



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1780

Date Filmed 1/4/85 Camera No. --- 2

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routing slips copies of letter notifying resp to complaint  
of closing - 12 day report & comments -  
docket request for address.

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):

- |  |   |
|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input checked="" type="checkbox"/> (2) Internal rules and practices               | <input type="checkbox"/> (7) Investigatory files                          |
| <input type="checkbox"/> (3) Exempted by other statute                             | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents                         |   |

Signed



date

FEC 9-21-77

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 17, 1984

Thomas J. Schwarz, Esquire  
Skadden, Arps, Slate, Meagher  
and Flom  
919 Third Avenue  
New York, New York 10022-9931

RE: MUR 1780  
Andrew Stein  
Stein '81 and  
Walter McCaffrey, as treasurer  
Stein for Congress Committee and  
Joanne Jarett, as treasurer

Dear Mr. Schwarz:

On September 18, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 11, 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 17, 1984

Betty G. Lall  
c/o Citizens for Betty Lall  
230 East 81st Street  
New York, New York 10028

RE: MUR 1780

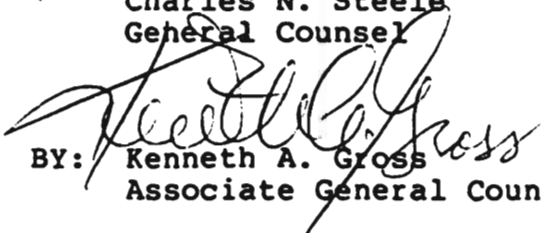
Dear Ms. Lall:

The Federal Election Commission has reviewed the allegations of your complaint dated September 10, 1984, and determined that on the basis of the information provided in your complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
First General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

|                                |   |          |
|--------------------------------|---|----------|
| In the Matter of               | ) |          |
|                                | ) | MUR 1780 |
| Andrew Stein                   | ) |          |
| Stein '81                      | ) |          |
| Walter McCaffrey, as treasurer | ) |          |
| Stein for Congress Committee   | ) |          |
| Joanne Jarett, as treasurer    | ) |          |

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1780:

1. Find that neither Andrew Stein, Stein '81 and Walter McCaffrey, as treasurer, nor the Stein for Congress Committee and Joanne Jarett, as treasurer, violated the Federal Election Campaign Act, as amended.
2. Close the file.
3. Approve the letters attached to the First General Counsel's Report signed December 6, 1984.

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

Attest:

12-12-84  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

|   |               |
|---|---------------|
| Received in Office of Commission Secretary: | 12-7-84, 8:44 |
| Circulated on 48 hour tally basis:          | 12-7-84, 2:00 |

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**SENSITIVE**

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

OFFICE OF THE FEC  
SECRETARY

FIRST GENERAL COUNSEL'S REPORT

81 SEP 7 10:41

DATE AND TIME OF TRANSMITTAL BY MUR NO. 1780  
OGC TO THE COMMISSION 12/7/84-8:45 DATE COMPLAINT RECEIVED BY  
OGC September 10, 1984  
DATE OF NOTIFICATION TO  
RESPONDENT September 18, 1984  
STAFF MEMBER  
Matthew Gerson

COMPLAINANT'S NAME: Betty G. Lall

RESPONDENTS' NAMES: Andrew Stein  
Stein '81 and  
Walter McCaffrey, as Treasurer  
Stein for Congress Committee and  
Joanne Jarett, as Treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(4) (a)  
§ 434  
§ 441a  
§ 441b  
11 C.F.R. § 102.5

INTERNAL REPORTS  
CHECKED: Public Records

FEDERAL AGENCIES  
CHECKED: None

SUMMARY OF ALLEGATIONS

On September 10, 1984, Betty G. Lall filed a complaint alleging that a political committee organized according to New York law in support of Andrew Stein's 1981 non-federal candidacy (Stein '81 - hereinafter "State Committee") was raising and spending funds for Stein's 1984 federal campaign. The State Committee allegedly spent well over \$1,000 in support of the federal campaign but was not registered as a political committee in compliance with 2 U.S.C. § 431(4) (A). Many contributions to the State Committee would have violated 2 U.S.C. §§ 441a and

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§ 441b if this were a federal political committee. Since these funds were not kept in the separate federal and non-federal accounts required of federal political committees by 11 C.F.R. § 102.5, there may have been 2 U.S.C. § 434 reporting violations.

The complainant also questions \$111,000 in "loan repayments" made by the State Committee to Mr. Stein. Finally, complainant questions the State Committee's contributions to political clubs located in the district in which Mr. Stein is a federal candidate.

Respondents' counsel responded on October 3, 1984. Counsel asserted that the majority of the challenged expenditures were previously brought to the Commission's attention and dismissed in MUR 1699; he provided information on the remainder of the allegations.

MUR 1699 involved issues similar to those in the instant case that concern both the State Committee and the Stein for Congress Committee ("Congress Committee"). Expenditures made by the State Committee were alleged to have been made for the purpose of influencing Stein's federal campaign in violation of 2 U.S.C. §§ 431(9)(A)(1), 441a(a) and 441b. The State Committee was mailing to constituents newspaper articles and letters written by Mr. Stein. The mailings did not expressly advocate Mr. Stein's election to federal office or solicit contributions. All the mailings involved issues and activities deemed to have been undertaken primarily in connection with Mr. Stein's position as Borough President. Therefore, on July 2, 1984, the Commission found no reason to believe that Stein '81 violated the Act.

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FACTUAL AND LEGAL ANALYSIS

In 1981, Andrew Stein was reelected as Manhattan Borough President. During that campaign he established the State Committee (Stein '81 - a political committee organized under New York State law). The State Committee owed Mr. Stein \$520,000 at the conclusion of the 1981 Manhattan campaign. In February 1982, the State Committee began repaying the debt and by the beginning of July 1983, \$208,000 worth of debt remained. Fundraisers in July and November 1983, raised \$128,000 and \$135,000, respectively, and, as a result of these and other contributions, the State Committee was no longer in debt. See Attachment 1. The State Committee then raised \$243,949 between January 1, 1984 and June 30, 1984. Complainant alleges that a significant part of those funds may have been spent in connection with Mr. Stein's current congressional campaign. Respondent states, "all of the expenditures were simply the use of surplus state campaign funds in a manner consistent with both New York and Federal law."

Complainant specifically questions \$83,240 that the State Committee paid to Penn and Schoen, a New York polling and market research firm. The report filed with the New York State Board of Elections states that the disbursements to Penn and Schoen made between January and April 1984 were for "mailings." While FEC records show that the Stein for Congress Committee contracted with Penn & Schoen for "polling", there is no evidence that the expenditures at issue were in support of Mr. Stein's federal campaign. The State Committee's payments to Penn & Schoen were,

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"made for mailings made from the Borough President's Office and were addressed in (MUR 1699). They related to issues concerning woman's rights, comparable worth, Title 1 and the East Side Historic District. There were no additional mailings. All of these mailings were previously brought to the attention of the Commission in connection with the prior complaint and were mailed throughout Manhattan and not simply into the 15th Congressional District." There is, therefore, no basis on which to conclude that some of the State Committee's disbursements to Penn and Schoen may have been for Mr. Stein's current congressional campaign.

The complaint also challenges the following miscellaneous disbursements:

- A - \$7,000 for printing
- B - \$6,200 for "computer services"
- C - \$4,500 for postage
- D - \$1,300 to the Gershwin Theatre for fundraising expenses
- E - \$727 for advertisements in weekly newspaper that circulate in the 15th congressional district
- F - \$1,600 to reimburse a staff member

Counsel responds that:

1. Payments A, B and C were made in connection with the mailings considered in MUR 1699.
2. Payment D, \$1,300 to the Gershwin Theatre, was to pay for a fundraiser conducted to pay off Stein '81's deficit.
3. Payment E, approximately \$727 for advertisements, "were for advertisements placed in newspapers around the Borough, both

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inside and outside the 15th Congressional district and did not solicit funds or in any way mention Stein's candidacy or potential candidacy."

4. Payment F, \$1,600 to reimburse a staff member who, "incurred various expenses relating to transportation and refreshments provided at various senior citizens meetings sponsored by the Borough President's office. At no point was Mr. Stein's candidacy discussed or was there any solicitation of funds."

It does not appear that any of these disbursements were unlawful.

A. Additional Issues

Complainant questions the State Committee's spending \$111,000 to repay Mr. Stein for loans that he made to the State Committee. Since the State Committee is not a 2 U.S.C. 431(4) political committee, the loans are not governed by the Act; rather, they are governed by New York State law. There is, therefore, no violation of the Act.

Finally, complainant questions the State Committee's contributions to political clubs located in the district in which Mr. Stein is a federal candidate. Counsel explains that, "the contributions noted in the complaint were simply part of a general practice that is borough-wide and predates the congressional race." He adds that nine political clubs to which the State Committee contributed were located "either outside the 15th Congressional District or covered the entire Borough of Manhattan." These disbursements to political clubs do not violate the Act.

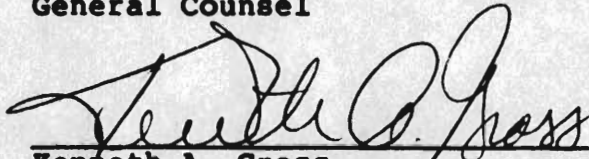
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RECOMMENDATIONS

1. The Office of the General Counsel recommends that the Commission find that neither Andrew Stein, Stein '81 and Walter McCaffrey, as treasurer, nor the Stein for Congress Committee and Joanne Jarett, as treasurer, violated the Federal Election Campaign Act, as amended.
2. Close the file.
3. Approve the attached letters.

Charles N. Steele  
General Counsel

Dec. 6, 1984  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

Attachments

1. Stein for Congress Committee response
2. Letter to Complainant
3. Letter to Respondents

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FEDERAL ELECTION COMMISSION

MUR 1780

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This memorandum is submitted in connection with MUR 1780. The complaint filed in MUR 1780 was a last-ditch effort by a primary opponent, Betty Lall, to use the procedures of the Federal Election Commission in an effort to defeat Andrew Stein's effort to secure the nomination as the Democratic candidate for the 15th Congressional District in New York. The complaint is a rehash of a complaint previously filed by another former primary opponent (MUR 1699) in which the Commission found no reason to believe there had been a violation of the Act. This complaint simply picks out some of the expenditures from a filing made with the New York State Board of Elections for the period ending July 15, 1984 and asserts that the expenditures were in connection with a federal election when in fact, as is demonstrated below, all of the expenditures were simply the use of surplus State campaign funds in a manner consistent with both New York and Federal law. For your convenience, I am including a copy of the response filed to MUR 1699 which sets forth the applicable law and the details concerning some of the expenditures which have been previously questioned.

With respect to the specific allegations of the Lall complaint, the following are the explanations for the expenditures therein questioned:

A. Paragraph 9, Payment of \$83,240 to Penn & Schoen: These payments were made for mailings made from the Borough President's Office and which were addressed in the first complaint relating to issues concerning women's rights, comparable worth, Title 1 and the East Side Historic District. There were no additional mailings. All of these mailings were previously brought to the attention of the Commission in connection with the prior complaint and were mailed throughout the Borough of Manhattan and not simply into the 15th Congressional District.

B. Paragraph 10, Donations to Political Clubs: Stein '81 has contributed to political clubs throughout the Borough of Manhattan. The contributions noted in the complaint were simply part of a general practice that is borough-wide and predates the congressional race. For example, similar contributions were made to:

- G.L.I.D.
- Coalition Against Lincoln West
- Murtaugh Committee
- Lincoln Square Committee
- A.D.A.
- New Democratic Dimensions
- Connor Committee '84

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- Friends of Jerry Nadler

- S.A.G.E.

All of the above entities were either outside the 15th Congressional District or covered the entire Borough of Manhattan. Thus, the allegation in the complaint that "it is not apparent that Mr. Stein's Committee made any contributions to local neighborhood Democratic Clubs in Manhattan outside of the 15th Congressional District" is unfounded.

C. Paragraph 11, Miscellaneous Expenditures:

1. \$7,000 printing - This expenditure was for the xeroxing of op-ed pieces written by the Borough President and circulated at public meetings and coffee klatches throughout the Borough. These pieces were included in the response to the first complaint.

