election Campaign Act of 1971 as amended.

For all of the above reasons, no action should be taken against Friends of Senator D'Amato and its Treasurer.

ARTHUR W. JASPAN

Sworn to before me this
29th day of October, 1984

Shari L. Marino

SHARI L. MARINO
Notary Public, State of New York
No. 30-4648208
Qualified in Nassau County
Commission Expires March 30, 1985

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THE FEC
TARY

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
L.F. Rothschild, Unterberg,) MUR 1774
Towbin, et al.)

84 NOV 26 P 3:55

COMPREHENSIVE INVESTIGATIVE REPORT #1

This matter involves receipt by L.F. Rothschild, Unterberg, Towbin PAC ("LFRUT-PAC") of excessive contributions from L.F. Rothschild, Unterberg, Towbin ("LFRUT"), a partnership. It also involves excessive contributions by LFRUT-PAC to the Congressman St Germain Re-Election Committee, the John Glenn Presidential Committee, Inc., and Friends of Senator D'Amato. On September 5, 1984, the Commission found reason to believe that LFRUT violated 2 U.S.C. § 441a(a)(1)(C) and LFRUT-PAC and its treasurer violated 2 U.S.C. § 441a(f) in connection with the contributions by the partnership. On that date, the Commission also found reason to believe that LFRUT-PAC and its treasurer violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a) and that the three candidate committees and their treasurers violated 2 U.S.C. § 441a(f) in connection with LFRUT-PAC's contributions to the candidate committees.

After extensions of time to respond were granted to all of the respondents, responses were received from all of the parties involved. While the LFRUT and its PAC admit to the excessive contributions from the partnership, LFRUT-PAC and the candidate committees have presented lengthy arguments insisting that the PAC was a multicandidate committee at the time of the

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contributions. This Office will analyze these arguments and report to the Commission shortly.

Charles N. Steele
General Counsel

November 22, 1974 By: Kenneth A. Gross
Date Kenneth A. Gross
Associate General Counsel

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MCC#541

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-6000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8900

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4800

233 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

November 1, 1984

RECEIVED
'84 NOV 1 P1:39
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

RECEIVED
'84 NOV 1 P1:38

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Enclosed is Attachment A, "Information Material: Establishment and Administration of Partnership Political Action Committees," to the October 29, 1984 response referenced above. The attachment was inadvertently left out when the response was filed with your office.

Sincerely,

Carol Darr

Carol C. Darr

Enclosure

8504054073

May 29, 1981

INFORMATIONAL MATERIAL: ESTABLISHMENT AND ADMINISTRATION OF PARTNERSHIP POLITICAL ACTION COMMITTEES

Introduction

The Federal Election Campaign Act (FECA) gives alternative definitions of a political action committee (PAC). One type of PAC is the "separate segregated fund," which functions primarily as a vehicle to allow national banks, corporations, and labor organizations to avoid FECA's general prohibition of their participation in Federal election campaign contributions or expenditures. In addition, the term "separate segregated fund" applies to PACs of membership organizations (trade associations) and cooperatives. Corporate, national bank, and labor PACs (separate segregated funds) are subject to strict regulation, especially concerning the permissible scope and methods of soliciting contributions to the PAC.

Unfortunately, it is commonly perceived that "separate segregated funds" are synonymous with, rather than a subset of, the term "PAC." FECA also defines PAC as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). The key elements in the above PAC definition are: (1) consisting of two or more persons; (2) having yearly contributions or expenditures greater

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than $1,000; and (3) not established by a corporation, national bank, or labor organization (because such PACs are separately defined and regulated as separate segregated funds). The following discussion pertains to PACs within the latter definition, including partnership PACs.

Establishment of a PAC

The process for establishing a PAC is surprisingly simple. FECA considers a PAC "established" once the sponsoring organization takes formative action; such action can consist of a vote by the governing body to create the PAC, selection of the initial PAC officers, or payment by the sponsoring organization of the initial PAC expenses. Within ten days of establishment, the PAC must register with the Federal Election Commission (FEC) by having its treasurer file a statement of organization (FEC Form 1 -- a short, simple form). As for the name of the PAC, there are absolutely no restrictions (unlike separate segregated funds' names, which must include the name of the sponsoring organization). The only officer which FECA requires is a treasurer, who is responsible for the PAC's recordkeeping and reporting obligations. Those who control the PAC may also be officers of the sponsoring organization. Articles and bylaws are not required by FECA, but are often drafted to provide PAC officers guidance on the operation of the PAC.

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One issue upon which both the federal regulations and courts have focused is separateness. PACs must have a separate depository; commingling PAC funds with either personal funds or sponsoring organization funds is prohibited. If the PAC proposes to be active in both federal and non-federal elections, a separate federal account in a depository institution must be established.

One other important issue is the cost of establishing and administering a PAC. In this regard, separate segregated funds have an advantage over other PACs. Corporations and other such sponsoring organizations may pay for all costs of establishing and operating a PAC, including the cost of office space, phones, salaries, utilities, supplies, and legal and accounting fees. For others, such as partnership PACs, payments for such expenses are considered contributions and, therefore, count toward the contribution limits imposed on individuals and partnerships. [For a discussion of the limits on contributions to PACs, see below.]

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Administration of a PAC

The PAC treasurer is responsible for keeping the following records: (1) an accounting of all contributions; (2) name and address of any person who donates over $50; (3) name, address, occupation, and name of employer of any contributor who gives

more than $200; (4) name and address of any committee which gives money to the PAC; and (5) name and address of any person to whom a disbursement is made plus date, amount and purpose (there is a special rule for disbursements to candidates and their committees). There must be a receipt, invoice or cancelled check for any disbursement over $200. The treasurer must also submit regular reports to the FEC. Those reports reflect the financial activity of the PAC; their contents are similar to the records kept by the treasurer. [For a complete listing of contents, see 2 U.S.C. § 434(b).]

In the important area of limitations on contributions, contributions to a PAC are limited to $5,000 from whatever source (except those specifically prohibited -- see below). Partnership contributions are distributed either pro rata among the partners in proportion to their partnership shares, or otherwise according to partnership agreement. Each partner's portion of the contribution counts toward his overall annual limit ($25,000) as well as his $5,000-to-PAC limit. Limits on contributions by a PAC depend upon whether the PAC qualifies as a "multicandidate political committee"; that is defined as "a political committee which has been registered ... 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." 2 U.S.C. § 441a(a)(4). For multicandidate political committees, the contribution

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limits are $5,000/election to a Federal election candidate or his or her authorized political committee, $15,000/year to a national political party committee, and $5,000/year to any other political committee. For other PAC's, the respective figures are $1,000, $20,000, and $5,000. [For a summary of PAC contribution limits, see the attached table.]

FECA completely prohibits certain contributions, and knowing acceptors of such contributions are liable in addition to the contributors. Included in those prohibited are contributions (1) from national banks, corporations, or labor unions; (2) from federal contractors; (3) from foreign nationals; (4) in the name of another person; (5) made anonymously in excess of $50; (6) of currency in excess of $100; and (7) in excess of an FECA limit.

It is in the area of solicitation that other PACs enjoy the clearest advantage over separate segregated funds. In essence, the latter may solicit only administrative personnel and stockholders (or members), with an exception for broader, twice-yearly solicitations. For the former PACs, on the other hand, the "solicitable class" is unlimited. PACs may solicit the general public, or target any smaller group. The only two requirements are that (1) the solicitation expressly state that the contribution will be used in connection with a federal

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election; and (2) contributors be informed that all contributions are subject to the prohibitions and limitations of FECA.

On final, important, and evolving area of federal election campaign law is the "independent expenditure," which is defined as an expenditure

> expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17). An advertisement for or against a candidate in a newspaper or magazine would be an example of an independent expenditure. The U.S. Supreme Court has held that, due to First Amendment and other considerations, independent expenditures cannot be limited in amount. For PACs, the only FECA provision relating to independent expenditures is the requirement of a notice disclaiming connection with the candidate or his or her authorized committee. In present practice, the permissibility of unlimited independent expenditures constitutes something approaching a "loophole" in federal election campaign law. Therefore, although action to close the loophole may occur at some point, PACs should keep independent expenditures in mind as a means of maximizing election campaign activity.

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PAC CONTRIBUTION LIMITATIONS (Federal)

Contributions to a PAC (yearly)

Individuals, Partnerships, etc.	$ 5,000
Other PAC's	$ 5,000
Affiliated PAC's	no limit

Contributions by a PAC

	Multicandidate Committees	Other
Candidates	$ 5,000/election	$ 1,000/election
National Party Committees	$ 15,000/year	$ 20,000/year
Other PAC's	$ 5,000/year	$ 5,000/year

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Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

John Glenn

RECEIVED AT THE FEC
GCC#5395
84 OCT 30 AM: 28

October 26, 1984

84 OCT 30 AM: 01
GENERAL COUNSEL

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

Gentlemen:

Re: MUR 1774

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However, it was the Committee's general practice to verify all PAC's status as one from which contributions in excess of $1000 could be received when and if the aggregate contributions from the PAC exceeded $1000.

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Suite 407 • 444 N. Capitol St. • Washington, D.C. • 20001 • (202) 783-1984

Authorized and paid for by the JOHN GLENN PRESIDENTIAL COMMITTEE, INC., Robert A. Farmer, Treasurer.

Federal Election Commission.

Upon learning that $2500 in excessive contributions had been received by the Committee from the PAC, the Committee refunded the amount of the excessive contribution on January 27, 1984 by Committee check number 4545. Subsequently, the Committee learned that there was another $500 of excessive contributions which was received after the $2500 excess had been received. This was refunded by a check for $500 to the PAC on April 24, 1984 (check #5568) which apparently was lost by the PAC and duplicated (after stop payment order on the first check) by a reissued check drawn June 18, 1984 (#5796) for $500. These refunds were made by the Committee at its own initiative prior to the time the FEC auditors began their audit of Committee records.

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Federal Election Commission

Please let me know if I can be of any more assistance.

Sincerely,

William R. White
Treasurer

DISTRICT OF COLUMBIA: SS

Sworn to and subscribed before me this 29th day of October, 1984.

Rachel L. Will

Notary Public in and for the
District of Columbia
My commission expires

My Commission Expires December 14, 1988

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5796

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.
444 NORTH CAPITOL ST., NW., SUITE 407
WASHINGTON, D. C. 20001

June 18 1984 25-3/440

PAY TO THE ORDER OF L.F. Rothschild Uterberg Towbin $***500.00****

Five hundred and 00/100----------DOLLARS

BANK ONE.
BANK ONE, COLUMBUS, NA
Columbus, OHIO 43271

Carolyn D. Kay

⑈00005796⑈ ⑆044000037⑆ 10⑈08020⑈

DELUXE CHECK PRINTERS

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.
DELUXE - FORM DVC-3 V-7

Excessive Contribution--6190
Reissue Check #5568

FEC
GENERAL COUNSEL
84 OCT 31 A9:40

GCC #5414

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BANK ONE. Stop Payment Request

Type	Account number	Tran code	No. of days	Check no. or amount low range	Check no. or amount high range
1	1008020	028		5568	500.00

Sequence no.	R.C.	No. chg	Check date	Description
			042484	NOT CASHED

Duplicate issued: Yes X No

Payable to L. F. Rothschild Uptkrberg Towbin

Reason for stop

JOHN GLENN PRESIDENTIAL COMMITTEE, INC.
Account name

Account address 444 N. Capitol Street, Suite 407
Washington, DC 20001
Telephone number 202-272-2450

Request received by

Date Time
☐ A.M.
☐ P.M.

BANK ONE is hereby requested to refuse payment on the herein described check if presented for payment.

In requesting BANK ONE to stop payment on this item, the undersigned agrees to hold BANK ONE harmless for all costs and expenses incurred by BANK ONE on account of refusing payment thereof and further agrees not to hold BANK ONE liable if, through inadvertent payment contrary to this request, other items drawn by the undersigned are returned for insufficient funds. The undersigned also agrees to assume the burden of establishing the fact and amount of any loss resulting from payment of this item contrary to this request.

As consideration for this service, the undersigned hereby authorizes an additional charge of $ to be included in the regular service charge of this account.

This request is effective for six months. No renewal hereof shall be valid, unless inscribing and delivered to BANK ONE.

Carolyn D. Kay
Authorized signature

CAHB-001
DE LUXE CHECK PRINTERS INC.
DOUBLE VOUCHER

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.
444 NORTH CAPITOL ST., NW., SUITE 407
WASHINGTON, D. C. 20001

5568

April 24 1984 25-3/440

PAY TO THE ORDER OF L.F. Rothschild Uterberg Towbin $**500.00***

Five hundred and 00/100----------DOLLARS

BANK ONE.
BANK ONE, COLUMBUS, NA
Columbus, OHIO 43271

Carol D. Lin

⑈00005568⑈ ⑆044000037⑆ 10⑈0802 0⑈

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM DVC-3 V-7

Excessive Contribution.

85040954080

4545

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.
444 NORTH CAPITOL ST., NW., SUITE 407
WASHINGTON, D. C. 20001

January 27, 1984

PAY TO THE ORDER OF L.F. Rothschild Uterberg Towbin $**2500.00**

------Two-Thousand Five-Hundred----------00/100 DOLLARS

BANK ONE.
BANK ONE, COLUMBUS, NA
Columbus, OHIO 43271

Carol D. Thompson

⑈00004545⑈ ⑆044000037⑆ 10⑈08020⑈

JOHN GLENN
PRESIDENTIAL COMMITTEE INC.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM DVC-9 V-7

Refund Of Excessive Contribution

8504054

John Glenn

400 North Capitol Street, Suite #407 Washington, D.C. 20001

WASHINGTON, D.C. 200 PM 29 OCT 1984

USWay 20¢

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

84 OCT 30 AM 8:26

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GCC# 3402

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
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October 30, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

84 OCT 30 AM 9:49
OFFICE OF THE GENERAL COUNSEL

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Pursuant to our telephone conversation yesterday, enclosed is the original executed Affidavit by Mr. Andrew Blum. This supplements the response of L.F. Rothschild, Unterberg, Towbin PAC and Andrew Blum, Treasurer, to MUR 1774, filed with your office yesterday.

Sincerely,

Carol Darr

Carol C. Darr

Enclosure

8504054087

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 OCT 30 A10:49

RE: MUR 1774 - L. F. Rothschild, Unterberg, Towbin PAC

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

ANDREW BLUM, being duly sworn, deposes and says:

1. I am an Administrative Managing Director of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"). During the relevant time period for this matter, I served as the Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership.

2. On September 19, 1984, the Federal Election Commission ("FEC" or "Commission") by letter requested, in part, that LFRUT submit factual materials which would be relevant to the Commission's analysis of MUR 1774 and that, where appropriate, a statement be submitted under oath. This statement is submitted pursuant to that request.

The Establishment of the PAC

3. LFRUT is engaged in the business of securities brokerage, trading and research, investment banking, and other related financial services. Many aspects of LFRUT's business

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are highly regulated and subject to stringent disclosure and other regulatory requirements under state and federal law.

4. As a result, it has been and is the policy of LFRUT diligently and closely to monitor and comply with all regulatory requirements governing its activities.

5. Thus, prior to establishing its PAC, LFRUT sought the advice of its former legal counsel in order to ensure its compliance with the Federal Election Campaign Act of 1971, as amended (the "Act").

6. In March or April, 1981 LFRUT had its first discussions with its former counsel to determine the feasibility of establishing the PAC to facilitate contributions to federal candidates.

7. In May, 1981, LFRUT determined that it would establish the PAC and retained that counsel to provide legal advice and assistance.

8. On May 29, 1981, counsel submitted a legal memorandum ("Memorandum") to LFRUT that set forth the general provisions and requirements for establishing and maintaining a PAC under the Act.

9. On June 9, 1981, pursuant to the procedures set forth in the Memorandum, the PAC filed its Statement of Organization, which was received by the Commission on June 26, 1981.

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10. On December 16, 1981, LFRUT made its first contribution of $5,000 to the PAC by means of a partnership check. This check represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution was reduced by the amount of his specific contribution. Thereafter, LFRUT transferred funds as needed to the PAC by means of checks drawn on the LFRUT account.

11. LFRUT operated according to the procedures set forth above, at all times believing in good faith that its actions were in accord with the general provisions and requirements of the Act as set forth in the Memorandum.

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Notification of the Alleged Violation

12. On October 19, 1983, LFRUT received a letter from the Commission notifying it, among other things,*/ of the alleged violation concerning the partnership's contributions to the PAC in excess of the allowable limit.

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*/ The Commission also notified LFRUT that it had reason to believe that LFRUT had made excessive contributions to three federal candidates. However, the accompanying memorandum submitted by LFRUT's present counsel shows that the PAC met the legal requirements necessary to qualify as a multi-candidate committee, in which case the contributions were within the allowable limit. Because this issue is a question of law, my statement will not address this point further.

13. This was the first indication that LFRUT received that its reliance upon the advice contained in the Memorandum was misplaced. The Memorandum did not make clear the distinction between the treatment of contributions from a partnership and those of the individual partners nor indicate that all contributions from the partners made by means of a partnership check also count against the partnership limit. Unfortunately, the partnership relied on the material contained in the Memorandum and never received any advice as to the existence of a partnership limit.

14. Upon receiving the Commission's letter, LFRUT contacted the counsel that had prepared the Memorandum. Discussions with counsel proved to be unsatisfactory, whereupon LFRUT retained new counsel, Skadden, Arps, Slate, Meagher & Flom, in an attempt to correct the errors made previously.

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Actions Taken to Rectify LFRUT's Inadvertent Error

15. After apprising itself of the situation, LFRUT moved immediately to rectify its inadvertent error.

16. First, LFRUT, through its new counsel, responded to the Commission's Request for Additional Information ("RFAI") by letter of January 3, 1984.

17. Second, LFRUT had each individual transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distri-

bution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro-rata share of the administrative expenses advanced by the partnership for each of the three years. This process was completed by April 2, 1984.

18. Third, on March 13, 1984, LFRUT made available to the Commission by letter the identities of 73 individuals who had to date reimbursed the PAC and the amount of their contributions, thereby placing the above-described information into the public record.

19. Fourth, the PAC promptly filed its April 15, 1984, Quarterly Report which listed the required information for the 73 individuals whose contributions (reimbursements) had been received by the close of books on March 31, 1984.

20. Fifth, and on its own initiative -- even though LFRUT strongly believed and still believes that the PAC is a multi-candidate committee -- LFRUT requested and received refunds for the excess over $1,000 it had contributed to various political committees that were not named in the various RFAIs.

21. Finally, after receiving contributions from the two remaining contributors, and reimbursing the partnership in full, the PAC filed a Termination Report on April 11, 1984, and concluded its existence.

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22. Thus, upon comprehending the error of the advice of counsel it had followed, LFRUT took prompt and thorough actions to correct not only the errors pointed out in the Commission's RFAI, but also on its own initiative, took many corrective steps far in excess of anything demanded by the Act, including, in the end, terminating its PAC.

LFRUT May Suffer Inordinate Hardship if Penalties are Imposed

23. LFRUT wishes to bring an additional factor to the Commission's attention. Because LFRUT's business consists of, among other things, acting as a registered broker/dealer in the securities industry, it must file various forms with the Securities and Exchange Commission and with each of the 47 jurisdictions in which the firm is registered.

24. One required filing--Form BD--requires the disclosure of all disciplinary actions, any civil or criminal fines and penalties, and any other related sanctions by a federal agency or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations.

25. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information in its Form BD filings with the various jurisdictions.

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26. Broker/dealers are among the most strictly scrutinized of all securities industry participants. Therefore, such a disclosure could possibly result in LFRUT's suspension as a broker/dealer, and would cause significant financial losses.

CONCLUSION

27. The foregoing sets forth, to the best of my knowledge and belief, the facts, the sequence of events, and the potential consequences involved in this matter.

L.F. Rothschild, Unterberg, Towbin

By: _____
Andrew Blum

Sworn to before me this
29th day of October, 1984.

_____
Notary Public

JOHN A. CASSATA
Notary Public, State of New York
No. 24-4759076
Qualified in Kings County
Commission Expires March 30, 1986

8504054096

RECEIVED
FEDERAL ELECTION
COMMISSION
GENERAL COUNSEL
'85 OCT 30 AM 9:49

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

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October 29, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild, Unterberg,
Towbin PAC, Andrew Blum, Treasurer

Dear Mr. Levin:

Enclosed is the response of L.F. Rothschild, Unterberg, Towbin PAC and Andrew Blum, Treasurer, to MUR 1774. Also enclosed is a copy of an Affidavit by Mr. Blum. The signed original of the Affidavit will be hand delivered to you tomorrow morning.

Sincerely,

Carol C. Darr

Enclosures

8504054098

OCT 29 AM 11:44

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October 29, 1984

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1774
L.F. Rothschild,
Unterberg, Towbin PAC,
Andrew Blum, Treasurer

8504054099

Dear Mr. Levin:

This response is made to the notification of the Federal Election Commission ("FEC" or "Commission") that it has found reason to believe that L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"), and the PAC's treasurer, Andrew Blum, have violated certain provisions of the Federal Election Campaign Act of 1971, as amended (the "Act").

I. SUMMARY

The Commission has made two allegations: 1) that the PAC, in reliance on the erroneous belief that it was a multi-candidate committee, made contributions in excess of $1,000 to three federal candidates; and 2) that the PAC accepted an excessive contribution of $20,000 in 1982 from the partnership.

With respect to the first allegation, the PAC became a multi-candidate committee on December 31, 1981, the date by which it satisfied the three requirements of the applicable statute. By virtue of its status as a multi-candidate committee, the PAC was permitted to contribute up to $5,000 per election to each of the three candidates. Therefore, contributions to these candidates -- all of which, respectively, were below the applicable $5,000 limit -- were entirely proper.

With respect to the second allegation, LFRUT at all relevant times made a good-faith and diligent effort to comply with the Act. However, relying upon legal advice

which failed to point out the Act's anomalous distinction between the treatment of contributions by individual partners and those of the partnership itself, LFRUT inadvertently made an excessive contribution to the PAC. Upon discovery of this inadvertent violation, LFRUT took prompt action to rectify its error -- action which, in many instances, went well beyond the requirements of the Act. Given these circumstances, and the fact that the imposition of civil penalties or a conciliation agreement would work an inordinate hardship upon LFRUT, we believe that the Commission should take no further action in this matter.

II. DISCUSSION

A. The PAC is a Multi-Candidate Committee

The PAC qualified as a "multi-candidate committee" as defined by 11 C.F.R. § 100.5 on December 31, 1981, the date on which it satisfied all three requirements of the three-pronged test. With respect to the first requirement, the PAC had been registered as a political committee for six months by December 26, 1981, having filed its Statement of Organization on June 26, 1981.*/

With respect to the second criterion, the PAC received contributions from over 50 persons upon receipt of its first contribution of $5,000 from the partnership on December 16, 1981. As the regulations state at 11 C.F.R. § 110.1(e), a contribution from a partnership shall also "be attributed to each partner in direct proportion to his or her share of the partnership profits, according to the instructions which shall be provided by the partnership to the committee" or "be attributed by agreement of the partners." As stated in our letter of January 3, 1984, to the Commission, the former method of attribution was utilized and each partner of LFRUT had deducted from his distribution of the partnership proceeds a pro rata share of the contribution to the PAC. Thus, the contribution represented the collective contributions of 61 partners,**/ and by operation of the

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*/ The Statement of Organization, which was dated June 9, 1981, was stamped as "received" by the Commission on June 26, 1981.

**/ There were 61 partners of LFRUT during calendar year 1981. The contributions made by the partnership during the period 1981 through 1983, however, represented the contribution of 75 individuals in total, each of whom reimbursed the partnership for his proportionate share of the contributions made during his tenure.

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statute, must be attributed to each of them individually as well as to the partnership.

According to 11 C.F.R. § 102.8(b)(2), the date of receipt of a contribution shall be the date the person receiving the contribution on behalf of a political committee obtains possession of the contribution. This applies to all contributions. Consequently, the date on which the PAC "received" a contribution from each individual partner is the same date on which it received the contribution from the partnership -- December 16, 1981. Therefore, by operation of the statute, the PAC satisfied the requirement of "receiving" contributions from over 50 "persons" when it obtained possession of the partnership check. That it may have been difficult or impossible for the Commission to ascertain the actual number of contributors underlying the partnership check is uncontroverted. Nevertheless, with respect to the requirement that contributions be received from over 50 persons, mere receipt, not receipt and reporting, is all that is required to satisfy the clear language of the second criterion.

With respect to the third requirement, the PAC made a contribution to its fifth recipient federal candidate*/ on December 31, 1981. Consequently, the PAC became a multi-candidate committee on December 31, 1981, the date by which all three requirements were satisfied.

B. Allegedly Excessive Contributions

1. Contributions to Glenn and St Germaine

The PAC made two**/ contributions totalling $1,000 to the John Glenn Presidential Exploratory Committee in 1982 and four contributions totalling $3,000 to the John Glenn for President Committee in 1983. In response to a Request for Additional Information ("RFAI") from the Commission, the John Glenn Presidential Committee returned $2,500

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*/ The PAC made one contribution to the People for John Heinz on December 18, 1981, and contributions to People for John Heinz and eight other federal candidate committees on December 31, 1981.

**/ The Summary of Allegations, p. 5, lists only one contribution to the Exploratory Committee, but in fact there were two.

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to the PAC in January, 1984. The Committee also returned an additional $500 to the PAC in April, 1984.

However, given that the PAC had previously qualified as a multi-candidate committee on December 31, 1981, it had every right to contribute $4,000 in the first instance. There is and was simply no violation of the Act here.

With respect to the PAC's contributions in 1983 to the Congressman St Germaine Committee, the same argument applies. Because the PAC was a qualified multi-candidate committee, the two contributions aggregating $2,000 were not in excess of the applicable limit. Therefore, no violation of the Act occurred.

2. Contributions to D'Amato

In 1982, the PAC made two contributions totalling $1,500 to Friends of Senator D'Amato, the 1986 campaign committee of Senator Alphonse D'Amato. The PAC, however, on its FEC reports, erroneously reported the contributions as having been made to Senator D'Amato's 1980 general election campaign, even though the name of that committee was Friends of Al D'Amato, and it had already terminated with no outstanding debts. Upon receipt, the 1986 committee, the Friends of Senator D'Amato, to whom the checks were made payable, duly deposited the contributions.

There were no memo entries on the two contributions in question, nor any cover letters, nor any other indication, in writing or otherwise, that connected these contributions to the 1980 election, aside from inadvertent mischaracterization of the contributions on the PAC's FEC report. Thus, the Commission's assertion that the contributions counted toward the 1980 election because they were so "designated in writing" is in error.

In 1983, the PAC made an additional contribution of $3,000 to the 1986 committee, the Friends of Senator D'Amato, bringing the total contributions made to that committee to $4,500, well within the $5,000 limit applicable to multi-candidate committees. This latter contribution was correctly reported by the PAC on its FEC report.

In response to a 1984 RFAI, Friends of Senator D'Amato returned $3,000 to the PAC. However, as was the case with its contributions to Glenn and St Germaine, the PAC was well within its rights to make the contributions, and committed no violation of 2 U.S.C. § 441a(a).

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D. No Action Should be Taken Against LFRUT's PAC or the PAC's Treasurer Concerning the Partnership Contribution

1. The imposition of penalties would result in extreme hardship to LFRUT

LFRUT's status as an investment banker and broker/dealer requires that it file a "Form BD" with the SEC and with each of the 47 jurisdictions in which the firm is registered as a broker/dealer. Form BD requires, inter alia, the disclosure of disciplinary actions, civil and criminal fines or penalties, and other related sanctions by the U.S. government or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information on its Form BD filings, thereby jeopardizing LFRUT's status in several states and possibly resulting in LFRUT's suspension as a broker/dealer. Needless to say, any such suspension would cause significant financial losses.

Consequently, imposition by the Commission of fines or a conciliation agreement could have truly draconian effects on LFRUT and set in motion penalties far in excess of those warranted by the present violation.

2. The excessive contribution from the partnership was a de minimis violation

As the law now stands, a contribution by partnership check, which represents the collective contributions of several partners, also counts as a contribution from the partnership itself. This provision is one of the more anomalous and, consequently, often misunderstood provisions of the Act. That the technical language of the definition of "person" elevates form over substance by prohibiting partners from doing collectively by means of one joint check what each is permitted to do separately by means of individual checks need not be argued here. Rather, the Commission has sensibly resolved previous instances of violations of this section by bringing the violation to the filer's attention by means of RFAIs.

Although the FEC's "MUR Index" lists two MURs*/ as having been concerned with partnership contributions,

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*/ See MURs 736 and 981 concerning, inter alia, improper reporting of partnership contributions.

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a review of those MURs does not indicate that excessive partnership contributions were ever at issue. A review of a privately-published Index of MURs Closed Through 1982 yielded nothing on the topic of excessive partnership contributions. It appears that the Commission has never dealt with, in the context of a MUR, a situation of otherwise proper contributions from several partners that, because they were made by means of partnership checks, exceeded the partnership limit. In light of the Commission's past resolution of such inadvertent, and basically de minimis, violations through the RFAI process, and the extenuating circumstances involved here, we believe that further action against the respondents is unwarranted.

3. LFRUT made a diligent and good-faith effort to comply with the Act

As a highly regulated investment banking firm subject to stringent disclosure and other regulatory requirements under state and federal law, LFRUT has always been particularly sensitive to the need to comply with all regulatory requirements governing its activities. Prior to establishing its PAC, LFRUT diligently sought the advice of legal counsel who prepared, at LFRUT's request, a legal memorandum*/ that set forth the general provisions and requirements for establishing and maintaining a PAC. Unfortunately, the memorandum, while referring to limits for the individual partners of the partnership, did not state that a partnership is itself subject to a per person limitation on contributions. See p. 4 of memorandum. The failure to mention this FEC requirement gives the misleading impression to the reader that a partnership may make contributions in substantial amounts so long as the individual partners' limits are not exceeded. Regretfully, LFRUT's reliance on the memorandum resulted in an inadvertent violation which was first brought to its attention by an RFAI from the Commission.

Upon receipt of the RFAI, LFRUT moved immediately to correct this inadvertent error, and retained new legal counsel. The PAC collected personal checks from each individual contributor and reimbursed the partnership in full for its entire contributions. This full reimbursement exceeded the requirements of the Act and was intended to demonstrate a good-faith effort to correct the errors. The PAC was then terminated.

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*/ See Attachment A.

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In several MURs involving inadvertent violations and immediate good-faith attempts to rectify the errors, the Commission took no further action against the respondents beyond a "reason to believe" finding, and closed the files.

