



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2614

DATE FILMED 3/12/89 CAMERA NO. 3

CAMERAMAN AS

89040735043

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: 22 March 1988

ANALYST: Tamara K. Rollins

- I. COMMITTEE: New York Republican County Committee
(C00176834)
Anne Farley, Treasurer
(July 2, 1987 - present)
Robert Wilmers, Treasurer
(January 30, 1984 - July 1, 1987)
Hotel Roosevelt, 45 East 45th Street
New York, NY 10017
- II. RELEVANT STATUTE: 2 U.S.C. §441a(f)
11 CFR 102.5(a)(1)(i)
- III. BACKGROUND:

Receipt of Possible Impermissible/Excessive Funds from an
Unregistered Organization

The New York Republican County Committee's (the "Federal Account") 1987 Mid-Year Report disclosed the receipt of two (2) \$3,000 contributions on February 6, 1987 and February 13, 1987 from the Real Estate Board PAC, an unregistered organization located in the state of New York (Attachment 2).

A Request for Additional Information ("RFAI") was sent on January 12, 1988, which advised the Federal Account to clarify whether or not the contributions received were permissible under 11 CFR 102.5(a). The RFAI also advised the Federal Account that the Act precludes a political committee from receiving contributions from a person or another committee in excess of \$5,000 in a calendar year. [2 U.S.C. §441a(f)] The RFAI further advised the Federal Account to either refund any impermissible funds to the donor or transfer the funds, with the donor's consent, to an account not used to influence federal elections (Attachment 3).

9 3 0 4 7 3 5 0 4 4

NEW YORK REPUBLICAN COUNTY COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

The Federal Account responded in a letter sent by certified mail on January 26, 1988 (Attachment 4). In the letter, Ms. Anne Farley, the Federal Account's treasurer, stated the following:

With regard to the two \$3,000 contributions, aggregating \$6,000, from Real Estate Board PAC, to remedy any question as to such contributions, we have transferred both of these contributions to our non-federal account. A copy of our check transferring these contributions to the non-federal account is enclosed.

A copy of the transfer check, dated January 25, 1988 in the amount of \$6,000, was included with the letter.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

8 2 0 4 0 7 3 5 0 4 5

FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

ATTACHMENT
#1

DATE 18MAP88

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
NEW YORK REPUBLICAN COUNTY COMMITTEE				ID 8C00176834	PARTY QUALIFIED	
CONNECTED ORGANIZATION: NONE						
	1987 STATEMENT OF ORGANIZATION - AMENDMENT			13JUL87	2	87FEC/473/4665
	MID-YEAR REPORT	266,933	7,891	1JAN87 -30JUN87	57	87FEC/481/4098
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN87 -30JUN87	5	88FEC/503/4957
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	4	89FEC/498/2381
	YEAR-END	26,787	59,315	1JUL87 -31DEC87	15	88FEC/504/2997
	YEAR-END - AMENDMENT	-	-	1JUL87 -31DEC87	6	88FEC/512/1846
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	4	88FEC/509/3579
	TOTAL	293,720	0 67,206 0		93	TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/87: \$404,160.53

Debts owed by the committee as of 12/31/87: \$7,156.12

Debts owed to the committee as of 12/31/87: \$0

8 9 0 4 0 7 3 5 0 4 6

8904074939

213

June 25 1955

PAY TO THE
ORDER OF

Republican County Committee a/c #2
Six Thousand 00/100

\$ *6000.00* / 100

DOLLARS

CHEMICAL BANK

377 Madison Avenue
New York, N.Y. 10017

FOR *Transfer of funds*

Gertrude Rose Parker

⑆000263⑆ ⑆021000128⑆ 005⑆003539⑆

SCHEDULE A

ITEMIZED RECEIPTS

1987 Mid-Year *11*Use separate schedule A
for each category of the
Detailed Summary PagePAGE 1 OF 1
FORM NUMBER
116

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

NAME OF COMMITTEE (in Full)

New York Republican County Committee

A. Full Name, Mailing Address and ZIP Code

*REAL ESTATE BOARD PAC
12 E. 41st St.
New York, NY 10017*Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period*2-6-87 3,000*

Occupation

*2-13-87 3,000*Aggregate Year-to-Date *> \$ 6,000*

B. Full Name, Mailing Address and ZIP Code

*SAVINGS BANK PAC
200 Park Avenue
New York, NY 10166*Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period*2-9-87 1,200*

Occupation

Aggregate Year-to-Date *> \$ 1,200*

C. Full Name, Mailing Address and ZIP Code

*Chemical Bank Fund
580 Madison Ave
New York, NY 10017*Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period*2-11-87 1,500*

Occupation

Aggregate Year-to-Date *> \$ 1,500*

D. Full Name, Mailing Address and ZIP Code

*New York State
Bankers PAC*Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period*2-11-87 1,000*

Occupation

Aggregate Year-to-Date *> \$ 1,000*

E. Full Name, Mailing Address and ZIP Code

*CON EDISON PAC.
17 Irving Place
New York, NY 10003*Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

Date (month
day, year)Amount of Each
Receipt this Period*2-18-87 600*

Occupation

Aggregate Year-to-Date *> \$ 600*

F. Full Name, Mailing Address and ZIP Code

Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

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

Occupation

Aggregate Year-to-Date *> \$*

G. Full Name, Mailing Address and ZIP Code

Receipt For ☐ Primary ☐ General
☐ Other (specify)

Name of Employer

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

Occupation

Aggregate Year-to-Date *> \$*

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this schedule number only)

10,300



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

BQ-2

JAN 12 1988

Anne Farley, Treasurer
New York Republican County Committee
Hotel Roosevelt, 45 East 45th Street
New York, NY 10017

Identification Number: C00176834

Reference: Mid-Year Report (1/1/87-6/30/87)

Dear Ms. Farley:

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 discloses a contribution(s) from an organization which is not a political committee registered with the Commission (pertinent portion(s) attached). In addition, the contribution appears to exceed the limits set forth in the Act. The Act precludes a political committee from receiving contributions from a person or another committee in excess of \$5,000 in a calendar year. (2 U.S.C. §441a(f)) Also, in order to make contributions to your committee, organizations which are not political committees must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution. (11 CFR 102.5(b))

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of the Act. (2 U.S.C. §§441a(f) and 441b) If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR 102.5(a).

In order to be in compliance with the Act, your committee must:

- 1) refund to the donor, or transfer-out to a non-federal account, the amount in excess of \$5,000; and
- 2) determine the extent to which your committee received funds that are not permissible, and refund or transfer-out the prohibited funds.

If you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made.

Although the Commission may take further legal steps concerning the acceptance of prohibited and excessive contribution(s), your prompt refund or transfer-out will be taken into consideration.

-The identification of each contributor, including the person's occupation and name of employer, must be provided if the person has contributed in excess of \$200 in the aggregate during the calendar year. Please amend Schedule A supporting Line 11(a)(i) for each entry lacking a contributor's occupation and name of employer.

Note: If your committee has made at least one effort per solicitation, either by a written request or by an oral request documented in writing to obtain this information from the contributor, your committee may have exercised "best efforts." Under 11 CFR 104.7(b), such effort shall consist of a clear request for the information (i.e., name, mailing address, occupation, and name of employer) which request informs the contributor that the reporting of such information is required by law. If you believe that your committee satisfies the "best efforts" provision, you should provide a copy of your solicitation or an explanation of the method(s) used to obtain contribution information. Clarification regarding "best efforts" should be disclosed during each two year election cycle

beginning with the first report filed in the non-election year. 11 CFR 104.3(a)(4)(i)

-Please identify the name and address of the payee for the in-kind contribution(s) disclosed on Schedule B for Line 21.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Tammy Rollins

Tammy Rollins
Reports Analyst
Reports Analysis Division

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3 2 0 3 4 9 8 2 3 9 3



88 JAN 30 1988

January 26, 1988

Ms. Tammy Rollins, Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Re: Mid-Year Report (1/1/87-6/30/87).
Identification Number C00176834

Dear Ms. Rollins:

I'm in receipt of your letter dated January 12, 1988 with respect to the New York Republican County Committee filing above-referenced. This January 12, 1988 letter was received by me on January 20, 1988. In response to your questions, please be advised as follows:

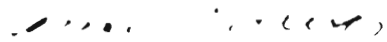
- (1) With regard to the two \$3,000 contributions, aggregating \$6,000, from Real Estate Board PAC, to remedy any question as to such contributions, we have transferred both of these contributions to our non-federal account. A copy of our check transferring these contributions to the non-federal account is enclosed.
- (2) With respect to contributions lacking identification of the contributor's occupation and name of employer, these contributions were solicited pursuant to a solicitation which requested from each contributor that person's name, address, employer and occupation, and advised contributors that the reporting of such information is required by law. We are enclosing a copy of our contributor response form which requests such information and, for those whose contributions are being credited to the federal campaign account, advises contributors that their contributions are subject to FEC limitations and that we are required by law to request and report a contributor's employer and occupation.

Ms. Tammy Rollins, Reports Analyst
Reports Analysis Division
Federal Election Commission
Page 2
January 26, 1988

- (3) We assume your inquiry concerning name and address of the payee for in kind contributions disclosed on Schedule B for line 21 is in reference to the postage expense disbursements on behalf of George Bush for President (these disbursements were reimbursed by the Bush for President Campaign subsequent to June 30, 1987, as parenthetically indicated on Schedule B). These disbursements were for the purpose, as specified on our report, of procuring postage (from the U.S. Post Office) and the money in question was accordingly paid to the U.S. Post Office in New York, New York. The beneficiary of these disbursements was, as specified on our Schedule B, the George Bush for President Campaign.