2. \$6,200 for computer services - These services were done in connection with the mailings discussed above. The Company (OSI) provided the mailing lists.

3. \$1,300 Gershwin Theatre was for a fund raiser held at that Theatre to raise funds to pay off the deficit which was then in existence in Stein '81.

4. \$4,500 Postage - Postage was for the same mailings discussed above as well as in response to the first complaint.

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5. \$725.27 Advertisements - These expenditures were for advertisements placed in newspapers around the Borough, both inside and outside the 15th Congressional District and did not solicit funds or in any way mention the candidacy or potential candidacy of Andrew Stein for Congress.

6. \$1,600 to Pat Pacifico - Mr. Pacifico is in charge of the Borough President's Senior Citizens Unit and incurred various expenses relating to transportation and refreshments provided at various senior citizens meetings sponsored by the Borough President's Office. At no point was Mr. Stein's candidacy discussed or was there any solicitation of funds.

None of the other expenditures listed in the New York State Board of Elections filing were in any way related to Mr. Stein's Congressional campaign. Furthermore, the complaint on its face is deficient in that it admits in paragraph 12 that the complainant "does not know the precise purpose of these listed expenditures." The Commission having reviewed this matter in connection with the prior complaint and having found no reason to believe that any violation has taken place, should again

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PRELIMINARY STATEMENT

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This memorandum is submitted on behalf of the Stein '81 Committee, a non-federal committee which is registered pursuant to the New York State Election Law, and the Stein for Congress Committee, an authorized committee registered with the Federal Election Commission. The two Stein committees request that the Federal Election Commission investigate whether any violation of the Federal Election Campaign Act, as amended, has arisen by virtue of (i) the expenditure of surplus campaign funds by Stein '81, (ii) the repayment of an obligation to D.H. Sawyer & Associates Ltd. which performed services for Stein'81 and (iii) a loan, the proceeds of which were used in the 1981 campaign which loan was then repaid. This request arises as a result of an article appearing in the April 19th issue of Town & Village under the headline "Special Report - Stein Election Group May Have Violated Federal Law", and a follow up article in the April 26th issue, copies of which are enclosed. Because of the attention which this article has received in the 15th Congressional District, Mr. Stein is being tried in the local press, even though this Agency, which has jurisdiction over violations of the Federal Election Campaign Act, has not reviewed the alleged violations. It is therefore respectfully requested that a Pre-MUR number be assigned and that the Commission find "no reason to believe" that a violation has occurred.

BACKGROUND FACTS

Andrew Stein was elected Borough President in November of 1981.

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As of that time his State Committee, Stein '81, owed Mr. Stein \$520,000. Commencing in February 1982, repayments were made in small amounts so that by the beginning of July 1983 there remained owing in excess of \$208,000. A fund-raiser in July of 1983 raised in excess of \$128,000, another fund-raiser in November of 1983 raised an additional \$135,000 and additional contributions continue to come in from time to time from the two fund-raisers. As a result a surplus existed in the Stein '81 fund. Under New York State Law, as with respect to federal law, surplus campaign funds may be used for any lawful purpose in connection with the official duties of an officeholder. See Opinion of N.Y.S. Board of Elections 1979-3. As discussed below, each of the mailings was consistent with that principle of New York law.

The mailings which appear to be at issue are as follows and are included as an appendix to this memorandum:

1. Reprint of the New York Times, August 28, 1982, "Beyond Loving New York" - approximately 1,800 pieces.
2. Reprint of the New York Times, March 20, 1983, "Wanted, Ideas for New York City" - approximately 15,000 pieces.
3. Reprint of the New York Times, April 24, 1983, "Get Ready for Phone Bills to Double" - approximately 11,000 pieces.
4. Reprint of the New York Times, May 23, 1983, Letter to the Editor, "Ill Chosen Approach to Rising Health Costs" - approximately 900 pieces.
5. Reprint of the New York Post, June 3, 1983, "Rent Hikes Should be Modest Again" - approximately 8,700 pieces.

6. Reprint of the New York Post, September 1, 1983, "Let's give the MTA Back to the People" - approximately 2,900 pieces.

7. Reprint of the New York Times, February 18, 1984, entitled, "Preservation Laws Should Apply Equally" - approximately 1,000 pieces.

All of the above pieces were mailed to past contributors, community leaders throughout the borough, political leaders throughout the borough, past supporters and past campaign volunteers throughout the borough and the city, elected public officials throughout the borough and city, tenant organizations, block and civic associations, religious and fraternal organizations, veterans organizations and political clubs around the borough.

Additionally, the following mailings were sent:

1. Andrew Stein's Tenant Newsletter - approximately 26,000 copies mailed to people on the West Side of Manhattan (not in the 15th Congressional District), in November 1983.

2. Approximately 82,700 copies of a newsletter which was mailed throughout the borough concerning telephone divestiture, in November, 1983.

3. Upper East Side Historic District Letter (January 1984) - approximately 7,000 copies sent to the Upper East Side calling upon the public to attend a hearing on landmark preservation issues on the Upper East Side.

4. 421A Tenant Alert (March 9, 1984) - approximately 6,000 letters sent to tenants throughout the borough who would lose certain tenant protection during 1984-1985.

5. Murray Hill Historic District letter (March 1984) - approximately 5,000 copies were sent to people in the Murray Hill area requesting attendance at a public hearing dealing with local historic preservation efforts.

6. Joint Andrew Stein/Carol Bellamy mailing (March 1984) on a hearing concerning women's rights in the workplace - 60,000 pieces were mailed to neighborhoods in the Upper West Side, West Side, Greenwich Village and the East Side, many more of which were mailed outside than inside the 15th Congressional District.

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7. Title I Tenant Alert (April 1984) - approximately 6,450 letters were sent to tenants in Title I buildings on the West Side and the Upper West Side of the borough.

Additionally, the Stein Committee paid for approximately 6,200 Jewish New Year's greeting cards and approximately 9,100 Christmas greeting cards which went to past contributors, community leaders and religious leaders, political leaders, political supporters and past campaign volunteers and elected and appointed officials throughout the borough and the city.

The nature of these mailings and the characteristics of the recipients underscore the fact that each of these mailings were done for a lawful purpose in connection with the official duties of the Borough President.

In addition to the mailings, a portion of the \$520,000 debt to the candidate remained outstanding through early 1984 and payments were made to D.H. Sawyer & Associates Ltd. ("Sawyer"), which had performed services for Mr. Stein in connection with the 1981 Borough President election. As of the end of the 1981 election, there was a dispute with Sawyer as to the amount of the fee owed, and after the July 1983 fund-raiser, additional payments were made. These payments were in resolution of the dispute arising out of the 1981 election. D.H. Sawyer has performed no services for Stein or any committee connected with Mr. Stein since the 1981 Borough President election nor has D.H. Sawyer been retained in connection with any federal election nor is it expected that D.H. Sawyer will be retained in connection with any federal election. See the enclosed letter from D.H. Sawyer. Given the fact that Sawyer has not and will not be retained in connection with any federal election, there could not have been a violation of the Federal

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Election Campaign Act.

With this factual discrepancy resolved, the only federal issue remaining for legal analysis relates to the use of the surplus funds for the mailings.<sup>1</sup>

ANALYSIS

As is clear from the above, the mailings related to issues relevant to the duties of the Office of the Borough President. Indeed, most of the mailings related to purely New York City local issues. Moreover, dissemination was Boroughwide and not limited to the 15th Congressional District (East Side-Manhattan) for which Mr. Stein has filed a Statement of Candidacy. The Stein '81 Committee and the Stein for Congress Committee do not believe there has been any violation of the Federal Election Law for the reasons stated below.

New York State Law, as indicated above, clearly permits the use of campaign funds as has occurred in this case. Furthermore, federal law, as it has evolved through various Advisory Opinions and Matters Under Review, permits such expenditures

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<sup>1</sup> As discussed below, the mailings do not implicate the FECA and, therefore, the loan from the candidate does not raise a federal issue.

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even where someone is a "candidate" for federal office (which did not even occur here until at least February 17, 1984)<sup>2</sup> if there is another non-federal election purpose for the activity.

Thus, for example, in AO 1978-15 the Commission held that a candidate may act as a chairman of a fund-raising operation for a charity where there was no mention of his candidacy made in the charitable organization's materials and there was no solicitation, making or acceptance of contributions to the federal campaign nor any communication which expressly advocated the nomination or election to federal office or the defeat of any other candidate. Similarly, in AO 1982-15 the Commission held that a law firm can continue to conduct its business and advertise when one of its members is a candidate for federal office if the advertisements did not publicize the candidacy. In AO 1982-56, the Commission held that the appearances of a federal candidate in a television advertisement for a state candidate did not constitute a contribution from the state

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<sup>2</sup> While a Statement of Candidacy was filed on that date, the activities occurring were clearly in the nature of "testing the waters" expenditures. Thus under 11 CFR Sections 104.1 and 100.3, the voluntary filing did not trigger candidacy. Indeed, no contributions were received until February 27, 1984 and the \$5,000 contribution level was not passed until March 13, 1984. At the same time, disbursements of the Committee have not yet risen to the \$5,000 limit for anything other than "testing of the waters", consultants and polling.

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officeholder to the federal since the advertisement was not for the purpose of influencing the federal election and did not mention the federal candidacy. See also AO 1978-4 (A testimonial dinner may be held without regard to limits if no solicitation or contributions and no express advocacy); AO 1977-42 (radio broadcasts not contributions if no solicitation and no advocacy); AO 1981-37 (Congressman may receive assistance from corporations in connection with matters relating to his duties of office if no advocacy or solicitation, making or receipt of contributions).

MUR determinations by the Commission, as set forth in the various General Counsel reports, also support the absence of any federal violation here. Thus, MURs have made it clear that the "major purpose test" is not met and no violation occurs where there is another purpose to the expenditure under attack and there is no solicitation or receipt of contributions and no express advocacy. In MUR 1619 the issue was raised as to whether Rev. Jesse Jackson's trip to Syria involved campaign related activity. Because there was ample evidence of diplomatic qualifications and participation in the negotiations of one of Rev. Jackson's assistants (Tom Porter), the General Counsel concluded and the Commission (5-0) agreed that there was no evidence that the trip was campaign related. Obviously, as is well-known, Rev. Jackson's trip to Syria had a significant impact on his Presidential campaign but none of the other indicia of campaign activity was present.

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Similarly in MUR 1476 an allegation was made that a Senior Citizen Advisory Council picnic was a campaign event or activity. Citing AO 1980-89, 1980-22 and 1980-16 concerning appearances by Congressmen during re-election campaigns, the Commission determined no contribution or expenditure was involved because of the absence of any communication expressly advocating the nomination or election of the candidate or the defeat of another candidate and there was no soliciting, making or acceptance of any campaign contributions.

Similarly in MUR 1458 an allegation was made that expenditures for travel, lodging, polling and telephone services were made in connection with a federal election. With respect to travel and lodging, it was held that the appearances were in connection with the state officeholder's position even though they overlapped with the congressional district in which the state officeholder was a candidate and that any benefit to the congressional campaign was incidental. However, with respect to polling, it was determined that since certain questions would clearly be an aid to the federal campaign that there should have been an allocation. In this case, all polling in connection with the federal campaign has been paid for by Stein for Congress. Similar analyses appear in MUR 1283 involving the Readers' Digest, MUR 1372 and MUR 1298 ("public exposure by an individual as a candidate will not be presumed to be for

the purpose of influencing an election, provided that it can be shown that the appearance had some alternative justification").

CONCLUSION

For the foregoing reasons, it is respectfully submitted that there is no "reason to believe" a violation of the Federal Election Campaign Act, as amended, has occurred. Either a Pre-MUR or a MUR number should be assigned and, based upon the information set forth, a finding made that neither Stein '81 nor Stein for Congress violated the FECA as a result of the activities herein described.

Respectfully submitted,

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Thomas J. Schwarz

May 3, 1984

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GCC#5103 Gerson

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

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NEW YORK 10022-9931  
(212) 371-6000

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ONE BRONX SQUARE  
WILMINGTON, DELAWARE 19801  
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518 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90071  
(213) 456-4600  
233 NORTH MICHIGAN AVENUE  
CHICAGO, ILLINOIS 60601  
(312) 467-4000

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October 10, 1984

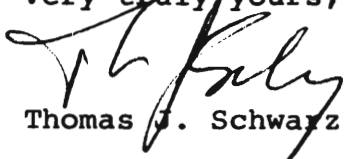
Matt Gerson, Esq.  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1780

Dear Mr. Gerson:

Pursuant to your request, enclosed please find  
the Statement of Designation of Counsel for the Stein  
'81 Committee in the above matter.