In MUR 1534, the Commission discovered through the RFAI process that the Oil, Chemical and Atomic Workers International Union Political and Legislative League Fund ("Fund") had inadvertently comingled union treasury funds with voluntary funds in amounts approaching $22,000 in contravention of 2 U.S.C. § 441b. During the MUR proceeding, the Fund notified the Commission that since the discovery of the initial infraction, no further comingling had occurred. The Fund further noted that a new "voluntary" account was opened into which contributions had been deposited, and that the "old" voluntary account which contained the comingled amounts had been closed out, the funds having been transferred to a nonvoluntary account. Finally, the Fund notified the Commission that administrative and accounting procedures were being revamped so as to obviate the possibility of future errors.

With respect to the above, the General Counsel's Recommendations stated:

> In this case, the subject funds have now been segregated and voluntary compliance has been achieved. We believe that since the [Fund] has corrected its accounting problems and such violations are not likely to occur in the future, the Commission should find reason to believe and close the file.

The Commission followed the General Counsel's recommendation by a 6-0 vote.*/

In MUR 1493, Thompson's People, the principal campaign committee of former Congressman Frank Thompson, Jr., accepted excessive contributions from the separate segregated funds of the national and local chapters of United Food and Commercial Workers ("U.F.C.W."). The Commission's General Counsel, having recommended a "reason to believe" finding, stated:

> [H]owever, because the money has been refunded, Thompson's People terminated over a year ago, and

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*/ See also MUR 1538; MUR 1547.

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the U.F.C.W. has changed its procedures to avoid making excessive contributions, it is recommended that no further action be taken.

The Commission, following the General Counsel's recommendation, found reason to believe and closed the file by a vote of 5-1.

In MUR 1517, the Cliff Dickman for Congress Committee, in reliance on erroneous legal advice, accepted loans totalling $20,500, endorsed by three individuals, which resulted in their making excessive contributions. The loans were later refinanced. The Commission found reason to believe that the committee had violated the Act, but took no further action and closed the file. The Commission followed the General Counsel's recommendation by a vote of 5-1.

In MUR 895, it was alleged that a mailing by the Beloit Corporation had been sent to ineligible employees, thereby violating 2 U.S.C. § 441b.*/ Upon investigation, the facts revealed that Beloit had violated the provision. However, the proof submitted showed that the cause of the incorrect mailing was due to a lack of communication during the period between those planning the mailing and those actually implementing it. It was further shown that upon learning that the communication had been sent to ineligible employees, Beloit: 1) promptly initiated an investigation into the matter; 2) considered what, if any, corrective action could appropriately be taken concerning the violation; and 3) took steps to insure that such violations would not occur in the future. Although the Commission made a final determination that Beloit had violated the statute, it took no further action and closed the file after considering the circumstances of the case outlined above.

The instant case involves similar considerations of a good-faith attempt to comply with the Act and prompt efforts to correct inadvertent violations upon discovery thereof. Furthermore, the PAC has gone well beyond the requirements of the Act by fully reimbursing the partnership, by voluntarily requesting the return of contributions

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*/ Beloit had mailed 1,183 letters concerning a pending Congressional race. Of these, 665 letters were received by ineligible employees.

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from several candidates without the prompting of the Commission, and, finally, by terminating its operations. We submit that substantial compliance has already been achieved in this case, and respectfully request that the Commission take no further action in this matter and close the file.

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM

Thomas J. Schwarz by ccd
Thomas J. Schwarz

Carol C. Darr
Carol C. Darr

8504054107

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1774 - L. F. Rothschild, Unterberg, Towbin PAC

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

ANDREW BLUM, being duly sworn, deposes and says:

1. I am an Administrative Managing Director of L.F. Rothschild, Unterberg, Towbin (the "partnership" or "LFRUT"). During the relevant time period for this matter, I served as the Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), a non-connected political committee associated with the partnership.

2. On September 19, 1984, the Federal Election Commission ("FEC" or "Commission") by letter requested, in part, that LFRUT submit factual materials which would be relevant to the Commission's analysis of MUR 1774 and that, where appropriate, a statement be submitted under oath. This statement is submitted pursuant to that request.

The Establishment of the PAC

3. LFRUT is engaged in the business of securities brokerage, trading and research, investment banking, and other related financial services. Many aspects of LFRUT's business

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are highly regulated and subject to stringent disclosure and other regulatory requirements under state and federal law.

4. As a result, it has been and is the policy of LFRUT diligently and closely to monitor and comply with all regulatory requirements governing its activities.

5. Thus, prior to establishing its PAC, LFRUT sought the advice of its former legal counsel in order to ensure its compliance with the Federal Election Campaign Act of 1971, as amended (the "Act").

6. In March or April, 1981 LFRUT had its first discussions with its former counsel to determine the feasibility of establishing the PAC to facilitate contributions to federal candidates.

7. In May, 1981, LFRUT determined that it would establish the PAC and retained that counsel to provide legal advice and assistance.

8. On May 29, 1981, counsel submitted a legal memorandum ("Memorandum") to LFRUT that set forth the general provisions and requirements for establishing and maintaining a PAC under the Act.

9. On June 9, 1981, pursuant to the procedures set forth in the Memorandum, the PAC filed its Statement of Organization, which was received by the Commission on June 26, 1981.

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10. On December 16, 1981, LFRUT made its first contribution of $5,000 to the PAC by means of a partnership check. This check represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution was reduced by the amount of his specific contribution. Thereafter, LFRUT transferred funds as needed to the PAC by means of checks drawn on the LFRUT account.

11. LFRUT operated according to the procedures set forth above, at all times believing in good faith that its actions were in accord with the general provisions and requirements of the Act as set forth in the Memorandum.

Notification of the Alleged Violation

12. On October 19, 1983, LFRUT received a letter from the Commission notifying it, among other things,*/ of the alleged violation concerning the partnership's contributions to the PAC in excess of the allowable limit.

---

*/ The Commission also notified LFRUT that it had reason to believe that LFRUT had made excessive contributions to three federal candidates. However, the accompanying memorandum submitted by LFRUT's present counsel shows that the PAC met the legal requirements necessary to qualify as a multi-candidate committee, in which case the contributions were within the allowable limit. Because this issue is a question of law, my statement will not address this point further.

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13. This was the first indication that LFRUT received that its reliance upon the advice contained in the Memorandum was misplaced. The Memorandum did not make clear the distinction between the treatment of contributions from a partnership and those of the individual partners nor indicate that all contributions from the partners made by means of a partnership check also count against the partnership limit. Unfortunately, the partnership relied on the material contained in the Memorandum and never received any advice as to the existence of a partnership limit.

14. Upon receiving the Commission's letter, LFRUT contacted the counsel that had prepared the Memorandum. Discussions with counsel proved to be unsatisfactory, whereupon LFRUT retained new counsel, Skadden, Arps, Slate, Meagher & Flom, in an attempt to correct the errors made previously.

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Actions Taken to Rectify LFRUT's Inadvertent Error

15. After apprising itself of the situation, LFRUT moved immediately to rectify its inadvertent error.

16. First, LFRUT, through its new counsel, responded to the Commission's Request for Additional Information ("RFAI") by letter of January 3, 1984.

17. Second, LFRUT had each individual transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distri-

bution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro-rata share of the administrative expenses advanced by the partnership for each of the three years. This process was completed by April 2, 1984.

18. Third, on March 13, 1984, LFRUT made available to the Commission by letter the identities of 73 individuals who had to date reimbursed the PAC and the amount of their contributions, thereby placing the above-described information into the public record.

19. Fourth, the PAC promptly filed its April 15, 1984, Quarterly Report which listed the required information for the 73 individuals whose contributions (reimbursements) had been received by the close of books on March 31, 1984.

20. Fifth, and on its own initiative -- even though LFRUT strongly believed and still believes that the PAC is a multi-candidate committee -- LFRUT requested and received refunds for the excess over $1,000 it had contributed to various political committees that were not named in the various RFAIs.

21. Finally, after receiving contributions from the two remaining contributors, and reimbursing the partnership in full, the PAC filed a Termination Report on April 11, 1984, and concluded its existence.

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22. Thus, upon comprehending the error of the advice of counsel it had followed, LFRUT took prompt and thorough actions to correct not only the errors pointed out in the Commission's RFAI, but also on its own initiative, took many corrective steps far in excess of anything demanded by the Act, including, in the end, terminating its PAC.

LFRUT May Suffer Inordinate Hardship if Penalties are Imposed

23. LFRUT wishes to bring an additional factor to the Commission's attention. Because LFRUT's business consists of, among other things, acting as a registered broker/dealer in the securities industry, it must file various forms with the Securities and Exchange Commission and with each of the 47 jurisdictions in which the firm is registered.

24. One required filing--Form BD--requires the disclosure of all disciplinary actions, any civil or criminal fines and penalties, and any other related sanctions by a federal agency or any other jurisdiction including the entering into of an agreement not to violate any laws, rules or regulations.

25. If the Commission were to impose a civil fine or a conciliation agreement upon LFRUT, LFRUT might well have to disclose this information in its Form BD filings with the various jurisdictions.

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26. Broker/dealers are among the most strictly scrutinized of all securities industry participants. Therefore, such a disclosure could possibly result in LFRUT's suspension as a broker/dealer, and would cause significant financial losses.

CONCLUSION

27. The foregoing sets forth, to the best of my knowledge and belief, the facts, the sequence of events, and the potential consequences involved in this matter.

L.F. Rothschild, Unterberg, Towbin

By: _____
Andrew Blum

Sworn to before me this
____ day of October, 1984.

8504054411 4

8504054415

Jonathan Levin, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W., 7th Floor
Washington, D.C. 20463

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

OGC# 5406
RECEIVED AT THE FEC
HAND DELIVERED
84 OCT 30 AM 8:42

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

Send All Correspondence To:
300 Garden City Plaza
Room 516
Garden City, New York 11530
(516) 746-8000

October 29, 1984

84 OCT 30 P1:11
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Federal Election Commission
Washington, D.C. 20463

Re: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan

Gentlemen:

Enclosed herewith is my affidavit stating factual and legal material which we believe is relevant to the Commission's consideration of the above matter.

The second paragraph of the letter from the Chairman of the Commission dated September 17, 1984 refers to answers to enclosed questions. No questions were included with the letter, and therefore have not been responded to. If in fact there are questions to be responded to please submit a copy so that we can prepare appropriate responses.

Very truly yours,

Arthur W. Jaspan
Treasurer

AWJ:sm
Enclosure

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Paid for by Friends of Senator D'Amato

FEDERAL ELECTION COMMISSION

MUR No. 1774

RESPONDENT Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Arthur W. Jaspan, being duly sworn, deposes and says:

1. Deponent is the Treasurer of Friends of Senator D'Amato (the Committee).

2. This affidavit is submitted in response to the determination of the Federal Election Commission that there is reason to believe that the Committee violated 2 U.S.C. Section 441a(f) by accepting excessive contributions from L.F. Rothschild, Unterberg, Towbin PAC (the PAC).

3. The Committee was formed in 1981 as an authorized Committee. The Committee was formed to support Senator D'Amato in the 1986 election.

4. On January 22, 1982, the Committee received a contribution of $500.00 from the L.F. Rothschild, Unterberg Towbin PAC. On June 16, 1982 the Committee received an additional contribution of $1,000.00 from the PAC.

5. The checks received from the PAC did not designate the contributions for any specific campaigns. A current check of records has located no transmittal letter or note from the PAC designating the contributions for any specific campaign.

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6. Since all solicitations by the Committee were for the 1986 campaign, the Committee accepted and attributed the two contributions to the 1986 election. From its inception in 1981 the Committee only accepted contributions for the 1986 election.

7. Prior to filing the 1982 Mid-Year Report an inquiry was made as to whether or not the PAC was a Multi-Candidate Committee. The Committee was advised by a representative of the PAC that the PAC was a Multi-Candidate Committee. The Mid-Year Report for 1982 therefore attributed the two contributions to the 1986 primary.

8. On February 25, 1983 the Committee received an additional contribution of $3,000.00 from the PAC. Based on the previous representation by the PAC this contribution was accepted and attributed to the 1986 primary. The contribution was reported by the Committee in its 1983 Mid-Year Report.

9. On October 14, 1983 the Reports Analysis Division of the Commission made an inquiry regarding the two 1982 contributions totalling $1,500.00 listed in the Committee's 1982 report. The inquiry made no reference to the $3,000.00 contribution made in 1983.

10. Deponent contacted representatives of the PAC. Deponent was advised that the PAC had also been contracted by the Federal Election Commission regarding its status. The

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PAC had consulted with counsel in Washington. The representative indicated that counsel had advised them that in fact they did qualify as a Multi-Candidate Committee. The PAC's representative also stated that counsel was holding discussions with the Commission to clarify the records.

11. Deponent asked to be kept advised. After several additional conversations with representatives of the PAC, deponent was referred to counsel for the PAC in Washington. Counsel indicated that the problem related to the number of contributors to the PAC. He also stated that he believed that if appropriate amendments to the PAC's reports were filed, the issue could be resolved and the PAC recognized as a Multi-Candidate Committee retroactive to 1981.

12. In late December 1983 deponent again spoke with counsel for the PAC. Counsel indicated that the matter had still not been resolved. After the discussion it was determined that pending resolution of the issue, the portion of the contribution made by the PAC for the 1986 campaign in excess of $2,000.00 be refunded. The refund of $2,500.00 was made on December 27, 1983 and reported in the 1983 Year End Report.

13. The Committee received a letter from the Reports Analysis Division dated April 18, 1984. This letter received

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almost four months after the refund was made, was the first inquiry received from the Commission relating to the 1983 contribution of $3,000.00 which was partially refunded.

14. Prior to responding to the letter of April 18, 1984, deponent spoke with new counsel for the PAC. Deponent was advised that the issue as to whether or not the PAC was a Multi-Candidate Committee had still not been resolved.

15. The Committee's letter of May 1, 1984 was submitted to the Secretary of the Senate in response to the letter of April 18, 1984.

16. Deponent has recently spoken with counsel for the PAC. Deponent was advised that the issue has still not been resolved and that the PAC continues to maintain that it became a Multi-Candidate Committee in 1981, qualified to contribute up to $5,000.00 per election.

17. The determination of the Commission specifically refers to a violation of 2 U.S.C. Section 441a(f) which provides as follows:

> "(f) PROHIBITED CONTRIBUTIONS AND EXPENDITURES. No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate or knowingly make any expenditure on behalf of a candidate in violation of any limitation imposed on contributors and expenditures under this section."

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18. General Counsel's Factual and Legal Analysis states, on page 2, "The PAC appears to have made its contributions based upon the mistaken idea that it was a Multi-Candidate Committee at the time of the contributions". Deponent has been advised by counsel for the PAC that the issue as to whether or not the PAC was a Multi-Candidate Committee has not been resolved between the PAC and the Commission. If the PAC's position is correct, the Committee did not accept an excessive contribution and there was no violation of the Act.

19. Until some formal determination has been made as to whether the PAC was a Multi-Candidate Committee, no action seems appropriate.

20. Even if a determination is made that the PAC was not a Multi-Candidate Committee, the actions of the Committee and position of the PAC that it was a Multi-Candidate Committee precludes a finding that the Committee and its Treasurer knowingly accepted an excessive contribution in violation of 2 U.S.C. Section 44la(f).

21. General Counsel's Factual and Legal Analysis takes the position that the Committee was obligated to consult the Commission to determine that the PAC had multi-candidate status. While in many instances under the Act and Regulations the information on file with the Commission

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would be the ultimate source, determination as to whether a political committee is a Multi-Candidate Committee is not based on an immediate filing.

22. 2 U.S.C. Section 441(a)(a)(4) of the Federal Election Campaign Act defines a "Multi-Candidate Political Committee as a committee which has been (1) registered for a period of not less than 6 months (2) which has received contributions from more than 50 persons and (3) has made contributions to 5 or more candidates for Federal office.

23. While compliance with the first requirement is based on an appropriate filing, compliance with the second and third requirements require no filing. In fact a Committee which qualifies as a Multi-Candidate Committee in early January or early July of a non election year by completing either the second or third requirement will not have its qualification placed on public record for almost seven months. The public records will only show compliance when the semi annual report is filed at the end of July or the end of January of the succeeding year. If the Act and Regulations intended to require a committee to consult with the Commission to determine if a political committee is a Multi-Candidate Committee, provision would have been made for a filing when the three requirements to qualify have been met.

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If General Counsel's position is correct no candidate committee can accept a contribution from a committee in excess of $1,000.00 per election until (1) the Committee has qualified as a Multi-Candidate Committee, (2) the Committee filed its next Report of Receipts and Disbursements which could be almost seven months later and (3) the Commission reviewed the report and determined that the Committee qualified. Clearly this is not the intent of the Act and Regulations.

24. To allow a Multi-Candidate Committee to have its qualification immediately effective, a candidate Committee must rely on the representations of the representative of the Multi-Candidate Committee.

25. In the instant case Friends of Senator D'Amato and its Treasurer relied on the representations of the representatives of the PAC. No claim is made that a candidate committee can retain the amount in excess of $1,000.00 per election if it is finally determined that the contributor was not a Multi-Candidate Committee. It is, however, unjustified for the Commission to claim a violation of Section 441a(f) of the Act which requires knowledge of the violation when the contribution is accepted.

26. Page 3 of General Counsel's Factual and Legal Analysis appears to claim that the $1,500.00 contribution received in 1982 should not have been accepted. As previously indicated Friends of Senator D'Amato was formed for and only

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solicited contributions for Senator D'Amato's 1986 campaign. While the PAC's report of Receipts and Disbursements may have in error designated the contributions for the 1980 General Election, nothing presented to the Committee made such a designation. The Committee properly accepted the contributions and attributed them to the 1986 election.

27. The facts presented which are generally uncontested, show good faith action by the Committee and deponent, and no actions which violate 2 U.S.C. Section 441a(f) of the Federal Election Campaign Act of 1971 as amended.

For all of the above reasons, no action should be taken against Friends of Senator D'Amato and its Treasurer.

ARTHUR W. JASPAN

Sworn to before me this
29th day of October, 1984

Shari L. Marino

SHARI L. MARINO
Notary Public, State of New York
No. 30[illegible]
Qualified in Nassau County
Commission Expires March 30, 1985

8504054124

GCC #5205

LAW OFFICES
ROBERT O. TIERNAN
SUITE 800
1800 M STREET, N.W.
WASHINGTON, D.C. 20036
(202) 638-6617

October 17, 1984

RECEIVED
FEDERAL ELECTION
GENERAL COUNSEL
84 OCT 18 P3:22

BY HAND

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1774
Congressman St Germain
Re-Election Committee
Fernand J. St Germain,
Treasurer

Dear Mr. Gross:

This letter is in response to Chairman Lee Ann Elliot's notice of September 17, 1984 that the Federal Election Commission ("FEC") has determined that there is reason to believe that Respondents in the above-entitled matter 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 L.F. Rothschild, Unterberg, Towbin PAC ("the PAC"). Respondents appreciate this opportunity to demonstrate, in writing, that no action should be taken against them in this matter, and wish to set forth their reasons, both factual and legal, why the FEC should dismiss this action against Respondents and close the file.

The sole basis for the FEC's finding of reason to believe is contained in the General Counsel's two page factual and legal analysis which accompanied the September 17, 1984 notice to Respondents. In this analysis, the General Counsel states that the PAC made a $2,000 contribution to Respondents on April 25, 1983 for the 1984 election. It is the contention of the General Counsel that the PAC was subject to a contribution limit of $1,000 per election to any candidate and his/her authorized political committees under 2 U.S.C. §441a(a)(1)(A) because the PAC had not achieved multicandidate status under 2 U.S.C. §441a(a)(2)(A) which would otherwise permit contributions of up to $5,000 per candidate/per election from the PAC. Therefore, the General Counsel's analysis alleges, Respondents have violated

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2 U.S.C. §441a(f) by accepting a contribution from the PAC which was $1,000 in excess of the limitation.

The General Counsel's analysis and conclusion that a violation of the contribution limits has occured rests upon a factual allegation that as of April 25, 1984, the PAC had not achieved the multicandidate status under 2 U.S.C. §441a(a)(2)(A) necessary to increase the contribution limit from $1,000 to $5,000 per candidate/per election. Under this provision of the Act, the PAC becomes a multicandidate committee when 1) it has been registered for six months or more, 2) when it has received contributions from more than fifty persons, and 3) when it has made contributions to at least five federal candidates. All three conditions or elements must be present for multicandidate status to apply to the PAC, and the contribution limits from the PAC to increase to $5,000 per candidate/per election. However, there are also no futher requirements under the Act or FEC regulations for multicandidate status other than these three factual elements. Under the Act, multicandidate status is not a privilege which is subject to a discretionary ruling or action of the FEC. Nor is multicandidate status dependent upon any other action taken by the PAC, i.e. timely or accurate reporting to the FEC. Multicandidate status, and the correlative increase in the contribution limits from $1,000 to $5,000 per candidate/per election, occurs ipso facto when the three factual criteria are met.

In this matter, the General Counsel has stipulated in the analysis that the first and third factual criteria for multicandidate status have been met, i.e. registration of the PAC for six months, and PAC contributions to at least five federal candidates. It is only the second criterion for multicandidate status, the receipt by the PAC of contributions from more than fifty persons, which the General Counsel alleges the PAC had not fulfilled, and which omission, therefore, premises the finding of an excessive contribution by the PAC in violation of the limits, and a violation by Respondents in accepting the excessive contribution.

Respondents would respectfully contend that, in fact, the second criterion necessary for multicandidate status for the PAC was met in a timely manner, and the PAC had received contributions from more than fifty persons at the time the contribution was made in 1983 from the PAC to Respondents. Reference is made to PAC disclosure documents filed with the FEC and open for public inspection at the FEC Office of Public Records. In a PAC FEC Report identified

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on the FEC's Committee Index of Disclosure Documents - (C) (83-84) as a 1984 Miscellaneous Report at microfilm location 84FEC/299/2176, Counsel for the PAC provided the FEC Reports Analysis Division with a list of persons who had contributed to the PAC and the amounts of their contributions for the years 1981, 1982 and 1983. Even though there is no minimum contribution amount which is required by the Act or FEC regulations to satisfy the fifty contributors criterion, and nor is there a requirement that the requisite fifty persons who contributed be specifically identified by name in PAC reports, a review of this report to the FEC indicates a total of seventy three persons contributed to the PAC in 1981, 1982 and 1983. Of this number, fifty nine persons are identified as contributors to the PAC in 1981 and 1982 before the contribution in question in this matter was made by the PAC to Respondents in 1983.

Since the General Counsel's analysis states that multi-candidate status for the PAC was dependent only upon the satisfaction of the second criterion requiring contributions to the PAC from more than fifty persons, the PAC's contribution limitation to candidates and their committees was automatically increased from $1,000 to $5,000 by operation of law when the fifty-first person contributed to the PAC. Because the fifty-first person contributed to the PAC no later than the end of 1982, a $2,000 contribution from the PAC to Respondents on April 25, 1983 occured after the PAC had achieved multicandidate in fact, and by operation of the Act. Under such circumstances, the $2,000 contribution by the PAC was within the applicable $5,000 limitation of 2 U.S.C. §441a(a)(2)(A) and therefore Respondents did not violate 2 U.S.C. §441a(f) as alleged by accepting this contribution from the PAC.

In addition to Respondents' contention that no violation occured because multicandidate status had been appropriately and timely achieved by the PAC before their 1983 contribution was received, Respondents would like to call the FEC's attention to two additional considerations in this matter. First of all, Respondents refunded $1,000 to the PAC well before the 1984 primary or general elections and did not have the benefit of such monies during any politically significant portion of the 1984 election cycle. Secondly, even if the PAC had not achieved multicandidate status at the time the contribution was made on April 25, 1983 (a proposition which Respondents maintain is erroneous), the PAC could have contributed the exact same amount of $2,000 to Respondents at that time by designating $1,000 of the contribution to the 1984 primary election and $1,000 to the 1984 general election. Since, of course, the PAC considered

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that multicandidate status had been achieved at that time, such designations were no doubt felt to be unnecessary or superfluous.

Respondents appreciate this opportunity to demonstrate that no action should be taken against them in this matter entitled MUR 1774. For the reasons stated above, Respondents believe this matter should be dismissed and the file closed.

Should there be any further questions with regard to this matter, Respondents would be ready to answer the FEC's inquiries through their designated counsel. In particular, Respondents would be interested in a resolution of this compliance action prior to the statutory steps which are a necessary antecedent to a finding of probable cause.

Sincerely,

Robert O. Tiernan / by deo

ROBERT O. TIERNAN

David E. Osterhout

DAVID E. OSTERHOUT

DEO/deo

8504054128

LAW OFFICES
ROBERT O. TIERNAN
SUITE 299
1800 M STREET, N.W.
WASHINGTON, D.C. 20036

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

BY HAND

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GCC # 5749
84 OCT 15 AM :

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

Send All Correspondence To:
300 Garden City Plaza
Room 516
Garden City, New York 11530

October 11, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 OCT 15 P 1: 06

Federal Election Commission
Washington, D.C. 20463

Att: Jonathan Levin, Esq.

Re: MUR 1774
Friends of Senator D'Amato

Dear Mr. Levin:

This will confirm our discussion in which it was agreed that our extension to submit material is until October 30, 1984.

The individuals who will assist in preparation of the response, including the undersigned, are involved in other 1984 election campaigns which are reaching their conclusion, and therefore were not readily available to immediately assist in preparation of the material.

Thank you for your consideration.

Very truly yours,

Arthur W. Jaspan
Treasurer

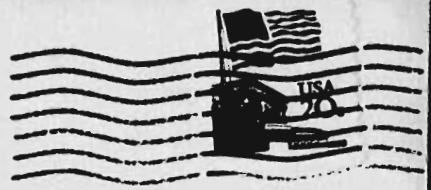
AWJ:sm

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THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

84 OCT 15 AM 10:42





Federal Election Commission
Washington, D.C. 20463

Att: Jonathan Levin, Esq.

84 OCT 15 AM 10:42

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BAKER & HOSTETLER

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

(202) 861-1500

TELECOPIER (202) 857-0010

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3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8278

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861-1543

October 10, 1984

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

Dear Mr. Levin:

Re: MUR 1774

This will refer to our telephone conversation a few minutes ago and advise you that in support of our request for an extension of time until October 29, 1984 to file our response in the above matter, we are assembling information and documents necessary for the response which must be prepared and then reviewed and executed by the Treasurer. While we are in the process of doing this, we need additional time in order to do a complete job.

Very truly yours,

Harman Pomeroy

HP:ctk

8504054132

BAKER & HOSTETLER
818 CONNECTICUT AVE., N. W.
WASHINGTON, D. C. 20006



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

8504141315
84 OCT 11 A8:54
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FEDERAL ELECTION COMMISSION

1) Routing slips

2) Objection memos

3) References to internal practices

4) 12 Day Report and comments

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

___	(1) Classified Information	___	(6) Personal privacy
✓	(2) Internal rules and practices	___	(7) Investigatory files
___	(3) Exempted by other statute	___	(8) Banking Information
___	(4) Trade secrets and commercial or financial information	___	(9) Well Information (geographic or geophysical)
✓	(5) Internal Documents		

Signed John Jeven (FEC)

date 8/9/85

FEC 9-21-77

3504054134

GCC#4845

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8200

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4600

233 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

September 26, 1984

BY HAND

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Levin:

On behalf of my client, L.F. Rothschild, Unterberg, Towbin ("LFRUT"), I am writing to request an extension of 30 days within which to respond to MUR 1774. The present date for a response is Monday, October 1, 1984, since the 10-day time period falls on Saturday, September 29, 1984. The proposed extension would set Tuesday, October 29, 1984 as the new deadline for our response.

The reason for the request for an extension is that Andrew Berger, the General Counsel of LFRUT, will be out of the country during part of the time for response.

Sincerely,

Carol C. Darr

Carol C. Darr

cc: Douglas Libby, Esq.

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FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
84 SEP 26 AM 11:20

8504054135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 1984

Carol C. Darr, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1774

Dear Ms. Darr:

Pursuant to your letter of September 26, 1984, this Office is granting you a 30 day extension of time in which to file a response on behalf of your client. The response is, therefore, due on October 29, 1984.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504054136

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1774

NAME OF COUNSEL: Harlan Pomeroy, Esq.

ADDRESS: Baker & Hostetler
818 Connecticut Ave., N.W.
Washington, D.C. 20006

TELEPHONE: (202) 861-1543

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.

9/27/84
Date

William R. White
Signature

RESPONDENT'S NAME: John Glenn Presidential Committee Inc.
William R. White, Treasurer

ADDRESS: 444 North Capitol Street, Suite 407
Washington, D.C. 20001

HOME PHONE:

BUSINESS PHONE: (202) 783-1984

8504054137

GCC#4892

BAKER & HOSTETLER

ATTORNEYS AT LAW

618 CONNECTICUT AVE., N.W.

WASHINGTON, D. C. 20006

(202) 861-1500

TELECOPIER (202) 857-0057

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8278

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861- 1543

September 28, 1984

Charles M. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: Jonathan Levin, Esq.

Re: MUR 1774 - John Glenn
Presidential Committee Inc.

84 SEP 28 P12:53

FEC

Dear Sir:

Enclosed is a Statement of Designation of Counsel authorizing me to act as counsel on behalf of the Committee in the above matter.

This matter was referred to me earlier this week. I have not yet had sufficient time to complete my review of the available documents and other information and to confer with Committee personnel in order to prepare and have reviewed by the Treasurer and executed under oath an appropriate response.

Our response is presently due September 29th. An extension of time of 10 days for filing our response until October 9th is requested.

Very truly yours,

Harlan Pomeroy

HP:ctk

cc: William R. White

8504054138

BAKER & HOSTETLER
818 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006

30040543639

Charles M. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street N.W.
Wasington, D.C. 20463

Attention: Jonathan Levin, Esq.

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

RECEIVED AT THE FEC
GCC#4962
84 OCT 3 A8:

Send All Correspondence To:
300 Garden City Plaza
Room 516
Garden City, New York 11530

October 1, 1984

Federal Election Commission
Washington, D.C. 20463

Att: Jonathan Levin, Esq.

Re: MUR 1774
Friends of Senator D'Amato

Dear Mr. Levin:

This is to confirm our conversation of today in which I requested an additional 30 days to submit materials relevant to the Commission's consideration of the matter.

Such a 30 day extension would extend my time to submit the materials until November 5, 1984.

Please advise me if the extension is not acceptable.

Very truly yours,

Arthur W. Jaspan
Treasurer

AWJ:sm

84 OCT 3 A9:54

Paid for by Friends of Senator D'Amato

3504054140

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501





Federal Election Commission
Washington, D.C. 20463

Att: Jonathan Levin, Esq.