I believe that we have responded to all of the issues raised in your January 12, 1988 letter. If you have any further questions concerning these matters, please contact me at (212) 872-6708.

Sincerely,


Anne Farley,
Treasurer

AF:mm
Enc.

CERTIFIED MAIL RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION

88 MAY 19 AM 11:41

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral #88L-04
Staff Member: Judybeth Greene

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D
RESPONDENTS: New York Republican County Committee, and
Anne Farley, as treasurer
RELEVANT STATUTES: 2 U.S.C. § 441a(f)
2 U.S.C. § 441b(a)
11 C.F.R. § 102.5(a)
INTERNAL REPORTS: FEC Disclosure Documents Checked
FEDERAL AGENCIES CHECKED: N/A

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the New York Republican County Committee ("the Committee") to the Office of General Counsel on March 23, 1988, for accepting a total of \$6,000 in contributions in February 1987, from an unregistered organization - Real Estate Board PAC. Although the Committee transferred the funds out to its non-federal account, the transfer was not made until January 25, 1988.

II. FACTUAL AND LEGAL ANALYSIS

A. Acceptance of Excessive Contributions - Section 441a(f)

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person may make contributions in excess of \$5,000 per year to a multi-candidate committee. The Act further prohibits a multi-candidate committee and its treasurer from knowingly accepting a contribution in excess of this limit. 2 U.S.C. § 441a(f).

Accordingly, this Office recommends that the Commission find reason to believe that the New York Republican County Committee and Anne Farley, as treasurer, violated 2 U.S.C. § 441a(f).

B. Acceptance of Corporate Contributions - Section 441b(a) and 11 C.F.R. § 102.5(a)

Organizations that are political committees under the Act and finance political activity in connection with both federal and non-federal elections are required to create a financial structure which assures that any monies spent for federal election-related purposes come from permissible funds. 11 C.F.R. § 102.5(a). Thus, the Commission's regulations provide that such a committee may establish a separate federal account in which the funds deposited are all subject to the prohibitions and limitations of the Act. See 11 C.F.R. § 102.5(a)(1)(i). The regulations also require that all funds deposited into the separate federal account of a committee be specifically designated for the federal account by the contributor. 11 C.F.R. § 102.5(a)(2)(i). Moreover, the contribution must have resulted from a solicitation which expressly states that the contribution will be used in connection with a federal election and the contributor must be informed that all such contributions are subject to the prohibitions and limitations of the Act. 11 C.F.R. § 102.5(a)(2)(ii) and (iii). It appears that the Committee referred in this matter is the separate federal account of the New York Republican County Committee. Thus, all contributions it receives must be subject to the Act's limitations and prohibitions.

Pursuant to 2 U.S.C. § 441b(a), corporations are prohibited from making any contribution or expenditure in connection with

Federal elections; political committees are likewise prohibited from knowingly accepting such corporate contributions. Id. Accordingly, the federal account of a committee set up pursuant to 11 C.F.R. § 102.5(a) is prohibited from accepting any corporate funds.

The contributions at issue in this matter were made by the Real Estate Board PAC, an unregistered organization in New York. Under Section 14-116(2) of the New York Election Law, corporations and organizations financially supported in whole or in part by corporations may make contributions and expenditures out of treasury funds including contributions to political committees, provided that the aggregate of such corporate contributions and expenditures does not exceed \$5,000 in a calendar year. Consequently, the treasury of the Real Estate Board PAC may have contained corporate funds, which may not be contributed to the federal account of a political committee set up pursuant to 11 C.F.R. § 102.5(a)(1)(i). See 2 U.S.C. § 441b(a).^{2/}

The Committee's response to the RFAI gave no indication that any efforts were made to determine whether the contributions from the Real Estate Board PAC contained corporate funds.

^{2/} As the Real Estate Board PAC made a contribution of over \$1,000 to the federal account of a political committee, it is presumably a political committee and therefore, the reasonable accounting standard contained in 11 C.F.R. § 102.5(b) does not apply.

Accordingly, this Office recommends that the Commission find reason to believe that the New York Republican County Committee violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a).

III. RECOMMENDATIONS

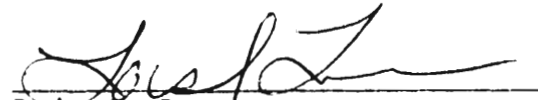
1. Open a MUR.
2. Find reason to believe that the New York Republican County Committee violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a).
3. Approve the attached letter and Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

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Date

5/18/88

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Proposed letter and Factual and Legal Analysis
3. Interrogatories and Request for Production
of Documents



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 27, 1988

RECEIVED
FEDERAL ELECTION COMMISSION

88 MAY 27 PM 4:47

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 2614 (Formerly RAD Referral # 88L - 04)

I. BACKGROUND

The recommendations in the First General Counsel's Report approved by the Commission on May 23, 1988, failed to include the name of the Committee treasurer along with the Committee name. The name of the treasurer was also inadvertently omitted from page 4 of the Factual and Legal Analysis. No change is necessary, however, on the letter to the Committee. In order to correct this oversight, this Office makes the following recommendations:

II. RECOMMENDATIONS

1. Find reason to believe that Anne Farley, as treasurer of the New York Republican County Committee, violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a).
2. Approve the revised Factual and Legal Analysis.

Attachments:
Revised Factual and Legal Analysis

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: New York Republican County Committee, and Anne Farley,
as treasurer MUR: 2614

SUMMARY OF ALLEGATIONS

3 9 0 4 0 7 3 5 0 6 0
This matter was generated as a result of a referral by the Reports Analysis Division ("RAD") concerning the acceptance by the New York Republican County Committee's Federal Account of a total of \$6,000 in contributions from an unregistered organization -Real Estate Board PAC in February 1987. Although the Committee transferred the funds out to its non-federal account, the transfer was not made until January 25, 1988.

ANALYSIS

1. Acceptance of Excessive Contributions - Section 441a(f)

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person may make contributions in excess of \$5,000 per year to a multicandidate committee. The Act further prohibits a multicandidate committee and its treasurer from knowingly accepting a contribution in excess of this limit. 2 U.S.C. § 441a(f).

The New York Republican County Committee's federal account, a multicandidate committee, accepted a total of \$6,000 in contributions in the form of two three-thousand dollar checks from a non-registered organization in February 1987. The Committee did not refund this excessive contribution within a "reasonable time," as required under Former 11 C.F.R. § 103.3(b)(2). Rather, it transferred the whole contribution to

Attachment 1 (1)

its non-federal account on January 15, 1988 -- almost a year after its receipt of the contributions. Accordingly, there is reason to believe that the New York Republican County Committee and Anne Farley, as treasurer, have violated 2 U.S.C. § 441a(f).

2. Acceptance of Corporate Contributions - Section 441b(a) and 11 C.F.R. § 102.5(a)

Organizations that are political committees under the Act and finance political activity in connection with both federal and non-federal elections are required to create a financial structure which assures that any monies spent for federal election-related purposes come from permissible funds. 11 C.F.R. § 102.5(a). Thus, the Commission's regulations provide that such a committee may establish a separate federal account in which the funds deposited are all subject to the prohibitions and limitations of the Act. See 11 C.F.R. § 102.5(a)(1)(i). The regulations also require that all funds deposited into the separate federal account of a committee be specifically designated for the federal account by the contributor. 11 C.F.R. § 102.5(a)(2)(i). Moreover, the contribution must have resulted from a solicitation which expressly states that the contribution will be used in connection with a federal election and the contributor must be informed that all such contributions are subject to the prohibitions and limitations of the Act. 11 C.F.R. § 102.5(a)(2)(ii) and (iii). It appears that the Committee referred in this matter is the separate federal account of the New York Republican County Committee. Thus, all

Attachment 1(2)

contributions it receives must be subject to the Act's limitations and prohibitions.

Pursuant to 2 U.S.C. § 441b(a), corporations are prohibited from making any contribution or expenditure in connection with Federal elections; political committees are likewise prohibited from knowingly accepting such corporate contributions. Id. Accordingly, the federal account of a committee set up pursuant to 11 C.F.R. § 102.5(a) is prohibited from accepting contributions containing corporate funds.

The contributions at issue in this matter were made by the Real Estate Board PAC, an unregistered organization in New York. Under Section 14-116(2) of the New York Election Law, corporations and organizations financially supported in whole or in part by corporations may make contributions and expenditures out of treasury funds including contributions to political committees, provided that the aggregate of such corporate contributions and expenditures does not exceed \$5,000 in a calendar year. Consequently, the treasury of the Real Estate Board PAC may have contained corporate funds, which may not be contributed to the federal account of a political committee set up pursuant to 11 C.F.R. § 102.5(a)(1)(i). See 2 U.S.C. § 441b(a).

The Committee's response to the RFAI gave no indication that any efforts were made to determine whether the contributions from the Real Estate Board PAC contained corporate funds.

Attachment 1(3)

Accordingly, there is reason to believe that the New York
Republican County Committee ("Federal Account") and Anne Farley,
as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R.
§ 102.5(a).

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Attachment 1 (4)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/KAREN E. TRACH *KET*
COMMISSION SECRETARY

DATE: MAY 20, 1988

SUBJECT: RAD Ref. 88L-04: First General Counsel's Report
Signed May 18, 1988

Attached is a copy of Commissioner Thomas
vote sheet with comments regarding the above-captioned matter.