Very truly yours,

  
Thomas J. Schwarz

Encl.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1780

NAME OF COUNSEL: Thomas J. Schwarz

ADDRESS: Skadden, Arps, Slate, Meagher & Flom  
919 Third Avenue  
New York, New York 10022

TELEPHONE: (212) 371-6000

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.

Oct 10, 1984  
Date

Walter M. Caffery  
Signature

RESPONDENT'S NAME: Stein '81

ADDRESS: c/o Arthur Tarlow  
60 East 42nd Street - Suite 2212  
New York, New York 10017

HOME PHONE: (516) 794-7708

BUSINESS PHONE: 228-8019

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N, ARPS, SLATE, MEAGHER & FLOM  
919 THIRD AVENUE  
NEW YORK 10022-9931

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 5, 1984

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

ATTENTION: MATTHEW GERSON

FROM: SHAWN WOODHEAD *SW*  
SENIOR COMPLIANCE ANALYST  
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1780 - STEIN FOR CONGRESS COMMITTEE

Please review the attached Request for Additional Information which is to be sent to the Stein for Congress Committee for the 1984 12 Day Pre-Primary Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on Wednesday, October 10, 1984. Thank you.

COMMENTS:

Attachment

85040493932



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Joanne Jarett, Treasurer  
Stein For Congress Committee  
60 East 42nd Street, Suite 2212  
New York, NY 10165

Identification Number: C00177626

Reference: 12 Day Pre-Primary Report (7/1/84-8/22/84)

Dear Ms. Jarett:

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

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

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

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

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

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-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. No political committee other than a multicandidate committee may make contributions to a candidate for Federal office in excess of \$1,000 per election. The Oppenheimer Political Action Committee did not meet the requirements for multicandidate status as of the date the contribution(s) was made to your committee. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20(c) of the Detailed Summary Page and Schedule B of your next report. (2 U.S.C. 441a(a) and (f))

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

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information.

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

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Pat Sheppard  
Reports Analyst  
Reports Analysis Division

ITEMIZED RECEIPT

Any information copied from such Reports or Statements may not be told 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)

STEIN FOR CONGRESS

| A. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
|--|---|-----------------------------------|------------------------------------|
| Arthur Fleischer, Jr.<br>1050 Park Avenue<br>New York, N.Y. 10028  | Fried Frank Harris<br>Shriver & Jacobson<br>1 N.Y. Plaza NYC 10004    | 8/15/84                           | \$250.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Law Partner   | Aggregate Year-to-Date-\$250.00   |                                    |
| B. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Lee S. Kreindler<br>25 McKesson Hill Road<br>Chappaqua, N.Y. 10514   | Kreindler & Kreindler<br>100 Park Avenue<br>New York, N.Y. 10017      | 8/15/84                           | \$500.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Law Partner   | Aggregate Year-to-Date-\$500.00   |                                    |
| C. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Leonard Litwin<br>18 Broadlawn Avenue<br>Great Neck, N.Y. 11204  | Self-Employed<br>1200 Union Turnpike<br>New Hyde Park, NY             | 8/15/84                           | \$1,000.00                         |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Builder   | Aggregate Year-to-Date-\$1,000.00 |                                    |
| D. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Ruth Litwin<br>18 Broadlawn Avenue<br>Great Neck, N.Y.   |   | 8/15/84                           | \$1,000.00                         |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Housewife   | Aggregate Year-to-Date-\$1,000.00 |                                    |
| E. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Sharon Zughaft<br>855 East 7th Street<br>Brooklyn, N.Y. 11230  |   | 8/15/84                           | \$50.00                            |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation  | Aggregate Year-to-Date-\$50.00    |                                    |
| F. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Edward Arrigoni<br>Osborn Road<br>Harrison, N.Y. 10528   | New York Bus Service<br>New Eng. Thruway @ Ex.13<br>Bronx, N.Y. 10475 | 8/16/84                           | \$1,000.00                         |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>President   | Aggregate Year-to-Date-\$2,000.00 |                                    |
| G. Full Name, Mailing Address and ZIP Code   | Name of Employer  | Date (month, day, year)           | Amount of Each Receipt This Period |
| Helen Arrigoni<br>Osborn Road<br>Harrison, N.Y. 10528  | New York Bus Service<br>3320 Hutchinson Ave.<br>Bronx, N.Y. 10475     | 8/16/84                           | \$1,000.00                         |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Treasurer   | Aggregate Year-to-Date-\$1,000.00 |                                    |

PS

SUBTOTAL of Receipts This Page (optional) ..... \$4,800.00 ✓

950404935

SCHEDULE A

ITEMIZED RECEIPTS

U.S. DEPARTMENT OF THE TREASURY  
 Summary Page 1

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, or for any other purpose, without the express written consent of the Internal Revenue Service.

| Name of Committee   |  |   |  |
|---|--|---|--|
| <p><b>A. Full Name, Mailing Address and ZIP Code</b><br/> <b>JEFFREY GLICK</b><br/>                 Longwood Crossing<br/>                 Lawrence, NY 11515</p>                     |  |   |  |
| <p>Name of Employer<br/> <b>Glick Development</b><br/>                 3000 Marcus Avenue<br/>                 Lake Success, NY 11042</p>   |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation<br/> <b>Executive</b></p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>2,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                                       |  |   |  |
| <p><b>B. Full Name, Mailing Address and ZIP Code</b><br/> <b>ROBERT GLICK</b><br/>                 169 Falcon Court<br/>                 Mahanasett, NY 11830</p>                     |  |   |  |
| <p>Name of Employer<br/> <b>Glick Development</b><br/>                 3000 Marcus Avenue<br/>                 Lake Success, NY 11042</p>   |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation<br/> <b>Executive</b></p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>2,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                                       |  |   |  |
| <p><b>C. Full Name, Mailing Address and ZIP Code</b><br/> <b>MR. LAWRENCE MARTINO</b><br/>                 16 Louras Drive<br/>                 Massapequa Park, NY 11762</p>         |  |   |  |
| <p>Name of Employer<br/> <b>Almar Plumbing &amp; Heating</b><br/>                 94-51 214th Place<br/>                 Queens Village, NY 11428</p>                                 |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation<br/> <b>Partner</b></p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>1,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                                       |  |   |  |
| <p><b>D. Full Name, Mailing Address and ZIP Code</b><br/> <b>MRS. FRANCES MARTINO</b><br/>                 16 Louras Drive<br/>                 Massapequa Park, NY 11762</p>         |  |   |  |
| <p>Name of Employer<br/> <b>On Request</b></p>  |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation</p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>1,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                                       |  |   |  |
| <p><b>E. Full Name, Mailing Address and ZIP Code</b><br/> <b>MR. JULIUS B. PAYNES</b><br/>                 24 Central Park South<br/>                 New York, New York 10019</p>    |  |   |  |
| <p>Name of Employer<br/> <b>On Request</b></p>  |  | <p>Date (month, day, year)<br/> <b>5/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation</p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>2,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                            |  |   |  |
| <p><b>F. Full Name, Mailing Address and ZIP Code</b><br/> <b>MRS. ELATRICE M. PAYNES</b><br/>                 24 Central Park South<br/>                 New York, New York 10019</p> |  |   |  |
| <p>Name of Employer<br/> <b>On Request</b></p>  |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation</p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>2,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>                            |  |   |  |
| <p><b>G. Full Name, Mailing Address and ZIP Code</b><br/> <b>MR. EDWARD ARRIGONI</b><br/>                 Osborn Road<br/>                 Harrison, NY 10528</p>                     |  |   |  |
| <p>Name of Employer<br/> <b>New York Bus Service</b><br/>                 3320 Hutchinson Ave.<br/>                 Bronx, NY 10475</p>   |  | <p>Date (month, day, year)<br/> <b>6/6/84</b></p>     | <p>Amount of Each Receipt This Period<br/> <b>\$1,000.00</b></p> |
| <p>Occupation<br/> <b>President</b></p>   |  | <p>Aggregate Year-to-Date-\$<br/> <b>2,000.00</b></p> | <p><b>\$1,000.00</b></p>   |
| <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General<br/> <input type="checkbox"/> Other (specify):</p>  |  |   |  |
| <p><b>SUBTOTAL of Receipts This Page (optional)</b></p>   |  |   | <p><b>\$11,000.00</b></p>  |
| <p><b>TOTAL This Period (all pages this tax year only)</b></p>  |  |   |  |

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**PSS**

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)  
STEIN FOR CONGRESS

| A. Full Name, Mailing Address and ZIP Code   | Name of Employer   | Date (month, day, year)            | Amount of Each Receipt This Period |
|--|--|------------------------------------|------------------------------------|
| Caesar L. Pitassy<br>on request  | Rogers & Wells<br>200 Park Avenue<br>New York, NY 10017  | 8/8/84                             | 250.00                             |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Attorney   | Aggregate Year-to-Date-\$ 250.00   |                                    |
| B. Full Name, Mailing Address and ZIP Code<br>Claudia Cohen<br>210 Central Park South<br>New York, New York 10019                      | Name of Employer<br>✓  | 8/9/84                             | 1,000.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>On Request   | Aggregate Year-to-Date-\$ 1,000.00 |                                    |
| C. Full Name, Mailing Address and ZIP Code<br>Robert Cohen<br>349 Booth Street<br>Englewood, NJ 07631                                  | Name of Employer<br>Hudson County News Company<br>1305 Patterson Plank Rd.<br>North Bergen, NJ 07047 | 8/9/84                             | 1,000.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>President  | Aggregate Year-to-Date-\$ 1,000.00 |                                    |
| D. Full Name, Mailing Address and ZIP Code<br>Donald Drapkin<br>3 Horizon Road<br>Fort Lee, NJ 07024                                   | Name of Employer<br>Skadden Arps<br>919 Third Avenue<br>New York, NY 10022                           | 8/9/84                             | 1,000.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Attorney   | Aggregate Year-to-Date-\$ 1,000.00 |                                    |
| E. Full Name, Mailing Address and ZIP Code<br>Ronald Perelman<br>36 East 63rd Street<br>New York, NY 10021                             | Name of Employer<br>MacAndrew & Forbes<br>36 East 63rd Street<br>New York, NY 10021                  | 8/9/84                             | 1,000.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Chairman   | Aggregate Year-to-Date-\$ 1,000.00 |                                    |
| F. Full Name, Mailing Address and ZIP Code<br>Raoul Lionel Felder<br>985 Fifth Avenue<br>New York, N.Y. 10028                          | Name of Employer<br>Raoul Lionel Felder, PC<br>437 Madison Avenue<br>New York, N.Y. 10022            | 8/13/84                            | 250.00                             |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>Attorney   | Aggregate Year-to-Date-\$ 250.00   |                                    |
| G. Full Name, Mailing Address and ZIP Code<br>John Kenneth Forester<br>761 Austin Avenue<br>Oradell, N.J. 07649                        | Name of Employer<br>General Aviation Co.<br>Teterboro, N.J. 07608                                    | 8/13/84                            | 1,000.00                           |
| Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General<br><input type="checkbox"/> Other (specify): | Occupation<br>President  | Aggregate Year-to-Date-\$ 2,000.00 |                                    |

SUBTOTAL (Receipts This Page (optional)) ..... 6,500.00 ✓

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P83

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)

**STEIN FOR CONGRESS**

**A. Full Name, Mailing Address and ZIP Code**  
**Action Fund of Shearson/American Express Inc. POLITICAL ACTION COMMITTEE**  
 125 Broad Street  
 New York, N.Y. 10004

Name of Employer  
 Occupation

Date (month, day, year)  
 7/12/84

Amount of Each Receipt This Period  
 \$1,000.00

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$ 1,000.00

**B. Full Name, Mailing Address and ZIP Code**  
**OPPENHEIMER PACK (Multi-Candidate PAC)**  
 One New York Plaza  
 New York, N.Y. 10004

Name of Employer  
**Check signed by Bernard Notas, Treasurer**  
 Occupation

Date (month, day, year)  
 8/3/84

Amount of Each Receipt This Period  
 \$3,000.00

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$ 3,000.00

**C. Full Name, Mailing Address and ZIP Code**  
**Tercenary Fund (Political Action Committee)**  
 Wolf Block Shorr  
 Packard Building 12th Floor  
 Philadelphia, PA 19102

Name of Employer  
 Occupation

Date (month, day, year)  
 8/9/84

Amount of Each Receipt This Period  
 \$2,000.00

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$ 2,000.00

**D. Full Name, Mailing Address and ZIP Code**

Name of Employer  
 Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$

**E. Full Name, Mailing Address and ZIP Code**

Name of Employer  
 Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$

**F. Full Name, Mailing Address and ZIP Code**

Name of Employer  
 Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$

**G. Full Name, Mailing Address and ZIP Code**

Name of Employer  
 Occupation

Date (month, day, year)

Amount of Each Receipt This Period

Receipt For:  Primary  General  
 Other (specify):

Aggregate Year-to-Date-\$

SUBTOTAL of Receipts This Page (optional) ..... \$6,000.00

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PS



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 3, 1984

Thomas J. Schwartz, Esquire  
Skadden, Arps, Slate, Meagher  
and Flom  
919 Third Avenue  
New York, New York 10022-9931

RE: MUR 1780

Dear Mr. Schwartz:

Your September 26, 1984 request to provide Joanne Jarett and the Stein for Congress Committee an extension of time to respond to the allegations contained in MUR 1780 has been received and approved. Please submit your response by October 12, 1984.