84 OCT 3 A8:42

FEC

8 5 0 3 1 4 1 4 1

RECEIVED AT THE FEC
GCCH-4960
84 OCT 3 A8:44

BAKER & HOSTETLER
ATTORNEYS AT LAW
815 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006
(202) 861-1500
TELECOPIER (202) 857-0040

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 621-0200
TWX 810 421 8376

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0600

IN ORLANDO, FLORIDA
12TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 841-1111

WRITER'S DIRECT DIAL NO.:
(202) 861- 1543

October 2, 1984

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

Attention: Mr. John Levin

Dear Mr. Levin:

Re: MUR 1774

In confirmation of our telephone conversation earlier today in the above matter, please let us have an extension of time of 30 days to file our response until October 29, 1984.

Very truly yours,

Harlan Pomeroy

HP:ctk

cc: William R. White

8504054142

BAKER & HOSTETLER
818 CONNECTICUT AVE., N. W.
WASHINGTON, D. C. 20006

3504414



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

Attention: Mr. John Levin

84 OCT 3 A8:44

RECEIVED AT THE FEC
GCC #4878
84 SEP 27 PM: 00

LAW OFFICES
ROBERT O. TIERNAN
SUITE 999
1800 M STREET, N.W.
WASHINGTON, D.C. 20036
(202) 638-6617

September 26, 1984

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

84 SEP 27 P2:3
RECEIVED
GENERAL COUNSEL

Re: MUR 1774
Congressman St Germain
Re-Election Committee
Fernand J. St Germain, Treasurer

Dear Mr. Gross:

An appropriate Statement of Designation of Counsel for Respondents in the above referenced matter has been recently forwarded to the Federal Election Commission advising the Commission that my office will be representing these Respondents in this matter.

In order to submit a proper response to the Commission's September 17, 1984 notification to Respondents that there is reason to believe a violation of the Federal Election Campaign Act of 1971, as amended, has occured, I would respectfully request an extension of fifteen days to review the materials in this matter and consult with my clients.

Thanking you for your attention to his request, I am,

Sincerely,

Robert O. Tiernan

ROBERT O. TIERNAN

ROT/deo

8504044144

LAW OFFICES
ROBERT O. TIERNAN
SUITE 299
1800 M STREET, N.W.
WASHINGTON, D.C. 20036





Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

SEP27 P12:29

Congressman St Germain Re-election Committee
P.O. Box 1980, Providence, Rhode Island 02901

RECEIVED AT THE FEC
GCC#4877
84 SEP27 P12:36

RECEIVED
GENERAL COUNSEL
84 SEP27 P2:32

September 25, 1984

MEMORANDUM FOR Federal Election Commission
Washington, D.C. 20463

FROM: Congressman St Germain Re-election Committee

SUBJECT: MUR 1774

Enclosed is my designation to be represented by counsel for the above case, by Mr. Robert Tiernan, Attorney at Law.

3504054146

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED AT THE FEC

84 SEP 27 P12:36

MUR 1774

NAME OF COUNSEL: Robert Tiernan, Esq.

ADDRESS: 1800 M Street, N.W., Suite 299
Washington, D.C. 20036

TELEPHONE: 202-638-6617

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.

9/25/84
Date

Signature

RESPONDENT'S NAME: Fernand J. St Germain, Treasurer

ADDRESS: Congressman St Germain Re-election Committee
121 Woodland Road
Woonsocket, RI 02895

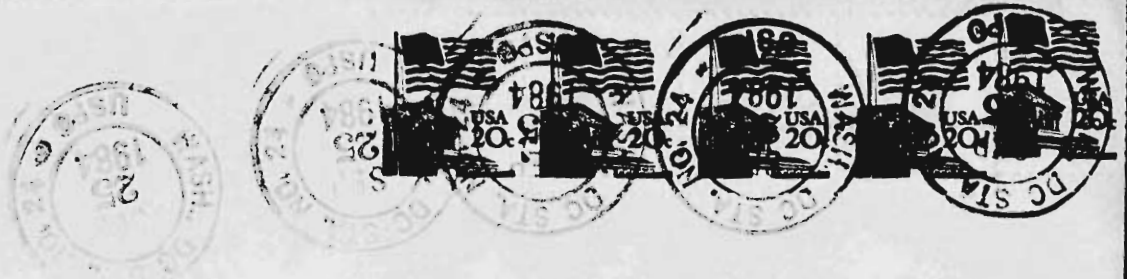
HOME PHONE: 401-762-3411

BUSINESS PHONE: 202-225-4911

8504054147

ss of the United States
use of Representatives
ashington, D.C. 20515

[redacted]



Federal Election Commission
Washington, D.C. 20463

Attn: Jonathan Levin
General Counsel's Office

CERTIFIED
P 698 508 250
MAIL

OCT 21 1:16 PM

GCC#4845

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 426-3800

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4800

233 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601
(312) 938-4000

September 26, 1984

BY HAND

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Levin:

On behalf of my client, L.F. Rothschild, Unterberg, Towbin ("LFRUT"), I am writing to request an extension of 30 days within which to respond to MUR 1774. The present date for a response is Monday, October 1, 1984, since the 10-day time period falls on Saturday, September 29, 1984. The proposed extension would set Tuesday, October 29, 1984 as the new deadline for our response.

The reason for the request for an extension is that Andrew Berger, the General Counsel of LFRUT, will be out of the country during part of the time for response.

Sincerely,

Carol C. Darr

cc: Douglas Libby, Esq.

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 26 A11:20

8504054149

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

MUR 4757

Jonathan Levin, Esq.
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
L. F. Rothschild, Unterberg,) RAD #84L-8
Towbin, et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 5, 1984, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 4-1 to amend footnote number 1, on page 2 of the Factual and Legal Analysis attached to the General Counsel's August 27, 1984 report to read as follows:

> According to the Statement of Organization and a representation by counsel, the Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

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

(Continued)

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2. Decided by a vote of 5-1 to

a) Open a Matter Under Review in this matter.

b) Find reason to believe that L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C).

c) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

d) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

e) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 11 C.F.R. § 110.1(a).

f) Find reason to believe that the Congressman St. Germain Re-Election Committee and Fernand St. Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

g) Find reason to believe that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

(Continued)

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h) Find reason to believe that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

i) Approve and send the letters and Factual and Legal Analyses attached to the General Counsel's August 27, 1984 report, subject to amendment of the Factual and Legal Analyses as noted above.

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

Attest:

9-12-84
Date

Marjorie W. Emmons
Secretary of the Commission

8504054153

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

Carol C. Darr, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

Re: MUR 1774
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, Treasurer

Dear Ms. Darr:

On September 5, 1984, the Federal Election Commission determined that there is reason to believe L. F. Rothschild, Unterberg, Towbin PAC ("the Committee") and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by accepting a $20,000 contribution from L. F. Rothschild, Unterberg, Towbin. On that date, the Commission also determined that the Committee and Mr. Blum, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), another provision of the Act, and 11 C.F.R. § 110.1(a), a provision of the Commission regulations, by making excessive contributions to three 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 the committee and Mr. Blum. 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 must be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee and Mr. Blum, 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).

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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

8504054155

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT L. F. Rothschild, Unterberg, Towbin PAC
Andrew Blum, Treasurer

MUR No. 1774
STAFF MEMBER & TEL. NO.
(202) 523-4000

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

This matter involves receipt by L. F. Rothschild, Towbin, Unterberg PAC ("the Committee") of excessive contributions from L. F. Rothschild, Unterberg, Towbin ("LFRUT"). It also involves excessive contributions by the Committee to the committees of several federal candidates.

FACTUAL BASIS AND LEGAL ANALYSIS

1. Excessive Contribution to the Committee

This matter involves contributions aggregating $20,000 during the calendar year 1982 by LFRUT to the Committee.

It appears that the contributions were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to the Committee signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

According to one of the Committee's attorneys, responding to the Reports Analysis Division on December 12, 1983, none of the

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individual partners under this system would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney on January 3, 1984, indicated that the partnership was attempting to rectify the excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years. 1/ Once the Committee was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Ms. Darr also indicated that amended reports would be filed to reflect the individual contributors.

The 1984 April Quarterly report reflects payments from a substantial number of individual contributors, none of which exceeded $5,000. The Committee filed a termination report on June 28, 1984. This report reflects payments from the final two contributors totalling $154 and refunds of $62,250 to the partnership, i.e., the total amount of cash-on-hand of the Committee.

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1/ According to the Statement of Organization and a representation by counsel, the Committeer is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar year. As set forth at 2 U.S.C. § 441a(f), no political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of § 441a.

The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c). 2/ The contributions at issue were made from partnership funds. Although the contributions count against the individual contribution limitation of each of the firm's consenting partners, the contributions also count against the partnership's limitation as a separate entity and a "person" under the Act. Because the total contributed by the partnership exceeded the partnership's limitation, the General Counsel's Office recommends that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

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2/ These are the limits set out in 2 U.S.C. § 441a.

2. Excessive Contributions By the Committee

Based upon a review of the Committee's 1983 and 1982 reports, RAD discovered that contributions designated for the general election, which appeared to violate 2 U.S.C. § 441a limitations, were made to a number of committees. These committees were the Congressman St Germain Re-Election Committee, the John Glenn Presidential Committee, Inc., and the Friends of Senator

D'Amato.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The Committee appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time, it made the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The Committee had failed to satisfy the second criterion and was thus subject to the $1,000 limitation.

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a. Congressman St Germain Re-Election Committee

The 1983 Mid-Year Report of the Committee disclosed a $2,000 contribution to the Congressman St Germain Committee on April 25, 1983, for the general election. The Reports Analysis Division sent Requests for Additional Information (RFAIs) on February 14 and March 8, 1984. The Committee's 1984 April Quarterly revealed a refund of $1,000 from the St Germain Committee on March 19, 1984. The contribution was $1,000 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

b. John Glenn Presidential Committee, Inc.

The 1983 Year End Report of the Committee revealed a $1,000 contribution to the John Glenn Presidential Committee on August 16, 1983, a $500 contribution to the Glenn Committee on August 17, 1983, and a $500 contribution to the Glenn Committee on October 6, 1983. The Committee's 1983 Mid-Year Report disclosed a $1,000 contribution to the Glenn Committee. The Committee's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploration Committee. These contributions were all designated for the general election.

RAD sent RFAIs to the Glenn Committee on December 12, 1983, and January 5, 1984. The Committee's 1984 April Quarterly Report revealed a refund of $2,500 from the Glenn Committee on January 30, 1984. The Termination Report disclosed another $500 refund from the Glenn Committee on June 20, 1984.

According to 11 C.F.R. § 100.7(b)(1), funds received solely for the purpose of determining whether an individual should

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become a candidate are not contributions at the time they are made but become contributions if the individual subsequently becomes a candidate. In determining the excessive amount going to Senator Glenn's Presidental candidacy, the $500 given to Senator Glenn's Exploratory Committee must be combined with the $3,000 contribution to the Presidential Committee, thus putting the contributions at $2,500 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

c. Friends of Senator D'Amato

The Committee's 1983 Mid Year Report disclosed a $3,000 contribution to Friends of Senator D'Amato, Senator D'Amato's 1986 campaign committee, made on January 27, 1983, and designated for the general election. The contribution total in 1983, therefore, was in excess of the § 441a(a)(1)(A) limitations by $2,000. The Committee's 1982 July Quarterly Report disclosed a $1,000 contribution to the Friends of Senator D'Amato on June 8, and the Committee's 1982 April Quarterly revealed a $500 contribution to Friends of Senator D'Amato on June 8, 1982. The Committee designated these contributions for Senator D'Amato's 1980 campaign, but the Senator's 1980 campaign committees had terminated with no outstanding debts before the contributions were made. The Friends of Senator D'Amato attributed the 1982 contributions to the 1986 primary. The Reports Analysis Division sent a Request for Additional Information to Friends of Senator D'Amato on October 14, 1983, informing it of its acceptance of

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excessive contributions. The PAC's 1983 Year End Report revealed a refund of $2,500 from the D'Amato Committee on December 30, 1983.

Section 110.1(a) of the Commission regulations, in setting out the $1,000 limitation on contributions to candidates "with respect to any election," defines "with respect to any election" by making reference to designation. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

In this matter, the contributor designated $1,500 in contributions in 1982 for the 1980 general election. The regulation above provides that a contribution made after a primary, caucus, or convention but designated for such a previous contest shall be made only to the extent that it does not exceed net outstanding debts for that contest. The saving out provisions of this regulation do not apply in this matter for two reasons. First, this matter deals with a contribution made after a general election. Second, the commmittee designated to receive the $1,500 had no net debts outstanding at the time of the contributions. Based on this analysis, it appears that, according to 11 C.F.R. § 110.1(a), the entire $1,500

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contribution and not just the amount in excess of the $1,000 limitation, should not have been made or accepted.

In a letter to RAD, written on May 1, 1984, the treasurer of the D'Amato committee presented the defense that, when the $3,000 contribution was received in 1983, the D'Amato committee was advised by the Committee that the Committee had multicandidate status. The D'Amato committee, however, failed at that time to consult the Commission, which is the appropriate source of such information. When erroneous advise is given by a recipient committee, this does not nullify a violation of the § 441a limitations.

Based upon the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a).

8504054163

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

Douglas Libby, Assistant General Counsel
L. F. Rothschild, Unterberg, Towbin
55 Water Street
New York, New York 10041

Re: MUR 1774
L. F. Rothschild, Unterberg, Towbin

Dear Mr. Libby:

On September 5, 1984, the Federal Election Commission determined that there is reason to believe that L. F. Rothschild, Unterberg, Towbin ("LFRUT") violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making an excessive contribution to L. F. Rothschild, Unterberg, Towbin PAC. 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 LFRUT. 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 must 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

8504054164

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

8504054165

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1774
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT L.F. Rothschild, Unterberg, Towbin

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

This matter involves excessive contributions made by L. F. Rothschild, Unterberg, Towbin ("LFRUT"), a partnership, to L. F. Rothschild, Unterberg, Towbin PAC ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

This matter involves contributions aggregating $20,000 during the calendar year 1982 by LFRUT to the Committee.

It appears that the contributions were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to the Committee signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

According to one of the Committee's attorneys, responding to the Reports Analysis Division on December 12, 1983, none of the individual partners under this system would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney, Ms. Carol Darr on January

3504054166

3, 1984, indicated that the partnership, is attempting to rectify the excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years. 1/ Once the Committee was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Ms. Darr also indicated that amended reports would be filed to reflect the individual contributors.

The 1984 April Quarterly report reflects payments from substantial number of individual contributors, none of which exceeded $5,000. The Committee filed a termination report on June 28, 1984. This report reflects payments from the final two contributors totalling $154 and refunds of $62,250 to the partnership, i.e., the total amount of cash-on-hand of the Committee.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C) no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar

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1/ According to the Statement of Organization and a representation by counsel, the Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c). 2/ The contributions at issue were made from partnership funds. Although the contributions count against the individual contribution limitation of each of the firm's consenting partners, the contributions also count against the partnership's limitation as a separate entity and a "person" under the Act. Because the total contributed by the partnership exceeded the partnership limitation, the General Counsel's Office recommends that the Commission find reason to believe that LFRUT violated 2 U.S.C. § 441a(a)(1)(C).

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2/ These are the limits set out in 2 U.S.C. § 441a.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

Re: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan

Dear Mr. Jaspan:

On September 5, 1984, the Federal Election Commission determined that there is reason to believe the Friends of Senator D'Amato 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

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

8504054170

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1774
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT Friends of Senator D'Amato
Arthur W. Jaspan, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 441a(a)(1)(A) by the Friends of Senator D'Amato.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Mid-Year Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") disclosed a $3,000 contribution to the Friends of Senator D'Amato, made on January 27, 1983 and designated for the general election.

The Committee's 1982 July Quarterly Report disclosed a $1,000 contribution to the Friends of Senator D'Amato on June 8, and the Committee's 1982 April Quarterly revealed a $500 contribution to Friends of Senator D'Amato on June 8, 1982. The Committee designated these contributions for Senator D'Amato's 1980 campaign, but the Senator's 1980 campaign committees had terminated with no outstanding debts before the contributions were made. The Friends of Senator D'Amato attributed the 1982 contributions to the 1986 primary. The Reports Analysis Division sent a Request for Additional Information to Friends of Senator

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D'Amato on October 14, 1983, informing it of its acceptance of excessive contributions. The PAC's 1983 Year End Report revealed a refund of $2,500 from the D'Amato Committee on December 30, 1983.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion, and thus, contributions from it were subject to the $1,000 limitation.

The $3,000 in contributions for the 1986 general election, therefore, appear to be in excess of the § 441a(a)(1)(A) limits.

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Section 110.1(a) of the Commission regulations, in setting out the $1,000 limitation on contributions to candidates "with respect to any election," defines "with respect to any election" by making reference to designation. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

In this matter, the contributor designated $1,500 in contributions in 1982 for the 1980 general election. The regulation above provides that a contribution made after a primary, caucus, or convention but designated for such a previous contest shall be made only to the extent that it does not exceed net outstanding debts for that content. The saving out provisions of this regulation do not apply in this matter for two reasons. First, this matter deals with contributions made after a general election. Second, the commmittee designated to receive the $1,500 had no net debts outstanding at the time of the contributions. Based on this analysis, it appears that, according to 11 C.F.R. § 110.1(a), the entire $1,500 contribution and not just the amount in excess of the $1,000 limitation, should not have been made or accepted.

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In a letter to RAD, written on May 1, 1984, the treasurer of the D'Amato committee presented the defense that, when the $3,000 contribution was received in 1983, the D'Amato committee was advised by the Committee that the Committee had multicandidate status. The D'Amato committee, however, failed at that time to consult the Commission, which is the appropriate source of such information. When erroneous advice is given to a recipient committee, this does not nullify a violation of the § 441a limitations.

Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

The Honorable Fernand J. St Germain
Congressman St Germain Re-Election Committee
121 Woodland Road
Woonsocket, Rhode Island 02895

Re: MUR 1774
Congressman St Germain
Re-Election Committee
Fernand J. St Germain, Treasurer

Dear Congressman St Germain:

On September 5, 1984, the Federal Election Commission determined that there is reason to believe the Congressman St Germain Re-Election 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 L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

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

8504054176

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1774
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT Congressman St Germain
Re-Election Committee
Fernand J. St Germain, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 441a(a)(1)(A) by the Congressman St Germain Re-Election Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Mid-Year Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") revealed that it made a $2,000 contribution to the Congressman St Germain Re-Election Committee on April 25, 1983 for the general election. The Reports Analysis Division sent Requests for Additional Information to the St Germain Committee on February 14 and March 18, 1984, informing it of its acceptance of an excessive contribution. The PAC's 1984 April Quarterly Report revealed a refund to the St Germain Committee on March 19, 1984.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized

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political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion and, thus, contributions from it were subject to the $1,000 limitation.

The figures indicate that the contributions to the St. Germain Committee were $1,000 in excess of the limitation. Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that the Congressman St Germain Re-Election Committee and Fernand St Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

William R. White, Treasurer
John Glenn Presidential Committee, Inc.
444 North Capitol Street, N.W.
Suite 407
Washington, D.C. 20001

Re: MUR 1774
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Mr. White:

On September 5, 1984, the Federal Election Commission determined that there is reason to believe the John Glenn Presidential Committee, Inc. 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1774
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202) 523-4000

RESPONDENT John Glenn Presidential Committee, Inc.
William R. White, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 44la(a)(1)(A) by the John Glenn Presidential Committee, Inc. ("the Glenn Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Year End Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") revealed a $1,000 contribution to the John Glenn Presidential Committee on August 16, 1983, a $500 contribution to the Glenn Committee on August 17, 1983, and a $500 contribution to the Glenn Committee on October 6, 1983. The Committee's 1983 Mid-Year Report disclosed a $1,000 contribution to the Glenn Committee. The Committee's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploration Committee. These contributions were all designated for the general election.

The Reports Analysis Division sent Requests for Additional Information to the Glenn Committee on January 5, 1984, informing it of its acceptance of excessive contributions. The PAC's 1984 April Quarterly report disclosed a refund of $2,500 from the Glenn Committee on January 30, 1984. The PAC's Termination

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Report disclosed another $500 refund from the Glenn Committee on June 20, 1984.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion and, thus, contributions from it were subject to the $1,000 limitation.

According to 11 C.F.R. § 100.7(b)(1), funds received solely for the purpose of determining whether an individual should become a candidate are not contributions at the time they are made but become contributions if the individual subsequently

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becomes a candidate. In determining the excessive amount going to Senator Glenn's Presidental candidacy, the $500 given to Senator Glenn's Exploratory Committee must be combined with the $3,000 contribution to the Presidential Committee, thus putting the contributions at $2,500 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

The Honorable Alfonse M. D'Amato
United States Senate
Washington, D.C. 20510

Re: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Dear Senator D'Amato:

This is to advise you that, on September 5, 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, Friends of Senator D'Amato, and Arthur W. Jaspan, as treasurer of the committee, violated 2 U.S.C. § 44la(f) a provision of the Federal Election Campaign Act of 1971, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and Arthur W. Jaspan, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR 1774.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosure
Letter to committee treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1984

The Honorable John H. Glenn
United States Senate
Washington, D.C. 20510

Re: MUR 1774
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Senator Glenn:

This is to advise you that, on September 5, 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, the John Glenn Presidential Committee, Inc., and William R. White, as treasurer of the committee, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and William R. White, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR .

Sincerely,

Lee Ann Elliott
Chairman

Enclosure
Letter to committee treasurer

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SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 SEP 17 P4:05

September 17, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: RAD Referral 84L-8

On September 5, 1984 the Commission approved the recommendation that the subject RAD Referral be made a MUR. Therefore, all documents which had previously been identified as RAD Referral 84L-8 should now become MUR # 1774.

Attachment
Copy of Certification

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
L. F. Rothschild, Unterberg, Towbin, et al.	)	RAD #84L-8
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 5, 1984, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 4-1 to amend footnote number 1, on page 2 of the Factual and Legal Analysis attached to the General Counsel's August 27, 1984 report to read as follows:

> According to the Statement of Organization and a representation by counsel, the Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

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

(Continued)

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2. Decided by a vote of 5-1 to

a) Open a Matter Under Review in this matter.

b) Find reason to believe that L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C).

c) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

d) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

e) Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 11 C.F.R. § 110.1(a).

f) Find reason to believe that the Congressman St. Germain Re-Election Committee and Fernand St. Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

g) Find reason to believe that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

(Continued)

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h) Find reason to believe that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

i) Approve and send the letters and Factual and Legal Analyses attached to the General Counsel's August 27, 1984 report, subject to amendment of the Factual and Legal Analyses as noted above.

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

Attest:

9-12-84
Date

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Carol C. Darr, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

Re: MUR
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, Treasurer

Dear Ms. Darr:

On , 1984, the Federal Election Commission determined that there is reason to believe L. F. Rothschild, Unterberg, Towbin PAC ("the Committee") and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by accepting a $20,000 contribution from L. F. Rothschild, Unterberg, Towbin. On that date, the Commission also determined that the Committee and Mr. Blum, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), another provision of the Act, and 11 C.F.R. § 110.1(a), a provision of the Commission regulations, by making excessive contributions to three 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 the committee and Mr. Blum. 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 must be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee and Mr. Blum, 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).

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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

JL 9/13/84

Sincerely,

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

8504054491

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Douglas Libby, Assistant General Counsel
L. F. Rothschild, Unterberg, Towbin
55 Water Street
New York, New York 10041

Re: MUR
L. F. Rothschild, Unterberg, Towbin

Dear Mr. Libby:

On , 1984, the Federal Election Commission determined that there is reason to believe that L. F. Rothschild, Unterberg, Towbin ("LFRUT") violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making an excessive contribution to L. F. Rothschild, Unterberg, Towbin PAC. 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 LFRUT. 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 must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

JL 9/13/84

Sincerely,

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

8504054193

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

Re: MUR
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Dear Mr. Jaspan:

On , 1984, the Federal Election Commission determined that there is reason to believe the Friends of Senator D'Amato 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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

8504054194

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

JL 9/13/84

Sincerely,

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

8504054195

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable Fernand J. St Germain
Congressman St Germain Re-Election Committee
121 Woodland Road
Woonsocket, Rhode Island 02895

Re: MUR
Congressman St Germain
Re-Election Committee
Fernand J. St Germain, Treasurer

Dear Congressman St Germain:

On , 1984, the Federal Election Commission determined that there is reason to believe the Congressman St Germain Re-Election 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 L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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

8504054196

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

9/23/83

Sincerely,

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

8504054197

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William R. White, Treasurer
John Glenn Presidential Committee, Inc.
444 North Capitol Street, N.W.
Suite 407
Washington, D.C. 20001

Re: MUR
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Mr. White:

On , 1984, the Federal Election Commission determined that there is reason to believe the John Glenn Presidential Committee, Inc. 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

JT 9/13/84

Sincerely,

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

3504041999

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable Alfonse M. D'Amato
United States Senate
Washington, D.C. 20510

Re: MUR 1774
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Dear Senator D'Amato:

This is to advise you that, on September 5, 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, Friends of Senator D'Amato, and Arthur W. Jaspan, as treasurer of the committee, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and Arthur W. Jaspan, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR 1774.

Sincerely,

Enclosure
Letter to committee treasurer

8504044200

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable John H. Glenn
United States Senate
Washington, D.C. 20510

Re: MUR 1774
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Senator Glenn:

This is to advise you that, on September 5, 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, the John Glenn Presidential Committee, Inc., and William R. White, as treasurer of the committee, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and William R. White, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR .

Sincerely,

Enclosure
Letter to committee treasurer

9/14/84

8504544201

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 28, 1984

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: RAD Referral 84L-8

Page 39 of Attachment 1 was inadvertently omitted in the original document of the First General Counsel's Report which was circulated today. Please attach to your copy.

Attachment

8504054202

ATTACHMENT 11 (3 pages)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-6000
ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002
ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429 3800
515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4600

January 3, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

8504203

Dear Ms. Stolaruk:

This letter responds to your letter of October 19, 1983, to Mr. Andrew Blum, Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), and to your telephone conversation on December 20, 1983 with Douglas M. Libby, Esq. of L.F. Rothschild, Unterberg, Towbin ("LFRUT").

Your questions appear to arise in part from uncertainty over the status of the organization associated with the PAC. LFRUT is an investment banking firm organized as a partnership. The PAC is a nonconnected political committee supporting more than one federal candidate, as indicated on its Statement of Organization filed on June 26, 1981.

You requested from Mr. Libby information concerning the manner in which funds were transferred from LFRUT to the PAC for the years 1981 and 1982. LFRUT sought the advice of other counsel prior to the organization of the PAC and relied upon such advice in the formation and operation of the PAC. It was not aware that what was intended as contributions from individuals would also be deemed contributions from the partnership if the funds were transferred by means of checks drawn on an LFRUT account to the PAC. Therefore, LFRUT transferred funds as needed to the PAC by means of checks drawn on an LFRUT account. These checks represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution at the end of each of the two years in question was reduced by the amount of his specific contributions.

SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
84 AUG 27 P2:18

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 8/27/84-2:10

RAD # 84L-8
STAFF MEMBER
Jonathan Levin

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

RESPONDENTS' NAMES: L. F. Rothschild, Unterberg, Towbin
L. F. Rothschild, Unterberg, Towbin PAC
Andrew Blum, Treasurer
John Glenn Presidential Committee, Inc.
William R. White, Treasurer
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer
Congressman St Germain Re-Election Committee
Fernand St Germain, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 431(11)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(f)
11 C.F.R. § 100.7(b)(1)
11 C.F.R. § 110.1(a)
11 C.F.R. § 110.1(e)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL REPORTS CHECKED: None

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel by the Reports Analysis Division (RAD) on March 5, 1984. An update to this referral was sent by RAD on May 14, 1984. It involves excessive contributions totalling $20,000 from L. F. Rothschild, Unterberg, Towbin, ("LFRUT"), a partnership, to L. F. Rothschild, Unterberg, Towbin PAC ("the Committee"). It also involves excessive contributions by the Committee to the committees of several federal candidates.

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SENSITIVE

FACTUAL AND LEGAL ANALYSIS

1. Excessive Contributions to the Committee

This matter involves contributions aggregating $20,000 during the calendar year 1982 by LFRUT to the Committee.

It appears that the contributions were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to the Committee signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

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According to one of the Committee's attorneys, responding to RAD on December 12, 1983, none of the individual partners under this system would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney on January 3, 1984, indicated that the partnership, was attempting to rectify the excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years. 1/ Once the Committee

---

1/ The Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Counsel also indicated that amended reports would be filed to reflect the individual contributors.

The 1984 April Quarterly report reflects payments from a substantial number of individual contributors, none of which exceeded $5,000. The Committee filed a termination report on June 28, 1984. This report reflects payments from the final two contributors totalling $154 and refunds of $62,250 to the partnership, i.e., the total amount of cash-on-hand of the Committee.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar year. As set forth at 2 U.S.C. § 441a(f), no political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of § 441a.

The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be

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provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c). 2/ The contributions at issue were made from partnership funds. Although the contributions count against the individual contribution limitation of each of the firm's consenting partners, the contributions also count against the partnership's limitation as a separate entity and a "person" under the Act. Because the total contributed by the partnership exceeded the partnership's limitation, the General Counsel's Office recommends that the Commission find reason to believe that LFRUT violated 2 U.S.C. § 441a(a)(1)(C) and that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

2. Excessive Contributions By the Committee

Based upon a review of the Committee's 1983 and 1982 reports, RAD discovered that contributions designated for the general election, which appeared to violate the 2 U.S.C. § 441a limitations, were made to a number of committees. These committees were the Congressman St Germain Re-Election Committee, the John Glenn Presidential Committee, Inc., and the Friends of Senator D'Amato.

2/ These are the limitations set out in 2 U.S.C. § 441a.

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According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The Committee appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time, it made the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The Committee had failed to satisfy the second criterion and was thus subject to the $1,000 limitation.

a. Congressman St Germain Re-Election Committee

The 1983 Mid-Year Report of the Committee disclosed a $2,000 contribution to the Congressman St Germain Committee on April 25, 1983, for the general election. The Reports Analysis Division sent Requests for Additional Information (RFAIs) on February 14 and March 8, 1984. The Committee's 1984 April Quarterly revealed a refund of $1,000 from the St Germain Committee on March 19, 1984. The contribution was $1,000 in excess of the limitation

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of 2 U.S.C. § 441a(a)(1)(A).

b. John Glenn Presidential Committee, Inc.

The 1983 Year End Report of the Committee revealed a $1,000 contribution to the John Glenn Presidential Committee on August 16, 1983, a $500 contribution to the Glenn Committee on August 17, 1983, and a $500 contribution to the Glenn Committee on October 6, 1983. The Committee's 1983 Mid-Year Report disclosed a $1,000 contribution to the Glenn Committee. The Committee's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploratory Committee. These contributions were all designated for the general election.