Attachment:
Copy of Vote Sheet

89040735064

BALLOT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME TRANSMITTED: THURSDAY, MAY 19, 1988 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIK, McDONALD, MCGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY MONDAY, MAY 23, 1988 4:00

SUBJECT: RAD Ref. 88L-04: First General Counsel's Report
Signed May 18, 1988

- (✓) I approve the recommendation
() I object to the recommendation

COMMENTS: Interrogatory #3 is interesting.

88 MAY 20 11:39

FEDERAL ELECTION COMMISSION

DATE: 5/20/88

SIGNATURE Tom Thomas

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

New York Republican County Committee, and)
Anne Farley, as treasurer)

RAD Ref. 88L-04

(MUR 2614)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on May 23,
1988, the Commission decided by a vote of 4-0 to take
the following actions in RAD Ref. 88L-04:

1. Open a MUR.
2. Find reason to believe that the New York Republican
County Committee violated 2 U.S.C. §§ 441a(f) and
441b(a) and 11 C.F.R. § 102.5(a).
3. Approve the letter and Factual and Legal Analysis,
as recommended in the First General Counsel's Report
signed May 18, 1988.

Commissioners Aikens, Elliott, McGarry, and Thomas voted
affirmatively for the decision.

Commissioners Josefiak and McDonald did not cast votes.

Attest:

5/23/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of the Commission Secretary: Thurs., 5-19-88, 11:41
Circulated on 48 hour tally basis: Thurs., 5-19-88, 4:00
Deadline for vote: Mon., 5-23-88, 4:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
New York Republican County) MUR 2614
Committee, and Anne Farley,) (Formerly RAD Ref. #88L-04)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on June 2,
1988, the Commission decided by a vote of 5-0 to take
the following actions in MUR 2614 (Formerly RAD Ref. #88L-04):

1. Find reason to believe that Anne Farley, as treasurer
of the New York Republican County Committee, violated
2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a).
2. Approve the revised Factual and Legal Analysis as
recommended in General Counsel's Memorandum dated
May 27, 1988.

Commissioners Aikens, Elliott, Josefiak, McDonald, and
Thomas voted affirmatively for the decision.

Commissioner McGarry did not cast a vote.

Attest:

6-2-88

Date

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

Received in the Office of Commission Secretary: Fri., 5-27-88, 4:47
Circulated on 48 hour tally basis: Tues., 5-31-88, 11:00
Deadline for vote: Thurs., 6-02-88, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 6, 1988

Ms. Anne Farley, Treasurer
New York Republican County Committee
Hotel Roosevelt, 45 East 45th Street
New York, NY 10017

RE: MUR 2614
New York Republican
County Committee and Anne
Farley, as treasurer

Dear Ms. Farley:

On May 23, 1988, the Federal Election Commission found that there is reason to believe the New York Republican County Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions, within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Anne Farley
Page 2

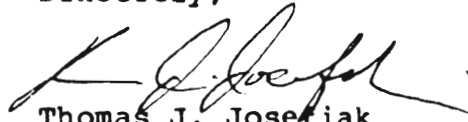
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Judybeth Greene, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Thomas J. Josefiak
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Interrogatories and Request
for Production of Documents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2614

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: Ms. Anne Farley
Treasurer, New York Republican
County Committee
Hotel Roosevelt, 45 East 45th Street
New York, NY 10017

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In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, DC 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND REQUEST FOR DOCUMENTS

TO: New York Republican County Committee,
and Anne Farley, as treasurer

1. State whether the two three-thousand dollar checks you received from Real Estate Board PAC were intended to be deposited in your federal or non-federal account and state the basis for this determination.
2. State whether you made any inquiries regarding whether the Real Estate Board PAC's contributions contained any impermissible funds and, if so, state what the response was.
3. State whether you contacted the Real Estate Board PAC regarding the transfer of its contribution from your federal account to your non-federal account and state whether the Real Estate Board PAC ordered or approved the transfer.

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6004573

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN 20 PM 4:05

New York Republican
County Committee
45 East 45th Street, Suite 230
New York, N.Y. 10017

June 14, 1988

Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Judybeth Greene, Esq.

Re: MUR 2614
New York Republican
County Committee and
Anne Farley, as Treasurer

88 JUN 21 AM 10:43

RECEIVED
FEDERAL ELECTION COMMISSION

Dear Ms. Greene:

We received your June 6, 1988 letter re MUR 2614 on June 10, 1988.

Please be advised that we have asked the counsel to the New York Republican State Committee, Thomas J. Spargo, to handle this matter for us. I am enclosing a copy of the completed designation of counsel form. Please send any future correspondence to Mr. Spargo with a copy to me.

In view of the fact that we promptly corrected the error in question after being advised of it by the January 12, 1988 inquiry of the Reports Analysis Division (which we received January 20, 1988), by transferring the entire amount in question to our non-federal account, we believe pre-probable cause conciliation would be appropriate. We accordingly request that you contact Mr. Spargo at 518-462-2601 (or at the address on the enclosed form) to discuss pre-probable cause conciliation.

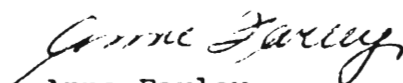
Furthermore, Mr. Spargo has asked us to request a 20-day

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extension of time to enable him to familiarize himself with this matter and prepare any necessary response. We received your letter of June 6, 1988 on June 10, 1988. Therefore, our initial response date would be Monday, June 27, 1988 (since the 15th day, June 25, is a Saturday). The requested 20 day extension would make our response due on Monday, July 18, 1988. In this regard, we would point out that the entire amount in question has already (on January 25, 1988) been transferred to our non-federal account, and we are prepared to engage in pre-probable cause conciliation at your earliest convenience.

Please contact Mr. Spargo at 518-462-2601 if you have any questions about this letter. Thank you.

Sincerely,



Anne Farley
Treasurer
New York Republican
County Committee

Certified Mail/
Return Receipt Requested

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2614

NAME OF COUNSEL: Thomas J. Spargo

ADDRESS: New York Republican State Committee
315 State Street

Albany NY 12210

TELEPHONE: 518-462-2601

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.

6/14/88
Date

Anne Farley
Signature

RESPONDENT'S NAME: New York Republican County Committee and
ADDRESS: Hotel Roosevelt
45 E. 45th St Suite 230
NY NY 10017
AS Treasurer

HOME PHONE: 212-307-6284

BUSINESS PHONE: 212-872-6708

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 23, 1988

Thomas J. Spargo, Esquire
New York Republican State Committee
315 State Street
Albany, NY 12210

RE: MUR 2614
New York Republican
County Committee and Anne
Farley, as treasurer

Dear Mr. Spargo:

This is in response to your letter dated June 14, 1988, which we received on June 21, 1988, requesting an extension of 20 days until July 18, 1988 to respond to Commission's reason to believe findings in the above mentioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 18, 1988.

If you have any questions, please contact Judybeth Greene, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

99040735076

HAND DELIVERED

FEDERAL ELECTION COMMISSION

GCC#9858
88 JUL 19 AM 10:31

New York Republican
County Committee
45 East 45th Street
Suite 230
New York, New York 10017

July 18, 1988

VIA FEDERAL EXPRESS

Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Judybeth Greene, Esq.

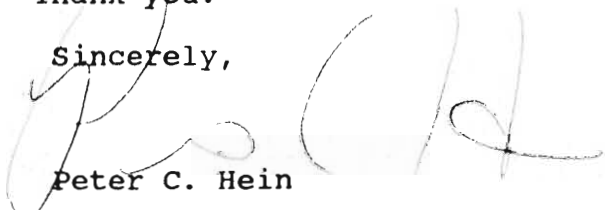
Re: MUR 2614
New York Republican
County Committee and
Anne Farley, as Treasurer

Dear Ms. Greene:

Enclosed, in accordance with your conversation with Tom Spargo, is the affidavit of Anne Farley which responds to the FEC's interrogatories. As you discussed with Mr. Spargo, Mr. Spargo will be separately supplying directly to you in the next several days additional materials, including a memorandum.

Please contact Mr. Spargo at 518-462-2601 if you have any questions about this matter. Thank you.

Sincerely,


Peter C. Hein

PCH:jk

cc: Thomas J. Spargo, Esq.

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88 JUL 19 PM 1:51

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RESPONSE TO FEC INTERROGATORIES (MUR 2614)

AFFIDAVIT

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

I, the undersigned, Anne Farley, being duly sworn depose and say:

I am a resident of the County and City of New York and the State of New York and am the Treasurer of the New York Republican County Committee ("County Committee").

The County Committee maintains a federal account which has been organized and filed with the Federal Election Commission (FEC I.D. # C00176834) under the provisions of the Federal Election Campaign Act of 1971 as amended (the Act).

I am the treasurer of this federal account which is a party committee and a qualified multi-candidate committee.

In addition, the County Committee also has accounts which are organized under the election laws of the State of New York, and I also serve as the treasurer of such County Committee state accounts.

I make this affidavit in answer to your interrogatories as a part of your MUR No. 2614, which relates to the County Committee having erroneously deposited two \$3,000 contributions from Real Estate Board PAC into our federal account, rather than our state account, in February 1987.

As a general matter, we wish to point out that we regret that an error occurred. However, upon receiving on January 20, 1988 the January 12, 1988 letter from the Reports Analysis Division, we acted promptly to correct the problem. The letter from the Reports Analysis Division requested us to respond within 15 days from January 12, 1988, so we had only 7 days time left for our response by the time we received the letter. We felt the best thing to do so that we could respond to the FEC within the 7 day

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period of time available to us was to transfer the entirety of both \$3,000 contributions to our non-federal account, which we did on January 25, 1988. In our January 26, 1988 letter to the FEC advising the FEC of this action, we stated that we "believe that we have responded to all of the issues raised in your January 12, 1988 letter. If you have any further questions concerning these matters, please contact me" We received no further inquiries from the Reports Analysis Division and, until our receipt of the FEC's June 6, 1988 "MUR Notice", we had assumed the FEC was satisfied by our action in transferring the entirety of these contributions to our non-federal account.