If you have any questions, please contact Matt Gerson, the staff person assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

85040493987

GCC# 4972

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

919 THIRD AVENUE

NEW YORK 10022-9931

(212) 371-6000

CABLE ADDRESS  
"SKARSLAW NEW YORK"  
TWX: 710 561-3814  
TELEX: 645899  
TELECOPIER:  
(212) 752-1064

ONE BEACON STREET  
BOSTON, MASSACHUSETTS 02108  
(617) 552-0002

919 EIGHTEENTH STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 483-8700

ONE RODNEY SQUARE  
WILMINGTON, DELAWARE 19801  
(302) 488-8200

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

233 NORTH MICHIGAN AVENUE  
CHICAGO, ILLINOIS 60601  
(312) 838-4000

October 3, 1984

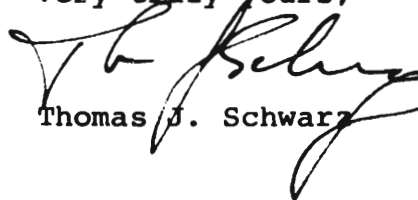
Mr. Kenneth Gross  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1780

Dear Mr. Gross:

Enclosed please find the response on behalf  
of the Stein for Congress Committee to the above matter.  
Please advise me whether you wish any further information.

Very truly yours,

  
Thomas J. Schwarz

Encls.

85040493990

RECEIVED  
GENERAL COUNSEL  
OCT 3 1984  
AID: 20

SKADDEN, ARPS, SLATE, MEAGHER & FLOM  
919 THIRD AVENUE  
NEW YORK 10022-9931  
(212) 371-6000

GCC-1874  
34 SEP 20 11:55

CABLE ADDRESS  
SKARSLAW NEW YORK  
TWX: 710 881-3814  
TELEX: 649899  
TELECOPIER:  
(212) 752-1084

ONE BEACON STREET  
BOSTON, MASSACHUSETTS 02108  
(617) 523-0002  
519 EIGHTEENTH STREET, N.W.  
WASHINGTON, D.C. 20006  
(202) 463-8700  
ONE RODNEY SQUARE  
WILMINGTON, DELAWARE 19801  
(302) 429-8800  
515 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIFORNIA 90071  
(213) 488-4600  
233 NORTH MICHIGAN AVENUE  
CHICAGO, ILLINOIS 60601  
(312) 936-4000

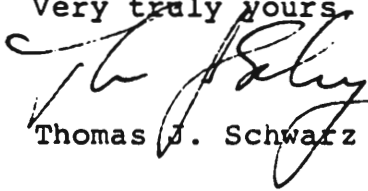
September 26, 1984

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

Re: MUR 1780

Dear Mr. Gross:

Enclosed please find Statement of Designation of Counsel in connection with the above MUR. I would appreciate an extension of approximately one week to October 12. Please advise me as to whether this date is acceptable.

Very truly yours,  
  
Thomas J. Schwarz

Encl.

95040493991

4 SEP 20 11:02

FEDERAL ELECTION COMMISSION

MUR 1780

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This memorandum is submitted in connection with MUR 1780. The complaint filed in MUR 1780 was a last-ditch effort by a primary opponent, Betty Lall, to use the procedures of the Federal Election Commission in an effort to defeat Andrew Stein's effort to secure the nomination as the Democratic candidate for the 15th Congressional District in New York. The complaint is a rehash of a complaint previously filed by another former primary opponent (MUR 1699) in which the Commission found no reason to believe there had been a violation of the Act. This complaint simply picks out some of the expenditures from a filing made with the New York State Board of Elections for the period ending July 15, 1984 and asserts that the expenditures were in connection with a federal election when in fact, as is demonstrated below, all of the expenditures were simply the use of surplus State campaign funds in a manner consistent with both New York and Federal law. For your convenience, I am including a copy of the response filed to MUR 1699 which sets forth the applicable law and the details concerning some of the expenditures which have been previously questioned.

With respect to the specific allegations of the Lall complaint, the following are the explanations for the expenditures therein questioned:

A. Paragraph 9, Payment of \$83,240 to Penn & Schoen: These payments were made for mailings made from the Borough President's Office and which were addressed in the first complaint relating to issues concerning women's rights, comparable worth, Title 1 and the East Side Historic District. There were no additional mailings. All of these mailings were previously brought to the attention of the Commission in connection with the prior complaint and were mailed throughout the Borough of Manhattan and not simply into the 15th Congressional District.

B. Paragraph 10, Donations to Political Clubs: Stein '81 has contributed to political clubs throughout the Borough of Manhattan. The contributions noted in the complaint were simply part of a general practice that is borough-wide and predates the congressional race. For example, similar contributions were made to:

- G.L.I.D.
- Coalition Against Lincoln West
- Murtaugh Committee
- Lincoln Square Committee
- A.D.A.
- New Democratic Dimensions
- Connor Committee '84

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- Friends of Jerry Nadler
- S.A.G.E.

All of the above entities were either outside the 15th Congressional District or covered the entire Borough of Manhattan. Thus, the allegation in the complaint that "it is not apparent that Mr. Stein's Committee made any contributions to local neighborhood Democratic Clubs in Manhattan outside of the 15th Congressional District" is unfounded.

C. Paragraph 11, Miscellaneous Expenditures:

1. \$7,000 printing - This expenditure was for the xeroxing of op-ed pieces written by the Borough President and circulated at public meetings and coffee klatches throughout the Borough. These pieces were included in the response to the first complaint.
2. \$6,200 for computer services - These services were done in connection with the mailings discussed above. The Company (OSI) provided the mailing lists.
3. \$1,300 Gershwin Theatre was for a fund raiser held at that Theatre to raise funds to pay off the deficit which was then in existence in Stein '81.
4. \$4,500 Postage - Postage was for the same mailings discussed above as well as in response to the first complaint.

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5. \$725.27 Advertisements - These expenditures were for advertisements placed in newspapers around the Borough, both inside and outside the 15th Congressional District and did not solicit funds or in any way mention the candidacy or potential candidacy of Andrew Stein for Congress.

6. \$1,600 to Pat Pacifico - Mr. Pacifico is in charge of the Borough President's Senior Citizens Unit and incurred various expenses relating to transportation and refreshments provided at various senior citizens meetings sponsored by the Borough President's Office. At no point was Mr. Stein's candidacy discussed or was there any solicitation of funds.

None of the other expenditures listed in the New York State Board of Elections filing were in any way related to Mr. Stein's Congressional campaign. Furthermore, the complaint on its face is deficient in that it admits in paragraph 12 that the complainant "does not know the precise purpose of these listed expenditures." The Commission having reviewed this matter in connection with the prior complaint and having found no reason to believe that any violation has taken place, should again

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PRELIMINARY STATEMENT

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This memorandum is submitted on behalf of the Stein '81 Committee, a non-federal committee which is registered pursuant to the New York State Election Law, and the Stein for Congress Committee, an authorized committee registered with the Federal Election Commission. The two Stein committees request that the Federal Election Commission investigate whether any violation of the Federal Election Campaign Act, as amended, has arisen by virtue of (i) the expenditure of surplus campaign funds by Stein '81, (ii) the repayment of an obligation to D.H. Sawyer & Associates Ltd. which performed services for Stein'81 and (iii) a loan, the proceeds of which were used in the 1981 campaign which loan was then repaid. This request arises as a result of an article appearing in the April 19th issue of Town & Village under the headline "Special Report - Stein Election Group May Have Violated Federal Law", and a follow up article in the April 26th issue, copies of which are enclosed. Because of the attention which this article has received in the 15th Congressional District, Mr. Stein is being tried in the local press, even though this Agency, which has jurisdiction over violations of the Federal Election Campaign Act, has not reviewed the alleged violations. It is therefore respectfully requested that a Pre-MUR number be assigned and that the Commission find "no reason to believe" that a violation has occurred.

BACKGROUND FACTS

Andrew Stein was elected Borough President in November of 1981.

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As of that time his State Committee, Stein '81, owed Mr. Stein \$520,000. Commencing in February 1982, repayments were made in small amounts so that by the beginning of July 1983 there remained owing in excess of \$208,000. A fund-raiser in July of 1983 raised in excess of \$128,000, another fund-raiser in November of 1983 raised an additional \$135,000 and additional contributions continue to come in from time to time from the two fund-raisers. As a result a surplus existed in the Stein '81 fund. Under New York State Law, as with respect to federal law, surplus campaign funds may be used for any lawful purpose in connection with the official duties of an officeholder. See Opinion of N.Y.S. Board of Elections 1979-3. As discussed below, each of the mailings was consistent with that principle of New York law.

The mailings which appear to be at issue are as follows and are included as an appendix to this memorandum:

1. Reprint of the New York Times, August 28, 1982, "Beyond Loving New York" - approximately 1,800 pieces.
2. Reprint of the New York Times, March 20, 1983, "Wanted, Ideas for New York City" - approximately 15,000 pieces.
3. Reprint of the New York Times, April 24, 1983, "Get Ready for Phone Bills to Double" - approximately 11,000 pieces.
4. Reprint of the New York Times, May 23, 1983, Letter to the Editor, "Ill Chosen Approach to Rising Health Costs" - approximately 900 pieces.
5. Reprint of the New York Post, June 3, 1983, "Rent Hikes Should be Modest Again" - approximately 8,700 pieces.

6. Reprint of the New York Post, September 1, 1983, "Let's give the MTA Back to the People" - approximately 2,900 pieces.

7. Reprint of the New York Times, February 18, 1984, entitled, "Preservation Laws Should Apply Equally" - approximately 1,000 pieces.

All of the above pieces were mailed to past contributors, community leaders throughout the borough, political leaders throughout the borough, past supporters and past campaign volunteers throughout the borough and the city, elected public officials throughout the borough and city, tenant organizations, block and civic associations, religious and fraternal organizations, veterans organizations and political clubs around the borough.

Additionally, the following mailings were sent:

1. Andrew Stein's Tenant Newsletter - approximately 26,000 copies mailed to people on the West Side of Manhattan (not in the 15th Congressional District), in November 1983.

2. Approximately 82,700 copies of a newsletter which was mailed throughout the borough concerning telephone divestiture, in November, 1983.

3. Upper East Side Historic District Letter (January 1984) - approximately 7,000 copies sent to the Upper East Side calling upon the public to attend a hearing on landmark preservation issues on the Upper East Side.

4. 421A Tenant Alert (March 9, 1984) - approximately 6,000 letters sent to tenants throughout the borough who would lose certain tenant protection during 1984-1985.

5. Murray Hill Historic District letter (March 1984) - approximately 5,000 copies were sent to people in the Murray Hill area requesting attendance at a public hearing dealing with local historic preservation efforts.