RAD sent RFAIs to the Glenn Committee on December 12, 1983, and January 5, 1984. The Committee's 1984 April Quarterly Report revealed a refund of $2,500 from the Glenn Committee on January 30, 1984. The Termination Report disclosed another $500 refund from the Glenn Committee on June 20, 1984.

According to 11 C.F.R. § 100.7(b)(1), funds received solely for the purpose of determining whether an individual should become a candidate are not contributions at the time they are made but become contributions if the individual subsequently becomes a candidate. In determining the excessive amount going to Senator Glenn's Presidental candidacy, the $500 given to Senator Glenn's Exploratory Committee must be combined with the $3,500 contribution to the Presidential Committee, thus putting the contributions at $3,000 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

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c. Friends of Senator D'Amato

The Committee's 1983 Mid Year Report disclosed a $3,000 contribution to Friends of Senator D'Amato, Senator D'Amato's 1986 campaign committee, made on January 27, 1983, and designated for the general election. The contribution total in 1983, therefore, was in excess of the § 441a(a)(1)(A) limitations by $2,000. The Committee's 1982 July Quarterly Report disclosed a $1,000 contribution to the Friends of Senator D'Amato on June 8, and the Committee's 1982 April Quarterly revealed a $500 contribution to Friends of Senator D'Amato on June 8, 1982. The Committee designated these contributions for Senator D'Amato's 1980 campaign, but the Senator's 1980 campaign committees had terminated with no outstanding debts before the contributions were made. The Friends of Senator D'Amato attributed the 1982 contributions to the 1986 primary. The Reports Analysis Division sent a Request for Additional Information to Friends of Senator D'Amato on October 14, 1983, informing it of its acceptance of excessive contributions. The PAC's 1983 Year End Report revealed a refund of $2,500 from the D'Amato Committee on December 30, 1983.

Section § 110.1(a) of the Commission regulations, in setting out the $1,000 limitation on contributions to candidates "with respect to any election," defines "with respect to any election" by making reference to designation. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

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> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

In this matter, the contributor designated $1,500 in contributions in 1982 for the 1980 general election. The regulation above provides that a contribution made after a primary, caucus, or convention but designated for such a previous contest shall be made only to the extent that it does not exceed net outstanding debts for that contest. The saving out provisions of this regulation do not apply in this matter for two reasons. First, this matter deals with contributions made after a general election. Second, the committee designated to receive the $1,500 had no net debts outstanding at the time of the contributions. Based on this analysis, it appears that, according to 11 C.F.R. § 110.1(a), the entire $1,500 contribution and not just the amount in excess of the $1,000 limitation, should not have been made or accepted.

In a letter to RAD, written on May 1, 1984, the treasurer of the D'Amato committee presented the defense that, when the $3,000 contribution was received in 1983, the D'Amato committee was advised by the Committee that the Committee had multicandidate status. The D'Amato committee, however, failed at that time to consult the Commission, which is the appropriate source of such

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information. When erroneous advice is given to a recipient committee, this does not nullify a violation of the § 441a limitations.

Based upon the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a), that the Congressman St Germain Re-Election Committee and Fernand J. St Germain, as its treasurer, violated 2 U.S.C. § 441a(f), that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f), and that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

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RECOMMENDATIONS

1. Open a Matter Under Review in this matter.
2. Find reason to believe that L. F. Rothschild, Unterberg, Towbin violated 2 U.S.C. § 441a(a)(1)(C).
3. Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).
4. Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer violated 2 U.S.C. § 441a(a)(1)(A).
5. Find reason to believe that L. F. Rothschild, Unterberg, Towbin Political Action Committee and Andrew Blum, as its treasurer, violated 11 C.F.R. § 110.1(a).

6. Find reason to believe that the Congressman St Germain Re-Election Committee and Fernand St Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

7. Find reason to believe that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 441a(f).

8. Find reason to believe that the Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

9. Approve and send the attached letters and Factual and Legal Analyses.

Charles N. Steele
General Counsel

August 27, 1984
Date

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral from RAD.
2. Letter from counsel for the Committee, dated March 13, 1984.
3. Letter and Factual and Legal Analysis to counsel for the Committee.
4. Letter and Factual and Legal Analysis to counsel for LFRUT.
5. Letter and Factual and Legal Analysis to the treasurer of the Congressman St Germain Re-Election Committee.
6. Letter and Factual and Legal Analysis to the treasurer of the John Glenn Presidential Committee, Inc.
7. Letter and Factual and Legal Analysis to the treasurer of Friends of Senator D'Amato.

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Page 1 of 2 — Line Number 23 — Use separate schedule(s) for each category of the Detailed Summary Page

ATTACHMENT 1a

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)

L. F. Rothschild, Unterberg, Towbin PAC

1983 Mid Year Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Russo of Congress 134 Pulaski Calumet City, Illinois 60409	Martin Russo, U.S. Rep. Dist. #3, New York ☐ Primary ☒ General ☐ Other (specify):	1-10-83	$ 100.	
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
John Glenn Exploratory Committee P.O. Box 1984 Ben Franklin Station Washington, D. C. 20044	U. S. President ☐ Primary ☒ General ☐ Other (specify):	1-13-83	500.	LS
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Friends of Senator D'Amato P.O. Box 888 Mineola, New York 11501	Alphonse D'Amato, U.S. New York Senator ☐ Primary ☒ General ☐ Other (specify):	1-27-83	3,000.	LS
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Pete Wilson for U.S. Senate 600 'B' Street, Suite 2030 San Diego, Calif. 92101	Pete Wilson, U.S.Senator Calif. ☐ Primary ☒ General ☐ Other (specify):	2-14-83	500.	
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Mass. State Democratic Committee 11 Beacon Street, Suite 426 Boston, Mass. 02108	Dinner Expense ☐ Primary ☐ General ☐ Other (specify):	3-02-83	1,500.	
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Bradley for U.S. Senate Committee P.O. Box 1984 Union, New Jersey 07083	William Bradley, U.S. Senator, New Jersey ☐ Primary ☒ General ☐ Other (specify):	4-12-83	250.	
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
Congressman St. Germain Re-eletion Committee 121 Woodland Road Woonsocket, R.I. 02895	Fernand St. Germain, U.S. Rep. Dist. #1, R.I. ☐ Primary ☒ General ☐ Other (specify):	4-25-83	2,000.	LS
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
People for Pete Committee 10013 Federal Bldg. Albuquerque, N.M. 87102	Peter Domenici, U.S. New Mexico ☐ Primary ☒ General ☐ Other (specify):	5-17-83	500.	
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period	
John Glenn Presidential Committee 444 No. Capitol St., Suite 407 Washington, D. C. 20001	U.S. President ☐ Primary ☒ General ☐ Other (specify):	6-13-83	1,000.	LS
SUBTOTAL of Disbursements This Page (optional)				
TOTAL This Period (last page this line number only)				

SCHEDULE B — ITEMIZED DISBURSEMENTS

Page 1 of 2 for LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

ATTACHMENT 1b

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)

L. F. Rothschild, Unterberg, Towbin PAC — 1983 Year End Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn Presidential Committee 444 No. Capitol Street Washington, D. C. 20001	John Glenn, U.S. President 1984 Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	8-16-83	1,000.
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn for President 375 South End Ave., Apt. 34C New York, N.Y. 10280	John Glenn, U.S. President 1984 Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	8-17-83	500.
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Democrats for the 80's P.O. Box 3797 Washington, D. C. 20007	Dinner Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	8-29-83	1,000.
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Inouye for U.S. Senate P.O. Box 7044 Honolulu, Hawaii 96821	Daniel Inouye, U.S. Senator, Hawaii Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-12-83	200.
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Committee for Congressman Bill Green 501 Fifth Avenue New York, New York 10017	William Green, U.S. Rep. Dist. #18, New York Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	9-12-83	200.
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn Presidential Committee 444 No. Capitol Street Washington, D.C. 20001	John Glenn, U.S. President 1984 Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	10-06-83	500.
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Cranston for President 230 Park Avenue, 17th Floor New York, New York 10017	Alan Cranston, U.S. President, 1984 Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	10-07-83	1,000.
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Rinaldo for Congress Committee 1961 Morris Avenue Union, New Jersey 07083	Matthew Rinaldo, U.S. Rep Dist. #12. New Jersey Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	10-17-83	250.
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
The Friends of John Warner '34 Committee 120 Park Avenue New York, New York 10017	John Warner, U.S. Senator Virginia Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	10-24-83	250.
SUBTOTAL of Disbursements This Page (optional)			4,900.
TOTAL This Period (last page this line number only)			

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Page 1 of 1 for LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

Attachment 2a

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)
L. F. Rothschild, Unterberg, Towbin PAC

1982 April Quarterly Report

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Friends of Senator D'Amato P. O. Box 888 Mineola, New York 11501	Alphonse D'Amato, U.S. Senator New York Disbursement for: ☐ Primary ☐ General ☒ Other (specify): General 1980	1-07-82	500.00
B. Full Name, Mailing Address and ZIP Code Re-elect Senator Chafee Committee 16th Floor 220 East 42nd Street New York, New York 10017	Purpose of Disbursement John Chafee, U. S. Senator Rhode Island Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	1-28-82	250.00
C. Full Name, Mailing Address and ZIP Code Committee to Re-elect Congressman Chuck Schumer One West 72nd Street New York, New York 10023	Purpose of Disbursement Charles Schumer, U.S. Rep. Dist. #16, New York Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-01-82	500.00
D. Full Name, Mailing Address and ZIP Code Committee for Tim Wirth 509 Penn. Avenue, S.E. Washington, D. C. 20003	Purpose of Disbursement Timothy Wirth, U.S. Rep. Dist. #2, Colorado Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-01-82	250.00
E. Full Name, Mailing Address and ZIP Code Friends of Dick Luger 14 N. Delaware 9 P. O. Box 44101 Indianapolis, Indiana 46244	Purpose of Disbursement Richard Luger, U.S. Senator Indiana Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-10-82	1,000.00
F. Full Name, Mailing Address and ZIP Code Democratic Congressional Dinner Committee P. O. Box 2884 Washington, D. C. 20013	Purpose of Disbursement Committee Supports Democratic Congressmen & Senators Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-30-82	1,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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)			3,500.00

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Page 1 of 2 for LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

Attachment 2b

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)
L. F. Rothschild, Unterberg, Towbin PAC — 1982 July Quarterly Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Senator D'Amato P.O. Box 888 Mineola, New York 11501	Alphonse D'Amato, U.S. Senator, New York ☒ Other (specify): General 1980	6-8-82	1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Fossel for Congress 378 Halstead Avenue Harrison, New York 10528	Jon S. Fossel, U.S. Rep. Dist. #20, New York ☐ Other (specify):	6-23-82	250.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Evans '82 Committee P.O.Box 8200 Wilmington, Delaware 19899	Thomas B. Evans, Jr., U.S Rep., Dist.#1 Delaware ☐ Other (specify):	6-25-82	250.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			1,500.00
TOTAL This Period (last page this line number only)			5,850.00

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Page 1 of 1 pgs
(Use separate schedule(s) for each category of the Detailed Summary Page)

ATTACHMENT 3

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)
L. F. Rothschild, Unterberg, Towbin PAC — 1982 Year End Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn Presidential Exploratory Committee P.O. Box 1984, Ben Franklin Station Washington, D. C. 20044	John Glenn, President of United States 1984	11-23-82	500.
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
Bill Bradley for U. S. Senate P. O. Box 1984 Union, New Jersey 07083	William Bradley, U.S. Senator, New Jersey 1984	12-07-82	500.
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of this page (optional)

TOTAL this period (last page for this line number only)

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SCHEDULE A — ITEMIZED RECEIPTS — 1982 Mid-Year Report

Use reverse side/additional 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): FRIENDS OF SENATOR D'AMATO — Attachment 4

	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
A. Full Name, Mailing Address and ZIP Code: L.F. Rothchild, Unterberg Towbin PAC-Fed, 55 Water Street, New York, New York 10041		1/22/82	500.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	6/16/82	1,000.00
	Aggregate Year-to-Date $ 1,500.00		
B. Full Name, Mailing Address and ZIP Code: Municipal Securities Industry Political Action Committee, 490 L'Enfant Plaza East S.W., Washington, D.C. 20024	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	2/2/82	500.00
	Aggregate Year-to-Date $ 500.00		
C. Full Name, Mailing Address and ZIP Code: Securities Industry Political Action Committee, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20024	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	2/2/82	500.00
	Aggregate Year-to-Date $ 500.00		
D. Full Name, Mailing Address and ZIP Code: Colt Industries Voluntary Political Action Committee, 430 Park Avenue, New York, New York 10022	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	2/18/82	1,000.00
	Aggregate Year-to-Date $ 1,000.00		
E. Full Name, Mailing Address and ZIP Code: Public Employees Federation Committee on Political Education, 258 Saw Mill River Road, Elmsford, New York 10523	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	2/18/82	200.00
	Aggregate Year-to-Date $ 200.00		
F. Full Name, Mailing Address and ZIP Code: Electronic Data Systems Employees Pol. Action Committee, 7171 Forest Lane, Dallas, Texas 75230	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Occupation	3/10/82	500.00
	Aggregate Year-to-Date $ 500.00		
G. Full Name, Mailing Address and ZIP Code: IWC Political Action Committee, 1900 L Street N.W., Washington, D.C. 20036	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		3/10/82	1,000.00
	Occupation	6/10/82	200.00
Receipt For: ☒ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date $ 1,200.00		

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ATTACHMENT 5

Page 1 of 1 for LINE NUMBER 16
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

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)
L. F. Rothschild, Unterberg, Towbin PAC — 1983 Year End Report

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code People for John Heinz Committee c/o 1100 P.N.B. Building Philadelphia, Penn. 19107	None	12-27-83	500.
Receipt For: ☐ Primary ☐ General ☐ Other (specify): Partial return contribution	Occupation	Aggregate Year-to-Date-$	500.
B. Full Name, Mailing Address and ZIP Code Friends of Senator D'Amato P. O. Box 888 Mineola, N. Y. 11501	None	12-30-83	2,500.
Receipt For ☐ Primary ☐ General ☐ Other (specify): Partial return contribution	Occupation	Aggregate Year-to-Date-$	3,000.
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For ☐ Primary ☐ General ☐ Other (specify)	Occupation	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
Receipt For ☐ Primary ☐ General ☐ Other (specify)	Occupation	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
Receipt For ☐ Primary ☐ General ☐ Other (specify)	Occupation	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
Receipt For ☐ Primary ☐ General ☐ Other (specify)	Occupation	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
Receipt For ☐ Primary ☐ General ☐ Other (specify)	Occupation	Aggregate Year-to-Date $	
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			3,000.

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SCHEDULE A — ITEMIZED RECEIPTS

Page 1 of 1 for LINE NUMBER 16
(Use separate schedule(s) for each category of the Detailed Summary Page)

ATTACHMENT 6

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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC — 1984 April 15 Quarterly Report

A. Full Name, Mailing Address and ZIP Code John Glenn, Presidential Committee 444 No. Capital Street, Suite 407 Washington, D.C. 20001 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	Name of Employer: NONE Occupation Aggregate Year-to-Date—$ 2,500	Date (month, day, year): 1/30/84	Amount of Each Receipt this Period: $ 2,500
B. Full Name, Mailing Address and ZIP Code Congressman St. Germain Re-Election Committee 121 Woodland Road Woonsocket, R.I. 02895 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	Name of Employer: NONE Occupation Aggregate Year-to-Date—$ 1,000	Date (month, day, year): 3/19/84	Amount of Each Receipt This Period: $ 1,000
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$ 3,500

8504042721

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Attachment 7

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX 888
MINEOLA, NEW YORK 11501

RECEIVED
SECRETARY OF THE SENATE
1984 MAY -3 PM 3:08

HAND DELIVERED

May 1, 1984

Secretary of the Senate
232 Hart Senate Office Building
Washington, D.C. 20510

Re: Identification No. C00144881
Mid-Year Report (1/1/83-6/30/83)

Dear Sir:

This letter is in response to the letter of Pat Sheppard, Reports Analyst in the Reports Analysis Division of the Federal Election Commission dated April 18, 1984.

The letter refers to a contribution of $3,000 received on February 25, 1983 from L.F. Rothschild Unterberg Towbin PAC-Fed Account. As indicated in the Year End Report for 1983, $2,500 of the contribution was refunded in December 1983 with the balance of $500 being designated for the General Election. This made the total contribution from the Political Action Committee for the 1986 election $2,000; $1,000 being for the Primary Election and $1,000 being for the General Election.

When the contribution was received, we were advised by representatives of the L.F. Rothschild Unterberg Towbin PAC that they were a Multi-Candidate Committee, entitled to contribute $5,000 for the Primary Election and $5,000 for the General Election. In the fall of 1983 we were advised that the Federal Election Commission did not consider the Political Action Committee a Multi-Candidate Committee. We were also advised by counsel for the Political Action Committee that discussions were being held with the staff of the Federal Election Commission to resolve the issue as to whether or not the Committee was a Multi-Candidate Committee. In December of 1983 we were advised that the issue had not yet been resolved and therefore decided to return the $2,500 pending a final determination as to whether or not the Committee was a Multi-Candidate Committee prior to their making the contribution in 1983.

The undersigned has this day spoken with the current attorney for the L.F. Rothschild Unterberg Towbin PAC and was advised that the matter has still not been resolved.

The contribution was received and deposited in good faith and with the belief that it was a proper contribution which did not exceed the limit. The refund was made because of the uncertainties described herein.

Very truly yours,

Arthur W. Jaspan
Treasurer

AWJ:sm

Paid for by Friends of Senator D'Amato

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8504022277

RECEIVED AT THE FEC
84 MAR 20 AM 11:58

Congressman St Germain Re-election Committee
P.O. Box 1980, Providence, Rhode Island 02901

March 16, 1984

Attachment 8a

DLAR MAIL
OSTMARK ILLEGIBLE

064531

MEMORANDUM FOR R. Todd Johnson
Reports Analyst
Federal Election Commission

FROM: Congressman Fernand J. St Germain

SUBJECT: Mid-Year Report (1/1/83-7/31/83)

In response to your preliminary review of the above report which determined that two contributors did not qualify as multicandidate committees, I am refunding each contribution as follows:

L. F. Rothschild Unterberg Towbin PAC, $2000.00

Salomon Brothers, Inc. PAC, $2,500.00

In your conversation earlier today, you verified that each political action committee has been notified that they do not qualify as multicandidate committees.

These contribution refunds will be reflected in the next report on Line 20 of the Detailed Summary Page.

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RECEIVED AT THE FEC

Congressman St Germain Re-election Committee
P.O. Box 1980, Providence, Rhode Island 02901

Attachment 8b

March 16, 1984

REGULAR MAIL
MAR 16 1984

064531

RECEIVED
FEC MAR 21 PM 4:10

MEMORANDUM FOR R. Todd Johnson
Reports Analyst
Federal Election Commission

FROM: Congressman Fernand J. St Germain

SUBJECT: Mid-Year Report (1/1/83-7/31/83)

Amending my earlier memorandum of today, this is to clarify that the amounts returned to the two contributors were in excess of the legal limits under the Act and the refunds were as follows:

L. F. Rothschild Unterberg Towbin PAC, $1000.00

Salomon Bros., Inc. PAC, $1500.00

These refunds will be reflected in the next report.

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ATTACHMENT 9

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Carol Darr, Counsel
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 4/23/84

SUBJECT(S): Excessive Contributions to Candidates

Ms. Darr called this morning to notify us that the Rothschild PAC had received all refunds from candidates who they had contributed excessive amounts to with the exception of John Glenn. She stated that they had received a partial refund from Glenn, but that $500 remains outstanding. I asked whether they had received refunds from St. Germain and D'Amato, and she responded in the affirmative. She also mentioned that the committee had requested and received refunds from other candidates that they had made excessive contributions to.

Ms. Darr said that she expected to receive the additional $500 from Glenn by the end of this week and would send us a copy of the check. I also requested that she send a letter detailing the refunds that they have received to date, as this information would not be disclosed until the July 15 Quarterly reporting period.

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 5, 1984

ANALYST: Lisa Stolaruk

I. COMMITTEE: L.F. Rothschild, Unterberg, Towbin PAC
(C00142745)
Andrew Blum, Treasurer
55 Water Street
New York, NY 10041

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

III. BACKGROUND:

Receipt of Excessive Contributions from a Person (Partnership) - 2 U.S.C. 441a(f)

The reports filed by L.F. Rothschild, Unterberg, Towbin PAC (the "Committee") during calendar year 1982 disclosed an aggregate total of $20,000 received from L.F. Rothschild, Unterberg, Towbin (Attachments 2a-2g). On July 27, 1983, the analyst called the corporate division of the Secretary of State of New York in order to determine whether the contributing entity was incorporated. The analyst was informed that the entity was incorporated on May 30, 1981 (Attachment 3). Based upon this information, a Request for Additional Information ("RFAI") was sent to the Committee on October 19, 1983, which recommended that the Committee refund the prohibited contributions and disclose the refund on its next report (Attachment 4).

On October 26, 1983, Mr. Ray Bartkus, an official of the Committee, telephoned the analyst and explained that L.F. Rothschild, Unterberg and Towbin was an unincorporated partnership, but that there is an entity bearing the same name that is incorporated. The unincorporated partnership made the contributions to the Committee. The analyst explained that, since a partnership could give no more than $5,000 per year to the Committee, the partnership had exceeded its annual contribution limitation. The official was not aware of this limitation, and expressed his desire to confer with his attorneys regarding the matter (Attachment 5).

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On November 9, 1983, Mr. Tim O'Neil, counsel for the Committee, called the analyst with further information. Mr. O'Neil explained that it was his understanding that the partnership contributions actually represented contributions from partners drawn on individual checks. The analyst explained that the Committee reported the contributions as coming from the partnership, not the individual partners. Furthermore, the analyst stressed the importance of confirming the fact that these were individual contributions and not merely an attribution of the partnership contributions. Mr. O'Neil stated that he would respond to the RFAI by letter (Attachment 6).

A Second Notice was sent on November 10, 1983, for failure to respond in writing to the original RFAI (Attachment 7).

Mr. O'Neil called the analyst on November 28, 1983, and explained that each partner signed an agreement to have a certain amount contributed by the partnership. The amount that was subsequently contributed was subtracted from each participating partner's share of the profits. The analyst requested that the procedure be submitted to the Commission in writing. Mr. O'Neil agreed to do this and also offered to submit the committee's by-laws (Attachment 8).

On December 12, 1983, Mr. O'Neil called the analyst with further information. He stated that each partner has a personal account into which all profits are deposited. All partners who wish to contribute to the Committee sign a written agreement and the partnership reduces the partners' share of the profits accordingly. He further stated that he believes that the contributions are forwarded by a paper transaction from the individual accounts to the Committee. He said that no partner exceeded the $5,000 limitation on individual contributions, and maintained that the procedure is permissible under the Act.

Mr. O'Neil also told the analyst that the partnership's in-house counsel was greatly concerned that the Committee was in violation of the Act. He explained to counsel that, at most, the Commission would require the Committee to amend their reports by disclosing the individual partners as the original contributors. The analyst did not address Mr. O'Neil's statement, but again stressed the importance of submitting a written response regarding the legal status of the partnership and the manner in which the contributions were transmitted to the Committee (Attachment 9).

On December 20, 1983, Mr. Douglas Libby, Assistant General Counsel for the partnership, called the analyst and apologized for not responding to the Commission's inquiries.

8504054227

He stated that he realized that the Committee and partnership were having problems with the Commission and intended to hire attorneys to rectify the matter. The analyst requested a written response as soon as possible, but Mr. Libby explained that he preferred to wait until the new attorneys were hired (Attachment 10).

A response signed by Carol Darr was received on January 3, 1984, which explained that L.F. Rothschild, Unterberg, Towbin is an investment banking firm organized as a partnership and that the Committee is a non-connected political committee supporting more than one Federal candidate.

The response further explained that, prior to establishing the Committee, the partnership sought advice of other counsel in the formation and operation of the Committee and relied upon that advice. They were not aware that what was intended as contributions from individuals would also count as contributions from the partnership if the funds were drawn from the partnership account. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his specific contribution.

The January 3rd response acknowledged the fact that the contribution exceeded the $5,000 annual limitation on contributions from partnerships. To correct the error, the partnership is in the process of having each individual contribute by personal check to the Committee an amount equal to his total contributions for 1981, 1982 and 1983. Included in this amount will be a pro-rata share of the administrative costs that were paid by the partnership during the three years. The response further stated that, once the Committee is in receipt of the personal checks, it will reimburse the partnership in full for its contributions made in 1981, 1982 and 1983. In addition, amended reports for the three years will be filed to reflect the individual contributors (Attachment 11).

On January 31, 1984, Carol Darr called the analyst and explained that only one-third of the partners have contributed to the Committee thus far. However, she further explained that she expects all partners to contribute to the Committee by the 1984 April Quarterly reporting period. The analyst recommended that the Committee send a letter to the Commission explaining the steps that have been taken to date (Attachment 12). On February 6, 1984, the Commission received a written response from Raymond Bartkus referencing the January 31 telephone conversation with Carol Darr (Attachment 13).

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IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (81-82)

DATE 24FEB84
PAGE 1

NON-PARTY RELATED

COMMITTEE / DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER / COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC			NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK					
1981 STATEMENT OF ORGANIZATION			26JUN81	1	81FEC/197/5054
MID-YEAR REPORT	0	0	1JAN81 -30JUN81	3	81FEC/203/1087
YEAR-END	7,500	5,000	1JUL81 -31DEC81	6	82FEC/221/4768
YEAR-END - AMENDMENT	-	-	1JUL81 -31DEC81	1	84FEC/290/0983
YEAR-END - AMENDMENT	-	-	1JUL81 -31DEC81	1	84FEC/296/1889
REQUEST FOR ADDITIONAL INFORMATION			1JUL81 -31DEC81	15	83FEC/285/4223
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL81 -31DEC81	16	83FEC/286/5345
1982 APRIL QUARTERLY	5,000	3,500	1JAN82 -31MAR82	5	82FEC/227/5217
APRIL QUARTERLY - AMENDMENT	-	-	1JAN82 -31MAR82	1	84FEC/290/0983
APRIL QUARTERLY - AMENDMENT	-	-	1JAN82 -31MAR82	1	84FEC/296/1890
REQUEST FOR ADDITIONAL INFORMATION			1JAN82 -31MAR82	1	83FEC/285/4291
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN82 -31MAR82	1	83FEC/287/0755
JULY QUARTERLY	2,000	5,850	1APR82 -30JUN82	6	82FEC/237/1818
JULY QUARTERLY - AMENDMENT	-	-	1APR82 -30JUN82	1	84FEC/290/0984
JULY QUARTERLY - AMENDMENT	-	-	1APR82 -30JUN82	1	84FEC/296/1891
REQUEST FOR ADDITIONAL INFORMATION			1APR82 -30JUN82	1	83FEC/285/4290
REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR82 -30JUN82	1	83FEC/287/0756
PRE-PRIMARY	8,000	8,100	1JUL82 - 3SEP82	5	82FEC/243/0852
PRE-PRIMARY - AMENDMENT	-	-	1JUL82 - 3SEP82	1	84FEC/290/0985
PRE-PRIMARY - AMENDMENT	-	-	1JUL82 - 3SEP82	1	84FEC/296/1892
REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL82 - 3SEP82	1	83FEC/287/0757
REQUEST FOR ADDITIONAL INFORMATION			1JUL82 -30SEP82	1	83FEC/285/4289
OCTOBER QUARTERLY	1,000	800	4SEP82 -30SEP82	5	82FEC/245/0958
OCTOBER QUARTERLY - AMENDMENT	-	-	4SEP82 -30SEP82	1	84FEC/293/1610
OCTOBER QUARTERLY - AMENDMENT	-	-	4SEP82 -30SEP82	1	84FEC/296/1893
REQUEST FOR ADDITIONAL INFORMATION			4SEP82 -30SEP82	1	83FEC/285/4288
REQUEST FOR ADDITIONAL INFORMATION 2ND			4SEP82 -30SEP82	1	83FEC/287/0758
PRE-GENERAL	1,000	1,150	10CT82 -13OCT82	5	82FEC/250/4285
PRE-GENERAL - AMENDMENT	-	-	10CT82 -13OCT82	1	84FEC/293/1609
PRE-GENERAL - AMENDMENT	-	-	10CT82 -13OCT82	1	84FEC/296/1894
REQUEST FOR ADDITIONAL INFORMATION			10CT82 -13OCT82	1	83FEC/285/4287
REQUEST FOR ADDITIONAL INFORMATION 2ND			10CT82 -13OCT82	1	83FEC/287/0759
POST-GENERAL	2,000	1,300	14OCT82 -22NOV82	5	82FEC/254/3030
POST-GENERAL - AMENDMENT	-	-	14OCT82 -22NOV82	1	84FEC/290/0987
POST-GENERAL - AMENDMENT	-	-	14OCT82 -22NOV82	1	84FEC/296/1895
REQUEST FOR ADDITIONAL INFORMATION			14OCT82 -22NOV82	1	83FEC/285/4286
REQUEST FOR ADDITIONAL INFORMATION 2ND			14OCT82 -22NOV82	1	83FEC/287/0760
YEAR-END	1,000	1,000	23NOV82 -31DEC82	5	83FEC/261/0097
YEAR-END - AMENDMENT	-	-	23NOV82 -31DEC82	4	84FEC/290/0453
YEAR-END - AMENDMENT	-	-	23NOV82 -31DEC82	1	84FEC/296/1896
REQUEST FOR ADDITIONAL INFORMATION			23NOV82 -31DEC82	1	83FEC/285/4285
REQUEST FOR ADDITIONAL INFORMATION 2ND			23NOV82 -31DEC82	1	83FEC/287/0761
TOTAL	27,500 0	26,700 0		110	TOTAL PAGES

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ATTACHMENT 1 (PAGE 1 OF 2)

ALL REPORTS REVIEWED (CONDENSED)
ENDING CASH (12-31-82) : $800
DEBTS (12-31-82) : -0-

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

NON-PARTY RELATED

COMMITTEE / DOCUMENT		RECEIPTS		DISBURSEMENTS		TYPE OF FILER / COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC						NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK								
1983 MID-YEAR REPORT		9,000		9,750		1JAN83 -30JUN83	6	83FEC/279/1074
MID-YEAR REPORT	- AMENDMENT	-		-		1JAN83 -30JUN83	1	84FEC/296/1897
YEAR-END		19,500		15,900		1JUL83 -31DEC83	8	84FEC/296/02[illegible]
TOTAL		28,500	0	25,650	0		15	TOTAL PAGES

No Reports Required.
Ending Cash (12-31-83) : $3,650
Debts (12-31-83) : -0-

43 to 12.d-1

ATTACHMENT 2a

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

1982 April Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 5,000.00	Date (month, day, year) 1-29-82	Amount of Each Receipt this Period 5,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
B. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
C. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
D. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
E. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
F. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
G. Full Name, Mailing Address and ZIP Code	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):			
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only) 1-p. 22 of 43			5,000.00

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ATTACHMENT 2b

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — **ITEMIZED RECEIPTS**

1982 July Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	INC. 5/30/81	5-25-82	2,000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 7,000.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only) 1-p.23 of 43			2,000.00

C 8,250,041,035,414,233

ATTACHMENT 2c

SCHEDULE A — ITEMIZED RECEIPTS

1982 12 Day Pre-Primary

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) 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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towb 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer n INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 8,000.	Date (month, day, year) 7-14-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towb 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer n INC. 5/30/81 Occupation Aggregate Year-to-Date—$10,000.	Date (month, day, year) 7-26-82	Amount of Each Receipt This Period 2,000
C. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towb 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer n INC. 5/30/81 Occupation Aggregate Year-to-Date—$14,000.	Date (month, day, year) 8-2-82	Amount of Each Receipt This Period 4,000.
D. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towb 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer n INC. 5/30/81 Occupation Aggregate Year-to-Date—$15,000.	Date (month, day, year) 8-30-82	Amount of Each Receipt This Period 1,000.
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only) 1-p.24 of 43			8,000.