We would further point out that at all times, from the time the Real Estate Board PAC contributions were received in February 1987, through the time they were transferred out to our state account in January 1988, the balance in our federal account was in the area of \$200,000 (or more) -- substantially in excess of the \$6,000 amount of the Real Estate Board PAC contributions. Thus, effectively, no portion of the contributions in question was disbursed for federal election campaign purposes.

QUESTION NUMBER 1. State whether the two three-thousand dollar checks you received from Real Estate Board PAC were intended to be deposited in your federal or non-federal account and state the basis for this determination.

ANSWER: In February, 1987, in conjunction with the County Committee's annual Lincoln Day Dinner, the County Committee received two contributions from the Real Estate Board PAC each in the amount of \$3,000.

Inasmuch as the Real Estate Board PAC was a "PAC", our staff made the erroneous assumption that it was a federally qualified political action committee that was filed with your office under the Federal Election Campaign Act. Our staff thus mistakenly deposited these contributions from the Real Estate Board PAC into the County Committee's federal account, rather than depositing these contributions into the state account where such contributions should have been deposited.

We were not aware that the Real Estate Board PAC was not a federally qualified PAC until we were so advised by the FEC's letter of January 12, 1988. Upon learning of this circumstance we promptly transferred the entire amount of the Real Estate Board PAC's contributions to the County Committee to the state account of the County Committee which is maintained under the New York State Election Law.

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We advised your office of this transfer by my letter of January 26, 1988 and enclosed a copy of the check which accomplished this transfer.

The failure to focus on the fact that the total of the two \$3,000 contributions (\$6,000) exceeded by \$1,000 the \$5,000 limit on contributions for a PAC to the federal account was also a mistake. While I have no current recollection as to exactly what my thought process was at the time, my best belief is that I may have been under a misimpression that just as a PAC or our federal account can contribute a total of \$10,000 to a federal candidate (\$5,000 is attributed to the primary, even if none is held, and \$5,000 is attributed to the general election), the same concept applied to contributions from a PAC to our federal account.

In any event, it is now recognized that the limit on contributions to the federal account is \$5,000 per year, and that the acceptance of \$6,000 in contributions (\$1,000 in excess of the \$5,000 limit) was an error.

Thomas J. Spargo, an attorney, who is also the Counsel to the New York Republican State Committee, and appearing for the County Committee and on my behalf herein, as well as Peter C. Hein, the Counsel to the New York County Republican Committee, have assisted me in the preparation of this answer. In addition to myself, Mrs. Gertrude Parker, the Executive Secretary to the County Committee, provided information that was used in the preparation of this answer.

QUESTION NUMBER 2. State whether you made any inquiries regarding whether the Real Estate Board PAC's contributions contained any impermissible funds and, if so, state what the response was.

ANSWER: At the time that the contributions from the Real Estate Board PAC were received in February, 1987, our staff made the erroneous assumption that, since it was a "PAC", its funds were qualified funds which could be deposited into our federal account.

On January 26, 1988, after learning from the FEC that the Real Estate Board PAC was not a federally qualified PAC, we immediately caused both of its contributions to be transferred out of the County Committee's federal account.

The inquiry made by the FEC by letter dated January 12, 1988 (received by us on January 20, 1988), which advised us that Real Estate Board PAC was not registered

with FEC, was the first indication we had of a question as to the propriety of our accepting contributions from the Real Estate Board PAC into our federal account. We took action to transfer on January 25, 1988 the entire \$6,000 out of our federal account because we recognized that a mistake had been made and we were willing to take immediate corrective action. We had no desire to try after-the-fact to justify this mistake by making contentions as to the permissibility of the Real Estate Board PAC's funds, and we wished to fully correct the matter within the 7 day period of time we had available to respond.

As noted, we promptly advised the FEC by letter dated January 26, 1988 of the action we had taken and -- until receiving the June 6, 1988 MUR Notice -- we heard nothing further to suggest that the FEC was dissatisfied by our January 26, 1988 response or that FEC felt further information or action was required. Thus, in January 1988, we did not take further steps to ascertain from the Real Estate Board PAC whether it had sufficient qualified funds in its accounts to cover its February 1987 contributions to the County Committee.

After receiving the letter of the Commission dated June 6, 1988 finding reason to believe that the County Committee and myself as treasurer had violated the Act by reason of this acceptance of the Real Estate Board PAC contributions into our federal account, I asked Thomas J. Spargo, our attorney in this matter, to contact the Real Estate Board PAC to ascertain the status of the funds from which its 1987 contributions were made to the County Committee. The information that Mr. Spargo secured from his communications with the Real Estate Board PAC will be separately supplied.

Thomas J. Spargo, an attorney, who is appearing for the County Committee and on my behalf herein, as well as Peter C. Hein, the Counsel to the New York County Republican Committee, have assisted me in the preparation of this answer.

QUESTION NUMBER 3. State whether you contacted the Real Estate Board PAC regarding the transfer of its contribution from your federal account to your non-federal account and state whether the Real Estate Board PAC ordered or approved the transfer.

ANSWER: In February, 1987, the Real Estate Board PAC made two \$3,000 contributions to the County Committee, which as set forth above, our staff erroneously

deposited into the County Committee's federal account instead of properly depositing into our state account.

Upon learning from your office in January, 1988 of our mistake, we immediately corrected the transaction and put the Real Estate Board PAC's contributions into the proper account of the County Committee, namely, the state account.

At the time of the transfer of the \$6,000 in January, 1988 from our federal to our state account, we did not contact the Real Estate Board PAC because the mistake in question had been our mistake (not theirs) and the contributions had been made in February, 1987 in compliance with the provisions and requirements of New York State law. I understand that New York Election Law imposes no limit on what any political committee may contribute to a party committee (such as our non-federal account) and thus the transfer of the contributions from our federal to non-federal account could present no New York State compliance issue from the point of view of the Real Estate Board PAC.

The transfer, as noted, was made as to the entire amount of the contributions in the belief that this was the quickest and most expeditious method of resolving the matter within the 7 day period of time we had available to respond. We promptly advised the FEC by letter dated January 26, 1988 of the action we had taken and -- until receiving the June 6, 1988 notice of the MUR -- heard nothing further to suggest that the FEC was dissatisfied by our January 26, 1988 response or that the FEC felt further information or action was required.

After receipt of the June 6, 1988 notice of the MUR, we asked Mr. Spargo to communicate with the Real Estate Board PAC to make the PAC aware of the nature of the County Committee's transactions that have occurred to date, and to determine whether the PAC would approve the January, 1988 transfer to our state account after the fact, or whether it would prefer that an alternative disposition of the 1987 contributions be made, such as the refund of such contributions to the PAC. Mr. Spargo has communicated directly with the Real Estate Board PAC on our behalf, and the information provided by its response to Mr. Spargo will be separately supplied.

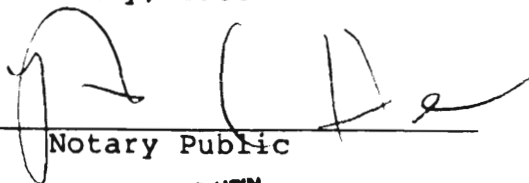
Thomas J. Spargo, an attorney, who is appearing for the County Committee and on my behalf herein, as well as Peter C. Hein, the Counsel to the New York County Republican Committee, have assisted me in the preparation of this answer.

* * *

I believe that the above answers and the attached exhibit completely respond to your interrogatories; however, should you determine that any further clarification or information is required, I stand ready to comply with your requests and I understand that your interrogatories are continuing in nature.


Anne Farley
Treasurer, New York County
Republican Committee

Sworn to before me this 18th
day of July, 1988


Notary Public

PETER C. HEIN
Notary Public, State of New York
No. 31-469698
Qualified in New York County
Commission Expires March 30, 1989

HAND DELIVERED

FEDERAL ELECTION COMMISSION

CCC # 9883

88 JUL 22 AM 10:01

New York Republican County Committee
45 East 45th Street, Suite 230
New York, New York 10017

July 21, 1988

VIA FEDERAL EXPRESS

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Judybeth Greene, Esq.

Re: MUR 2614
New York Republican County Committee
and Anne Farley, as Treasurer

Dear Ms. Greene:

Enclosed is a supplemental affidavit of Anne Farley in further response to the FEC's interrogatories. As previously noted, Mr. Spargo will be separately supplying directly to you additional materials, including a memorandum.

Please contact Mr. Spargo at 518-462-2601 if you have any questions about this matter.

Thank you.

Sincerely,

Peter C. Hein

PCH:mm
Enc.

cc w/enc: Thomas J. Spargo, Esq.

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SUPPLEMENTAL RESPONSE TO
FEC'S INTERROGATORIES (MUR 2614)

AFFIDAVIT

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

I, the undersigned, Anne Farley, being duly sworn depose and say:

I am the Treasurer of the New York Republican County Committee ("County Committee"). I submit this affidavit to supplement my July 18, 1988 affidavit submitted in response to FEC interrogatories in MUR 2614, and request that the attached correspondence be considered part of our response in this matter.

Subsequent to submitting my July 18, 1988 affidavit, our Executive Secretary of the County Committee, Mrs. Gertrude Parker, located her correspondence from February 1988 from the Real Estate Board PAC to Mrs. Parker and Mrs. Parker's response thereto.