6. Joint Andrew Stein/Carol Bellamy mailing (March 1984) on a hearing concerning women's rights in the workplace - 60,000 pieces were mailed to neighborhoods in the Upper West Side, West Side, Greenwich Village and the East Side, many more of which were mailed outside than inside the 15th Congressional District.

7. Title I Tenant Alert (April 1984) - approximately 6,450 letters were sent to tenants in Title I buildings on the West Side and the Upper West Side of the borough.

Additionally, the Stein Committee paid for approximately 6,200 Jewish New Year's greeting cards and approximately 9,100 Christmas greeting cards which went to past contributors, community leaders and religious leaders, political leaders, political supporters and past campaign volunteers and elected and appointed officials throughout the borough and the city.

The nature of these mailings and the characteristics of the recipients underscore the fact that each of these mailings were done for a lawful purpose in connection with the official duties of the Borough President.

In addition to the mailings, a portion of the \$520,000 debt to the candidate remained outstanding through early 1984 and payments were made to D.H. Sawyer & Associates Ltd. ("Sawyer"), which had performed services for Mr. Stein in connection with the 1981 Borough President election. As of the end of the 1981 election, there was a dispute with Sawyer as to the amount of the fee owed, and after the July 1983 fund-raiser, additional payments were made. These payments were in resolution of the dispute arising out of the 1981 election. D.H. Sawyer has performed no services for Stein or any committee connected with Mr. Stein since the 1981 Borough President election nor has D.H. Sawyer been retained in connection with any federal election nor is it expected that D.H. Sawyer will be retained in connection with any federal election. See the enclosed letter from D.H. Sawyer. Given the fact that Sawyer has not and will not be retained in connection with any federal election, there could not have been a violation of the Federal

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Election Campaign Act.

With this factual discrepancy resolved, the only federal issue remaining for legal analysis relates to the use of the surplus funds for the mailings.<sup>1</sup>

ANALYSIS

As is clear from the above, the mailings related to issues relevant to the duties of the Office of the Borough President. Indeed, most of the mailings related to purely New York City local issues. Moreover, dissemination was Boroughwide and not limited to the 15th Congressional District (East Side-Manhattan) for which Mr. Stein has filed a Statement of Candidacy. The Stein '81 Committee and the Stein for Congress Committee do not believe there has been any violation of the Federal Election Law for the reasons stated below.

New York State Law, as indicated above, clearly permits the use of campaign funds as has occurred in this case. Furthermore, federal law, as it has evolved through various Advisory Opinions and Matters Under Review, permits such expenditures

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<sup>1</sup> As discussed below, the mailings do not implicate the FECA and, therefore, the loan from the candidate does not raise a federal issue.

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even where someone is a "candidate" for federal office (which did not even occur here until at least February 17, 1984)<sup>2</sup> if there is another non-federal election purpose for the activity.

Thus, for example, in AO 1978-15 the Commission held that a candidate may act as a chairman of a fund-raising operation for a charity where there was no mention of his candidacy made in the charitable organization's materials and there was no solicitation, making or acceptance of contributions to the federal campaign nor any communication which expressly advocated the nomination or election to federal office or the defeat of any other candidate. Similarly, in AO 1982-15 the Commission held that a law firm can continue to conduct its business and advertise when one of its members is a candidate for federal office if the advertisements did not publicize the candidacy. In AO 1982-56, the Commission held that the appearances of a federal candidate in a television advertisement for a state candidate did not constitute a contribution from the state

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<sup>2</sup> While a Statement of Candidacy was filed on that date, the activities occurring were clearly in the nature of "testing the waters" expenditures. Thus under 11 CFR Sections 104.1 and 100.3, the voluntary filing did not trigger candidacy. Indeed, no contributions were received until February 27, 1984 and the \$5,000 contribution level was not passed until March 13, 1984. At the same time, disbursements of the Committee have not yet risen to the \$5,000 limit for anything other than "testing of the waters", consultants and polling.

officeholder to the federal since the advertisement was not for the purpose of influencing the federal election and did not mention the federal candidacy. See also AO 1978-4 (A testimonial dinner may be held without regard to limits if no solicitation or contributions and no express advocacy); AO 1977-42 (radio broadcasts not contributions if no solicitation and no advocacy); AO 1981-37 (Congressman may receive assistance from corporations in connection with matters relating to his duties of office if no advocacy or solicitation, making or receipt of contributions).

MUR determinations by the Commission, as set forth in the various General Counsel reports, also support the absence of any federal violation here. Thus, MURs have made it clear that the "major purpose test" is not met and no violation occurs where there is another purpose to the expenditure under attack and there is no solicitation or receipt of contributions and no express advocacy. In MUR 1619 the issue was raised as to whether Rev. Jesse Jackson's trip to Syria involved campaign related activity. Because there was ample evidence of diplomatic qualifications and participation in the negotiations of one of Rev. Jackson's assistants (Tom Porter), the General Counsel concluded and the Commission (5-0) agreed that there was no evidence that the trip was campaign related. Obviously, as is well-known, Rev. Jackson's trip to Syria had a significant impact on his Presidential campaign but none of the other indicia of campaign activity was present.

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Similarly in MUR 1476 an allegation was made that a Senior Citizen Advisory Council picnic was a campaign event or activity. Citing AO 1980-89, 1980-22 and 1980-16 concerning appearances by Congressmen during re-election campaigns, the Commission determined no contribution or expenditure was involved because of the absence of any communication expressly advocating the nomination or election of the candidate or the defeat of another candidate and there was no soliciting, making or acceptance of any campaign contributions.

Similarly in MUR 1458 an allegation was made that expenditures for travel, lodging, polling and telephone services were made in connection with a federal election. With respect to travel and lodging, it was held that the appearances were in connection with the state officeholder's position even though they overlapped with the congressional district in which the state officeholder was a candidate and that any benefit to the congressional campaign was incidental. However, with respect to polling, it was determined that since certain questions would clearly be an aid to the federal campaign that there should have been an allocation. In this case, all polling in connection with the federal campaign has been paid for by Stein for Congress. Similar analyses appear in MUR 1283 involving the Readers' Digest, MUR 1372 and MUR 1298 ("public exposure by an individual as a candidate will not be presumed to be for

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the purpose of influencing an election, provided that it can be shown that the appearance had some alternative justification").

CONCLUSION

For the foregoing reasons, it is respectfully submitted that there is no "reason to believe" a violation of the Federal Election Campaign Act, as amended, has occurred. Either a Pre-MUR or a MUR number should be assigned and, based upon the information set forth, a finding made that neither Stein '81 nor Stein for Congress violated the FECA as a result of the activities herein described.

Respectfully submitted,

103  
Thomas J. Schwarz

May 3, 1984

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

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM**  
919 THIRD AVENUE  
NEW YORK 10022

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84 SEP 28 All: 55

SKADDEN, ARPS, SLATE, MEAGHER & FLOM  
919 THIRD AVENUE  
NEW YORK 10022-9931  
(212) 371-6000

CABLE ADDRESS  
"SKARSLAW NEW YORK"  
TWX: 710 551-3814  
TELEX: 645899  
TELECOPIER:  
(212) 752-1064

ONE BEACON STREET  
BOSTON, MASSACHUSETTS 02108  
(617) 523-0002  
919 EIGHTEENTH STREET, N.W.  
WASHINGTON, D.C. 20006  
(202) 463-8700  
ONE ROONEY 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

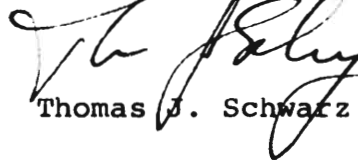
Mr. Kenneth Gross  
Federal Election Commission  
1325 K. Street, N.W.  
Washington, D.C. 20463

Re: MUR 1780

Dear Mr. Gross:

Enclosed please find Statement of Designation of Counsel in connection with the above MUR. I would appreciate an extension of approximately one week to October 12. Please advise me as to whether this date is acceptable.

Very truly yours,

  
Thomas J. Schwarz

Encl.

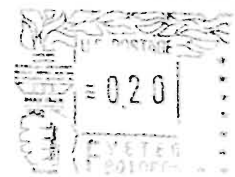
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RECEIVED  
GENERAL COUNSEL

ARPS, SLATE, MEAGHER & FLOM  
919 THIRD AVENUE  
NEW YORK 10022-9931

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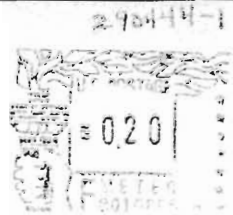
Mr. Kenneth Gross  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

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910 THIRD AVENUE  
NEW YORK 10022-9931

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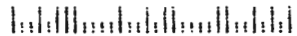


Mr. Kenneth Gross  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

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MAIL ROOM



STATEMENT OF DESIGNATION OF COUNSEL

MUR 1780

NAME OF COUNSEL: THOMAS J. SCHWARZ

ADDRESS: Skadden, Arps, Slate, Meagher & Flom  
919 Third Avenue  
New York, New York 10022

TELEPHONE: (212) 371-6000

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.

85040494010

9/24/84  
Date

Joanne Jarett  
Signature

RESPONDENT'S NAME: Joanne Jarett

ADDRESS: 1385 York Avenue  
New York, New York 10028

HOME PHONE: (212) 319-8833

BUSINESS PHONE: \_\_\_\_\_



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 1984

Betty Lall  
Citizens for Betty Lall  
853 Broadway  
Suite 1114  
New York, New York 10003

Dear Ms. Lall:

This letter is to acknowledge receipt of your complaint which we received on September 10, 1984, against Andrew Stein, Joanne Jarett, Stein for Congress Committee, Stein '81, and Walter McCaffrey, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By   
Kenneth A. Gross  
Associate General Counsel

Enclosure

85040494011



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Andrew Stein  
38 East 85th Street  
New York, New York 10028

Re: MUR 1780

Dear Mr. Stein:

This letter is to notify you that on September 10, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1780. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain 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 matter to be made public.

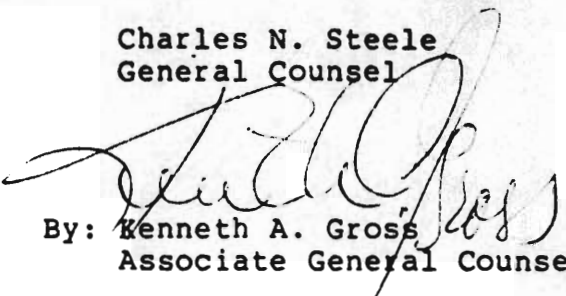
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040494012

If you have any questions, please contact Matthew Gerson, the staff person assigned to the case at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

85040494013



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joanne Jarett  
Treasurer  
Stein for Congress Committee  
60 East 42nd Street  
Suite 2212  
New York, New York 10017

Re: MUR 1780

Dear Ms. Jarett:

This letter is to notify you that on September 10, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1780. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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This matter will remain 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 matter to be made public.

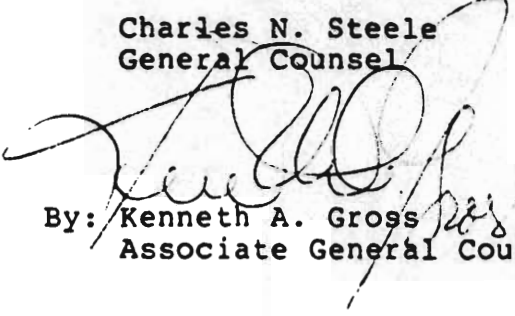
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Matthew Gerson, the staff person assigned to the case at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel



By: Kenneth A. Gross  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

85040494015



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Walter McCaffrey  
Treasurer  
Stein '81  
60 East 42nd Street  
New York, New York 10165

Re: MUR 1780

Dear Mr. McCaffrey:

This letter is to notify you that on September 10, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1780. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain 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 matter to be made public.