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ATTACHMENT 26

1982 October Quarterly

SCHEDULE A — ITEMIZED RECEIPTS

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	INC. 5/30/81	9-10-82	1,000
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date	16,000	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date		
H. TOTAL of Receipts This Page (optional)			
I. TOTAL This Period (last page this line number only)			1,0

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ATTACHMENT 2e

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

1982 12 Day Pre-General

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date-$ 17,000.	Date (month, day, year) 10-5-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)	1-p.26 of 43.		1,000.

ATTACHMENT 27

1982 30 Day Post-General

SCHEDULE A — ITEMIZED RECEIPTS

Page ___ of ___ for Line Number ___
(Use one schedule A 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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	Int. 5/30/81	10-14-82	2,000.
For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date-$ 15,650.		

B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date-$		

H. TOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	2,000.

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ATTACHMENT 2g

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)

L. F. Rothschild, Unterberg, Towbin PAC — 1982 Year End Report

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date-$ 20,000.	Date (month, day, year) 12-7-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date-$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.

8504238

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ATTACHMENT 3

TELECON

ANALYST Lisa Stolaruk
initiated call? yes

TELECON WITH: Secretary of State Office of New York
initiated call? no

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 7/27/83

SUBJECT(S): Date of Incorporation

I called the Corporate Division of the New York Secretary of State in order to verify the corporate/non-corporate status of L.F. Rothschild, Unterberg, Towbin. I was informed that the entity was incorporated on May 30, 1981.

8504054239

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

19 October 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg, Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and all reports filed in calendar year 1982

Dear Mr. Blum:

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 a contribution(s) 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 excessive contributions, the Commission recommends that you notify the recipients and request a refund of the amount in excess of $1,000. Please inform the Commission, in writing, of the refunds and provide photocopies of your refund requests sent to the recipients. In addition, any refunds should appear on Line 16 of Schedule A of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

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

-Your reports disclose apparent contributions from a corporation (pertinent portions attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate

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segregated fund established by the corporation. (2 U.S.C. 441b(a)) If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 26a of the Detailed Summary Page of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original reports with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by you to refund the full amount 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,

Lisa Stolaruk

Lisa Stolaruk
Reports Analyst
Reports Analysis Division

8504054241

ATTACHMENT 5

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Ray Bartkus (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 10/26/83

SUBJECT(S): RFAI's regarding 2 U.S.C. 441a and 441b

I sent RFAI's to the PAC for apparent excessive contributions to candidates and for contributions received from L.F. Rothschild, Uterberg, Towbin. Mr. Bartkus called to state that the entity that made the contributions to the PAC is not incorporated, but is rather an unincorporated partnership. I told him that the Secretary of State office gave me a date of incorporation for an entity bearing the same name. He said that there is a corporation with that name, but that it is not the same as the partnership that made the contributions. He further stated that, since the entity is a partnership, each contribution represents an attribution to each partner in the firm. Therefore, Mr. Bartkus asserted that the PAC had met all three criteria to qualify as a multicandidate committee, and that their contributions to Wirth, Heinz and D'Amato were permissible.

I told Mr. Bartkus that a partnership could give no more than $5,000 per year to the PAC. Since Mr. Bartkus stated that the entity was not incorporated, then the contributions to the PAC were excessive for both 1981 and 1982. He was not aware of this and stated that he wants to discuss this development with the attorneys that advise them on such matters.

8504054242

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TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for L.F. Rothschild, Unterberg, Towbin PAC

DATE: 11/9/83

SUBJECT(S): Partnership contibutions and excessive contributions to candidates

Mr. O'Neil called regarding the apparent excessive partnership contributions and apparent excessive candidate contributions. He stated that it was his understanding that the contributions from the partnership were actually individual contributions from the partners drawn on individual checks. As such, the committee had actually received over 50 individual contributions and had qualified as a multicandidate committee prior to contributing the "excessive" contributions to the three Federal candidates. I told him that it was of utmost importance to confirm the fact that the contributions from the partners were in fact individual contributions and not merely an attribution of a partnership contribution. The committee reported the receipts as coming from the partnership, not from individuals. Regarding the multicandidate status of the committee, I informed Mr. O'Neil that the committee's filings indicate that the committee only received the partnership contributions which would count as only one individual. I stated that, until information is received to the contrary, the committee will still be regarded as a non-qualified committee. Mr. O'Neil said that he understood this and will contact the committee immediately. I recommended that the committee send a letter to the Commission in response to the RFAI's. He will comply.

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ATTACHMENT 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

November 10, 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg,
Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and All Reports filed in calendar year 1982

Dear Mr. Blum:

This letter is to inform you that as of November 9, 1983, the Commission has not received your response to our request for additional information, dated October 19, 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 Lisa Stolaruk 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

Enclosure

8504424

1-p. 34 of 43

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for Rothschild, Unterberg, Towbin PAC

DATE: 11/28/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called with more information regarding the procedure by which the individual partners contributed to the PAC. He stated that each partner signed an agreement to have a certain amount "contributed" by the partnership on the individual's behalf. The amount contributed was actually equivalent to a proportionate reduction in that partner's share of the profits. I told Mr. O'Neil that it was my understanding that this was the manner in which most partnerships handled their contributions. I requested that Mr. O'Neil submit the procedure to the Commission in writing. He agreed to do this, and also offered to submit additional materials such as the committee's by-laws.

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ATTACHMENT 2 (2 pages)

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1459
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/12/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called to apologize for not responding to the RFAI's to the PAC. He promised to get a written response in within the next few days.

He said that he had further discussions with the partnership and it appears that each partner has a personal account into which profits of the partnership are deposited. By written agreement, the partnership reduces the profits of all partners who want to contribute to the PAC and forwards the money to the PAC. I asked in what manner the contributions were forwarded. He said that he believes that it is merely a "paper transaction" from the individual accounts to the PAC. He stated that no partner has contributed in excess of $5,000 per year to the PAC. He maintains that the procedure that they followed is permissible under the Act.

Mr. O'Neil stated that he has been in contact with the partnership's in-house counsel, who is greatly concerned about this matter. Mr. O'Neil explained to the counsel that, at most, the Commission would instruct them to amend their reports to disclose the contributions coming from the individual partners rather than the partnership itself. I did not comment on his statement. He further explained that, since there were over fifty partners participating in the program, the PAC is qualified as a multicandidate committee. He told the counsel that, when amending the reports, he should indicate the date of qualification. Mr. O'Neil said that the counsel is still concerned that the Commission may find them in violation of the Act.

I was under the impression that Mr. O'Neil wanted me to assure him that the Commission would take no action against the committee. I told him that it was entirely up to the Commission to review the circumstances and decide on the appropriate action, assuming any action would be taken. I could not speak for the Commission. He asked if there was someone in our General Counsel's office that he could speak with. I told him that the most he could do now is to provide a written response to the RFAI's, including a statement regarding the corporate or non-corporate status of the partnership and a detailed description of the manner in which the contributions were transmitted to the PAC. I told him that

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once we received the written response, we could proceed from there. He will prepare a response and read it to me prior to mailing it to the Commission.

8504054424 7

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Douglas Libby (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/20/83

SUBJECT(S): Partnership contributions

Mr. Libby called and explained that he is Assistant General Counsel for the Rothschild partnership. He realizes that the PAC and partnership are having some problems regarding the Act and regulations, and apologized for not responding to our inquiries sooner. He explained that he is planning to hire a law firm to try to straighten out the problems, because he is totally ignorant of the campaign laws. I told him that I have been in contact with Tim O'Neil, counsel for the PAC, and that Mr. O'Neil had assured me several times that a response would be forthcoming. To date, we have not received any written responses from the PAC or partnership. Mr. Libby expressed embarrassment that Mr. O'Neil had not submitted anything. I urged Mr. Libby to respond to the RFAI's, if at all possible, as soon as he can. He told me that he preferred to wait until they could hire some attorneys, but I explained that it would be in their best interest to respond in the interim. I told him that we needed to know the manner in which the partners contributed to the PAC and how the "contributions" were transmitted. In addition, we needed information regarding the corporate or non-corporate status of the partnership.

Mr. Libby then asked several questions regarding partnership contributions, limitations and multicandidate status. He assured me that they would send a written response to our questions.

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ATTACHMENT 11 (3 pages)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0000

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 426-3300

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4600

January 3, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Stolaruk:

This letter responds to your letter of October 19, 1983, to Mr. Andrew Blum, Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), and to your telephone conversation on December 20, 1983 with Douglas M. Libby, Esq. of L.F. Rothschild, Unterberg, Towbin ("LFRUT").

Your questions appear to arise in part from uncertainty over the status of the organization associated with the PAC. LFRUT is an investment banking firm organized as a partnership. The PAC is a nonconnected political committee supporting more than one federal candidate, as indicated on its Statement of Organization filed on June 26, 1981.

You requested from Mr. Libby information concerning the manner in which funds were transferred from LFRUT to the PAC for the years 1981 and 1982. LFRUT sought the advice of other counsel prior to the organization of the PAC and relied upon such advice in the formation and operation of the PAC. It was not aware that what was intended as contributions from individuals would also be deemed contributions from the partnership if the funds were transferred by means of checks drawn on an LFRUT account to the PAC. Therefore, LFRUT transferred funds as needed to the PAC by means of checks drawn on an LFRUT account. These checks represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution at the end of each of the two years in question was reduced by the amount of his specific contributions.

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As is apparent from the PAC's FEC reports, the amounts transferred each year by means of partnership checks have exceeded $5,000. To correct the mistake made during these two years and also a similar mistake made in 1983, LFRUT is in the process of having each intended contributor transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distribution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro rata share of the administrative expenses advanced by the partnership for each of the three years. We expect this process to be completed by January 31, 1984.

As soon as the PAC receives these personal checks, the aggregate of which will equal the amount expended by the partnership for transfers directly to the PAC and for administrative expenses (which were de minimus), the PAC will reimburse the partnership not only for the amount contributed in excess of $5,000 for each of the three years, but for its entire contribution to the PAC. This full reimbursement exceeds the requirements of the Regulations, and is intended to demonstrate a good faith effort to correct these errors.

LFRUT will promptly file amended Year End reports for the two years in question which will properly list each individual's annual contribution to the PAC, and a Year End Report for 1983 that will itemize each individual's aggreate annual contribution, and also serve to amend the PAC's Mid-Year Report for 1983.

As to the PAC's status as a multicandidate committee, it is our position that the PAC qualified as a multi-candidate committee on December 31, 1981. By that date the PAC had been registered with the FEC for at least six months, had made contributions to at least five federal candidates, and most importantly, an amount representing each partner's contribution to the PAC had reduced his distribution. Despite the fact that these individual contributions were not properly itemized on the PAC's FEC reports, the aggregate sum was reported, and that sum represented the actual contributions of the individuals who will be listed on the PAC's amended reports. We believe it would work an unnecessary hardship on LFRUT as well as any recipient candidates to treat amounts over $1,000 as excessive contributions by the PAC or to require these amounts to be refunded.

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We believe that the Reports Analysis Division should take into consideration the fact that immediately upon understanding its mistake, LFRUT took prompt and thorough actions to correct not only the errors pointed out in your letter and telephone call, but also on its own initiative the additional but unnoted errors contained in its 1983 reports, as well as the failure to report administrative expenses for 1981, 1982, and 1983. We respectfully request that no further action be taken on this matter.

Sincerely,

Carol C. Darr

8504054425 1

ATTACHMENT 12

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Carol Darr
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 1/31/84

SUBJECT(S): Contributions by Partners

Ms. Darr called this afternoon to inform me that the process of having the partners contribute directly to the PAC was only partially complete. She said that of the 80-some partners that participated in contributing to the PAC, only one-third have actually done so in 1983. She was concerned because, according to the committee's response, the reimbursement to the PAC was supposed to be finalized by the end of January, 1984.

I told her to write a letter to the Commission explaining what steps have been taken thus far; that is, the number of partners who have agreed to reimburse the PAC. Ms. Darr further stated that she expected the PAC to receive full reimbursement from the partners by the April 15 Quarterly period.

8504054252

MEMBERS ALL LEADING EXCHANGES
88 WATER STREET, NEW YORK, NY 10004
TELEPHONE 212-428-3300

RECEIVED BY FEC

84 FEB 6 P3:00

ATTACHMENT 13

L.F. ROTHSCHILD, UNTERBERG, TOWBIN

February 1, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street N.W
Washington, D.C. 20463

Dear Ms. Stolaruk:

Enclosed is the 1983 Year End Report L.F. Rothschild, Unterberg, Towbin PAC. The report indicates that the partnership of L.F. Rothschild, Unterberg, Towbin has deposited $28,500.00 in the PAC account during the year 1983.

As the letter of January 3, 1984 from Carol Darr to you stated, we are in the process of collecting a personal check from each partner to reimburse the partnership for all contributions made by the PAC during the years 1981, 1982 and 1983, as well as de minimus administration expenses.

In accordance with your advice to Ms. Darr in a telephone conversation yesterday, we will forward by letter during the month of February the name of each partner from whom a personal check has been received, the pro rata amount of each contribution, and other pertinent information.

By the close of books for the April 15 Report we hope to have received all such contributions, and expect to make a complete report of this activity on the April 15 Report.

Thank you for your assistance in this matter.

Very truly yours,

L.F. Rothschild, Unterberg, Towbin

Raymond Bartkus

Raymond Bartkus

RB/smp
enc.

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

March 13, 1984

Ms. Lisa Stolaruk
Report Analysis Division
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Dear Ms. Stolaruk:

In accordance with the letter of February 1, 1984, to you from Mr. Raymond Bartkus of L. F. Rothschild, Unterberg, Towbin, I am enclosing a list of the names of the contributors and the amounts of their contributions to the L. F. Rothschild, Unterberg, Towbin PAC. The contributions were made by checks drawn on the personal account of each individual. Checks have been collected from seventy-three of the seventy-five donors. The two general partners who have yet to reimburse the PAC are no longer with the firm. Their contributions will be reported to the FEC as soon as they are received.

The amounts contributed represent each donor's pro-rata share of the contributions made by L. F. Rothschild, Unterberg, Towbin to the PAC for the years 1981, 1982 and 1983, as well as each donor's pro-rata share of the administrative expenses advanced by the partnership for each of the three years. These amounts were previously deducted from each contributor's annual distribution of the partnership proceeds.

These contributions will be used to reimburse L. F. Rothschild, Unterberg, Towbin for the amounts previously contributed to the PAC by means of partnership checks. As I stated in my letter to you of January 3, 1984, we are in the process of making full reimbursement to L. F. Rothschild, Unterberg, Towbin for contributions and administrative expenses. This exceeds the requirements of the Regulations, and is intended to demonstrate a good faith effort to correct previous errors.

Sincerely,

Carol C. Darr

Enclosure

Attachment 2 - p. 1 of 3

cc: Raymond Bartkus

9403299175

L.F. ROTHSCHILD, UNTERBERG, TOBIN
Federal Pac Contribution
For Years 1981, 1982, 1983

	Fed. PAC 1981	Fed. PAC 1982	Fed. PAC 1983	TOTAL
Thomas I. Unterberg	$ 500	$ 1,642	$ 2,625	$ 4,767
Stephen Kovacs	441	1,453	1,967	3,861
Matthew P. Deane	230	758	852	1,840
Walter W. Hess, Jr.	393	1,074	1,114	2,581
A. Robert Towbin	326	1,074	1,836	3,236
John M. Angelo	125	411	918	1,454
Robert D. Antolini	--	--	131	131
Thomas A. Bachman	--	--	66	66
James J. Bauman	105	347	492	944
Andrew L. Berger	--	76	157	233
Fred Berger	31	101	157	289
Alexander Bing, III	316	948	754	2,018
Andrew M. Blum	105	347	393	845
Raymond J. Bosco	48	158	197	403
Philip Clark	249	821	852	1,922
Barry L. Cott	38	158	262	458
Kevin B. Cronin	--	--	98	98
William P. Deegan	278	916	951	2,145
M. John Demirjian	86	284	295	665
Albert A. Fagan	--	--	52	52
Benedict A. Fiducia	--	--	66	66
Donald J. Friedman	153	505	918	1,576
James H. Furneaux	29	158	229	416
Michael L. Gordon	--	--	66	66
Abraham Grossfield	201	663	590	1,454
Alan C. Herzig	--	--	98	98
Rosario S. Ilacqua	77	253	262	592
Paul Jancu	153	505	590	1,248
Stephen B. Judelson	--	--	66	66
Daniel S. Kampel	230	758	918	1,906
Robert J. Kase	--	--	52	52
David A. Kirschenbaum	29	126	131	286
Arnold H. Kroll	77	253	295	625
Mel S. Lavitt	105	347	459	911
Alan W. Leeds	144	474	557	1,175
Mark S. Levey	77	253	295	625
Susan Lytle Lipton	--	--	79	79
Hugh P. Lowenstein	125	411	524	1,060
Louis A. Lubrano	29	158	229	416
Andrew J. Malik	--	--	98	98
(Sub-Total)	$ 4,700	$15,432	$20,691	$40,823

2-p.2 of 3

L.F. ROTHSCHILD, UNTERBERG, TOWBIN
Federal Pac Contribution
For Years 1981, 1982, 1983

	Fed. PAC 1981	Fed. PAC 1982	Fed. PAC 1983	TOTAL
Michael G. Manza	58	253	262	573
George J. Martin	67	253	295	615
Myron Neugeboren	96	316	361	773
Robert F. O'Neill	38	158	229	425
Richard Olstein	120	395	524	1,039
Edward J. Reinoso	—	—	66	66
Ernest Rudnet	38	253	262	553
F. Barry Ryan	29	158	229	416
Ronald D. Schaefer	48	221	295	564
Robert Schoenthal	134	442	918	1,494
Michael Schwartz	38	189	229	456
Joseph J. Slotnick	67	253	361	681
Richard A. Smith	125	411	361	897
Bernard Sosnick	48	158	262	468
Stephen H. Stark	38	189	229	456
John M. Walsh	48	189	229	466
Norman J. Levy	—	—	131	131
Harry E. Fitzgibbons	—	—	66	66
Paul M. Kaufmann	249	—	—	249
Chester W. Viale	230	—	—	230
Alan B. Slifka	274	—	—	274
Leonard A. Hockstader, II	220	—	—	220
Richard J. Leonard	144	—	—	144
Herbert D. Stern	163	284	—	447
Robert Lester Loeb	173	568	—	741
Gaetano G. Pirrone	153	—	—	153
Alan S. Greenspan	67	—	—	67
Paul J. Finn	48	189	100	337
Anthony P. Maldini	39	—	—	39
Simon K. Schaffler	38	—	—	38
Murray S. Escott	29	—	—	29
Robert Brill Brown	48	189	—	237
William N. Anderson	29	—	—	29
TOTALS	$ 7,596	$20,500	$26,100	$54,196

2 - p. 3 of 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Carol C. Darr, Esquire
Skadden, Arps, Slate, Meagher
and Flom
919 Eighteenth Street, N.W.
Washington, D.C. 20006

Re: MUR
L. F. Rothschild, Unterberg,
Towbin PAC
Andrew Blum, Treasurer

Dear Ms. Darr:

On , 1984, the Federal Election Commission determined that there is reason to believe L. F. Rothschild, Unterberg, Towbin PAC ("the Committee") and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by accepting a $20,000 contribution from L. F. Rothschild, Unterberg, Towbin. On that date, the Commission also determined that the Committee and Mr. Blum, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), another provision of the Act, and 11 C.F.R. § 110.1(a), a provision of the Commission regulations, by making excessive contributions to three 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 the committee and Mr. Blum. 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 must be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against the Committee and Mr. Blum, 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).

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Attachment 3 - p. 1 of 10

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

8504054258

3- p 2 of 10

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT L. F. Rothschild, Unterberg, Towbin PAC
Andrew Blum, Treasurer

MUR No. _____
STAFF MEMBER & TEL. NO.
(202) 523-4000

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

This matter involves receipt by L. F. Rothschild, Towbin, Unterberg PAC ("the Committee") of excessive contributions from L. F. Rothschild, Unterberg, Towbin ("LFRUT"). It also involves excessive contributions by the Committee to the committees of several federal candidates.

FACTUAL BASIS AND LEGAL ANALYSIS

1. Excessive Contribution to the Committee

This matter involves contributions aggregating $20,000 during the calendar year 1982 by LFRUT to the Committee.

It appears that the contributions were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to the Committee signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

According to one of the Committee's attorneys, responding to the Reports Analysis Division on December 12, 1983, none of the

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individual partners under this system would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney on January 3, 1984, indicated that the partnership was attempting to rectify the excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years. 1/ Once the Committee was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Ms. Darr also indicated that amended reports would be filed to reflect the individual contributors.

The 1984 April Quarterly report reflects payments from a substantial number of individual contributors, none of which exceeded $5,000. The Committee filed a termination report on June 28, 1984. This report reflects payments from the final two contributors totalling $154 and refunds of $62,250 to the partnership, i.e., the total amount of cash-on-hand of the Committee.

8504054260

1/ The Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar year. As set forth at 2 U.S.C. § 441a(f), no political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of § 441a.

The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c). 2/ The contributions at issue were made from partnership funds. Although the contributions count against the individual contribution limitation of each of the firm's consenting partners, the contributions also count against the partnership's limitation as a separate entity and a "person" under the Act. Because the total contributed by the partnership exceeded the partnership's limitation, the General Counsel's Office recommends that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(f).

2/ These are the limits set out in 2 U.S.C. § 441a.

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2. Excessive Contributions By the Committee

Based upon a review of the Committee's 1983 and 1982 reports, RAD discovered that contributions designated for the general election, which appeared to violate 2 U.S.C. § 441a limitations, were made to a number of committees. These committees were the Congressman St Germain Re-Election Committee, the John Glenn Presidential Committee, Inc., and the Friends of Senator
D'Amato.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The Committee appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time, it made the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The Committee had failed to satisfy the second criterion and was thus subject to the $1,000 limitation.

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a. Congressman St Germain Re-Election Committee

The 1983 Mid-Year Report of the Committee disclosed a $2,000 contribution to the Congressman St Germain Committee on April 25, 1983, for the general election. The Reports Analysis Division sent Requests for Additional Information (RFAIs) on February 14 and March 8, 1984. The Committee's 1984 April Quarterly revealed a refund of $1,000 from the St Germain Committee on March 19, 1984. The contribution was $1,000 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

b. John Glenn Presidential Committee, Inc.

The 1983 Year End Report of the Committee revealed a $1,000 contribution to the John Glenn Presidential Committee on August 16, 1983, a $500 contribution to the Glenn Committee on August 17, 1983, and a $500 contribution to the Glenn Committee on October 6, 1983. The Committee's 1983 Mid-Year Report disclosed a $1,000 contribution to the Glenn Committee. The Committee's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploration Committee. These contributions were all designated for the general election.

RAD sent RFAIs to the Glenn Committee on December 12, 1983, and January 5, 1984. The Committee's 1984 April Quarterly Report revealed a refund of $2,500 from the Glenn Committee on January 30, 1984. The Termination Report disclosed another $500 refund from the Glenn Committee on June 20, 1984.

According to 11 C.F.R. § 100.7(b)(1), funds received solely for the purpose of determining whether an individual should

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become a candidate are not contributions at the time they are made but become contributions if the individual subsequently becomes a candidate. In determining the excessive amount going to Senator Glenn's Presidental candidacy, the $500 given to Senator Glenn's Exploratory Committee must be combined with the $3,500 contribution to the Presidential Committee, thus putting the contributions at $3,000 in excess of the limitation of 2 U.S.C. § 441a(a)(1)(A).

c. Friends of Senator D'Amato

The Committee's 1983 Mid Year Report disclosed a $3,000 contribution to Friends of Senator D'Amato, Senator D'Amato's 1986 campaign committee, made on January 27, 1983, and designated for the general election. The contribution total in 1983, therefore, was in excess of the § 441a(a)(1)(A) limitations by $2,000. The Committee's 1982 July Quarterly Report disclosed a $1,000 contribution to the Friends of Senator D'Amato on June 8, and the Committee's 1982 April Quarterly revealed a $500 contribution to Friends of Senator D'Amato on June 8, 1982. The Committee designated these contributions for Senator D'Amato's 1980 campaign, but the Senator's 1980 campaign committees had terminated with no outstanding debts before the contributions were made. The Friends of Senator D'Amato attributed the 1982 contributions to the 1986 primary. The Reports Analysis Division sent a Request for Additional Information to Friends of Senator D'Amato on October 14, 1983, informing it of its acceptance of

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excessive contributions. The PAC's 1983 Year End Report revealed a refund of $2,500 from the D'Amato Committee on December 30, 1983.

Section 110.1(a) of the Commission regulations, in setting out the $1,000 limitation on contributions to candidates "with respect to any election," defines "with respect to any election" by making reference to designation. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

In this matter, the contributor designated $1,500 in contributions in 1982 for the 1980 general election. The regulation above provides that a contribution made after a primary, caucus, or convention but designated for such a previous contest shall be made only to the extent that it does not exceed net outstanding debts for that contest. The saving out provisions of this regulation do not apply in this matter for two reasons. First, this matter deals with a contribution made after a general election. Second, the commmittee designated to receive the $1,500 had no net debts outstanding at the time of the contributions. Based on this analysis, it appears that, according to 11 C.F.R. § 110.1(a), the entire $1,500

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contribution and not just the amount in excess of the $1,000 limitation, should not have been made or accepted.

In a letter to RAD, written on May 1, 1984, the treasurer of the D'Amato committee presented the defense that, when the $3,000 contribution was received in 1983, the D'Amato committee was advised by the Committee that the Committee had multicandidate status. The D'Amato committee, however, failed at that time to consult the Commission, which is the appropriate source of such information. When erroneous advise is given by a recipient committee, this does not nullify a violation of the § 441a limitations.

Based upon the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that the Committee and Andrew Blum, as its treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(a).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Douglas Libby, Assistant General Counsel
L. F. Rothschild, Unterberg, Towbin
55 Water Street
New York, New York 10041

Re: MUR
L. F. Rothschild, Unterberg, Towbin

Dear Mr. Libby:

On , 1984, the Federal Election Commission determined that there is reason to believe that L. F. Rothschild, Unterberg, Towbin ("LFRUT") violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by making an excessive contribution to L. F. Rothschild, Unterberg, Towbin PAC. 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 LFRUT. 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 must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. _____
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT L.F. Rothschild, Unterberg, Towbin

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

This matter involves excessive contributions made by L. F. Rothschild, Unterberg, Towbin ("LFRUT"), a partnership, to L. F. Rothschild, Unterberg, Towbin PAC ("the Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

This matter involves contributions aggregating $20,000 during the calendar year 1982 by LFRUT to the Committee.

It appears that the contributions were made through a process whereby each partner had a personal account into which all profits were deposited and all partners who wished to contribute to the Committee signed a written agreement empowering the partnership to reduce each contributing partner's share of the profits accordingly. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his or her specific contribution.

According to one of the Committee's attorneys, responding to the Reports Analysis Division on December 12, 1983, none of the individual partners under this system would have exceeded the $5,000 limit on contributions to committees. A response signed by the Committee's new attorney, Ms. Carol Darr on January

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on January 3, 1984, indicated that the partnership, is attempting to rectify the excessive contributions by having each individual partner contribute by personal check to the Committee in an amount equal to his total contributions for 1981, 1982, and 1983, including a pro rata share of the administrative costs paid by the partnership during those years. 1/ Once the Committee was in receipt of the personal checks, it was to reimburse the partnership in full for its contributions made from 1981 to 1983. Ms. Darr also indicated that amended reports would be filed to reflect the individual contributors.

The 1984 April Quarterly report reflects payments from substantial number of individual contributors, none of which exceeded $5,000. The Committee filed a termination report on June 28, 1984. This report reflects payments from the final two contributors totalling $154 and refunds of $62,250 to the partnership, i.e., the total amount of cash-on-hand of the Committee.

The term "person" is defined at 2 U.S.C. § 431(11) to include a partnership. Pursuant to 2 U.S.C. § 441a(a)(1)(C) no person shall make contributions to a political committee in any calendar year which, in the aggregate, exceed $5,000 per calendar year. As set forth at 2 U.S.C. § 441a(f), no political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of § 441a.

1/ The Committee is not connected to LFRUT. Administrative costs are, therefore, paid by the Committee out of contributions to the Committee.

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The Commission's regulations at 11 C.F.R. § 110.1(e) state that a contribution by a partnership shall: (1) be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions which shall be provided by the partnership to the committee or candidate; or (2) be attributed by agreement of the partners, as long as (i) only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and (ii) these partnership profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and, (3) not exceed the limits of § 110.1(a), (b), and (c). 2/ The contributions at issue were made from partnership funds. Although the contributions count against the individual contribution limitation of each of the firm's consenting partners, the contributions also count against the partnership's limitation as a separate entity and a "person" under the Act. Because the total contributed by the partnership exceeded the partnership limitation, the General Counsel's Office recommends that the Commission find reason to believe that LFRUT violated 2 U.S.C. § 441a(a)(1)(C).