Attached hereto as Exhibit A is a letter dated February 9, 1988 from the Real Estate Board PAC to Mrs. Gertrude Parker, Executive Secretary, New York Republican County Committee, requesting County Committee to arrange to have the full amount of the Real Estate Board PAC contributions transferred from County Committee's federal account.

By the time Mrs. Parker received this February 9, 1988 letter, as we have previously advised the FEC, the transfer of such contributions had already been made (on January 25, 1988), and we had already advised the FEC of such transfer (by letter to the FEC dated January 26, 1988).

By letter dated February 17, 1988, Mrs. Parker acknowledged receipt of the February 9, 1988 letter from

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Real Estate Board PAC, and advised Real Estate Board PAC that the funds would be used solely for state election purposes.

Anne Farley
Anne Farley, Treasurer, New York
Republican County Committee

Sworn to before me this
21st day of July 1988



Notary Public

PETER C. HEIN
Notary Public, State of New York
No. 31-48888
Qualified in New York County
Commission Expires March 30, 1989

REAL ESTATE BOARD POLITICAL ACTION COMMITTEE

12 E. 41st Street, New York, N.Y. 10017

Steven Spinola
Chairman

Howard P. Milstein
Vice Chairman

Edward A. Riguardi
Vice Chairman

Richard W. Seeler
Vice Chairman

Jerry I. Speyer
Vice Chairman

Alton G. Marshall
Secretary

Conrad D. Stephenson
Treasurer

John A. Doyle
Executive Director

February 9, 1988

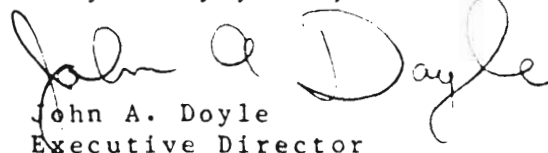
Mrs. Gertrude S. Parker
Executive Secretary
New York Republican County
Committee
Hotel Roosevelt
45 East 45th Street, Suite 230
New York, N.Y. 10017

Dear Mrs. Parker:

This is in reference to the enclosed letter concerning our contribution of \$6,000.00 to your committee in 1987. The Real Estate Board Political Action Committee accepts corporate contributions and therefore these funds may not be used in Federal Elections.

Please arrange to have the full amount of our contribution transferred from your federal account so that both of our committees can be in compliance with the Federal Election Campaign Act.

Very truly yours,


John A. Doyle
Executive Director

JAD:pw

Enclosure

cc: Tammy Rollins
Steven Spinola
Lester Shulklapper

EXHIBIT A

89040735087



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

JAN 12 1988

Treasurer
Real Estate Board Political
Action Committee
12 East 41st Street
New York, NY 10017

Dear Treasurer:

This letter is prompted by the Commission's interest in assisting committees which may be subject to the registration and reporting requirements of the Federal Election Campaign Act (the Act) but are not registered with the Commission.

The Act defines a "political committee" to include any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year (for the purpose of influencing any election for federal office). 2 U.S.C. §431(4).

In addition, the Act precludes a political committee from making a contribution to another political committee which in the aggregate exceeds \$5,000 in a calendar year. 2 U.S.C. §§441a(a)(1)(C) and (2)(C).

A review of the receipts reported by the New York Republican County Committee indicates that your organization may have made an excessive contribution to a political committee during the calendar year 1987. This activity may qualify your organization as a "political committee" subject to the registration, reporting and other requirements of the Act. A copy of the receipt schedule(s) which list your organization's contribution(s) is enclosed for your review.

In order to be in compliance with the Act, your organization must either:

- 1) submit a Statement of Organization, file disclosure reports on FEC FORM 3X, and obtain a contribution refund of the amount in excess of the limitations (relevant informational materials and forms enclosed); or
- 2) receive a full contribution refund, or direct the recipient committee(s) to transfer the funds to an account not used to influence federal elections.

he second alternative noted above should be followed if your organization does not wish to register and file disclosure reports, or if the contributions or expenditures by your organization were from an account containing corporate or union funds.

If you believe that your organization is not a political committee, has not made excessive contributions to a federal candidate, or the Commission is otherwise in error, please submit documentation which will clarify this matter. Although the Commission may take further legal steps concerning this matter, your prompt action will be taken into consideration.

Please notify the Commission within fifteen (15) days from the date on this letter of your decision on this matter. If you have any questions, please contact me on the agency's toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,



Tammy Rollins
Reports Analyst
Reports Analysis Division

Enclosures

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12/1/84
202-376-2480
ET 202-376-2480

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule
for each category of the
Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER 116

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

NAME OF COMMITTEE (in Full)

New York Republican County Committee

A. Full Name, Mailing Address and ZIP Code REAL ESTATE BOARD PAC 12 E. 41ST SE. NEW YORK, NY 10017 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 6,000	Date (month, day, year) 2-6-87 2-13-87	Amount of Each Receipt this Period 3,000 3,000
B. Full Name, Mailing Address and ZIP Code SAVINGS BANK PAC 200 Park Avenue NEW YORK, NY 10166 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 1,200	Date (month, day, year) 2-9-87	Amount of Each Receipt this Period 1,200
C. Full Name, Mailing Address and ZIP Code CHEMICAL BANK FUND 380 MADISON AVE NEW YORK, NY 10017 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 1,500	Date (month, day, year) 2-11-87	Amount of Each Receipt this Period 1,500
D. Full Name, Mailing Address and ZIP Code NEW YORK STATE BANKERS PAC Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 1,000	Date (month, day, year) 2-11-87	Amount of Each Receipt this Period 1,000
E. Full Name, Mailing Address and ZIP Code CON EDISON PAC 17 LEVING PLACE NEW YORK, NY 10003 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$ 600	Date (month, day, year) 2-18-87	Amount of Each Receipt this Period 600
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

10,300

39040735090
37034315117



**NEW YORK
REPUBLICAN
COUNTY
COMMITTEE**

SENATOR ROY M. GOODMAN
PRESIDENT AND CHAIRMAN

GERTRUDE HESS PARKER
EXECUTIVE SECRETARY

HOTEL ROOSEVELT 45 EAST 45TH STREET NEW YORK, N.Y. 10017 (212) 599-1201

7

February 17, 1988

Mr. John A. Doyle
Real Estate Board Political Action Committee
12 East 41st St.
New York, N.Y. 10017

Dear Mr. Doyle:

I have your letter of February 9th. This will confirm that the full amount of the contribution of the Real Estate Board Political Action Committee will be used solely for state election purposes.

Thank you for your support and kind regards.

Sincerely,

Gertrude Hess Parker

EXHIBIT B

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0
8

REAL ESTATE BOARD POLITICAL ACTION COMMITTEE

12 E. 41st Street, New York, N.Y. 10017

Steven Spinola
Chairman

Howard P. Milstein
Vice Chairman

Edward A. Riguardi
Vice Chairman

Richard W. Seeler
Vice Chairman

Jerry I. Speyer
Vice Chairman

Alton G. Marshall
Secretary

Conrad D. Stephenson
Treasurer

John A. Doyle
Executive Director

July 22, 1988

Mrs. Gertrude S. Parker
Executive Director
New York Republican County Committee
Hotel Roosevelt
45 East 45th Street
New York, N.Y. 10017

Dear Mrs. Parker:

I am writing at the request of Thomas J. Spargo, who has contacted us regarding our 1987 contribution to the New York County Committee, and which has been the subject of our prior correspondence with you dated February 8, 1988.

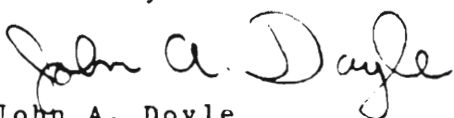
You indicated in your response of February 18, 1987 that our \$6,000 contribution would be used solely for state election purposes, and I just wanted to directly authorize you to transfer our contribution of \$6,000 from the federal account of the County Committee to an appropriate non-federal account of County Committee which operates under New York State Law.

Although Mr. Spargo advised us that you would be willing to return to us all or part of our 1987 contribution at this time, we hereby reaffirm our contribution to you in full with the understanding that it has been properly deposited into a non-federal account of the County Committee and will not be used for federal campaign purposes.

In addition, at Mr. Spargo's request I have checked the records of the contributions to our PAC for the period prior to our contributions to you in February 1987. While the Real Estate Board PAC is making no attempt to show that its contributions comply with the Federal Election Campaign Act, we can confirm that there was at least \$6,000 in the fund in February, 1987 which was derived from individual or partnership contributions. Some of these individuals and partnerships contributed more than \$1,000 to REBPAC and we have been advised that at least \$1,000 of such contributions would be allowable for accounting purposes to support the \$6,000 to your committee.

I understand that you will be sending a copy of this letter to the Federal Election Commission in response to an inquiry in this matter, and I hope that this letter is helpful.

Sincerely



John A. Doyle

HAND DELIVERED

GCC# 18

RECEIVED
FEDERAL ELECTION COMMISSION

88 AUG -5 AM 9:36

New York Republican County Committee
45 East 45th Street, Suite 230
New York, New York 10017

August 4, 1988

VIA FEDERAL EXPRESS

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Judybeth Greene, Esq.

Re: MUR 2614
New York Republican County Committee
and Anne Farley, as Treasurer

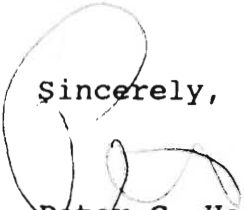
Dear Ms. Greene:

Supplementing our prior submissions, I am enclosing at Thomas Spargo's request a July 22, 1988 letter reflecting the Real Estate Board PAC's response to Mr. Spargo's inquiries of them. As previously noted, Mr. Spargo will be separately supplying directly to you additional materials, including a memorandum.