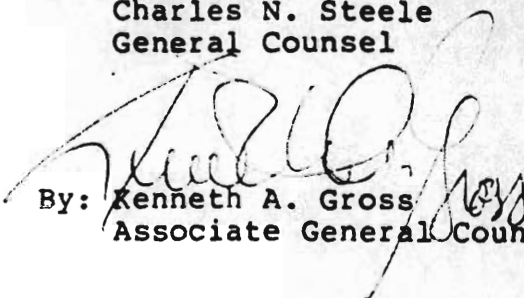
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040494016

If you have any questions, please contact Matthew Gerson, the staff person assigned to the case at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

85040494017

# BETTY LALL IN CONGRESS

15th CONGRESSIONAL DISTRICT

84 SEP 18 AIO: 51  
GCC# 4613

September 7, 1984

Via Federal Express  
Charles N. Steele, Esq.  
General Counsel  
Federal Elections Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

MUR  
1780

34 SEP 10 P 3: 41

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

Re: 15th Congressional District  
of New York Democratic Party  
Primary - September 11, 1984  
Candidacy of Andrew Stein

Dear Mr. Steele:

I enclose, in accordance with 11 C.F.R. & 111.4 , three copies of a sworn complaint setting forth my belief that violations of the law with regard to the financing of campaigns for election to the House of Representatives have been committed by or on behalf of Andrew Stein.

Mr. Stein is a candidate for the Democratic Party nomination in the 15th Congressional District of New York in a primary election scheduled to be held on September 11, 1984. It is requested that this complaint be processed in accordance with 11 C.F.R. & 111.4-.7

Very truly yours,

*Betty G. Lall*  
Betty G. Lall

Enclosures

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HAND DELIVERED  
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Before The  
Federal Election Commission  
Washington, D.C.

MUR  
1780

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

In the Matter

of

Andrew Stein

X  
X  
X  
X  
X  
X  
X  
X  
X  
X

Sworn Complaint

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

85040494019

To: The General Counsel, Federal Election Commission

STATE OF NEW YORK  
COUNTY OF NEW YORK

Betty G. Lall, being duly sworn, deposes  
and says:

1. I reside at 230 East 81st Street, New York NY 10028

2. The purpose of this complaint is to invite the attention of the Federal Election Commission, pursuant to 11 C.F.R. & 111.4, to suspected violations of law with respect to the financing of a campaign for election to the House of Representatives in the case of ANDREW STEIN, who is the candidate for the Democratic Party nomination in the 15th Congressional District of New York in a primary election scheduled to take place on September 11, 1984.

3. Mr. Stein currently is the President of the Borough of Manhattan, a selective office of the City of New York, to which he was first elected in 1977 and to which he was reelected in 1981 for a term expiring at the end of 1985. The 15th Congressional District of New York, in which Mr. Stein is currently one of 4 candidates for the Democratic nomination, includes approximately one-third of the Borough of Manhattan measured in terms of population.

4. In 1981, when Mr. Stein ran for reelection as Borough President of Manhattan, he tried and won a contest for the Democratic Party nomination in the primary election of that year, in connection with that campaign, he registered a political committee, known as

Stein '81 Committee

5. According to the records of the New York State Board of Elections, the above-named political committee, organized to finance Mr. Stein's candidacy for reelection as Borough President in 1981, remained in existence after that election and continues in existence today.

6. Annexed hereto as Exhibit A is a xeroxgraphic copy of what is understood to be the report that the above-named committee filed with the New York State Board of Elections on or about July 15, 1984 to report its receipts and expenditures during the six months from January 1 through June 30, 1984.

7. It will be observed that the committee reports show the receipt during this six-month period of contributions from several corporations which may not lawfully contribute to Congressional campaigns, and, as well, 36 contributions which exceed the \$1,000 individual ceiling imposed by federal law with respect to contributions to Congressional campaigns.

8. According to the report recently filed with the New York State Board of Elections by Mr. Stein's still functioning 1981 campaign committee, it raised \$243,949 during the first six months of 1984. Of this amount, \$111,000 is described as being paid to Mr. Stein in repayment of loans he claims to have made to the committee. The remaining amount of \$144,062.64 was largely expended on recent activities which appear to have been concerned, not with Mr. Stein's long-completed campaign for the Borough Presidency in 1981, but with his present campaign for the Democratic Congressional nomination to be decided on September 11, 1984. A few expenditures amounting in the aggregate to \$10,000 are described as "payments 1981 2 & 11," but over 100 expenditures are not so labeled.

9. For example, the report shows seven payments totalling \$83,240 to Penn & Schoen, 1501 Third Avenue, New York, NY 10128, for "mailings". Penn & Schoen is generally known in New York Political circles as an experienced polling and market research organization which has done polling, over the years, for many candidates in New York and elsewhere. On information and belief, Penn & Schoen did not do polling for Mr. Stein's 1981 campaign for the Borough Presidency.

10. Additionally, Mr. Stein's 1981 committee shows in its report for the first six months of this year, numerous expenditures described as donations or contributions to political clubs within the

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15th Congressional District which often "endorse" candidates in elections such as the forthcoming primary. The listed recipients of Mr. Stein's largesse in this fashion include the Lenox Hill Democratic Club, the Democratic Club of Yorkville, the New Democratic Club, the Independent Democratic Club, the Lexington Democratic Club, Jefferson Democratic Club, Village Reform Democrats, Tilden Midtown Democrats, and the Truman Democratic Club. It is not apparent that Mr. Stein's committee made any contributions to local neighborhood Democratic Clubs in Manhattan outside of the 15th Congressional District.

11. Also listed are expenditures of over \$7,000 for "printing"; of \$6,200 for "computer services"; of \$1,300 to the Gershwin Theatre for fund-raising expenses; of \$4,500 for "postage"; of \$727 for advertisements in weekly newspapers which circulate in the 15th Congressional District, and of over \$1,600 for the reimbursement of Pat Pacifico, a member of Mr. Stein's staff in the office of the Borough President, for unspecified "expenses".

12. Your deponent does not know the precise purpose of these listed expenditures. It seems clear, however, that virtually none of them have anything to do with a campaign for the Borough Presidency of Manhattan that ended some three years ago. Rather it is plausible to suppose that Mr. Stein's committee, organized under State law in 1981, has been used as a vehicle for raising and spending money of behalf of his current Congressional campaign in ways which evade the requirements of federal law.

13. The Commission, we submit, should require Mr. Stein to explain the recent collections and expenditures of his 1981 committee and if he cannot do so in a way that demonstrates that he has not disregarded federal law, the Commission should take appropriate remedial action.

14. The annexed report shows Mr. Stein's residence address to be 38 East 85th Street, New York, NY 10028. His business address, as Borough President of Manhattan, is the Municipal Building, New York, NY 10007.

Sworn to before me  
The 7 day of September 1984

Betty G. Lall

Michael A. De...  
Notary Public #4679915  
Certificate filed in New York County  
Term expires 3/30/86

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**Candidate Statement:** Complete Sections A, B, C, D. Do not include in this statement receipts and expenditures which are included in a political committee report.

**Committee Statement:** Complete Sections A, B, C, D, E.

**Section A — RECEIPTS (this period):**

| LINE NO.: |   | Primary<br>Election<br>(Column A) | General or<br>Special Electio<br>(Column B) |
|-----------|---|-----------------------------------|---|
| 1         | Monetary Contributions } Itemized (Schedule A1)                                     | \$ 243,949.00                     | \$ _____                                    |
| 2         | } Unitemized  | \$ _____                          | \$ _____                                    |
| 3         | Contributions other than money (Schedule A2)  | \$ _____                          | \$ _____                                    |
| 4         | Sub-total Contributions (add lines 1 through 3)                                     | \$ _____                          | \$ _____                                    |
| 5         | Refunds of Contributions (Schedule A3)  | \$ = _____                        | \$ = _____                                  |
| 6         | Total Contributions (subtract line 5 from line 4)                                   | \$ _____                          | \$ _____                                    |
| 7         | Loans Received this period (Schedule A4)  | \$ _____                          | \$ _____                                    |
| 8         | Transfers In (Schedule A5)  | \$ _____                          | \$ _____                                    |
| 9         | Other Receipts (Schedule A6)  | \$ _____                          | \$ _____                                    |
| 10        | Total of net receipts and contributions other than money<br>(add lines 6 through 9) | \$ 243,949.00                     | \$ _____                                    |

**Section B — DISBURSEMENTS (this period):**

|    |  |               |            |
|----|--|---------------|------------|
| 11 | } Itemized (Schedule B1)   | \$ 143,942.52 | \$ _____   |
| 12 | Net campaign Disbursements and Expenditures in-kind } Unitemized             | \$ 120.12     | \$ _____   |
| 13 | (In support of one or more candidates) } Expenditures In-Kind (Schedule A2)  | \$ _____      | \$ _____   |
| 14 | } Refund (Schedule B2)   | \$ = _____    | \$ = _____ |
| 15 | } Total (add lines 11 through 13 less line 14)                               | \$ 144,062.64 | \$ _____   |
| 16 | Non-campaign Disbursements } (constituted and party committee only)          | \$ _____      | \$ _____   |
| 17 | Repayment of loans (Schedule B3)   | \$ _____      | \$ _____   |
| 18 | Transfers Out (Schedule B4)  | \$ 111,000.00 | \$ _____   |
| 19 | Total Other Disbursements (add lines 16 through 18)                          | \$ _____      | \$ _____   |
| 20 | Total of net Disbursements and Expenditures in-kind<br>(add lines 15 and 19) | \$ 255,062.64 | \$ _____   |

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**SUMMARY PAGE**

**Section E — Allocation of Total Campaign Finances to Candidate(s) supported by this committee. (If a candidate authorization or non-authorization has not been filed for each candidate supported, such a statement must be filed with this report.)**

- (1) Enter Line 32 column A on Line 54 column A; enter Line 32 column B on Line 54 column B.
- (2) List each of the candidates supported by this committee on Lines 34 thru 53.
- (3) Allocate Line 54 A to each of the candidates: enter amounts in Lines 34 through 53 Column A.
- (4) Allocate Line 54 B to each of the candidates: enter amounts in Lines 34 thru 53 column B.

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| OFFICE  | DISTRICT | CANDIDATE |            | Accumulative Allocation of Campaign Finances to Candidate |         |                                     |      |
|---|----------|-----------|------------|---|---------|-------------------------------------|------|
|   |          | LAST NAME | FIRST NAME | PRIMARY ELECTION (Column A)                               |         | GENERAL OR SPEC ELECTION (Column B) |      |
|   |          |           |            | amount  | percent | amount                              | perc |
| B.P. Man  |          | Stein     | Andrew     | 1,461,621.36  |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
|   |          |           |            |   |         |                                     |      |
| Amounts on this line & line 32 must be the same |          |           |            | \$ 1,461,621.36   | 600%    | \$                                  | 100  |

## MONETARY CONTRIBUTIONS

SCHEDULE

| OFFICIAL USE             | CA<br>CON<br>CO   | A1 Identification                      | Period   | P or G | Control |
|--------------------------|-------------------|--|--|--------|---------|
| DATE RECEIVED            | Corp.<br>Relative | FULL NAME                              | MAILING ADDRESS                                  | AMOUNT |         |
| 1/12/84                  | X                 | T.H.S. Associates                      | 425 East 61st St NYC 10021                       | 7,500  |         |
| 1/13/84                  |                   | Robert Arnow                           | 1114 Ave of the Americas<br>New York, N.Y. 10036 | 2,500  |         |
| 1/13/84                  |                   | J.D.Weiler                             | 1114 6th Avenue NYC                              | 2,500  |         |
| 1/18/84                  |                   | Martin J. Raynes $\Sigma$              | 420 East 54th Street NYC                         | 5,000  |         |
| 1/18/84                  |                   | Dimitrios Katsaras                     | 146-49 26th Ave Queens, NY                       | 3,000  |         |
| 1/6/84                   |                   | Gayfryd <u>D. Johnson</u> ✓            | 740 Park Avenue New York, NY                     | 50,000 |         |
| 1/25/84                  | J                 | Albanese + Fiore                       | 1050 Franklin Ave Garden City NY                 | 2,000  |         |
| 1/25/84                  |                   | Anthony Albanese                       | 1050 Franklin Ave Garden City NY                 | 2,000  |         |
| 1/25/84                  |                   | Jeffrey Elghanayan $\Sigma$ Rockrose   | 77 Bleecker St NYC 10012                         | 2,250  |         |
| 1/25/84                  |                   | Kamran Elghanayan $\Sigma$ Realty      | 309 East 45th St NYC 10017                       | 2,250  |         |
| 1/25/84                  |                   | Henry Elghanayan $\Sigma$ (Developers) | 309 East 45th Street NYC 10017                   | 2,250  |         |
| 1/23/84                  |                   | William Lindner                        | 32-19 165th St Flushing, NY                      | 4,500  |         |
| 1/22/84                  | X                 | Caroldee Realty Corp                   | 1200 Union Turnpike NHyde Pk, NY                 | 5,000  |         |
| 2/28/84                  |                   | Abraham <u>Hirschfeld</u> $\Sigma$ ✓   | 336 East 61st Street NYC 10021                   | 10,000 |         |
| 2/3/84                   |                   | George Klein $\Sigma$                  | 499 Park Avenue New York, N.Y.                   | 5,000  |         |
| 2/7/84                   |                   | Steven <u>Goodstein</u> ✓              | 211 East 46th Street NYC                         | 5,000  |         |
| 1/9/84                   |                   | Jefferson Weighing                     | Jefferson Street Camden, N.J.                    | 5,000  |         |
| 1/16/84                  |                   | Robert Dillof                          | 435 Grace Church St Rye, N.Y.                    | 200    |         |
| 1/16/84                  |                   | Paul H. Epstein                        | 1 West 72nd Street NYC                           | 200    |         |
| 1/22/84                  |                   | NYS Builders Association               | 112 State Street Albany, NY 12207                | 2,250  |         |
| 1/9/84                   | X                 | Boam Chemicals Corp                    | Philadelphia, Pa 19101                           | 5,000  |         |
| 1/9/84                   | X                 | Mafco                                  | Philadelphia, Pa 19101                           | 5,000  |         |
| 1/9/84                   | J                 | Overseas Sales                         | 100 West St Wilmington, Del                      | 5,000  |         |
| 1/16/84                  | J                 | Parkview Associates                    | 300 East 56th St. NYC 10022                      | 5,000  |         |
| TOTAL OR BALANCE FORWARD |                   |  |  |        |         |