2/ These are the limits set out in 2 U.S.C. § 441a.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable Fernand J. St Germain
Congressman St Germain Re-Election Committee
121 Woodland Road
Woonsocket, Rhode Island 02895

Re: MUR
Congressman St Germain
Re-Election Committee
Fernand J. St Germain, Treasurer

Dear Congressman St Germain:

On , 1984, the Federal Election Commission determined that there is reason to believe the Congressman St Germain Re-Election 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 L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. _____
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT Congressman St Germain
Re-Election Committee
Fernand J. St Germain, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 441a(a)(1)(A) by the Congressman St Germain Re-Election Committee.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Mid-Year Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") revealed that it made a $2,000 contribution to the Congressman St Germain Re-Election Committee on April 25, 1983 for the general election. The Reports Analysis Division sent Requests for Additional Information to the St Germain Committee on February 14 and March 18, 1984, informing it of its acceptance of an excessive contribution. The PAC's 1984 April Quarterly Report revealed a refund to the St Germain Committee on March 19, 1984.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized

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political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion and, thus, contributions from it were subject to the $1,000 limitation.

The figures indicate that the contributions to the St. Germain Committee were $1,000 in excess of the limitation. Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that the Congressman St Germain Re-Election Committee and Fernand St Germain, as its treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William R. White, Treasurer
John Glenn Presidential Committee, Inc.
444 North Capitol Street, N.W.
Suite 407
Washington, D.C. 20001

Re: MUR
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Mr. White:

On , 1984, the Federal Election Commission determined that there is reason to believe the John Glenn Presidential Committee, Inc. 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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Attachment 6 - p. 1 of 6

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. _____
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202) 523-4000

RESPONDENT John Glenn Presidential Committee, Inc.
William R. White, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 441a(a)(1)(A) by the John Glenn Presidential Committee, Inc. ("the Glenn Committee").

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Year End Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") revealed a $1,000 contribution to the John Glenn Presidential Committee on August 16, 1983, a $500 contribution to the Glenn Committee on August 17, 1983, and a $500 contribution to the Glenn Committee on October 6, 1983. The Committee's 1983 Mid-Year Report disclosed a $1,000 contribution to the Glenn Committee. The Committee's 1982 Year End Report disclosed a $500 contribution to the John Glenn Presidential Exploration Committee. These contributions were all designated for the general election.

The Reports Analysis Division sent Requests for Additional Information to the Glenn Committee on January 5, 1984, informing it of its acceptance of excessive contributions. The PAC's 1984 April Quarterly report disclosed a refund of $2,500 from the Glenn Committee on January 30, 1984. The PAC's Termination

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Report disclosed another $500 refund from the Glenn Committee on June 20, 1984.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 44la(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 44la(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 44la(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion and, thus, contributions from it were subject to the $1,000 limitation.

According to 11 C.F.R. § 100.7(b)(1), funds received solely for the purpose of determining whether an individual should become a candidate are not contributions at the time they are made but become contributions if the individual subsequently

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becomes a candidate. In determining the excessive amount going to Senator Glenn's Presidental candidacy, the $500 given to Senator Glenn's Exploratory Committee must be combined with the $3,500 contribution to the Presidential Committee, thus putting the contributions at $3,000 in excess of the limitation of 2 U.S.C. § 44la(a)(l)(A).

Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that the John Glenn Presidential Committee, Inc. and William R. White, as its treasurer, violated 2 U.S.C. § 44la(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable John H. Glenn
United States Senate
Washington, D.C. 20510

Re: MUR
John Glenn Presidential Committee, Inc.
William R. White, Treasurer

Dear Senator Glenn:

This is to advise you that, on , 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, the John Glenn Presidential Committee, Inc., and William R. White, as treasurer of the committee, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee and improper reporting, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and William R. White, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR .

Sincerely,

Enclosure
Letter to committee treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Arthur W. Jaspan, Treasurer
Friends of Senator D'Amato
300 Garden City Plaza
Room 516
Garden City, New York 11530

Re: MUR
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Dear Mr. Jaspan:

On , 1984, the Federal Election Commission determined that there is reason to believe the Friends of Senator D'Amato 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 excessive contributions from L. F. Rothschild, Unterberg, Towbin PAC. 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 your committee and you, as treasurer. 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, along with your answers to the enclosed questions, within ten days of your receipt of this letter. Statements must 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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Attachment 7 - p. 1 of 7

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 Jonathan Levin, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. _____
STAFF MEMBER & TEL. NO.
Jonathan Levin
(202)523-4000

RESPONDENT Friends of Senator D'Amato
Arthur W. Jaspan, 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

This matter involves acceptance of contributions exceeding the limitations of 2 U.S.C. § 441a(a)(1)(A) by the Friends of Senator D'Amato.

FACTUAL BASIS AND LEGAL ANALYSIS

The 1983 Mid-Year Report of L. F. Rothschild, Unterberg, Towbin PAC ("the PAC") disclosed a $3,000 contribution to the Friends of Senator D'Amato, made on January 27, 1983 and designated for the general election.

The Committee's 1982 July Quarterly Report disclosed a $1,000 contribution to the Friends of Senator D'Amato on June 8, and the Committee's 1982 April Quarterly revealed a $500 contribution to Friends of Senator D'Amato on June 8, 1982. The Committee designated these contributions for Senator D'Amato's 1980 campaign, but the Senator's 1980 campaign committees had terminated with no outstanding debts before the contributions were made. The Friends of Senator D'Amato attributed the 1982 contributions to the 1986 primary. The Reports Analysis Division sent a Request for Additional Information to Friends of Senator

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D'Amato on October 14, 1983, informing it of its acceptance of excessive contributions. The PAC's 1983 Year End Report revealed a refund of $2,500 from the D'Amato Committee on December 30, 1983.

According to 2 U.S.C. § 431(11), the term "person" includes a committee. Section 441a(a)(1)(A) of Title 2 prohibits contributions from a person to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $1,000. Section 441a(f) prohibits knowing acceptance of any contribution made in violation of Title 2.

The PAC appears to have made its contributions based upon the mistaken idea that it was a multicandidate committee at the time of the contributions. Such a committee is subject to a $5,000 limitation on contributions to candidates and their committees according to 2 U.S.C. § 441a(a)(2)(A). A committee becomes a multicandidate committee when it has been registered for six months or more, when it has received contributions from more than fifty persons, and when it has made contributions to at least five federal candidates. The PAC had failed to satisfy the second criterion, and thus, contributions from it were subject to the $1,000 limitation.

The $3,000 in contributions for the 1986 general election, therefore, appear to be in excess of the § 441a(a)(1)(A) limits.

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Section 110.1(a) of the Commission regulations, in setting out the $1,000 limitation on contributions to candidates "with respect to any election," defines "with respect to any election" by making reference to designation. According to 11 C.F.R. § 110.1(a)(2)(i), "with respect to any election" means

> [i]n the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.

In this matter, the contributor designated $1,500 in contributions in 1982 for the 1980 general election. The regulation above provides that a contribution made after a primary, caucus, or convention but designated for such a previous contest shall be made only to the extent that it does not exceed net outstanding debts for that content. The saving out provisions of this regulation do not apply in this matter for two reasons. First, this matter deals with contributions made after a general election. Second, the commmittee designated to receive the $1,500 had no net debts outstanding at the time of the contributions. Based on this analysis, it appears that, according to 11 C.F.R. § 110.1(a), the entire $1,500 contribution and not just the amount in excess of the $1,000 limitation, should not have been made or accepted.

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In a letter to RAD, written on May 1, 1984, the treasurer of the D'Amato committee presented the defense that, when the $3,000 contribution was received in 1983, the D'Amato committee was advised by the Committee that the Committee had multicandidate status. The D'Amato committee, however, failed at that time to consult the Commission, which is the appropriate source of such information. When erroneous advice is given to a recipient committee, this does not nullify a violation of the § 441a limitations.

Based on the foregoing analysis, the General Counsel recommends that the Commission find reason to believe that Friends of Senator D'Amato and Arthur W. Jaspan, as its treasurer, violated 2 U.S.C. § 441a(f).

8504054287

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The Honorable Alfonse M. D'Amato
United States Senate
Washington, D.C. 20510

Re: MUR
Friends of Senator D'Amato
Arthur W. Jaspan, Treasurer

Dear Senator D'Amato:

This is to advise you that, on , 1984, the Federal Election Commission found reason to believe that your 1986 campaign committee, Friends of Senator D'Amato, and Arthur W. Jaspan, as treasurer of the committee, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended, by accepting excessive contributions from a political committee.

Although the committee treasurer is responsible for the acceptance of contributions made to a federal committee and improper reporting, we believe that you, as the candidate, should be made aware of this development. A copy of our letter to your committee treasurer is enclosed.

Under 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), this matter will remain confidential unless the committee and Arthur W. Jaspan, as treasurer, notify the Commission in writing that they wish the investigation to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202)523-4000. We have numbered this matter MUR .

Sincerely,

Enclosure
Letter to committee treasurer

7-p 7 of 7

8504042888

GCC 4213

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 658-9200

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4800

13 P5:0

April 13, 1984

~~AR#K 1635~~
~~Democrat~~
Rad #84L-8

Mr. Jonathan Levine
Staff Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Dear Jonathan:

Enclosed is a copy of the April 15th Quarterly Report by L.F. Rothschild, Unterberg, Towbin PAC.

Sincerely,

Carol C. Darr

Enclosure

8504054289

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

ALIGN AREA | | ALIGN AREA

1. Name of Committee (In Full)

L.F. Rothschild, Unterberg, Towbin PAC

Address (Number and Street)

55 Water Street

City, State and ZIP Code

New York, New York 10041

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00142745

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☒ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

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

☐ Monthly Report for _____

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☒ NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period January 1, 1984 through March 31, 1984		
6.(a) Cash on hand January 1, 19 84		$ 3,650
(b) Cash on Hand at Beginning of Reporting Period	$ 3,650	
(c) Total Receipts (from Line 18)	$ 57,696	$ 57,696
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 61,346	$ 61,346
7. Total Disbursements (from Line 28)	$ 0	$ 0
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 61,346	$ 61,346
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	$ 0	
10. Debts and Obligations Owed BY the Committee (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.

Andrew M. Blum
Type or Print Name of Treasurer

SIGNATURE OF TREASURER

April 10, 1984
Date

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

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.

FEC FORM 3X (3/80)

85040542902

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

Name of Committee (In Full)	Report Covering the Period:	
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC	From: 1/1/84	To: 3/31/84

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	54,196	54,196	11(a)
(Memo Entry Unitemized $_____)			
(b) Political Party Committees	0	0	11(b)
(c) Other Political Committees	0	0	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	54,196	54,196	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	0	0	12
13. ALL LOANS RECEIVED	0	0	13
14. LOAN REPAYMENTS RECEIVED	0	0	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0	0	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	3,500	3,500	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	0	0	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	57,696	57,696	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	0	0	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	0	0	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0	0	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	0	0	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES. (2 U.S.C. § 441 a(d)) (Use Schedule F)	0	0	23
24. LOAN REPAYMENTS MADE	0	0	24
25. LOANS MADE	0	0	25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	0	0	26(a)
(b) Political Party Committees	0	0	26(b)
(c) Other Political Committees	0	0	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	0	0	26(d)
27. OTHER DISBURSEMENTS	0	0	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	0	0	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	54,196	54,196	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	0	0	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	54,196	54,196	31
32. TOTAL OPERATING EXPENDITURES from Line 19	0	0	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	0	0	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	0	0	34

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SCHEDULE A **ITEMIZED RECEIPTS**

Page 1 of 11 for LINE NUMBER 11
(Use separate schedule(s) 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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt this Period
A. Rosario S. Ilacqua 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/23/84	$ 592
B. Paul Jancu 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/1/84	$1,248
C. Stephen B. Judelson 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/20/84	$ 66
D. Daniel S. Kampel 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/29/84	$1,906
E. Robert J. Kase 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	3/5/84	$ 52
F. David A. Kirschenbaum 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/18/84	$ 286
G. Arnold H. Kroll 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/14/84	$ 625
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A **ITEMIZED RECEIPTS**

Page 2 of 11 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Andrew M. Blum 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/15/84	$ 845
B. Raymond J. Bosso 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/19/84	$ 403
C. Philip Clark 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/27/84	$1,922
D. Barry L. Cott 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/30/84	$ 458
E. Kevin B. Cronin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/16/84	$ 98
F. William P. Deegan 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/18/84	$2,145
G. M. John Demirjian 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/29/84	$ 665
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A — ITEMIZED RECEIPTS

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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt this Period
John M. Angelo 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/15/84	$1,454
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Robert D. Antolini 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/1/84	$ 131
C. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Thomas A. Bachman 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/19/84	$ 66
D. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
James J. Bauman 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/25/84	$ 944
E. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Andrew L. Berger 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/30/84	$ 233
F. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Fred Berger 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/23/84	$ 289
G. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Alexander Bing, III 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/25/84	$2,018
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A **ITEMIZED RECEIPTS**

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Name of Committee (in Full)
L.F. Rothschild, Unterberg, Towbin

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Robert Lester Loeb 101 Park Avenue New York, New York 10178	Kidder Peabody & Co., Inc.	1/30/84	$ 741
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Stock Broker Aggregate Year-to-Date—$		

B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Gaetano G. Pirrone 289 Round Hill Road Greenwich, Conn. 06830	Rhone-Poulenc Inc.	1/19/84	$ 153
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Consultant 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
Alan S. Greenspan 55 Water Street New York, New York 10041	L.F. Rothschild, Unterberg, Towbin	2/15/84	$ 67
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Investment Banker 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
Paul J. Finn 130 Liberty Street New York, New York 10006	Dean Witter Reynolds Inc.	3/1/84	$ 337
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Investment Banker 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
Anthony P. Maldini 55 Water Street New York, New York 10041	L.F. Rothschild, Unterberg, Towbin	1/22/84	$ 39
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Investment Banker 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
Simon K. Schaffler 55 Water Street New York, New York 10041	L.F. Rothschild, Unterberg, Towbin	3/7/84	$ 38
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Investment Banker 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
Murray S. Escott 55 Water Street New York, New York 10041	L.F. Rothschild, Unterberg, Towbin	1/31/84	$ 29
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation: Investment Banker Aggregate Year-to-Date—$		

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	

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SCHEDULE A **ITEMIZED RECEIPTS**

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LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt this Period
Robert F. O'Neill 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/15/84	$ 425
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Richard Olstein 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/20/84	$1,039
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Edward J. Reinoso 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	3/1/84	$ 66
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Ernest Rudnet 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	2/2/84	$ 553
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Barry Ryan 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	2/24/84	$ 416
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Ronald D. Schaefer 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	2/21/84	$ 564
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
Robert Schoenthal 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/20/84	$1,494
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A — ITEMIZED RECEIPTS

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Name of Committee (in Full)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Albert A. Fagan 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/25/84	$ 52
B. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Benedict A. Fiducia 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/19/84	$ 66
C. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Donald J. Friedman 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/17/84	$1,576
D. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
James H. Furneaux 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/19/84	$ 416
E. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Michael L. Gordon 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/15/84	$ 66
F. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Abraham Grossfield 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/27/84	$1,454
G. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Alan C. Herzig 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/23/84	$ 98

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	

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SCHEDULE A **ITEMIZED RECEIPTS**

Page 7 of 11 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Robert Brill Brown One Bankers Trust Plaza New York, New York 10006 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Seligman Sec. Inc. Occupation: Stock Broker Aggregate Year-to-Date—$	3/1/84	$ 237
B. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
William N. Anderson 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	A.G. Becker Paribas Occupation: Floor Broker Aggregate Year-to-Date—$	3/3/84	$ 29
C. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Thomas I. Unterberg 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/22/84	$ 4,767
D. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Stephen Kovacs 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/20/84	$ 3,861
E. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Matthew P. Deane 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/23/84	$ 1,840
F. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Walter W. Hess, Jr. 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/27/84	$ 2,581
G. Full Name, Mailing Address and ZIP Code	**Name of Employer**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
A. Robert Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	3/6/84	$ 3,236
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A — ITEMIZED RECEIPTS

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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt this Period
Mel S. Lavitt 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	2/17/84	$ 911
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Alan W. Leeds 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/22/84	$1,175
C. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Mark S. Levey 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/30/84	$ 625
D. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Susan Lytle Lipton 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/24/84	$ 79
E. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Hugh P. Lowenstein 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/23/84	$1,060
F. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Louis A. Lubrano 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Investment Banker Aggregate Year-to-Date—$	1/31/84	$ 416
G. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Andrew J. Malik 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Occupation: Aggregate Year-to-Date—$	2/28/84	$ 98
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A **ITEMIZED RECEIPTS**

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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN

A. Full Name, Mailing Address and ZIP Code Harry E. Fitzgibbons 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer L.F. Rothschild, Unterberg, Towbin Occupation Investment Banker Aggregate Year-to-Date—$	Date (month, day, year) 2/16/84	Amount of Each Receipt this Period $ 66
B. Full Name, Mailing Address and ZIP Code Paul M. Kaufmann 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Retired Occupation Aggregate Year-to-Date—$	Date (month, day, year) 1/25/84	Amount of Each Receipt This Period $ 249
C. Full Name, Mailing Address and ZIP Code Chester W. Viale 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Retired Occupation Aggregate Year-to-Date—$	Date (month, day, year) 1/30/84	Amount of Each Receipt This Period $ 230
D. Full Name, Mailing Address and ZIP Code Alan B. Slifka 11 Hanover Square New York, New York 10005 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Self Employed Occupation Arbitraguer Aggregate Year-to-Date—$	Date (month, day, year) 1/30/84	Amount of Each Receipt This Period $ 274
E. Full Name, Mailing Address and ZIP Code Leonard A. Hockstader, II 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Retired Occupation Aggregate Year-to-Date—$	Date (month, day, year) 1/31/84	Amount of Each Receipt This Period $ 220
F. Full Name, Mailing Address and ZIP Code Richard J. Leonard 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Retired Occupation Aggregate Year-to-Date—$	Date (month, day, year) 3/2/84	Amount of Each Receipt This Period $ 144
G. Full Name, Mailing Address and ZIP Code Herbert D. Stern 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Retired Occupation Aggregate Year-to-Date—$	Date (month, day, year) 1/30/84	Amount of Each Receipt This Period $ 447
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A **ITEMIZED RECEIPTS**

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)

L.F. ROTHSCHILD, UNTERBERG, TOWBIN

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt this Period
Michael Schwartz 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/30/84	$ 456
B. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Joseph J. Slotnick 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/24/84	$ 681
C. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Richard A. Smith 100 Gold Street New York, New York 10292 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Prudential Bache Securities Inc. Investment Banker	3/4/84	$ 897
D. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Bernard Sosnick 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/27/84	$ 468
E. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Stephen H. Stark 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/24/84	$ 456
F. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
John M. Walsh 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	2/13/84	$ 466
G. Full Name, Mailing Address and ZIP Code	**Name of Employer / Occupation / Aggregate Year-to-Date—$**	**Date (month, day, year)**	**Amount of Each Receipt This Period**
Norman J. Levy 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	L.F. Rothschild, Unterberg, Towbin Investment Banker	1/30/84	$ 131
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			

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SCHEDULE A **ITEMIZED RECEIPTS**

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)
L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

A. Full Name, Mailing Address and ZIP Code Michael G. Manza 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer L.F. Rothschild, Unterberg, Towbin Occupation Investment Banker Aggregate Year-to-Date—$	Date (month, day, year) 2/17/84	Amount of Each Receipt this Period $ 573
B. Full Name, Mailing Address and ZIP Code George J. Martin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer L.F. Rothschild, Unterberg, Towbin Occupation Investment Banker Aggregate Year-to-Date—$	Date (month, day, year) 1/19/84	Amount of Each Receipt This Period $ 615
C. Full Name, Mailing Address and ZIP Code Myron Neugeboren 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer L.F. Rothschild, Unterberg, Towbin Occupation Investment Banker Aggregate Year-to-Date—$	Date (month, day, year) 2/1/84	Amount of Each Receipt This Period $ 773
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$ 54,196

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SCHEDULE A — ITEMIZED RECEIPTS

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)

L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code John Glenn, Presidential Committee 444 No. Capital Street, Suite 407 Washington, D.C. 20001 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	Name of Employer: NONE Occupation: Aggregate Year-to-Date–$ 2,500	1/30/84	$ 2,500
B. Full Name, Mailing Address and ZIP Code Congressman St. Germain Re-Election Committee 121 Woodland Road Woonsocket, R.I. 02895 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	Name of Employer: NONE Occupation: Aggregate Year-to-Date–$ 1,000	3/19/84	$ 1,000
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date–$		
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date–$		
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date–$		
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date–$		
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer: Occupation: Aggregate Year-to-Date–$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$ 3,500

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

84L-8

May 14, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: JONATHAN LEVIN

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: UPDATE ON RAD REFERRAL OF L.F. ROTHSCHILD, UNTERBERG, TOWBIN PAC

8504054304

The following information is presented to assist you in considering the matters associated with L.F. Rothschild, Unterberg, Towbin PAC (the "Committee"). Based upon a review of the Committee's 1983 reports, it was discovered that contributions designated for the general election were made to the following Federal candidate committees, which appeared to exceed 2 U.S.C. §441a limitations: $3,500 to the John Glenn Presidential Committee, Inc.; $3,000 to the Friends of Senator D'Amato; and $2,000 to the Congressman St. Germain Re-Election Committee (Attachments 1a and b). During 1982, the Committee reported contributing $1,500 to the Friends of D'Amato and $500 to the John Glenn Presidential Exploratory Committee (Attachments 2a, b, and 3).1/

1/ Although the Committee designated the 1982 contributions to the Friends of D'Amato for the 1980 general election, D'Amato's 1980 campaign committees had terminated with no outstanding debts (see the principal campaign committee's 1981 Year End Report, and the authorized committee's 1981 Mid-Year Report). The candidate's 1986 campaign committee, Friends of D'Amato, reported receiving a total of $1,500 from the Committee for the primary election, resulting in a $500 excessive contribution by the Committee in 1982 (Attachment 4).

According to the Committee's 1983 Year End and 1984 April Quarterly Reports, full refunds have been received from two of the candidates (Attachments 5 and 6).2/ On April 24, 1984, a phone conversation was held between the RAD analyst and Ms. Carol Darr, the Committee's counsel. Ms. Darr stated that all refunds have been received with the exception of $500 from the John Glenn Presidential Committee (Attachment 9). To date, however, the Committee has not responded in writing regarding the status of the outstanding $500 refund.

If you have any questions, please contact Lisa Stolaruk at 523-4048.

Attachments

8504054430 5

2/ A May 1, 1984 letter from the Friends of D'Amato indicates that there was some confusion regarding the Committee's multicandidate status (Attachment 7). According to the response, a $2,500 refund was issued because the multicandidate "...issue had not yet been resolved...." The two responses from the Congressman St. Germain Re-Election Committee dated March 16, 1984 stated that a refund was issued because the contributor did not qualify as a multicandidate committee, and the amount was in excess of the legal limits (Attachments 8a and b).

SCHEDULE B — ITEMIZED DISBURSEMENTS — Use separate schedule(s) for each category of the Detailed Summary Page

ATTACHMENT 1a

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Name of Committee (In Full)

L. F. Rothschild, Unterberg, Towbin PAC

1983 Mid Year Report

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period	
A. Full Name, Mailing Address and ZIP Code Russo of Congress 134 Pulaski Calumet City, Illinois 60409	Martin Russo, U.S. Rep. Dist. #3, New York Disbursement for: ☐Primary ☒General ☐Other (specify):	1-10-83	$ 100.	
B. Full Name, Mailing Address and ZIP Code John Glenn Exploratory Committee P.O. Box 1984 Ben Franklin Station Washington, D. C. 20044	Purpose of Disbursement U. S. President Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 1-13-83	Amount of Each Disbursement This Period 500.	LS
C. Full Name, Mailing Address and ZIP Code Friends of Senator D'Amato P.O. Box 888 Mineola, New York 11501	Purpose of Disbursement Alphonse D'Amato, U.S. Senator New York Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 1-27-83	Amount of Each Disbursement This Period 3,000.	LS
D. Full Name, Mailing Address and ZIP Code Pete Wilson for U.S. Senate 600 'B' Street, Suite 2030 San Diego, Calif. 92101	Purpose of Disbursement Pete Wilson, U.S.Senator Calif. Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 2-14-83	Amount of Each Disbursement This Period 500.	
E. Full Name, Mailing Address and ZIP Code Mass. State Democratic Committee 11 Beacon Street, Suite 426 Boston, Mass. 02108	Purpose of Disbursement Dinner Expense Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year) 3-02-83	Amount of Each Disbursement This Period 1,500.	
F. Full Name, Mailing Address and ZIP Code Bradley for U.S. Senate Committee P.O. Box 1984 Union, New Jersey 07083	Purpose of Disbursement William Bradley, U.S. Senator, New Jersey Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 4-12-83	Amount of Each Disbursement This Period 250.	
G. Full Name, Mailing Address and ZIP Code Congressman St. Germain Re-election Committee 121 Woodland Road Woonsocket, R.I. 02895	Purpose of Disbursement Fernand St. Germain, U.S. Rep. Dist. #1, R.I. Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 4-25-83	Amount of Each Disbursement This Period 2,000.	LS
H. Full Name, Mailing Address and ZIP Code People for Pete Committee 10013 Federal Bldg. Albuquerque, N.M. 87102	Purpose of Disbursement Peter Domenici, U.S. New Mexico Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 5-17-83	Amount of Each Disbursement This Period 500.	
I. Full Name, Mailing Address and ZIP Code John Glenn Presidential Committee 444 No. Capitol St., Suite 407 Washington, D. C. 20001	Purpose of Disbursement U.S. President Disbursement for: ☐Primary ☒General ☐Other (specify):	Date (month, day, year) 6-13-83	Amount of Each Disbursement This Period 1,000.	LS
SUBTOTAL of Disbursements This Page (optional)				
TOTAL This Period (last page this line number only)				

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Page 1 of 2 for LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

ATTACHMENT 1b

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Name of Committee (in Full)

L. F. Rothschild, Unterberg, Towbin PAC 1983 Year End Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn Presidential Committee 444 No. Capitol Street Washington, D. C. 20001	John Glenn, U.S. President 1984 Disbursement for: ☐Primary ☒General ☐ Other (specify):	8-16-83	1,000.
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn for President 375 South End Ave., Apt. 34C New York, N.Y. 10280	John Glenn, U.S. President 1984 Disbursement for: ☐Primary ☒General ☐ Other (specify):	8-17-83	500.
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Democrats for the 80's P.O. Box 3797 Washington, D. C. 20007	Dinner Disbursement for: ☐Primary ☒General ☐ Other (specify):	8-29-83	1,000.
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Inouye for U.S. Senate P.O. Box 7044 Honolulu, Hawaii 96821	Daniel Inouye, U.S. Senator, Hawaii Disbursement for: ☐Primary ☒General ☐ Other (specify):	9-12-83	200.
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Committee for Congressman Bill Green 501 Fifth Avenue New York, New York 10017	William Green, U.S. Rep. Dist. #18, New York Disbursement for: ☐Primary ☒General ☐ Other (specify):	9-12-83	200.
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
John Glenn Presidential Committee 444 No. Capitol Street Washington, D.C. 20001	John Glenn, U.S. President 1984 Disbursement for: ☐Primary ☒General ☐ Other (specify):	10-06-83	500.
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Cranston for President 230 Park Avenue, 17th Floor New York, New York 10017	Alan Cranston, U.S. President, 1984 Disbursement for: ☐Primary ☒General ☐ Other (specify):	10-07-83	1,000.
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Rinaldo for Congress Committee 1961 Morris Avenue Union, New Jersey 07083	Matthew Rinaldo, U.S. Rep Dist. #12. New Jersey Disbursement for: ☐Primary ☒General ☐ Other (specify):	10-17-83	250.
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
The Friends of John Warner '84 Committee 120 Park Avenue New York, New York 10017	John Warner, U.S. Senator Virginia Disbursement for: ☐Primary ☒General ☐ Other (specify):	10-24-83	250.
SUBTOTAL of Disbursements This Page (optional)			4,900.
TOTAL This Period (last page this line number only)			

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SCHEDULE B — ITEMIZED DISBURSEMENTS

Attachment 2a

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Name of Committee (in Full)
L. F. Rothschild, Unterberg, Towbin PAC

1982 April Quarterly Report

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Senator D'Amato P. O. Box 888 Mineola, New York 11501	Alphonse D'Amato, U.S. Senator New York Disbursement for: ☐ Primary ☐ General ☒ Other (specify): General 1980	1-07-82	500.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Re-elect Senator Chafee Committee 16th Floor 220 East 42nd Street New York, New York 10017	John Chafee, U. S. Senator Rhode Island Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	1-28-82	250.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Committee to Re-elect Congressman Chuck Schumer One West 72nd Street New York, New York 10023	Charles Schumer, U.S. Rep. Dist. #16, New York Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-01-82	500.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Committee for Tim Wirth 609 Penn. Avenue,S.E. Washington, D. C. 20003	Timothy Wirth, U.S. Rep. Dist. #2, Colorado Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-01-82	250.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Dick Luger 14 N. Delaware 9 P. O. Box 44101 Indianapolis, Indiana 46244	Richard Luger, U.S. Senator Indiana Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-10-82	1,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
Democratic Congressional Dinner Committee P. O. Box 2884 Washington, D. C. 20013	Supports Democratic Congressmen & Senators Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	3-30-82	1,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Primary ☐ General ☐ Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Primary ☐ General ☐ Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for:	Date (month, day, year)	Amount of Each Disbursement This Period
	☐ Primary ☐ General ☐ Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			3,500.00

Attachment 2b

L. F. Rothschild, Unterberg, Towbin PAC — 1982 July Quarterly Report

A. Friends of Senator D'Amato P.O. Box 888 Mineola, New York 11501	Purpose of Disbursement: Alphonse D'Amato, U.S. Senator, New York Disbursement for: ☐Primary ☐General ☒Other (specify): General 1982	Date (month, day, year): 6-8-82	Amount of Each Disbursement This Period: 1,000.00
B. Friends of Fossel for Congress 378 Halstead Avenue Harrison, New York 10528	Purpose of Disbursement: Jon S. Fossel, U.S. Rep. Dist. #20, New York Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year): 6-23-82	Amount of Each Disbursement This Period: 250.00
C. Evans '82 Committee P.O.Box 8200 Wilmington, Delaware 19899	Purpose of Disbursement: Thomas B. Evans, Jr., U.S. Rep., Dist.#1 Delaware Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year): 6-25-82	Amount of Each Disbursement This Period: 250.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐Primary ☐General ☐Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			1,500.00
TOTAL This Period (last page this line number only)			5,850.00

8504054430920320523716022

SCHEDULE B

ATTACHMENT 3

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)

L. F. Rothschild, Unterberg, Towbin PAC

1982 Year End Report

A. Full Name, Mailing Address and ZIP Code John Glenn Presidential Exploratory Committee P.O. Box 1984, Ben Franklin Station Washington, D. C. 20044	Purpose of Disbursement John Glenn, President of United States Disbursement for: ☐ Primary ☒ General ☐ Other (specify): 1984	Date (month, day, year) 11-23-82	Amount of Each Disbursement This Period 500.
B. Full Name, Mailing Address and ZIP Code Bill Bradley for U. S. Senate P. O. Box 1984 Union, New Jersey 07083	Purpose of Disbursement William Bradley, U.S. Senator, New Jersey Disbursement for: ☐ Primary ☒ General ☐ Other (specify): 1984	Date (month, day, year) 12-07-82	Amount of Each Disbursement This Period 500.
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period

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SCHEDULE A — ITEMIZED RECEIPTS

1982 Mid-Year Report

Attachment 4

6. L.F. Rothschild, Unterberg Towbin Political Action Committee 55 Water Street New York, New York 10041	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		3/22/82	500.00
	Occupation	6/16/82	1,000.00
	Aggregate Year-to-Date		1,500.00
7. National Securities Industry Political Action Committee 490 L'Enfant Plaza East S.W. Washington, D.C. 20024	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		2/2/82	500.00
	Occupation		
	Aggregate Year-to-Date		500.00
8. Securities Industry Political Action Committee 490 L'Enfant Plaza East, S.W. Washington, D.C. 20024	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		2/2/82	500.00
	Occupation		
	Aggregate Year-to-Date		500.00
9. Quit Industries Voluntary Political Action Committee 230 Park Avenue New York, New York 10022	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		2/18/82	1,000.00
	Occupation		
	Aggregate Year-to-Date		1,000.00
10. Public Employees Volunteer Committee on Political Education 253 Saw Mill River Road Elmsford, New York 10523	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		2/18/82	200.00
	Occupation		
	Aggregate Year-to-Date		200.00
11. Electronic Data Systems Employees Pol. Action Committee 7171 Forest Lane Dallas, Texas 75230	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		2/18/82	500.00
	Occupation		
	Aggregate Year-to-Date		500.00
12. Political Action Committee [illegible]	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
		3/18/82	500.00
	Occupation	6/16/82	500.00
	Aggregate Year-to-Date		1,000.00

90040120X06

ATTACHMENT 5

Page 1 of 1 for LINE NUMBER 11b
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A **ITEMIZED RECEIPTS**

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)
L. F. Rothschild, Unterberg, Towbin PAC 1983 Year End Report

A. Full Name, Mailing Address and ZIP Code People for John Heinz Committee c/o 1100 P.N.B. Building Philadelphia, Penn. 19107	Name of Employer None	Date (month, day, year) 12-27-83	Amount of Each Receipt this Period 500.
	Occupation		
Receipt For: ☐ Primary ☐ General ☐ Other (specify) Partial return contribution	Aggregate Year-to-Date—$ 500.		
B. Full Name, Mailing Address and ZIP Code Friends of Senator D'Amato P. O. Box 888 Mineola, N. Y. 11501	Name of Employer None	Date (month, day, year) 12-30-83	Amount of Each Receipt This Period 2,500.
	Occupation		
Receipt For ☐ Primary ☐ General ☐ Other (specify) Partial return contribution	Aggregate Year-to-Date—$ 3,000.		
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)			
TOTAL This Period (last page this line number only)			3,000.