Please contact Mr. Spargo at 518-462-2601 if you have any questions about this matter.

Thank you.

Sincerely,


Peter C. Hein

PCH:mm
Enc.

cc w/enc: Thomas J. Spargo, Esq.

88 AUG -5 PM 1:36

RECEIVED
FEDERAL ELECTION COMMISSION

HAND DELIVERED

600455

RECEIVED
FEDERAL ELECTION COMMISSION
AUG 10 1988

THOMAS J. SPARGO

88 AUG -9 AM 10:16

ATTORNEY AT LAW

314 STATE STREET

ALBANY, NEW YORK 12210

TELEPHONE 518-462-8677

August 5, 1988

Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Judybeth Greene, Esq.

Re: MUR 2614
New York Republican County Committee and
Anne Farley, as Treasurer

Dear Ms Greene:

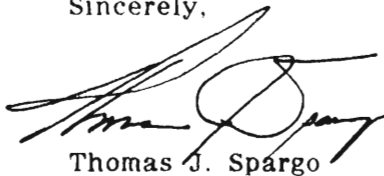
Peter Hein has forwarded to you under separate cover a copy of the letter from the Real Estate Board PAC which I would ask you make a part of the file and our response herein.

Pursuant to section 111.18, subd. (d), I would like to restate at this time our desire to enter into negotiations directed toward reaching a conciliation agreement with regard to resolving the questions raised by the above MUR.

Finally, I am attaching a brief that summarizes the circumstances of the deposit of the Realty Board PAC contribution into the County Committee's federal account and a calculation which shows that, on a "first in, first out" basis, that the misdirected funds of the Realty Board PAC were never used for any federal campaign purpose prior to their being transferred and redeposited into the County Committee's state account in February of this year.

I appreciate your courtesies and apologize for the delay in submitting this material.

Sincerely,



Thomas J. Spargo

88 AUG -9 PM 12:07

RECEIVED
FEDERAL ELECTION COMMISSION
AUG 10 1988

FEDERAL ELECTION COMMISSION

In the Matter of)
)
New York Republican County) MUR 2614
Committee and)
Anne Farley, as Treasurer)

BRIEF FOR COMMITTEE AND TREASURER

PRELIMINARY STATEMENT

By letter dated June 6, 1988, the Federal Election Commission advised the New York Republican County Committee and its Treasurer, Anne Farley, that it found that there was reason to believe that the Committee and Treasurer had violated 2 USC section 441a(f) and 11 CFR section 102.5(a).

These sections restrict organizations and party committees which support both federal and non-federal campaign activities from depositing into their federal accounts any funds which are not permitted under the Federal Election Campaign Act of 1971 as amended (the Act).

STATEMENT OF FACTS

In conjunction with a fundraising event held by the New York County Republican Committee in February, 1987, two contributions were received from the Real Estate Board PAC. Each contribution was in the amount of \$3,000. The first was received on February 6, 1987 and the second was received on February 13, 1987.

These contributions were received and deposited by the County Committee into its federal account and were reported on the next periodic financial report filed by the County Committee with the Commission on July 28, 1987.

The County Committee was advised by the Commission's letter of January 12, 1988 that the Real Estate Board PAC was not a federally qualified committee. Upon learning this of this fact the County Committee and its treasurer immediately transferred the \$6,000 to the

County Committee's non-federal account, which amount constituted the total amount of the contributions from the Real Estate Board PAC. This transfer was made on January 25, 1988.

The County Committee and Treasurer advised the Commission by letter dated January 26, 1988, that it had taken this action of transferring the total amount of the Real Estate Board PAC's \$6,000 contribution into the Committee's non-federal account.

Thereafter, by letter dated February 9, 1988, the Real Estate Board PAC advised the County Committee that it was not a federally qualified committee and requested that its contributions to the County Committee be transferred out of the County Committee's federal account. Thereafter, the County Committee advised the PAC by letter dated February 17, 1988 that it would use its contributions for state election purposes only.

SUBSEQUENT PROCEEDINGS BY COMMISSION

After the Committee and its treasurer responded to the Commission's January 12, 1988 letter from the Reports Analysis Division, advising them of its action taken to transfer the \$6,000 to the non-federal account, the Commission commenced the instant proceedings.

The Commission alleges, first that the amount of the contribution (\$6,000) exceeds the federal contribution limit for a multi-candidate committee.

The second allegation concerns the fact that the source of the contributions - the Realty Board PAC - is not qualified and registered with the Federal Election Commission, and the source of the \$6,000 contributions to the County Committee may have been from prohibited funds.

The treasurer, Anne Farley, has responded to the Commission's interrogatories by affidavit filed with your office, and Mr. Hein thereafter filed a copy of a letter from the Real Estate Board PAC dated July 22, 1988, which documents constitute a part of the response and record herein.

POSITION OF TREASURER AND COMMITTEE

1. As to the fact that the total of the two contributions of \$3,000 each was over the \$5,000 total contribution limit allowed to multi-candidate committee, the position of the treasurer and Committee

3 9 9 4 9 7 3 5 0 9 9

is that it was an inadvertent mistake.

2. As to the fact that the contribution was received from the Realty Board PAC - a PAC not registered with the Commission, and which as allowed by the laws of the State of New York, took corporate contributions into its treasury - the respondent Treasurer and Committee note that as soon as they learned that the Real Estate Board PAC was not qualified to contribute to the County Committee's federal account, the total amount of the \$6,000 was immediately transferred into a non-federal account of the County Committee.

3. The County Committee, as a result of the MUR, has inquired of the Real Estate Board PAC whether there were sufficient qualified (i.e. non-corporate) funds in its treasury at the time of its contributions in February, 1987 from individual contributors. By its letter of July 22, 1988, the County Committee was advised that indeed there was a balance of such sufficient funds at that time to cover the amount of the two \$3,000 contributions.

4. Subsequent to the MUR being received, the County Committee further advised the Real Estate Board PAC under current regulations that it could have all of its 1987 \$6,000 contribution to the County Committee refunded, and by its letter of July 22, the Real Estate Board PAC declined to accept the proffered refund and reaffirmed its contribution.

5. Using a "first-in, first-out" method of examining the accounts of the County Committee for the period commencing in February, 1987 when the \$6,000 in contributions were received, through the time in January, 1988 when the transfer was made from the federal account into the County Committee's non-federal account, it is apparent that no part of the disputed \$6,000 contribution was ever used for any federal campaign or election purpose.

Attached hereto as Exhibit A is the Summary Page and the Detailed Summary Page of the Committee's July 31, 1987 Mid Year Report, which shows that the opening cash balance of the Committee on January 1, 1987 was \$177,646.23.

During the first six months of 1987, the County Committee received contributions into its federal account totalling \$266,933 and made expenditures during this period totalling \$7,891.29. This left an aggregate balance of \$436,687.94 on hand as of June 30, 1987.

During the balance of the year 1987, the Committee deposited contributions and transfers into its federal account

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totalling \$26,787.89, while making expenditures in a total amount of \$59,315.30 nearly all of which amount went toward the administrative expense of operating the headquarters of the County Committee.

This left a net balance of over \$400,000 (\$404,160.53) on hand as of December 31, 1987. (The Summary Page and the Detailed Summary Page for the year end report dated January 30, 1988 are attached hereto as Exhibit B).

During the period from January 1, 1988 through March 31, 1988 (during the course of which the transfer of the \$6,000 was made into the non-federal account, the County Committee deposited into its federal account contributions totaling \$278,073.78. The total disbursements for this period were \$26,207.16, leaving a net balance on hand as of March 31, 1988 of \$656,027.15. (The Summary Page and the Detailed Summary Page for the April 15, 1988 Quarterly report are attached hereto as Exhibit C).

It is thus apparent from a simple calculation of the amounts of money that have been maintained in the accounts of the County Committee's federal account, that during the period from February, 1987 when the Real Estate Board PAC's \$6,000 contribution was received through January, 1988 when the transfer of that amount was made to the County Committee's non-federal account, that there was always a reserve of several hundred thousand dollars on a "first-in, first-out" method of accounting before the \$6,000 in question could said to have been used for federal campaign or election purposes.

Thus, it is the position of the Committee and the Treasurer that the \$6,000 in question was never used for any federal election or campaign purpose prior to its transfer and deposit into the correct state (non-federal) account of the County Committee.

CONCLUSION:

The Respondents, New York County Republican Committee and Treasurer, Anne Farley, request that the Commission enter into negotiations toward reaching a conciliation agreement that is compatible with the facts and circumstances that have been set forth in the response to the Commission's Interrogatories and the Respondents Reply herein.

00004073508

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Spargo".