## MONETARY CONTRIBUTIONS

SCHEDULE

| OFFICIAL USE  | CA<br>CON<br>CO | A1 Identification | Period   | PorG  | Control |
|---------------|-----------------|-------------------|--|---|---------|
| DATE RECEIVED | Corp.           | Relative          | FULL NAME  | MAILING ADDRESS                             | AMOUNT  |
| 3/22/84       |                 |                   | Sidney Ingber                                      | 100 Nrtle Drive, Great Neck, NY             | 200     |
| 3/22/84       |                 |                   | Ruth Schapiro                                      | 300 Park Avenue NYC                         | 200     |
| 4/2/84        | ✓               |                   | J+D Realty   | 101 West 55th Street, New York NY           | 5,000   |
| 4/2/84        |                 |                   | B. Tannenbaum                                      | 300 Park Avenue New York, NY                | 200     |
| 4/16/84       |                 |                   | Manuel Cords                                       | 170 East 77th Street NYC                    | 100     |
| 4/2/84        |                 |                   | Martin Oppenheimer                                 | 230 East 67th Street NYC                    | 100     |
| 3/2/84        |                 |                   | Ruth Weinstein                                     | 15 Windmill Place Armonk, NY                | 200     |
| 4/4/84        | ✓               |                   | Towpart Realty                                     | 909 Third Avenue New York, NY               | 5,000   |
| 4/4/84        |                 |                   | Gerald Gutterman ✓                                 | 405 Park Avenue New York, NY                | 25,000  |
| 3/12/84       |                 |                   | Alan S. Rosenberg                                  | 300 Park Avenue New York, NY                | 200     |
| 3/2/84        |                 |                   | Jacob Imberman                                     | 300 Park Avenue New York, N.Y.              | 200     |
| 4/6/84        |                 |                   | Gerald Katcher                                     | 1339 1st Ave Miami, Fl.                     | 5,000   |
| 4/18/84       |                 |                   | Arthur Emil  | 790 Park Avenue New York, N.Y.              | 5,000   |
| 3/19/84       |                 |                   | Robert Levinsohn                                   | 130 East 67th Street NYC                    | 150     |
| 3/19/84       | ✓               |                   | O+Y Maintenance <sup>Olympia</sup> <sub>York</sub> | 10 East 53rd Street NYC 10022               | 5,000   |
| 03/19/84      |                 |                   | Howard Lefkowitz                                   | 300 Park Avenue NYC                         | 200     |
| 3/17/84       |                 |                   | Bruce S. Wolf                                      | 405 Park Avenue NYC                         | 200     |
| 3/17/84       | ✓               |                   | Tufo + Zucotti } ✓                                 | 645 Madison Avenue NYC                      | 10,000  |
| 3/19/84       |                 |                   | Larry Lavinsky                                     | 300 Park Avenue NYC                         | 100     |
| 4/23/84       | -               |                   | HKH Industries                                     | 112 West 34th Street NYC                    | 5,000   |
| 4/23/84       | -               |                   | Kenpart Realty                                     | 909 Third Avenue NYC                        | 5,000   |
| 3/12/84       |                 |                   | Albert Gortz                                       | Boca Rton, Fl. 33463<br>6749 Giraldo Circle | 100     |
| 4/3/84        | ✓               |                   | Tower Associates                                   | 310 East 44th Street NYC                    | 5,000   |
| 3/22/84       |                 |                   | E. Baron Cohen } ✓                                 | 1805 Third Avenue NYC                       | 7,500   |

TOTAL OR BALANCE FORWARD

| OFFICIAL USE             | CA<br>CON<br>CO | A1 Identification | Period                                      | P or G                                | Control    |
|--------------------------|-----------------|-------------------|---|---------------------------------------|------------|
| DATE RECEIVED            | Corp.           | Relative          | FULL NAME                                   | MAILING ADDRESS                       | AMOUNT     |
| 2/16/84                  |                 |                   | Peter Rothenberg                            | 645 5th Avenue NYC                    | 200        |
| 3/12/84                  |                 |                   | Arnold Levine                               | 300 Park Avenue NYC                   | 200        |
| 3/12/84                  |                 |                   | Sherman Cohen ✓                             | 805 Third Avenue NYC                  | 7,500      |
| 3/16/84                  |                 |                   | Jacob Friedman                              | 962 East 22nd Street NYC              | 200        |
| 3/16/84                  | X               |                   | Shorehaven Apartments Inc. <sup>TRUMP</sup> | 2611 West 2nd St Brooklyn, NY         | 1,000      |
| 3/18/84                  |                 |                   | Stanley Komaroff                            | 44 Butler Road Scarsdale, NY          | 200        |
| 3/18/84                  |                 |                   | Howard Shapiro                              | 300 Park Avenue NYC                   | 200        |
| 3/18/84                  |                 |                   | David Barrett                               | 430 East 24th Street NYC              | 5,000      |
| 3/18/84                  | X               |                   | Green Park Essex <sup>TRUMP</sup>           | 2611 West 2nd St. Brooklyn, NY        | 1,000      |
| 4/18/84                  |                 |                   | Howard Ganz                                 | 1 Country Road Rye, NY                | 200        |
| 3/18/84                  |                 |                   | Peter Yaeger                                | 300 Park Avenue New York, NY          | 200        |
| 3/18/84                  | X               |                   | Shorehaven Apts No 3 Inc <sup>TRUMP</sup>   | 2611 West 2nd St Brooklyn, NY         | 1,000      |
| 3/22/84                  |                 |                   | Gerald Silbert                              | 300 Park Avenue New York, N.Y.        | 200        |
| 3/12/84                  |                 |                   | Edward Silver                               | 300 Park Avenue New York, N.Y.        | 200        |
| 3/13/84                  |                 |                   | James J. Fuld                               | 1175 Park Avenue NYC                  | 200        |
| 3/13/84                  | X               |                   | Boro Office Corp                            | 2611 West 2nd St Brooklyn, NY         | 1,000      |
| 3/13/84                  |                 |                   | Robert Kaufman                              | 345 East 52nd Street NYC              | 200        |
| 3/13/84                  |                 |                   | Paul Berger                                 | 500 Old Country Road Garden City N.Y. | 200        |
| 3/26/84                  |                 |                   | Ronald Schacht                              | 49 Denise Drive Stamford, CT          | 200        |
| 3/22/84                  | X               |                   | Shorehaven Apts No 1 Inc                    | 2611 West 2nd St Brooklyn, NY         | 1,000      |
| 3/22/84                  |                 |                   | Peter Samuels                               | 1 Fifth Avenue New York, NY           | 200        |
| 3/22/84                  |                 |                   | Joseph Erdman                               | 437 Madison Avenue New York, NY       | 199        |
| 3/22/84                  |                 |                   | Gail Sanger                                 | 201 East 36th Street New York, NY     | 200        |
| 3/22/84                  |                 |                   | Bernard Gold                                | 300 Park Avenue New York, NY          | 200        |
| TOTAL OR BALANCE FORWARD |                 |                   |   |                                       | 243,949.00 |

## DISBURSEMENTS

SCHEDULE B

| DATE PAID | FULL NAME               | MAILING ADDRESS   | AMOUNT   | PURPOSE OF DISBURSEMENT |
|-----------|-------------------------|---|----------|-------------------------|
| 1/10/84   | Postmaster              | G.P.O. New York, N.Y. 10011                                 | 500.00   | postage                 |
| 1/13/84   | G.L.I.D.                | PO Box 7241 FDR Station NYC                                 | 100.00   | contribution            |
| 1/13/84   | Petty Cash              |   | 250.00   | office expenses         |
| 1/13/84   | David Grochulski        | 713 Humboldt St Brooklyn, NY                                | 375.71   | office exp reimbursed   |
| 1/20/84   | Lenox Hill Dem. Club    | 1338 First Avenue NYC                                       | 175.00   | contribution reimbursed |
| 1/20/84   | Dan LeChay              | 845 West End Avenue NYC 10025                               | 250.00   | travel exp.             |
| 1/20/84   | O.S.I.                  | 575 Lexington Avenue NYC                                    | 700.00   | computer services       |
| 1/20/84   | Postmaster              | G.P.O. NYC 10011  | 500.00   | postage                 |
| 1/27/84   | Petty Cash              |   | 275.00   | office expenses         |
| 1/30/84   | John Higgins            | 28 King Street NYC  | 300.00   | reimbursed expenses     |
| 2/1/84    | Cancer Care             | 63 Avenue A new York, N.Y.                                  | 50.00    | contribution            |
| 2/1/84    | Emunah Women            | 1643 E. 13th St Brooklyn, NY                                | 36.00    | contribution            |
| 2/2/84    | O.S.I.                  | 575 Lexington Avenue NYC                                    | 5,000.00 | computer services       |
| 2/2/84    | Masayrak Cake Box       | Grand Street, NYC   | 80.00    | Senior Cit. party       |
| 2/2/84    | Dan LeChay              | 845 West End Avenue NYC 10025                               | 50.00    | reimbursed expenses     |
| 2/2/84    | Pasquale Pacifico       | 747 10th Avenue NYC   | 250.00   | Expenses Comp. Worth    |
| 2/6/84    | Petty Cash              |   | 300.00   | Comp. Worth Hearing     |
| 2/7/84    | Ronnie Steinberg        | Center for Women in Government<br>1400 Wash. Ave Albany, NY | 90.00    | Expenses C.W.H.         |
| 2/7/84    | Winn Newman             | 1000 Conn Avenue NW<br>Washington, D.C. 20036               | 694.00   | Expenses C.W.H.         |
| 2/7/84    | Nina Rothchild          | 444 Lafayette Road<br>St Paul, Minn. 55101                  | 385.00   | Expenses C.W.H.         |
| 2/7/84    | Bert Gottlieb           | 703 Hillsboro Drive<br>Silver Springs, Md 20912             | 568.00   | Expenses C.W.H.         |
| 2/7/84    | June O'neill            | 2100 M. Street<br>Washington, D.C. 20037                    | 160.00   | Expenses C.W.H.         |
| 2/7/84    | Pasquale Pacifico       | 747 10th Avenue NYC   | 55.00    | Expenses C.W.H.         |
| 2/8/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028                                 | 6,240.00 | mailings                |
| 2/8/84    | NYC Health Crisis       | 132 West 24th St NYC 10011                                  | 75.00    | contribution            |
| 2/10/84   | Nat Urban League        | 500 East 62nd Street NYC 10021                              | 170.00   | contribution            |
| 2/14/84   | Women's Action Alliance | 370 Lexington Avenue NYC 10017                              | 200.00   | contribution            |
| 2/14/84   | Town and Village        | PO Box 680 New Rochelle, NY                                 | 360.00   | ad                      |