13

3150342054343

SCHEDULE A — ITEMIZED RECEIPTS

ATTACHMENT 6

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)

J. P. ROTHSCHILD, REPUBLICAN, FOURTH DAC — 1984 April 15 Quarterly Report

	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt This Period
A. Full Name, Mailing Address and ZIP Code John Glenn, Presidential Committee 444 No. Capital Street, Suite 407 Washington, D.C. 20001 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	NONE Occupation Aggregate Year-to-Date—$ 2,500	1/30/84	$ 2,500
B. Full Name, Mailing Address and ZIP Code Congressman St. Germain Re-Election Committee 121 Woodland Road Woonsocket, R.I. 02895 Receipt For: ☐ Primary ☐ General ☒ Other (specify): Partial return contribution	NONE Occupation Aggregate Year-to-Date—$ 1,000	3/19/84	$ 1,000
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$		
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer Occupation Aggregate Year-to-Date—$		
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			$ 3,500

84034173

Attachment 7

THE SENATE CLUB
FRIENDS OF SENATOR D'AMATO
P.O. BOX [illegible]
MINEOLA, NEW YORK 11501

RECEIVED
OFFICE OF THE SECRETARY OF THE SENATE
1984 MAY -3 PM 3:08

HAND DELIVERED

May 1, 1984

Secretary of the Senate
232 Hart Senate Office Building
Washington, D.C. 20510

Re: Identification No. C00144881
Mid-Year Report (1/1/83-6/30/83)

Dear Sir:

This letter is in response to the letter of Pat Sheppard, Reports Analyst in the Reports Analysis Division of the Federal Election Commission dated April 18, 1984.

The letter refers to a contribution of $3,000 received on February 25, 1983 from L.F. Rothschild Unterberg Towbin PAC-Fed Account. As indicated in the Year End Report for 1983, $2,500 of the contribution was refunded in December 1983 with the balance of $500 being designated for the General Election. This made the total contribution from the Political Action Committee for the 1986 election $2,000; $1,000 being for the Primary Election and $1,000 being for the General Election.

When the contribution was received, we were advised by representatives of the L.F. Rothschild Unterberg Towbin PAC that they were a Multi-Candidate Committee, entitled to contribute $5,000 for the Primary Election and $5,000 for the General Election. In the fall of 1983 we were advised that the Federal Election Commission did not consider the Political Action Committee a Multi-Candidate Committee. We were also advised by counsel for the Political Action Committee that discussions were being held with the staff of the Federal Election Commission to resolve the issue as to whether or not the Committee was a Multi-Candidate Committee. In December of 1983 we were advised that the issue had not yet been resolved and therefore decided to return the $2,500 pending a final determination as to whether or not the Committee was a Multi-Candidate Committee prior to their making the contribution in 1983.

The undersigned has this day spoken with the current attorney for the L.F. Rothschild Unterberg Towbin PAC and was advised that the matter has still not been resolved.

The contribution was received and deposited in good faith and with the belief that it was a proper contribution which did not exceed the limit. The refund was made because of the uncertainties described herein.

Very truly yours,

Arthur W. Jespan
Treasurer

AWJ:sm

Paid for by Friends of Senator D'Amato

8504081377

RECEIVED AT THE FEC
84 MAR 20 AM 11:50

Congressman St Germain Re-election Committee
P.O. Box 1980, Providence, Rhode Island 02901

March 16, 1984

Attachment 8a

BLAH BLAH
POSTMARK ILLEGIBLE

064031

MEMORANDUM FOR R. Todd Johnson
Reports Analyst
Federal Election Commission

FROM: Congressman Fernand J. St Germain

SUBJECT: Mid-Year Report (1/1/83-7/31/83)

In response to your preliminary review of the above report which determined that two contributors did not qualify as multicandidate committees, I am refunding each contribution as follows:

L. F. Rothschild Unterberg Towbin PAC, $2000.00

Salomon Brothers, Inc. PAC, $2,500.00

In your conversation earlier today, you verified that each political action committee has been notified that they do not qualify as multicandidate committees.

These contribution refunds will be reflected in the next report on Line 20 of the Detailed Summary Page.

8504054315

RECEIVED AT THE FEC

Congressman St Germain Re-election Committee

P.O. Box 1980, Providence, Rhode Island 02901

Attachment 8b

March 16, 1984

REGULAR MAIL
MAR 16 1984

064531

MAR 21 PM 4:18

MEMORANDUM FOR R. Todd Johnson
Reports Analyst
Federal Election Commission

FROM: Congressman Fernand J. St Germain

SUBJECT: Mid-Year Report (1/1/83-7/31/83)

Amending my earlier memorandum of today, this is to clarify that the amounts returned to the two contributors were in excess of the legal limits under the Act and the refunds were as follows:

L. F. Rothschild Unterberg Towbin PAC, $1000.00

Salomon Bros., Inc. PAC, $1500.00

These refunds will be reflected in the next report.

8594954317830

ATTACHMENT 9

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Carol Darr, Counsel
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 4/23/84

SUBJECT(S): Excessive Contributions to Candidates

Ms. Darr called this morning to notify us that the Rothschild PAC had received all refunds from candidates who they had contributed excessive amounts to with the exception of John Glenn. She stated that they had received a partial refund from Glenn, but that $500 remains outstanding. I asked whether they had received refunds from St. Germain and D'Amato, and she responded in the affirmative. She also mentioned that the committee had requested and received refunds from other candidates that they had made excessive contributions to.

Ms. Darr said that she expected to receive the additional $500 from Glenn by the end of this week and would send us a copy of the check. I also requested that she send a letter detailing the refunds that they have received to date, as this information would not be disclosed until the July 15 Quarterly reporting period.

8504054317

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 5, 1984

ANALYST: Lisa Stolaruk

I. COMMITTEE: L.F. Rothschild, Unterberg, Towbin PAC
(C00142745)
Andrew Blum, Treasurer
55 Water Street
New York, NY 10041

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

III. BACKGROUND:

Receipt of Excessive Contributions from a Person (Partnership) - 2 U.S.C. 441a(f)

The reports filed by L.F. Rothschild, Unterberg, Towbin PAC (the "Committee") during calendar year 1982 disclosed an aggregate total of $20,000 received from L.F. Rothschild, Unterberg, Towbin (Attachments 2a-2g). On July 27, 1983, the analyst called the corporate division of the Secretary of State of New York in order to determine whether the contributing entity was incorporated. The analyst was informed that the entity was incorporated on May 30, 1981 (Attachment 3). Based upon this information, a Request for Additional Information ("RFAI") was sent to the Committee on October 19, 1983, which recommended that the Committee refund the prohibited contributions and disclose the refund on its next report (Attachment 4).

On October 26, 1983, Mr. Ray Bartkus, an official of the Committee, telephoned the analyst and explained that L.F. Rothschild, Unterberg and Towbin was an unincorporated partnership, but that there is an entity bearing the same name that is incorporated. The unincorporated partnership made the contributions to the Committee. The analyst explained that, since a partnership could give no more than $5,000 per year to the Committee, the partnership had exceeded its annual contribution limitation. The official was not aware of this limitation, and expressed his desire to confer with his attorneys regarding the matter (Attachment 5).

8504054318

On November 9, 1983, Mr. Tim O'Neil, counsel for the Committee, called the analyst with further information. Mr. O'Neil explained that it was his understanding that the partnership contributions actually represented contributions from partners drawn on individual checks. The analyst explained that the Committee reported the contributions as coming from the partnership, not the individual partners. Furthermore, the analyst stressed the importance of confirming the fact that these were individual contributions and not merely an attribution of the partnership contributions. Mr. O'Neil stated that he would respond to the RFAI by letter (Attachment 6).

A Second Notice was sent on November 10, 1983, for failure to respond in writing to the original RFAI (Attachment 7).

Mr. O'Neil called the analyst on November 28, 1983, and explained that each partner signed an agreement to have a certain amount contributed by the partnership. The amount that was subsequently contributed was subtracted from each participating partner's share of the profits. The analyst requested that the procedure be submitted to the Commission in writing. Mr. O'Neil agreed to do this and also offered to submit the committee's by-laws (Attachment 8).

On December 12, 1983, Mr. O'Neil called the analyst with further information. He stated that each partner has a personal account into which all profits are deposited. All partners who wish to contribute to the Committee sign a written agreement and the partnership reduces the partners' share of the profits accordingly. He further stated that he believes that the contributions are forwarded by a paper transaction from the individual accounts to the Committee. He said that no partner exceeded the $5,000 limitation on individual contributions, and maintained that the procedure is permissible under the Act.

Mr. O'Neil also told the analyst that the partnership's in-house counsel was greatly concerned that the Committee was in violation of the Act. He explained to counsel that, at most, the Commission would require the Committee to amend their reports by disclosing the individual partners as the original contributors. The analyst did not address Mr. O'Neil's statement, but again stressed the importance of submitting a written response regarding the legal status of the partnership and the manner in which the contributions were transmitted to the Committee (Attachment 9).

On December 20, 1983, Mr. Douglas Libby, Assistant General Counsel for the partnership, called the analyst and apologized for not responding to the Commission's inquiries.

8504054319

He stated that he realized that the Committee and partnership were having problems with the Commission and intended to hire attorneys to rectify the matter. The analyst requested a written response as soon as possible, but Mr. Libby explained that he preferred to wait until the new attorneys were hired (Attachment 10).

A response signed by Carol Darr was received on January 3, 1984, which explained that L.F. Rothschild, Unterberg, Towbin is an investment banking firm organized as a partnership and that the Committee is a non-connected political committee supporting more than one Federal candidate.

The response further explained that, prior to establishing the Committee, the partnership sought advice of other counsel in the formation and operation of the Committee and relied upon that advice. They were not aware that what was intended as contributions from individuals would also count as contributions from the partnership if the funds were drawn from the partnership account. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his specific contribution.

The January 3rd response acknowledged the fact that the contribution exceeded the $5,000 annual limitation on contributions from partnerships. To correct the error, the partnership is in the process of having each individual contribute by personal check to the Committee an amount equal to his total contributions for 1981, 1982 and 1983. Included in this amount will be a pro-rata share of the administrative costs that were paid by the partnership during the three years. The response further stated that, once the Committee is in receipt of the personal checks, it will reimburse the partnership in full for its contributions made in 1981, 1982 and 1983. In addition, amended reports for the three years will be filed to reflect the individual contributors (Attachment 11).

On January 31, 1984, Carol Darr called the analyst and explained that only one-third of the partners have contributed to the Committee thus far. However, she further explained that she expects all partners to contribute to the Committee by the 1984 April Quarterly reporting period. The analyst recommended that the Committee send a letter to the Commission explaining the steps that have been taken to date (Attachment 12). On February 6, 1984, the Commission received a written response from Raymond Bartkus referencing the January 31 telephone conversation with Carol Darr (Attachment 13).

8504320

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

8504054432 1

8 5 0 4 0 5 4 4 3 2 2

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (81-82)

DATE 24FEB84
PAGE 1

NON-PARTY RELATED

COMMITTEE / DOCUMENT		RECEIPTS		DISBURSEMENTS		TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC						NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK								
1981 STATEMENT OF ORGANIZATION						26JUN81	1	81FEC/197/5054
MID-YEAR REPORT		0		0		1JAN81 -30JUN81	3	81FEC/203/1087
YEAR-END		7,500		5,000		1JUL81 -31DEC81	6	82FEC/221/4768
YEAR-END	- AMENDMENT	-		-		1JUL81 -31DEC81	1	84FEC/290/0982
YEAR-END	- AMENDMENT	-		-		1JUL81 -31DEC81	1	84FEC/296/1889
REQUEST FOR ADDITIONAL INFORMATION						1JUL81 -31DEC81	15	83FEC/285/4223
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL81 -31DEC81	16	83FEC/286/5345
1982 APRIL QUARTERLY		5,000		3,500		1JAN82 -31MAR82	5	82FEC/227/5217
APRIL QUARTERLY	- AMENDMENT	-		-		1JAN82 -31MAR82	1	84FEC/290/0983
APRIL QUARTERLY	- AMENDMENT	-		-		1JAN82 -31MAR82	1	84FEC/296/1890
REQUEST FOR ADDITIONAL INFORMATION						1JAN82 -31MAR82	1	83FEC/285/4291
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN82 -31MAR82	1	83FEC/287/0755
JULY QUARTERLY		2,000		5,850		1APR82 -30JUN82	6	82FEC/237/1818
JULY QUARTERLY	- AMENDMENT	-		-		1APR82 -30JUN82	1	84FEC/290/0984
JULY QUARTERLY	- AMENDMENT	-		-		1APR82 -30JUN82	1	84FEC/296/1891
REQUEST FOR ADDITIONAL INFORMATION						1APR82 -30JUN82	1	83FEC/285/4290
REQUEST FOR ADDITIONAL INFORMATION 2ND						1APR82 -30JUN82	1	83FEC/287/0756
PRE-PRIMARY		8,000		8,100		1JUL82 - 3SEP82	5	82FEC/243/0852
PRE-PRIMARY	- AMENDMENT	-		-		1JUL82 - 3SEP82	1	84FEC/290/0985
PRE-PRIMARY	- AMENDMENT	-		-		1JUL82 - 3SEP82	1	84FEC/296/1892
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JUL82 - 3SEP82	1	83FEC/287/0757
REQUEST FOR ADDITIONAL INFORMATION						1JUL82 -30SEP82	1	83FEC/285/4289
OCTOBER QUARTERLY		1,000		800		4SEP82 -30SEP82	5	82FEC/245/0958
OCTOBER QUARTERLY	- AMENDMENT	-		-		4SEP82 -30SEP82	1	84FEC/293/1610
OCTOBER QUARTERLY	- AMENDMENT	-		-		4SEP82 -30SEP82	1	84FEC/296/1893
REQUEST FOR ADDITIONAL INFORMATION						4SEP82 -30SEP82	1	83FEC/285/4288
REQUEST FOR ADDITIONAL INFORMATION 2ND						4SEP82 -30SEP82	1	83FEC/287/0758
PRE-GENERAL		1,000		1,150		10CT82 -13OCT82	5	82FEC/250/4285
PRE-GENERAL	- AMENDMENT	-		-		10CT82 -13OCT82	1	84FEC/293/1609
PRE-GENERAL	- AMENDMENT	-		-		10CT82 -13OCT82	1	84FEC/296/1894
REQUEST FOR ADDITIONAL INFORMATION						10CT82 -13OCT82	1	83FEC/285/4287
REQUEST FOR ADDITIONAL INFORMATION 2ND						10CT82 -13OCT82	1	83FEC/287/0759
POST-GENERAL		2,000		1,300		14OCT82 -22NOV82	5	82FEC/254/3030
POST-GENERAL	- AMENDMENT	-		-		14OCT82 -22NOV82	1	84FEC/290/0987
POST-GENERAL	- AMENDMENT	-		-		14OCT82 -22NOV82	1	84FEC/296/1895
REQUEST FOR ADDITIONAL INFORMATION						14OCT82 -22NOV82	1	83FEC/285/4286
REQUEST FOR ADDITIONAL INFORMATION 2ND						14OCT82 -22NOV82	1	83FEC/287/0760
YEAR-END		1,000		1,000		23NOV82 -31DEC82	5	83FEC/261/0097
YEAR-END	- AMENDMENT	-		-		23NOV82 -31DEC82	4	84FEC/290/0453
YEAR-END	- AMENDMENT	-		-		23NOV82 -31DEC82	1	84FEC/296/1896
REQUEST FOR ADDITIONAL INFORMATION						23NOV82 -31DEC82	1	83FEC/285/4285
REQUEST FOR ADDITIONAL INFORMATION 2ND						23NOV82 -31DEC82	1	83FEC/287/0761
TOTAL		27,500	0	26,700	0		110	TOTAL PAGES

ALL REPORTS REVIEWED (CONDENSED)
ENDING CASH (12-31-82) : $800
DEBTS (12-31-82) : -0-

ATTACHMENT 1 (PAGE 1 OF 2)

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

NON-PARTY RELATED

COMMITTEE / DOCUMENT		RECEIPTS		DISBURSEMENTS	TYPE OF FILER / COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC					NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK							
1983 MID-YEAR REPORT		9,000		9,750	1JAN83 -30JUN83	6	83FEC/279/1074
MID-YEAR REPORT	- AMENDMENT	-		-	1JAN83 -30JUN83	1	84FEC/296/1897
YEAR-END		19,500		15,900	1JUL83 -31DEC83	8	84FEC/296/0256
TOTAL		28,500	0	25,650	0	15	TOTAL PAGES

NO REPORTS REVIEWED.
ENDING CASH (12-31-83) : +3,650
DEBTS (12-31-83) : -0-

MURs 1 (Page 2 of 2)

ATTACHMENT 2a

Page 1 of 1 for LINE NUMBER 11

(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

1982 April Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 5,000.00	Date (month, day, year) 1-29-82	Amount of Each Receipt this Period 5,000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			5,000.00

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ATTACHMENT 2b

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A **ITEMIZED RECEIPTS**

1982 July Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 7,000.00	Date (month, day, year) 5-25-82	Amount of Each Receipt this Period 2,000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			2,000.00

C82503420.35/4 14 3 2 0 5

ATTACHMENT 2c

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A

ITEMIZED RECEIPTS

1982 12 Day Pre-Primary

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 8,000.	Date (month, day, year) 7-14-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$10,000.	Date (month, day, year) 7-26-82	Amount of Each Receipt This Period 2,000
C. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$14,000.	Date (month, day, year) 8-2-82	Amount of Each Receipt This Period 4,000.
D. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$15,000.	Date (month, day, year) 8-30-82	Amount of Each Receipt This Period 1,000.
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			8,000.

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ATTACHMENT 2a

1982 October Quarterly

SCHEDULE A — ITEMIZED RECEIPTS

Page 1 of 1 for Schedules A

Use separate schedule(s) 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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	INC. 5/30/81	9-10-82	1,000
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date	16,000	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this schedule only)			1,0

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ATTACHMENT 2e

Page 1 of 1 for LINE NUMBER 11

(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — **ITEMIZED RECEIPTS**

1982 12 Day Pre-General

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 17,000.	Date (month, day, year) 10-5-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.

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ATTACHMENT 2f

1982 30 Day Post-General

SCHEDULE A — ITEMIZED RECEIPTS

Page 1 of 1 for Line Number 11
(Use one sheet 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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	Int. 5/30/81	10-14-82	2,000.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date-$ 15,000.		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date-$		
3J. TOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			2,000.

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SCHEDULE A — ITEMIZED RECEIPTS — ATTACHMENT 2g — (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)
L. F. Rothschild, Unterberg, Towbin PAC — 1982 Year End Report

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	Name of Employer INC. 5/30/81	Date (month, day, year) 12-7-82	Amount of Each Receipt this Period 1,000.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$ 20,000.		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.

ATTACHMENT 3

TELECON

ANALYST Lisa Stolaruk
initiated call? yes

TELECON WITH: Secretary of State Office of New York
initiated call? no

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 7/27/83

SUBJECT(S): Date of Incorporation

I called the Corporate Division of the New York Secretary of State in order to verify the corporate/non-corporate status of L.F. Rothschild, Unterberg, Towbin. I was informed that the entity was incorporated on May 30, 1981.

8504054433 1

ATTACHMENT 1 (2 pages)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

19 October 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg, Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and all reports filed in calendar year 1982

Dear Mr. Blum:

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 a contribution(s) 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 excessive contributions, the Commission recommends that you notify the recipients and request a refund of the amount in excess of $1,000. Please inform the Commission, in writing, of the refunds and provide photocopies of your refund requests sent to the recipients. In addition, any refunds should appear on Line 16 of Schedule A of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

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

-Your reports disclose apparent contributions from a corporation (pertinent portions attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate

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segregated fund established by the corporation. (2 U.S.C. 441b(a)) If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 26a of the Detailed Summary Page of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original reports with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by you to refund the full amount 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,

Lisa Stolaruk

Lisa Stolaruk
Reports Analyst
Reports Analysis Division

8504044333

ATTACHMENT 5

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Ray Bartkus (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 10/26/83

SUBJECT(S): RFAI's regarding 2 U.S.C. 441a and 441b

I sent RFAI's to the PAC for apparent excessive contributions to candidates and for contributions received from L.F. Rothschild, Uterberg, Towbin. Mr. Bartkus called to state that the entity that made the contributions to the PAC is not incorporated, but is rather an unincorporated partnership. I told him that the Secretary of State office gave me a date of incorporation for an entity bearing the same name. He said that there is a corporation with that name, but that it is not the same as the partnership that made the contributions. He further stated that, since the entity is a partnership, each contribution represents an attribution to each partner in the firm. Therefore, Mr. Bartkus asserted that the PAC had met all three criteria to qualify as a multicandidate committee, and that their contributions to Wirth, Heinz and D'Amato were permissible.

I told Mr. Bartkus that a partnership could give no more than $5,000 per year to the PAC. Since Mr. Bartkus stated that the entity was not incorporated, then the contributions to the PAC were excessive for both 1981 and 1982. He was not aware of this and stated that he wants to discuss this development with the attorneys that advise them on such matters.

8504054334

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for L.F. Rothschild, Unterberg, Towbin PAC

DATE: 11/9/83

SUBJECT(S): Partnership contibutions and excessive contributions to candidates

Mr. O'Neil called regarding the apparent excessive partnership contributions and apparent excessive candidate contributions. He stated that it was his understanding that the contributions from the partnership were actually individual contributions from the partners drawn on individual checks. As such, the committee had actually received over 50 individual contributions and had qualified as a multicandidate committee prior to contributing the "excessive" contributions to the three Federal candidates. I told him that it was of utmost importance to confirm the fact that the contributions from the partners were in fact individual contributions and not merely an attribution of a partnership contribution. The committee reported the receipts as coming from the partnership, not from individuals. Regarding the multicandidate status of the committee, I informed Mr. O'Neil that the committee's filings indicate that the committee only received the partnership contributions which would count as only one individual. I stated that, until information is received to the contrary, the committee will still be regarded as a non-qualified committee. Mr. O'Neil said that he understood this and will contact the committee immediately. I recommended that the committee send a letter to the Commission in response to the RFAI's. He will comply.

8504054335

ATTACHMENT 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

November 10, 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg,
Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and All Reports filed in calendar year 1982

Dear Mr. Blum:

This letter is to inform you that as of November 9, 1983, the Commission has not received your response to our request for additional information, dated October 19, 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 Lisa Stolaruk 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

Enclosure

8504054336

ATTACHMENT 6

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for Rothschild, Unterberg, Towbin PAC

DATE: 11/28/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called with more information regarding the procedure by which the individual partners contributed to the PAC. He stated that each partner signed an agreement to have a certain amount "contributed" by the partnership on the individual's behalf. The amount contributed was actually equivalent to a proportionate reduction in that partner's share of the profits. I told Mr. O'Neil that it was my understanding that this was the manner in which most partnerships handled their contributions. I requested that Mr. O'Neil submit the procedure to the Commission in writing. He agreed to do this, and also offered to submit additional materials such as the committee's by-laws.

8504054337

ATTACHMENT 2 (2 pages)

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1459
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/12/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called to apologize for not responding to the RFAI's to the PAC. He promised to get a written response in within the next few days.

He said that he had further discussions with the partnership and it appears that each partner has a personal account into which profits of the partnership are deposited. By written agreement, the partnership reduces the profits of all partners who want to contribute to the PAC and forwards the money to the PAC. I asked in what manner the contributions were forwarded. He said that he believes that it is merely a "paper transaction" from the individual accounts to the PAC. He stated that no partner has contributed in excess of $5,000 per year to the PAC. He maintains that the procedure that they followed is permissible under the Act.

Mr. O'Neil stated that he has been in contact with the partnership's in-house counsel, who is greatly concerned about this matter. Mr. O'Neil explained to the counsel that, at most, the Commission would instruct them to amend their reports to disclose the contributions coming from the individual partners rather than the partnership itself. I did not comment on his statement. He further explained that, since there were over fifty partners participating in the program, the PAC is qualified as a multicandidate committee. He told the counsel that, when amending the reports, he should indicate the date of qualification. Mr. O'Neil said that the counsel is still concerned that the Commission may find them in violation of the Act.

I was under the impression that Mr. O'Neil wanted me to assure him that the Commission would take no action against the committee. I told him that it was entirely up to the Commission to review the circumstances and decide on the appropriate action, assuming any action would be taken. I could not speak for the Commission. He asked if there was someone in our General Counsel's office that he could speak with. I told him that the most he could do now is to provide a written response to the RFAI's, including a statement regarding the corporate or non-corporate status of the partnership and a detailed description of the manner in which the contributions were transmitted to the PAC. I told him that

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once we received the written response, we could proceed from there. He will prepare a response and read it to me prior to mailing it to the Commission.

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TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Douglas Libby (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/20/83

SUBJECT(S): Partnership contributions

Mr. Libby called and explained that he is Assistant General Counsel for the Rothschild partnership. He realizes that the PAC and partnership are having some problems regarding the Act and regulations, and apologized for not responding to our inquiries sooner. He explained that he is planning to hire a law firm to try to straighten out the problems, because he is totally ignorant of the campaign laws. I told him that I have been in contact with Tim O'Neil, counsel for the PAC, and that Mr. O'Neil had assured me several times that a response would be forthcoming. To date, we have not received any written responses from the PAC or partnership. Mr. Libby expressed embarrassment that Mr. O'Neil had not submitted anything. I urged Mr. Libby to respond to the RFAI's, if at all possible, as soon as he can. He told me that he preferred to wait until they could hire some attorneys, but I explained that it would be in their best interest to respond in the interim. I told him that we needed to know the manner in which the partners contributed to the PAC and how the "contributions" were transmitted. In addition, we needed information regarding the corporate or non-corporate status of the partnership.

Mr. Libby then asked several questions regarding partnership contributions, limitations and multicandidate status. He assured me that they would send a written response to our questions.

8504054340

ATTACHMENT 11 (3 pages)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3931

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-6000
ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002
ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-8900
515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4800

January 3, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Stolaruk:

This letter responds to your letter of October 19, 1983, to Mr. Andrew Blum, Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), and to your telephone conversation on December 20, 1983 with Douglas M. Libby, Esq. of L.F. Rothschild, Unterberg, Towbin ("LFRUT").

Your questions appear to arise in part from uncertainty over the status of the organization associated with the PAC. LFRUT is an investment banking firm organized as a partnership. The PAC is a nonconnected political committee supporting more than one federal candidate, as indicated on its Statement of Organization filed on June 26, 1981.

You requested from Mr. Libby information concerning the manner in which funds were transferred from LFRUT to the PAC for the years 1981 and 1982. LFRUT sought the advice of other counsel prior to the organization of the PAC and relied upon such advice in the formation and operation of the PAC. It was not aware that what was intended as contributions from individuals would also be deemed contributions from the partnership if the funds were transferred by means of checks drawn on an LFRUT account to the PAC. Therefore, LFRUT transferred funds as needed to the PAC by means of checks drawn on an LFRUT account. These checks represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution at the end of each of the two years in question was reduced by the amount of his specific contributions.

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As is apparent from the PAC's FEC reports, the amounts transferred each year by means of partnership checks have exceeded $5,000. To correct the mistake made during these two years and also a similar mistake made in 1983, LFRUT is in the process of having each intended contributor transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distribution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro rata share of the administrative expenses advanced by the partnership for each of the three years. We expect this process to be completed by January 31, 1984.

As soon as the PAC receives these personal checks, the aggregate of which will equal the amount expended by the partnership for transfers directly to the PAC and for administrative expenses (which were de minimus), the PAC will reimburse the partnership not only for the amount contributed in excess of $5,000 for each of the three years, but for its entire contribution to the PAC. This full reimbursement exceeds the requirements of the Regulations, and is intended to demonstrate a good faith effort to correct these errors.