THOMAS J. SPARGO, ESQ.
Attorney for the Respondents
Committee and Treasurer
Office and P.O. Address
314 State Street
Albany, New York 12210

Dated: August 8, 1988

89940733099

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) <i>NEW YORK Republican County Committee</i>		2. FEC IDENTIFICATION NUMBER <i>C00176834</i>
ADDRESS (number and street) ☐ Check if different than previously reported <i>HOTEL Roosevelt</i> <i>45 E. 45th St.</i>		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).
CITY, STATE and ZIP CODE <i>NEW YORK, New York 10017</i>		

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

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

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<i>January 1, 1987 through June 30, 1987</i>		
6. (a) Cash on Hand January 1, 1987			<i>\$ 177,646.23</i>
(b) Cash on Hand at Beginning of Reporting Period		<i>\$ 177,646.23</i>	
(c) Total Receipts (from Line 18)		<i>\$ 266,933.00</i>	<i>\$ 266,933.00</i>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		<i>\$ 444,579.23</i>	<i>\$ 444,579.23</i>
7. Total Disbursements (from Line 28)		<i>\$ 7,891.29</i>	<i>\$ 7,891.29</i>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		<i>\$ 436,687.94</i>	<i>\$ 436,687.94</i>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		<i>\$ 0</i>	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		<i>\$ 56,805.80</i>	

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

Type or Print Name of Treasurer

ANNE FARLEY

Signature of Treasurer

Anne Farley

Date

7-28-87

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

Exhibit A

FEC FORM 3X

(revised 4/87)

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full) <i>New York Republican County Committee</i>		Report Covering the Period From: <i>1-1-87</i> To: <i>6-30-87</i>	
		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		<i>250,245.44</i>	<i>250,245.44</i>
(ii) Unitemized		<i>525.00</i>	<i>525.00</i>
(iii) Total of contributions from individuals		<i>250,770.44</i>	<i>250,770.44</i>
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)		<i>10,300.00</i>	<i>10,300.00</i>
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))		<i>261,070.44</i>	<i>261,070.44</i>
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			
13. ALL LOANS RECEIVED			
14. LOAN REPAYMENTS RECEIVED			
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			
17. OTHER RECEIPTS (Dividends, Interest, etc.)		<i>5,862.56</i>	<i>5,862.56</i>
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		<i>266,933.00</i>	<i>266,933.00</i>
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES		<i>2,381.29</i>	<i>2,381.29</i>
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		<i>5,510.00</i>	<i>5,510.00</i>
22. INDEPENDENT EXPENDITURES (use Schedule E)			
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			
24. LOAN REPAYMENTS MADE			
25. LOANS MADE			
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			
(b) Political Party Committees			
(c) Other Political Committees (such as PACs)			
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			
27. OTHER DISBURSEMENTS			
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)		<i>7,891.29</i>	<i>7,891.29</i>
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))		<i>261,070.44</i>	<i>261,070.44</i>
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		<i>-</i>	<i>-</i>
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		<i>261,070.44</i>	<i>261,070.44</i>
32. TOTAL OPERATING EXPENDITURES (from Line 19)		<i>2,381.29</i>	<i>2,381.29</i>
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)		<i>-</i>	<i>-</i>
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)		<i>2,381.29</i>	<i>2,381.29</i>

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) NEW YORK REPUBLICAN COUNTY COMMITTEE		2. FEC IDENTIFICATION NUMBER C00176834
ADDRESS (number and street) ☐ Check if different than previously reported HOTEL ROOSEVELT 45 E. 45th ST.		3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).
CITY, STATE and ZIP CODE NEW YORK, New York 10017		

4. TYPE OF REPORT

- (a) ☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☒ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Termination Report

Monthly Report Due On:

- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| ☐ February 20 | ☐ June 20 | ☐ October 20 |
| ☐ March 20 | ☐ July 20 | ☐ November 20 |
| ☐ April 20 | ☐ August 20 | ☐ December 20 |
| ☐ May 20 | ☐ September 20 | ☐ January 31 |

- ☐ Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
☐ Thirtieth day report following the General Election on _____
in the State of _____

- (b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>July 1, 1987</u> through <u>December 31, 1987</u>		
6. (a) Cash on Hand January 1, 19 <u>87</u>			\$ 177,646 ²³
(b) Cash on Hand at Beginning of Reporting Period		\$ 436,687 ⁹⁴	
(c) Total Receipts (from Line 18)		\$ 26,787.89	\$ 293,720 ⁸⁹
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 463,475 ⁸³	\$ 471,367 ¹²
7. Total Disbursements (from Line 28)		\$ 59,315. ³⁰	\$ 67,206 ⁵⁹
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 404,160 ⁵³	\$ 404,160 ⁵³
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ -	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 7,156 ¹²	

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

Type or Print Name of Treasurer ANNE FARLEY	Date 1-30-88
Signature of Treasurer <i>Anne Farley</i>	

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

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FEC FORM 3X

(revised 4/87)

Exhibit B

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full) <i>NEW YORK REPUBLICAN COUNTY COMMITTEE</i>		Report Covering the Period From: <i>7-1-87</i> To: <i>12-31-87</i>	
		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	<i>14,700.00</i>	<i>264,945.44</i>	11(a)(i)
(ii) Unitemized		<i>525.00</i>	11(a)(ii)
(iii) Total of contributions from individuals	<i>14,700.00</i>	<i>265,470.44</i>	11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)		<i>10,300.00</i>	11(c)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	<i>14,700.00</i>	<i>275,770.44</i>	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-	-	12
13. ALL LOANS RECEIVED	-	-	13
14. LOAN REPAYMENTS RECEIVED	-	-	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	<i>2,776.08</i>	<i>2,776.08</i>	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	<i>1,510.00</i>	<i>1,510.00</i>	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	<i>7,801.81</i>	<i>13,664.37</i>	17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	<i>26,787.89</i>	<i>293,720.89</i>	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	<i>56,815.30</i>	<i>59,196.59</i>	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	-	-	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	<i>2,500.00</i>	<i>8,010.00</i>	21
22. INDEPENDENT EXPENDITURES (use Schedule E)	-	-	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)	-	-	23
24. LOAN REPAYMENTS MADE	-	-	24
25. LOANS MADE	-	-	25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	-	-	26(a)
(b) Political Party Committees	-	-	26(b)
(c) Other Political Committees (such as PACs)	-	-	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	-	-	26(d)
27. OTHER DISBURSEMENTS	-	-	27
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	<i>59,315.30</i>	<i>67,206.59</i>	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	<i>14,700.00</i>	<i>275,770.44</i>	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	-	-	30
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	<i>14,700.00</i>	<i>275,770.44</i>	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)	<i>56,815.30</i>	<i>59,196.59</i>	32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	<i>2,776.08</i>	<i>2,776.08</i>	33
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	<i>54,039.22</i>	<i>56,420.51</i>	34

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) New York Republican County Committee		2. FEC IDENTIFICATION NUMBER C00176834
ADDRESS (number and street) ☐ Check if different than previously reported Hotel Roosevelt 45 E. 45th St.		3. This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)
CITY, STATE and ZIP CODE New York, NY 10017		

4. TYPE OF REPORT

(a) ☒ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On

☐ February 20	☐ June 20	☐ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

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

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period January 1, 1988 through March 31, 1988		
6. (a) Cash on Hand January 1, 19 88		\$ 404,160⁵³
(b) Cash on Hand at Beginning of Reporting Period	\$ 404,160⁵³	
7. Total Receipts (from Line 18)	\$ 278,073⁷⁸	\$ 278,073⁷⁸
8. Subtotal: add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B	\$ 682,234³¹	\$ 682,234³¹
9. Total Disbursements (from Line 28)	\$ 26,207¹⁶	\$ 26,207¹⁶
10. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 656,027¹⁵	\$ 656,027¹⁵
11. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ -	For further information contact:
12. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ 7,144⁰⁰	Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120

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

Type or Print Name of Treasurer

ANNE FARLEY

Signature of Treasurer

Anne Farley

Date

4-15-88

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

FEC FORM 3X

(revised 4/87)

Exhibit C

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full) NEW YORK REPUBLICAN COUNTY COMMITTEE		Report Covering the Period From: January 1, 1988 to March 31, 1988	
		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
I. RECEIPTS			
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		271,525 ⁰⁰	271,525 ⁰⁰
(ii) Unitemized		535 ⁰⁰	535 ⁰⁰
(iii) Total of contributions from individuals		272,060 ⁰⁰	272,060 ⁰⁰
(b) Political Party Committees		-	-
(c) Other Political Committees (such as PACs)		2,000 ⁰⁰	2,000 ⁰⁰
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))		274,060 ⁰⁰	274,060 ⁰⁰
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		-	-
13 ALL LOANS RECEIVED		-	-
14 LOAN REPAYMENTS RECEIVED		-	-
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		-	-
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		-	-
17 OTHER RECEIPTS (Dividends, Interest, etc.)		4,013 ⁷⁸	4,013 ⁷⁸
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		278,073 ⁷⁸	278,073 ⁷⁸
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES		5,707 ¹⁶	5,707 ¹⁶
20 TRANSFERS TO AFFILIATED OTHER PARTY COMMITTEES		8,000 ⁰⁰	8,000 ⁰⁰
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		12,500 ⁰⁰	12,500 ⁰⁰
22 INDEPENDENT EXPENDITURES (use Schedule E)		-	-
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)		-	-
24 LOAN REPAYMENTS MADE		-	-
25 LOANS MADE		-	-
26 REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees		-	-
(b) Political Party Committees		-	-
(c) Other Political Committees (such as PACs)		-	-
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))		-	-
27 OTHER DISBURSEMENTS		-	-
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)		26,207 ¹⁶	26,207 ¹⁶
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))		274,060	274,060
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		-	-
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		274,060	274,060
32 TOTAL OPERATING EXPENDITURES (from Line 19)		5,707 ¹⁶	5,707 ¹⁶
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)		-	-
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)		5,707 ¹⁶	5,707 ¹⁶

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New York Republican County Committee,
and Anne Farley, as treasurer

MUR 2614

GENERAL COUNSEL'S REPORT

SENSITIVE
EXECUTIVE SESSION
SEP 7 1988

I. BACKGROUND

On May 23, 1988, the Commission found reason to believe that the New York Republican County Committee ("the Committee") and Anne Farley, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a) by accepting two \$3,000 checks from an unregistered political organization in February 1987. Although the Committee transferred the funds out to its non-federal account, the transfer was not made until January 1988.