TOTAL OR BALANCE FORWARD

DISBURSEMENTS

| DATE PAID | FULL NAME               | MAILING ADDRESS                               | AMOUNT    | PURPOSE OF DISBURSEMENT    |
|-----------|-------------------------|---|-----------|----------------------------|
| /15/84    | Petty Cash              |   | 300.00    | office exp                 |
| /16/84    | Yearbook ESTC           | 235 Broadway New York, N.Y.                   | 160.00    | contributor                |
| /16/84    | Postmaster              | GPO NYC 10011                                 | 2,700.00  | postage                    |
| /20/84    | Moynihan Committee      | 488 Madison Avenue NYC 10022                  | 2,000.00  | contributor                |
| /21/84    | Arnold Trebach          | American University<br>Washington, D.C. 20016 | 166.00    | travel exp<br>Drug Hearing |
| /24/84    | Milbank Frawley         | 126 West 119th Street NYC                     | 50.00     | contributor                |
| /24/84    | David Tarlow + Co       | 60 East 42nd St NYC 10017                     | 3,570.00  | accounting<br>service      |
| /24/84    | Coal. Against L.West    | 27 West 87th St NYC 10023                     | 120.00    | contributor                |
| /29/84    | Kenny Nemchin           | 98-50 67th Street<br>Forest Hills, NY         | 200.00    | graphics                   |
| /29/84    | Pasquale Pacifico       | 747 10th Ave NYC                              | 442.56    | senior event<br>expenses   |
| 7/29/84   | O.S.I.                  | 575 Lexington Ave NYC                         | 3,500.00  | computer<br>services       |
| 5/29/84   | D. Sawyer Associates    | 60 West 55th St NYC                           | 5,000.00  | payment<br>1981 bill       |
| 9/1/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028                   | 2,000.00  | mailings                   |
| 12/84     | Rel. Comm Health Crisis | 132 West 24th St NYC 10011                    | 50.00     | contributor                |
| 1/1/84    | Postmaster              | G.P.O. NYC 10011                              | 800.00    | postage                    |
| 5/84      | Dem Club of Yorkville   | 402 East 78th St NYC 10021                    | 500.00    | contributor                |
| 8/84      | Uptown Press            | 2 John Street NYC                             | 117.00    | ad                         |
| 8/84      | Murtaugh Committee      | 656 West 181st St NYC 10033                   | 100.00    | contributor                |
| 9/84      | L. Square Committee     | c/o Berlin<br>140 West 79th St NYC            | 100.00    | contributor                |
| 9/13/84   | New Democratic Club     | 225 East 35th Street NYC 10015                | 500.00    | contributor                |
| '13/84    | Petty Cash              |   | 375.00    | office exp<br>reimbursed   |
| '13/84    | A.D.A.                  | 853 Broadway NYC                              | 60.00     | contributor                |
| '14/84    | Ind. Dem Club           | 350 East 9th Street NYC                       | 75.00     | contributor                |
| '16/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028                   | 15,000.00 | mailings                   |
| '25/84    | Lexington Dem Club      | 152 East 94th St NYC 10128                    | 35.00     | contributor                |
| '26/84    | Postmaster              | G.P.O. NYC 10011                              | 250.00    | postage                    |
| '27/84    | L.E.S. Voice            | 235 East Broadway NYC 10002                   | 225.00    | ad                         |
| 3/27/84   | Vicky Streitfeld        | 135 West 95th Street NYC 10025                | 100.00    | reimbursed<br>expense      |

TOTAL OR BALANCE FORWARD

## DISBURSEMENTS

| DATE PAID | FULL NAME               | MAILING ADDRESS  | AMOUNT    | PURPOSE OF DISBURSEMENT   |
|-----------|-------------------------|--|-----------|---------------------------|
| 3/22/84   | Automation House        | 49 East 68th Street NYC                                    | 245.00    | rental<br>video equi.     |
| /23/84    | Penn + Schoen           | 1501 Third Avenue NYC                                      | -5,000.00 | mailings                  |
| /27/84    | Elaine Parker           | 2311 5th Avenue NYC  | 425.00    | reimbursed<br>expenses    |
| /28/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028                                | 5,000.00  | mailings                  |
| /28/84    | New Dem Dimensions      | 141 East 45th Street NYC 10017                             | 135.00    | contribution              |
| /28/84    | Weimer + Lester         | 21 East 40th Street NYC                                    | 93.50     | office<br>supplies        |
| 3/28/84   | Petty Cash              |  | 350.00    | Wom. Hearin.<br>expenses  |
| 4/1/84    | Jefferson Dem. Club     | 346 E. 21st Street NYC                                     | 50.00     | contribution              |
| /1/84     | R. Steinberg            | Center for Women in Government<br>1400 Wash Ave Albany, NY | 75.00     | Wom. Hearin<br>travel Exp |
| /1/84     | Johanna Mendelson       | Amer. Assoc of University Wm.<br>111 East 37th Street NYC  | 129.00    | Wom. Hearin<br>expenses   |
| M/1/84    | Cynthia Chertos         | 302 Draper Avenue NYC                                      | 196.59    | Wom Hearing<br>expenses   |
| O/5/84    | Fund for Hum Dignity    |  | 100.00    | contribution              |
| V/5/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028                                | 20,000.00 | mailings                  |
| O/6/84    | Walter McCaffrey        | 41-55 63rd Street<br>Woodside, NY 11377                    | 100.00    | Wom. Hearin<br>expenses   |
| V/8/84    | Lenox Hill Dem Club     | 1338 First Ave NYC   | 50.00     | contribution              |
| O/14/84   | David Grochulski        | 713 Humboldt Street<br>Brooklyn, NY 11222                  | 500.00    | LES Event<br>Reimb. Exp   |
| V/16/84   | O.S.I.                  | N.Y.<br>333 Jericho Turnpike Jericho                       | 2,000.00  | computer<br>services      |
| L/18/84   | NY Chamber of Comm.     | 200 Madison Avenue NYC                                     | 50.00     | luncheon                  |
| CO/18/84  | Penn + Schoen           | 1501 Third Avenue NYC 10028                                | 5,000.00  | mailings                  |
| /23/84    | Pat Pacifico            | 747 10th Avenue NYC  | 763.00    | Senior eve<br>expenses    |
| /23/84    | Sierra Club             | 530 Bush Street NYC  | 100.00    | contribution              |
| /24/84    | Gershwin Theatre        | 222 West 51st Street NYC                                   | 1,330.00  | fund rais.<br>expense     |
| /24/84    | D. Sawyer               | 60 West 55th Street NYC                                    | 5,000.00  | payment<br>1981 bill      |
| /27/84    | Chelsea Reform Dems     | c/o Taft<br>212 West 22nd Street NYC                       | 120.00    | contribution              |
| /27/84    | Village Reform Drms     | 60 East 9th Street NYC                                     | 110.00    | contribution              |
| /27/84    | GMHC Aids Fund          | 132 West 24th Street NYC                                   | 100.00    | contribution              |
| /27/84    | Tower Press             | 20 West 22nd Street NYC                                    | 300.00    | ad                        |
| 4/27/84   | Community Service Cent. | PO Box 663 NYC 10013                                       | 175.00    | contribution              |

TOTAL OR BALANCE FORWARD

## DISBURSEMENTS

| DATE PAID | FULL NAME               | MAILING ADDRESS                           | AMOUNT    | PURPOSE OF DISBURSEMENT |
|-----------|-------------------------|---|-----------|-------------------------|
| 4/24/84   | Tilden Midtown Dems     | 65 Irving Place NYC 10003                 | 75.00     | contribution            |
| /24/84    | Tilden Midtown Dems     | 65 Irving Place NYC 10003                 | 500.00    | contribution            |
| /24/84    | Independent Dems        | 350 East 9th Street NYC                   | 350.00    | contribution            |
| 5/1/84    | Pasquale Pacifico       | 747 10th Avenue NYC                       | 210.00    | S.C. Event Reimb. Exp.  |
| /11/84    | AAA Stat                | 116 Nassau Street NYC                     | 3,000.00  | printing                |
| /11/84    | Cheese of All Nations   | 153 Chambers Street NYC                   | 115.00    | It. Heritag Event       |
| /12/84    | Petty Cash              |   | 350.00    | office expenses         |
| /18/84    | Connor Committee '84    | 51 Joralemon St Brooklyn, NY              | 500.00    | contribution            |
| /18/84    | Friends of Jerry Nadler | c/o Goldstein<br>132 East 45th St NYC     | 200.00    | contribution            |
| /21/84    | Pasquale Pacifico       | 747 10th Avenue NYC                       | 200.00    | reimbursed expenses     |
| 30/24/84  | G.L.I.D.                | FDR Station PO Box 7241<br>New York, N.Y. | 420.00    | contribution            |
| 0/24/84   | McManus Dem Club        | 319 West 48th Street NYC                  | 500.00    | contribution            |
| 4/24/84   | People for Siegel       | 1199 Park Avenue NYC 10028                | 250.00    | contribution            |
| 9/7/84    | Pasquale Pacifico       | 747 10th Avenue NYC                       | 166.00    | sen cit. ev expenses    |
| 4/7/84    | Our Town                | 1751 2nd Avenue NYC                       | 250.00    | ad                      |
| 0/7/84    | A.D.A.                  | 853 Broadway NYC 10003                    | 450.00    | contribution            |
| 0/7/84    | Zale Koff Graphics      | 435 Hudson Street NYC 10014               | 4,125.16  | printing                |
| 50/12/84  | Greater Gotham Business | PO Box 931 NYC 10003                      | 110.00    | contribution            |
| 8/12/84   | Truman Dem. Club        | 257 East Broadway NYC                     | 500.00    | contribution            |
| /11/84    | D.I.D.                  | 40 Harrison Street NYC                    | 450.00    | contribution            |
| /12/84    | C. Dem. Coalition       | 656 W. 181st Street NYC 10033             | 75.00     | contribution            |
| /12/84    | G.L.I.D.                | PO Box 7241 NYC 10150                     | 55.00     | contribution            |
| /14/84    | S.A.G.E.                | 208 West 13th Street NYC                  | 60.00     | contribution            |
| /18/84    | New York City News      | PO Box 2171 GCS NYC 10163                 | 300.00    | ad                      |
| /18/84    | Pasquale Pacifico       | 747 10th Avenue NYC                       | 370.00    | reimbursed expenses     |
| /19/84    | Elaine Parker           | 2311 5th Avenue NYC                       | 230.00    | Harl. Office expenses   |
| 3/18/84   | Martha Sickles          | 40 West 110th Street NYC                  | 100.00    | reimbursed expenses     |
| 1/8/84    | Penn + Schoen           | 1501 Third Avenue NYC 10028               | 25,000.00 | mailings                |

TOTAL OR BALANCE FORWARD 143,942.52

**REFUNDS OF DISBURSEMENTS**

**SCHEDULE B2**

| DATE FUNDED  | FULL NAME | MAILING ADDRESS | AMOUNT REFUNDED |
|--------------|-----------|-----------------|-----------------|
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|              |           |                 |                 |
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|              |           |                 |                 |
| <b>TOTAL</b> |           |                 |                 |

**REPAYMENT OF LOANS**

**SCHEDULE B3**

| DATE PAID    | FULL NAME    | MAILING ADDRESS         | AMOUNT  | DATE OF LOAN |
|--------------|--------------|-------------------------|---------|--------------|
| 1/84         | Andrew Stein | 38 East 85th Street NYC | 50,000  |              |
| 2/84         | Andrew Stein | 38 East 85th Street NYC | 46,000  |              |
| 3/84         | Andrew Stein | 38 East 85th Street NYC | 15,000  |              |
|              |              |                         |         |              |
|              |              |                         |         |              |
| <b>TOTAL</b> |              |                         | 111,000 |              |

**TRANSFERS OUT**

**SCHEDULE B4**

| DATE PAID    | FULL NAME | MAILING ADDRESS | AMOUNT |
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BETTY LALL IN CONGRESS

CITIZENS FOR BETTY LALL  
853 BROADWAY, SUITE 1114  
NEW YORK, NY 10003

Charles Steele, Esq.  
General Counsel  
Federal Elections Commission  
1325 K Street, N.W.  
Washington, D.C. 20005



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1780

Date Filmed 1/4/85 Camera No. --- 2

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