LFRUT will promptly file amended Year End reports for the two years in question which will properly list each individual's annual contribution to the PAC, and a Year End Report for 1983 that will itemize each individual's aggre-ate annual contribution, and also serve to amend the PAC's Mid-Year Report for 1983.

As to the PAC's status as a multicandidate committee, it is our position that the PAC qualified as a multi-candidate committee on December 31, 1981. By that date the PAC had been registered with the FEC for at least six months, had made contributions to at least five federal candidates, and most importantly, an amount representing each partner's contribution to the PAC had reduced his distribution. Despite the fact that these individual contributions were not properly itemized on the PAC's FEC reports, the aggregate sum was reported, and that sum represented the actual contributions of the individuals who will be listed on the PAC's amended reports. We believe it would work an unnecessary hardship on LFRUT as well as any recipient candidates to treat amounts over $1,000 as excessive contributions by the PAC or to require these amounts to be refunded.

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We believe that the Reports Analysis Division should take into consideration the fact that immediately upon understanding its mistake, LFRUT took prompt and thorough actions to correct not only the errors pointed out in your letter and telephone call, but also on its own initiative the additional but unnoted errors contained in its 1983 reports, as well as the failure to report administrative expenses for 1981, 1982, and 1983. We respectfully request that no further action be taken on this matter.

Sincerely,

Carol C. Darr

8504054433

ATTACHMENT 12

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Carol Darr
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 1/31/84

SUBJECT(S): Contributions by Partners

Ms. Darr called this afternoon to inform me that the process of having the partners contribute directly to the PAC was only partially complete. She said that of the 80-some partners that participated in contributing to the PAC, only one-third have actually done so in 1983. She was concerned because, according to the committee's response, the reimbursement to the PAC was supposed to be finalized by the end of January, 1984.

I told her to write a letter to the Commission explaining what steps have been taken thus far; that is, the number of partners who have agreed to reimburse the PAC. Ms. Darr further stated that she expected the PAC to receive full reimbursement from the partners by the April 15 Quarterly period.

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RECEIVED BY THE FEC

84 FEB 6 P3:00

ATTACHMENT 13

MEMBERS ALL LEADING EXCHANGES
55 WATER STREET NEW YORK, NY 10041
TELEPHONE 212-425-3300

L.F. ROTHSCHILD, UNTERBERG, TOWBIN

February 1, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street N.W
Washington, D.C. 20463

Dear Ms. Stolaruk:

Enclosed is the 1983 Year End Report L.F. Rothschild, Unterberg, Towbin PAC. The report indicates that the partnership of L.F. Rothschild, Unterberg, Towbin has deposited $28,500.00 in the PAC account during the year 1983.

As the letter of January 3, 1984 from Carol Darr to you stated, we are in the process of collecting a personal check from each partner to reimburse the partnership for all contributions made by the PAC during the years 1981, 1982 and 1983, as well as de minimus administration expenses.

In accordance with your advice to Ms. Darr in a telephone conversation yesterday, we will forward by letter during the month of February the name of each partner from whom a personal check has been received, the pro rata amount of each contribution, and other pertinent information.

By the close of books for the April 15 Report we hope to have received all such contributions, and expect to make a complete report of this activity on the April 15 Report.

Thank you for your assistance in this matter.

Very truly yours,

L.F. Rothschild, Unterberg, Towbin

Raymond Bartkus

RB/smp
enc.

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 5, 1984

ANALYST: Lisa Stolaruk

I. COMMITTEE: L.F. Rothschild, Unterberg, Towbin PAC
(C00142745)
Andrew Blum, Treasurer
55 Water Street
New York, NY 10041

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

III. BACKGROUND:

Receipt of Excessive Contributions from a Person (Partnership) - 2 U.S.C. 441a(f)

The reports filed by L.F. Rothschild, Unterberg, Towbin PAC (the "Committee") during calendar year 1982 disclosed an aggregate total of $20,000 received from L.F. Rothschild, Unterberg, Towbin (Attachments 2a-2g). On July 27, 1983, the analyst called the corporate division of the Secretary of State of New York in order to determine whether the contributing entity was incorporated. The analyst was informed that the entity was incorporated on May 30, 1981 (Attachment 3). Based upon this information, a Request for Additional Information ("RFAI") was sent to the Committee on October 19, 1983, which recommended that the Committee refund the prohibited contributions and disclose the refund on its next report (Attachment 4).

On October 26, 1983, Mr. Ray Bartkus, an official of the Committee, telephoned the analyst and explained that L.F. Rothschild, Unterberg and Towbin was an unincorporated partnership, but that there is an entity bearing the same name that is incorporated. The unincorporated partnership made the contributions to the Committee. The analyst explained that, since a partnership could give no more than $5,000 per year to the Committee, the partnership had exceeded its annual contribution limitation. The official was not aware of this limitation, and expressed his desire to confer with his attorneys regarding the matter (Attachment 5).

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On November 9, 1983, Mr. Tim O'Neil, counsel for the Committee, called the analyst with further information. Mr. O'Neil explained that it was his understanding that the partnership contributions actually represented contributions from partners drawn on individual checks. The analyst explained that the Committee reported the contributions as coming from the partnership, not the individual partners. Furthermore, the analyst stressed the importance of confirming the fact that these were individual contributions and not merely an attribution of the partnership contributions. Mr. O'Neil stated that he would respond to the RFAI by letter (Attachment 6).

A Second Notice was sent on November 10, 1983, for failure to respond in writing to the original RFAI (Attachment 7).

Mr. O'Neil called the analyst on November 28, 1983, and explained that each partner signed an agreement to have a certain amount contributed by the partnership. The amount that was subsequently contributed was subtracted from each participating partner's share of the profits. The analyst requested that the procedure be submitted to the Commission in writing. Mr. O'Neil agreed to do this and also offered to submit the committee's by-laws (Attachment 8).

On December 12, 1983, Mr. O'Neil called the analyst with further information. He stated that each partner has a personal account into which all profits are deposited. All partners who wish to contribute to the Committee sign a written agreement and the partnership reduces the partners' share of the profits accordingly. He further stated that he believes that the contributions are forwarded by a paper transaction from the individual accounts to the Committee. He said that no partner exceeded the $5,000 limitation on individual contributions, and maintained that the procedure is permissible under the Act.

Mr. O'Neil also told the analyst that the partnership's in-house counsel was greatly concerned that the Committee was in violation of the Act. He explained to counsel that, at most, the Commission would require the Committee to amend their reports by disclosing the individual partners as the original contributors. The analyst did not address Mr. O'Neil's statement, but again stressed the importance of submitting a written response regarding the legal status of the partnership and the manner in which the contributions were transmitted to the Committee (Attachment 9).

On December 20, 1983, Mr. Douglas Libby, Assistant General Counsel for the partnership, called the analyst and apologized for not responding to the Commission's inquiries.

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He stated that he realized that the Committee and partnership were having problems with the Commission and intended to hire attorneys to rectify the matter. The analyst requested a written response as soon as possible, but Mr. Libby explained that he preferred to wait until the new attorneys were hired (Attachment 10).

A response signed by Carol Darr was received on January 3, 1984, which explained that L.F. Rothschild, Unterberg, Towbin is an investment banking firm organized as a partnership and that the Committee is a non-connected political committee supporting more than one Federal candidate.

The response further explained that, prior to establishing the Committee, the partnership sought advice of other counsel in the formation and operation of the Committee and relied upon that advice. They were not aware that what was intended as contributions from individuals would also count as contributions from the partnership if the funds were drawn from the partnership account. The funds were transferred to the Committee as needed, and each participating partner's annual distribution at the end of the year was reduced by the amount of his specific contribution.

The January 3rd response acknowledged the fact that the contribution exceeded the $5,000 annual limitation on contributions from partnerships. To correct the error, the partnership is in the process of having each individual contribute by personal check to the Committee an amount equal to his total contributions for 1981, 1982 and 1983. Included in this amount will be a pro-rata share of the administrative costs that were paid by the partnership during the three years. The response further stated that, once the Committee is in receipt of the personal checks, it will reimburse the partnership in full for its contributions made in 1981, 1982 and 1983. In addition, amended reports for the three years will be filed to reflect the individual contributors (Attachment 11).

On January 31, 1984, Carol Darr called the analyst and explained that only one-third of the partners have contributed to the Committee thus far. However, she further explained that she expects all partners to contribute to the Committee by the 1984 April Quarterly reporting period. The analyst recommended that the Committee send a letter to the Commission explaining the steps that have been taken to date (Attachment 12). On February 6, 1984, the Commission received a written response from Raymond Bartkus referencing the January 31 telephone conversation with Carol Darr (Attachment 13).

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IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (81-82)

DATE 24FEB84
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC				NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK						
1981	STATEMENT OF ORGANIZATION			26JUN81	1	81FEC/197/5054
	MID-YEAR REPORT	0	0	1JAN81 -30JUN81	3	81FEC/203/1087
	YEAR-END	7,500	5,000	1JUL81 -31DEC81	6	82FEC/221/4768
	YEAR-END - AMENDMENT	-	-	1JUL81 -31DEC81	1	84FEC/290/0982
	YEAR-END - AMENDMENT	-	-	1JUL81 -31DEC81	1	84FEC/296/1889
	REQUEST FOR ADDITIONAL INFORMATION			1JUL81 -31DEC81	15	83FEC/285/2723
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL81 -31DEC81	16	83FEC/286/5345
1982	APRIL QUARTERLY	5,000	3,500	1JAN82 -31MAR82	5	82FEC/227/5217
	APRIL QUARTERLY - AMENDMENT	-	-	1JAN82 -31MAR82	1	84FEC/290/0983
	APRIL QUARTERLY - AMENDMENT	-	-	1JAN82 -31MAR82	1	84FEC/296/1890
	REQUEST FOR ADDITIONAL INFORMATION			1JAN82 -31MAR82	1	83FEC/285/4291
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN82 -31MAR82	1	83FEC/287/0755
	JULY QUARTERLY	2,000	5,850	1APR82 -30JUN82	6	82FEC/237/1818
	JULY QUARTERLY - AMENDMENT	-	-	1APR82 -30JUN82	1	84FEC/290/0984
	JULY QUARTERLY - AMENDMENT	-	-	1APR82 -30JUN82	1	84FEC/296/1891
	REQUEST FOR ADDITIONAL INFORMATION			1APR82 -30JUN82	1	83FEC/285/4290
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR82 -30JUN82	1	83FEC/287/0756
	PRE-PRIMARY	8,000	8,100	1JUL82 - 3SEP82	5	82FEC/243/0852
	PRE-PRIMARY - AMENDMENT	-	-	1JUL82 - 3SEP82	1	84FEC/290/0985
	PRE-PRIMARY - AMENDMENT	-	-	1JUL82 - 3SEP82	1	84FEC/296/1892
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL82 - 3SEP82	1	83FEC/287/0757
	REQUEST FOR ADDITIONAL INFORMATION			1JUL82 -30SEP82	1	83FEC/285/4289
	OCTOBER QUARTERLY	1,000	800	4SEP82 -30SEP82	5	82FEC/245/0958
	OCTOBER QUARTERLY - AMENDMENT	-	-	4SEP82 -30SEP82	1	84FEC/293/1610
	OCTOBER QUARTERLY - AMENDMENT	-	-	4SEP82 -30SEP82	1	84FEC/296/1893
	REQUEST FOR ADDITIONAL INFORMATION			4SEP82 -30SEP82	1	83FEC/285/4288
	REQUEST FOR ADDITIONAL INFORMATION 2ND			4SEP82 -30SEP82	1	83FEC/287/0758
	PRE-GENERAL	1,000	1,150	10CT82 -13OCT82	5	82FEC/250/4285
	PRE-GENERAL - AMENDMENT	-	-	10CT82 -13OCT82	1	84FEC/293/1609
	PRE-GENERAL - AMENDMENT	-	-	10CT82 -13OCT82	1	84FEC/296/1894
	REQUEST FOR ADDITIONAL INFORMATION			10CT82 -13OCT82	1	83FEC/285/4287
	REQUEST FOR ADDITIONAL INFORMATION 2ND			10CT82 -13OCT82	1	83FEC/287/0759
	POST-GENERAL	2,000	1,300	14OCT82 -22NOV82	5	82FEC/254/3030
	POST-GENERAL - AMENDMENT	-	-	14OCT82 -22NOV82	1	84FEC/290/0987
	POST-GENERAL - AMENDMENT	-	-	14OCT82 -22NOV82	1	84FEC/296/1895
	REQUEST FOR ADDITIONAL INFORMATION			14OCT82 -22NOV82	1	83FEC/285/4286
	REQUEST FOR ADDITIONAL INFORMATION 2ND			14OCT82 -22NOV82	1	83FEC/287/0760
	YEAR-END	1,000	1,000	23NOV82 -31DEC82	5	83FEC/261/0097
	YEAR-END - AMENDMENT	-	-	23NOV82 -31DEC82	4	84FEC/290/0453
	YEAR-END - AMENDMENT	-	-	23NOV82 -31DEC82	1	84FEC/296/1896
	REQUEST FOR ADDITIONAL INFORMATION			23NOV82 -31DEC82	1	83FEC/285/4285
	REQUEST FOR ADDITIONAL INFORMATION 2ND			23NOV82 -31DEC82	1	83FEC/287/0761
	TOTAL	27,500 0	26,700 0		110	TOTAL PAGES

All Reports Reviewed (condensed)
Ending Cash (12-31-82) : $800
Debts (12-31-82) : -0-

Amendment 1 (Page 1 of 2)

8 5 0 4 0 5 4 4 3 5 1

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 24FEB84
PAGE 1

NON-PARTY RELATED

COMMITTEE / DOCUMENT		RECEIPTS		DISBURSEMENTS		TYPE OF FILER / COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
L F ROTHSCHILD UNTERBERG TOWBIN PAC						NON-PARTY NON-QUALIFIED		ID #C00142745
CONNECTED ORGANIZATION: BLANK								
1983 MID-YEAR REPORT		9,000		9,750		1JAN83 -30JUN83	6	83FEC/279/1074
MID-YEAR REPORT	- AMENDMENT	-		-		1JAN83 -30JUN83	1	84FEC/296/1897
YEAR-END		19,500		15,900		1JUL83 -31DEC83	8	84FEC/296/0256
TOTAL		28,500	0	25,650	0		15	TOTAL PAGES

No Reports Received.
Ending Cash (12-31-83): $3,650
Debts (12-31-83) : -0-

ATTACHMENT 1 (PAGE 2 of 2)

ATTACHMENT 2a

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

1982 April Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 5,000.00	Date (month, day, year) 1-29-82	Amount of Each Receipt this Period 5,000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			5,000.00

8520403227527521 9

ATTACHMENT 2b

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A **ITEMIZED RECEIPTS**

1982 July Quarterly

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 7,000.00	Date (month, day, year) 5-25-82	Amount of Each Receipt this Period 2,000.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			2,000.00

LS

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ATTACHMENT 2c

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

1982 12 Day Pre-Primary

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)
L. F. Rothschild, Unterberg, Towbin PAC

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 8,000.	7-14-82	1,000.
B. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	INC. 5/30/81 Occupation Aggregate Year-to-Date—$10,000.	7-26-82	2,000
C. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	INC. 5/30/81 Occupation Aggregate Year-to-Date—$14,000.	8-2-82	4,000.
D. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	INC. 5/30/81 Occupation Aggregate Year-to-Date—$15,000.	8-30-82	1,000.
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date—$		
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			8,000.

28 30 32 34 36 38 40 42 44

ATTACHMENT 2d

1982 October Quarterly

SCHEDULE A — ITEMIZED RECEIPTS

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	INC. 5/30/81	9-10-82	1,000
Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date 16,000		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	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
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date		
H. TOTAL of Receipts This Page (optional)			
I. TOTAL This Period (last page this line number only)			1,0

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ATTACHMENT 2e

Page 1 of 1 for LINE NUMBER 11
(Use separate schedule(s) for each category of the Detailed Summary Page)

SCHEDULE A **ITEMIZED RECEIPTS**

1982 12 Day Pre-General

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Name of Employer INC. 5/30/81 Occupation Aggregate Year-to-Date—$ 17,000.	Date (month, day, year) 10-5-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.

15

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ATTACHMENT 2f

1982 30 Day Post-General

Page 1 of 1 Pages
Line Number (if any): 11
Next sequential number for each continuation page of the Detailed Summary Page)

SCHEDULE A — ITEMIZED RECEIPTS

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)
L. F. Rothschild, Unterberg, Towbin PAC

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041	Inc. 5/30/81	10-14-82	2,000.
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date-$ 15,000.		

B. 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-$		

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-$		

3. TOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	2,000.

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SCHEDULE A

ITEMIZED RECEIPTS

ATTACHMENT 2g

(Use separate schedule(s) 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)

L. F. Rothschild, Unterberg, Towbin PAC — 1982 Year End Report

A. Full Name, Mailing Address and ZIP Code L. F. Rothschild, Unterberg, Towbin 55 Water Street New York, New York 10041 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer INC. 5/3/81 Occupation Aggregate Year-to-Date—$ 20,000.	Date (month, day, year) 12-7-82	Amount of Each Receipt this Period 1,000.
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date—$	Date (month, day, year)	Amount of Each Receipt This Period
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			1,000.

80043138

ATTACHMENT 3

TELECON

ANALYST Lisa Stolaruk
initiated call? yes

TELECON WITH: Secretary of State Office of New York
initiated call? no

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 7/27/83

SUBJECT(S): Date of Incorporation

I called the Corporate Division of the New York Secretary of State in order to verify the corporate/non-corporate status of L.F. Rothschild, Unterberg, Towbin. I was informed that the entity was incorporated on May 30, 1981.

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ATTACHMENT 4 (2 pages)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

19 October 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg, Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and all reports filed in calendar year 1982

Dear Mr. Blum:

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 a contribution(s) 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 excessive contributions, the Commission recommends that you notify the recipients and request a refund of the amount in excess of $1,000. Please inform the Commission, in writing, of the refunds and provide photocopies of your refund requests sent to the recipients. In addition, any refunds should appear on Line 16 of Schedule A of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original report with the clarifying information.

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

-Your reports disclose apparent contributions from a corporation (pertinent portions attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate

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segregated fund established by the corporation. (2 U.S.C. 441b(a)) If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s). The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 26a of the Detailed Summary Page of your next report.

If you find the contributions in question were disclosed incompletely or incorrectly, please amend your original reports with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by you to refund the full amount 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,

Lisa Stolaruk

Lisa Stolaruk
Reports Analyst
Reports Analysis Division

8504054361

ATTACHMENT 5

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Ray Bartkus (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 10/26/83

SUBJECT(S): RFAI's regarding 2 U.S.C. 441a and 441b

I sent RFAI's to the PAC for apparent excessive contributions to candidates and for contributions received from L.F. Rothschild, Uterberg, Towbin. Mr. Bartkus called to state that the entity that made the contributions to the PAC is not incorporated, but is rather an unincorporated partnership. I told him that the Secretary of State office gave me a date of incorporation for an entity bearing the same name. He said that there is a corporation with that name, but that it is not the same as the partnership that made the contributions. He further stated that, since the entity is a partnership, each contribution represents an attribution to each partner in the firm. Therefore, Mr. Bartkus asserted that the PAC had met all three criteria to qualify as a multicandidate committee, and that their contributions to Wirth, Heinz and D'Amato were permissible.

I told Mr. Bartkus that a partnership could give no more than $5,000 per year to the PAC. Since Mr. Bartkus stated that the entity was not incorporated, then the contributions to the PAC were excessive for both 1981 and 1982. He was not aware of this and stated that he wants to discuss this development with the attorneys that advise them on such matters.

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ATTACHMENT 6

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for L.F. Rothschild, Unterberg, Towbin PAC

DATE: 11/9/83

SUBJECT(S): Partnership contributions and excessive contributions to candidates

Mr. O'Neil called regarding the apparent excessive partnership contributions and apparent excessive candidate contributions. He stated that it was his understanding that the contributions from the partnership were actually individual contributions from the partners drawn on individual checks. As such, the committee had actually received over 50 individual contributions and had qualified as a multicandidate committee prior to contributing the "excessive" contributions to the three Federal candidates. I told him that it was of utmost importance to confirm the fact that the contributions from the partners were in fact individual contributions and not merely an attribution of a partnership contribution. The committee reported the receipts as coming from the partnership, not from individuals. Regarding the multicandidate status of the committee, I informed Mr. O'Neil that the committee's filings indicate that the committee only received the partnership contributions which would count as only one individual. I stated that, until information is received to the contrary, the committee will still be regarded as a non-qualified committee. Mr. O'Neil said that he understood this and will contact the committee immediately. I recommended that the committee send a letter to the Commission in response to the RFAI's. He will comply.

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ATTACHMENT 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

November 10, 1983

Andrew Blum, Treasurer
L.F. Rothschild, Uterberg,
Towbin PAC
55 Water Street
New York, NY 10041

Identification Number: C00142745

Reference: Year End Report (7/1/81-12/31/81) and All Reports filed in calendar year 1982

Dear Mr. Blum:

This letter is to inform you that as of November 9, 1983, the Commission has not received your response to our request for additional information, dated October 19, 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 Lisa Stolaruk 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

Enclosure

8504054364

ATTACHMENT 8

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1400
initiated call? yes

Candidate/Committee: Counsel for Rothschild, Unterberg, Towbin PAC

DATE: 11/28/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called with more information regarding the procedure by which the individual partners contributed to the PAC. He stated that each partner signed an agreement to have a certain amount "contributed" by the partnership on the individual's behalf. The amount contributed was actually equivalent to a proportionate reduction in that partner's share of the profits. I told Mr. O'Neil that it was my understanding that this was the manner in which most partnerships handled their contributions. I requested that Mr. O'Neil submit the procedure to the Commission in writing. He agreed to do this, and also offered to submit additional materials such as the committee's by-laws.

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ATTACHMENT 9 (2 pages)

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Tim O'Neil 887-1459
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/12/83

SUBJECT(S): Partnership contributions

Mr. O'Neil called to apologize for not responding to the RFAI's to the PAC. He promised to get a written response in within the next few days.

He said that he had further discussions with the partnership and it appears that each partner has a personal account into which profits of the partnership are deposited. By written agreement, the partnership reduces the profits of all partners who want to contribute to the PAC and forwards the money to the PAC. I asked in what manner the contributions were forwarded. He said that he believes that it is merely a "paper transaction" from the individual accounts to the PAC. He stated that no partner has contributed in excess of $5,000 per year to the PAC. He maintains that the procedure that they followed is permissible under the Act.

Mr. O'Neil stated that he has been in contact with the partnership's in-house counsel, who is greatly concerned about this matter. Mr. O'Neil explained to the counsel that, at most, the Commission would instruct them to amend their reports to disclose the contributions coming from the individual partners rather than the partnership itself. I did not comment on his statement. He further explained that, since there were over fifty partners participating in the program, the PAC is qualified as a multicandidate committee. He told the counsel that, when amending the reports, he should indicate the date of qualification. Mr. O'Neil said that the counsel is still concerned that the Commission may find them in violation of the Act.

I was under the impression that Mr. O'Neil wanted me to assure him that the Commission would take no action against the committee. I told him that it was entirely up to the Commission to review the circumstances and decide on the appropriate action, assuming any action would be taken. I could not speak for the Commission. He asked if there was someone in our General Counsel's office that he could speak with. I told him that the most he could do now is to provide a written response to the RFAI's, including a statement regarding the corporate or non-corporate status of the partnership and a detailed description of the manner in which the contributions were transmitted to the PAC. I told him that

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once we received the written response, we could proceed from there. He will prepare a response and read it to me prior to mailing it to the Commission.

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ATTACHMENT 10

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Douglas Libby (212)425-3300
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 12/20/83

SUBJECT(S): Partnership contributions

Mr. Libby called and explained that he is Assistant General Counsel for the Rothschild partnership. He realizes that the PAC and partnership are having some problems regarding the Act and regulations, and apologized for not responding to our inquiries sooner. He explained that he is planning to hire a law firm to try to straighten out the problems, because he is totally ignorant of the campaign laws. I told him that I have been in contact with Tim O'Neil, counsel for the PAC, and that Mr. O'Neil had assured me several times that a response would be forthcoming. To date, we have not received any written responses from the PAC or partnership. Mr. Libby expressed embarrassment that Mr. O'Neil had not submitted anything. I urged Mr. Libby to respond to the RFAI's, if at all possible, as soon as he can. He told me that he preferred to wait until they could hire some attorneys, but I explained that it would be in their best interest to respond in the interim. I told him that we needed to know the manner in which the partners contributed to the PAC and how the "contributions" were transmitted. In addition, we needed information regarding the corporate or non-corporate status of the partnership.

Mr. Libby then asked several questions regarding partnership contributions, limitations and multicandidate status. He assured me that they would send a written response to our questions.

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ATTACHMENT 11 (3 pages)

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
919 EIGHTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 463-8700

TELECOPIER
(202) 293-3831

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 371-6000

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 523-0002

ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 429-3800

515 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90071
(213) 486-4600

January 3, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Stolaruk:

This letter responds to your letter of October 19, 1983, to Mr. Andrew Blum, Treasurer of L.F. Rothschild, Unterberg, Towbin PAC (the "PAC"), and to your telephone conversation on December 20, 1983 with Douglas M. Libby, Esq. of L.F. Rothschild, Unterberg, Towbin ("LFRUT").

Your questions appear to arise in part from uncertainty over the status of the organization associated with the PAC. LFRUT is an investment banking firm organized as a partnership. The PAC is a nonconnected political committee supporting more than one federal candidate, as indicated on its Statement of Organization filed on June 26, 1981.

You requested from Mr. Libby information concerning the manner in which funds were transferred from LFRUT to the PAC for the years 1981 and 1982. LFRUT sought the advice of other counsel prior to the organization of the PAC and relied upon such advice in the formation and operation of the PAC. It was not aware that what was intended as contributions from individuals would also be deemed contributions from the partnership if the funds were transferred by means of checks drawn on an LFRUT account to the PAC. Therefore, LFRUT transferred funds as needed to the PAC by means of checks drawn on an LFRUT account. These checks represented the aggregate personal contributions of the individual general partners to the PAC who were previously advised that their contributions to the PAC would be made in this manner. Each partner's annual distribution at the end of each of the two years in question was reduced by the amount of his specific contributions.

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As is apparent from the PAC's FEC reports, the amounts transferred each year by means of partnership checks have exceeded $5,000. To correct the mistake made during these two years and also a similar mistake made in 1983, LFRUT is in the process of having each intended contributor transfer to the PAC, by means of a check drawn on his personal account, an amount equal to (1) the contribution by which his distribution was reduced in 1981 and 1982; (2) his pro-rata share of the contributions made to the PAC in 1983 but not yet deducted from the distribution; and (3) his pro rata share of the administrative expenses advanced by the partnership for each of the three years. We expect this process to be completed by January 31, 1984.

As soon as the PAC receives these personal checks, the aggregate of which will equal the amount expended by the partnership for transfers directly to the PAC and for administrative expenses (which were de minimus), the PAC will reimburse the partnership not only for the amount contributed in excess of $5,000 for each of the three years, but for its entire contribution to the PAC. This full reimbursement exceeds the requirements of the Regulations, and is intended to demonstrate a good faith effort to correct these errors.

LFRUT will promptly file amended Year End reports for the two years in question which will properly list each individual's annual contribution to the PAC, and a Year End Report for 1983 that will itemize each individual's aggre-ate annual contribution, and also serve to amend the PAC's Mid-Year Report for 1983.

As to the PAC's status as a multicandidate committee, it is our position that the PAC qualified as a multi-candidate committee on December 31, 1981. By that date the PAC had been registered with the FEC for at least six months, had made contributions to at least five federal candidates, and most importantly, an amount representing each partner's contribution to the PAC had reduced his distribution. Despite the fact that these individual contributions were not properly itemized on the PAC's FEC reports, the aggregate sum was reported, and that sum represented the actual contributions of the individuals who will be listed on the PAC's amended reports. We believe it would work an unnecessary hardship on LFRUT as well as any recipient candidates to treat amounts over $1,000 as excessive contributions by the PAC or to require these amounts to be refunded.

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We believe that the Reports Analysis Division should take into consideration the fact that immediately upon understanding its mistake, LFRUT took prompt and thorough actions to correct not only the errors pointed out in your letter and telephone call, but also on its own initiative the additional but unnoted errors contained in its 1983 reports, as well as the failure to report administrative expenses for 1981, 1982, and 1983. We respectfully request that no further action be taken on this matter.

Sincerely,

Carol C. Darr

8504054437 1

ATTACHMENT 12

TELECON

ANALYST Lisa Stolaruk
initiated call? no

TELECON WITH: Carol Darr
initiated call? yes

Candidate/Committee: L.F. Rothschild, Unterberg, Towbin PAC

DATE: 1/31/84

SUBJECT(S): Contributions by Partners

Ms. Darr called this afternoon to inform me that the process of having the partners contribute directly to the PAC was only partially complete. She said that of the 80-some partners that participated in contributing to the PAC, only one-third have actually done so in 1983. She was concerned because, according to the committee's response, the reimbursement to the PAC was supposed to be finalized by the end of January, 1984.

I told her to write a letter to the Commission explaining what steps have been taken thus far; that is, the number of partners who have agreed to reimburse the PAC. Ms. Darr further stated that she expected the PAC to receive full reimbursement from the partners by the April 15 Quarterly period.

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MEMBERS ALL LEADING EXCHANGES
55 WATER STREET, NEW YORK, NY 10041
TELEPHONE: 212-425-3500

ATTACHMENT 13

L.F. ROTHSCHILD, UNTERBERG, TOWBIN

February 1, 1984

Ms. Lisa Stolaruk
Reports Analysis Division
Federal Election Commission
1325 K Street N.W
Washington, D.C. 20463

Dear Ms. Stolaruk:

Enclosed is the 1983 Year End Report L.F. Rothschild, Unterberg, Towbin PAC. The report indicates that the partnership of L.F. Rothschild, Unterberg, Towbin has deposited $28,500.00 in the PAC account during the year 1983.

As the letter of January 3, 1984 from Carol Darr to you stated, we are in the process of collecting a personal check from each partner to reimburse the partnership for all contributions made by the PAC during the years 1981, 1982 and 1983, as well as de minimus administration expenses.

In accordance with your advice to Ms. Darr in a telephone conversation yesterday, we will forward by letter during the month of February the name of each partner from whom a personal check has been received, the pro rata amount of each contribution, and other pertinent information.

By the close of books for the April 15 Report we hope to have received all such contributions, and expect to make a complete report of this activity on the April 15 Report.

Thank you for your assistance in this matter.

Very truly yours,

L.F. Rothschild, Unterberg, Towbin

Raymond Bartkus

Raymond Bartkus

RB/smp
enc.

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W
WASHINGTON, D.C. 20463

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