The respondents initially requested pre-probable cause conciliation on June 14, 1988, while at the same time requesting an extension of time until July 18, 1988 to respond to the Commission's reason to believe findings. After submitting responses on July 19, July 22 and August 5, 1988, respondents filed a second request to enter into conciliation negotiations prior to a finding of probable cause to believe.

II. ANALYSIS

A. Acceptance of Corporate Contributions - Section 441b(a) and 11 C.F.R. § 102.5(a)

Pursuant to 2 U.S.C. § 441b(a), corporations are prohibited from making any contribution or expenditure in connection with Federal elections; political committees are likewise prohibited from knowingly accepting such corporate contributions. Id. Accordingly, the federal account of a committee established

pursuant to 11 C.F.R. § 102.5(a) is prohibited from accepting any corporate funds.

As the federal account of the New York Republican County Committee received \$6,000 in contributions from an unregistered political committee in New York whose treasury may have contained corporate funds, the Commission found reason to believe that the New York Republican County Committee violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a).

Respondents claim, however, that the two \$3,000 checks from Real Estate Board PAC, an unregistered organization, were mis-deposited into the Committee's federal account because its staff made the "erroneous assumption that since ... (Real Estate Board PAC) ... was a PAC, its funds were qualified funds which could be deposited into ... (the Committee's) ... federal account." (Attachment 2 at 14). These statements were made under oath. Real Estate Board PAC sent two letters to the Committee in 1988 expressing that its contributions be deposited in the Committee's non-federal account. See Attachment 2 at 2 and 6. Although Real Estate Board PAC confirmed that its treasury contained corporate funds at the time it made the two \$3,000 contributions, it claims that its treasury contained sufficient permissible funds from individuals and partnerships to cover the contributions. (Attachment 2 at 2).

The respondents' recent efforts to ascertain whether Real Estate Board PAC's treasury contained corporate funds do not, however, vitiate the offense. At the time the contributions were received, the treasurer was under an obligation to determine

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whether each contribution was legal. Former 11 C.F.R.

§ 103.3(b)(2). If a contribution could not be determined to be legal, the treasurer was obligated to refund the contribution within a reasonable time. Id. In the present case, no efforts appear to have been made to determine whether the contributions contained corporate funds until the Committee received an RFAI from RAD almost a year after the contributions were received. However, Real Estate Board PAC's statement that its treasury did contain sufficient "clean" funds at the time of the contributions, may be properly considered as a mitigating factor.¹

Respondents also contend that using a "first-in, first-out" accounting method, it can show that it did not spend any portion of the \$6,000 in contributions from Real Estate Board PAC for the purposes of influencing federal elections. (Attachment 1 at 4). Although the Commission uses a "last-in, first-out" accounting method to determine whether impermissible funds were used to make a contribution or expenditure, this claim may be considered as a mitigating factor.

B. Acceptance of Excessive Contributions - Section 441a(f)

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person may make

1. This situation is analogous to those instances where a committee receives funds that appear to be excessive but does not obtain any written indication from the contributor that the contribution was intended as a joint contribution until the period for obtaining clarification about questionable contributions has passed. In such situations, later statements by the contributors that the contribution was intended as a joint contribution and was therefore not intended as an excessive contribution are treated as mitigating circumstances but do not vitiate the offense. See MUR 2517.

contributions in excess of \$5,000 per year to the federal account of a political committee. The Act further prohibits such a federal account and its treasurer from knowingly accepting a contribution in excess of this limit. 2 U.S.C. § 441a(f). Accordingly, the federal account of a committee established pursuant to 11 C.F.R. § 102.5(a) is prohibited from accepting excessive contributions.

The New York Republican County Committee deposited \$6,000 in contributions from the Real Estate Board PAC into its federal account in February 1987 and transferred \$6,000 to its non-federal account on January 25, 1988 in response to an RFAI. This transfer came too late to rectify the Committee's acceptance of the excessive contributions. See Former 11 C.F.R. § 103.3(b)(2), see also 11 C.F.R. § 103.3(b)(3).

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

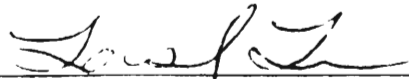
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IV. RECOMMENDATIONS

1. Enter into conciliation with New York Republican County Committee and Anne Farley, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

8/24/88
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Requests for Conciliation
2. Responses to Interrogatories
3. Proposed Conciliation Agreement and letter

Staff assigned: Judybeth Greene

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MUR 2614

CERTIFICATION

1. Enter into conciliation with New York Republican County Committee and Anne Farley, as treasurer, prior to a finding of probable cause to believe.
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated August 24, 1988,

Attest:

Date _____

Marjorie W. Emmons
Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 14, 1988

Thomas J. Spargo, Esquire
314 State Street
Albany, New York 12210

RE: MUR 2614
New York Republican County
Committee and Anne Farley,
as treasurer

Dear Mr. Spargo:

On May 23, 1988, the Federal Election Commission found reason to believe that the New York County Republican Committee and Anne Farley, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a). At your request, on September 7, 1988, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Judybeth Greene, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
New York Republican County) MUR 2614
Committee and)
Paul Tvetenstrand, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Thomas J. Spargo, counsel for the New York Republican County Committee and Paul Tvetenstrand, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on January 13, 1989. A check for the civil penalty was received on December 13, 1988.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with New York Republican County Committee and Paul Tvetenstrand, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

2/7/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondents

Staff Assigned: Judybeth Greene

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
New York Republican County) MUR 2614
Committee and)
Paul Tvetenstrand, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 13, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2614:

1. Accept the conciliation agreement with New York Republican County Committee and Paul Tvetenstrand, as treasurer, as recommended in the General Counsel's report signed February 7, 1989
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed February 7, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

February 13, 1989

Date

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

Received in the Office of Commission Secretary: Wed., 2-8-89, 3:54
Circulated on 48 hour tally basis: Thurs., 2-9-89, 11:00
Deadline for vote: Mon., 2-13-89, 11:00



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

February 27, 1989

Thomas J. Spargo, Esquire
314 State Street
Albany, New York 12210

RE: MUR 2614
New York Republican County
Committee, and
Paul Tvetenstrand, as
treasurer

Dear Mr. Spargo:

On February 13, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441b(a) and 441a(f) and 11 C.F.R. § 102.5(a). Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Judybeth Greene, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
New York Republican County Committee) MUR 2614
and Paul Tvetenstrand, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the New York Republican County Committee and its treasurer, ("Respondents") violated 2 U.S.C. §§ 441a(f) and 441b(a) and 11 C.F.R. § 102.5(a).

NOW, THEREFORE, the Commission and the respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The New York Republican County Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. The New York Republican County Committee is the federal account of a committee which finances political activity in connection with both federal and non-federal elections, established pursuant to 11 C.F.R. § 102.5(a).

3. Paul Tvetenstrand is the present treasurer of the New York Republican County Committee. Anne Farley was, at relevant times, the treasurer of New York Republican County Committee.

4. The New York Republican County Committee accepted two \$3,000 contributions from Real Estate Board PAC, an unregistered organization in New York State, in February 1987.

5. The New York Republican County Committee transferred \$6,000 to its non-federal account on January 25, 1988.

6. Under Section 14-116(2) of the New York Election Law, corporations and organizations financially supported in whole or in part by corporations may make contributions and expenditures out of treasury funds including contributions to political committees.

7. At the time Real Estate Board PAC made the two \$3,000 contributions to the New York Republican County Committee, its treasury contained corporate funds, as well as individual funds.

8. Pursuant to 2 U.S.C. § 441b(a), corporations are prohibited from directly and indirectly making contributions with treasury funds to political committees. Section 441b(a) further prohibits political committees from knowingly accepting contributions made with corporate treasury funds.

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9. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person may make contributions in excess of \$5,000 per year to the federal account of a political committee. The Act prohibits a federal account of a political committee from knowingly accepting a contribution in excess of this limit. 2 U.S.C. § 441a(f).

10. 11 C.F.R. § 102.5(a) specifically provides that only funds subject to the prohibitions and limitations of the Act may be deposited into a federal account established pursuant to 11 C.F.R. § 102.5.

V. 1. Respondents accepted two \$3,000 contributions from the Real Estate Board PAC, an unregistered political committee whose treasury contained corporate funds at the time the contributions were made, in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a).

2. Respondents accepted a total of \$6,000 in contributions from the Real Estate Board PAC, in violation of 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.5(a).

3. Respondents contend that the above violations were as a result of a mistake and were not knowing and willful. Respondents further contend that they transferred-out the \$6,000 to the New York Republican County Committee non-federal account five days after receiving a letter from the Commission on January 20, 1988. Respondents advised Real Estate Board PAC of this action on February 17, 1988. By letter dated July 22, 1988 Real Estate Board PAC confirmed its authorization for this transfer, and reaffirmed its contributions with the understanding they had been transferred to a non-federal account. Respondents

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are entering into this Conciliation Agreement in order to avoid the burden and expense of further proceedings in this matter.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of eight hundred dollars (\$800), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is

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not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

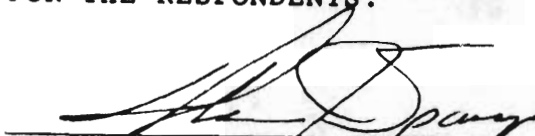
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

2/22/88
Date

FOR THE RESPONDENTS:


(Name) THOMAS J. SPARGO
(Position) ATTORNEY

JANUARY 25, 1989
Date

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 2614

DATE FILMED 2/17/89 CAMERA NO. 3

CAMERAMAN AS

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