



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3042

DATE FILMED 12/26/90 CAMERA NO. 2

CAMERAMAN AS

90040312532

OGC 5682

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES OF AMERICA

In the matter of:

National Republican Congressional
Committee,

v.

Friends of Bob Gigante,
Ralph Giorgio, Treasurer
and
Robert Gigante

MUR 3042

90 MAR 14 PM 3:44

COMPLAINT

The National Republican Congressional Committee ("NRCC") files this complaint charging violations of the Federal Election Campaign Act of 1971, as amended 2 U.S.C. sections 434 et seq., and related regulations of the Federal Election Commission ("FEC"), 11 CFR sections 104.5(f), et seq., by Robert Gigante and his authorized campaign committee, Friends of Bob Gigante ("Respondents"). Respondents have violated the Act by failing to file reports of contributions exceeding \$1,000 within 48 hours of receipt with the Clerk of the House of Representatives,, as required by law.

1. FACTS:

Robert Gigante is the Democratic Party's nominee for the 14th District seat of New York in the United States House of Representatives. A special election was called by the Governor of New York to fill the vacancy left in this seat by the resignation of Representative Guy Molinari. The election date is March 20th, 1990. On March 13, 1990, the Treasurer of Respondents, Ralph Giorgio, was quoted in a story published in the Staten Island Advance (attached as Exhibit A) as stating Gigante had raised \$20,000 since February 28th, and had made a \$40,000 loan to the campaign. The last filing of receipts and expenditures with the Clerk of the House of Representatives for the special election occurred on February 28th, 1990. Respondents have not filed with the Clerk of the House of Representatives, reports detailing any of these contributions within 48 hours of receipt, as required by law.

2. LAW

The principal campaign committee of a candidate must notify the Clerk of the House of Representatives of any contributions of \$1,000 or more within 48 days of receipt during the period between the 20th day and 48 hours before an election (2 U.S.C. 434, sec.(6)(A)).

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The notification must be in writing and include the name of the candidate, the office sought by the candidate, the identification of the contributor, the date of receipt, and amount of the contribution. The reporting of these contributions is in addition to the reporting on the post-election report (11 CFR 104.5(f)).

A contribution is defined as "any gift, subscription, loan (emphasis added), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office (11 CFR 100.7(a)(1)) (2 U.S.C. 431(8)).

3. DISCUSSION

Robert Gigante is a candidate for the 14th District United States House Seat. As a candidate, he is required to report all contributions in excess of \$1,000 during the period beginning 20 days to 48 hours before an election. These reports are to be filed with the Clerk of the House of Representatives within 48 hours of the receipt of such contributions. Gigantes' own treasurer, Ralph Giorgio, admits in the March 13th story in the Staten Island Advance that the campaign committee took in \$60,000 between February 28th and March 13th. \$40,000 of that total is in the form of a personal loan to the Friends of Bob Gigante by Gigante. Under the law, as cited above, this loan is reportable as a contribution. It therefore would be reportable within 48 hours. Respondents have filed no 48 hour report as of March 13, 1990. Respondents are clearly in violation of the law by trying to conceal the sources of contributions.

4. CONCLUSIONS

The NRCC asks that the FEC conduct an investigation of this matter and perform an audit of the Respondents to ascertain their reasons for Not reporting contributions as required by law. Moreover, in order to further ensure no future violations occur, that the FEC impose the civil penalty which it deems appropriate under the law.

Respectfully Submitted,

Sam Dawson

Sam Dawson
Political Director
NRCC

Subscribed and sworn before me this 14th day of March, 1990,

Philip J. Edwards
Notary Public

My Commission Expires: My Commission Expires June 14, 1991

90040312634

March 14, 1990

Susan far ahead in race for campaign money

By TERENCE J. KIVLAN
ADVANCE WASHINGTON BUREAU

WASHINGTON — With a little help, from her father's friends, including President Bush, Republican congressional candidate Susan Molinari has left Democratic opponent Robert Gigante far behind in raising and spending campaign funds.

In her latest campaign finance filing here, City Councilwoman Molinari reported raising \$168,000 and spending \$137,000 as of Feb. 28. Gigante listed \$60,000 in contributions and \$78,000 in expenditures as of the end of February. He also listed a loan of \$25,000 to his campaign from his personal funds.

Moreover, since the New Dorp fund-raiser — which Bush attended as a favor to Borough President Guy V. Molinari — the contributions have continued to pour in for Ms. Molinari. According to update reports filed here by her campaign committee, a lot of the money is coming from from high-rolling political action committees (PACs) — lobbies representing interest groups — and former congressional colleagues of her father.

The elder Molinari, who directed Bush's New York campaign in 1988, resigned his House seat in January to take his present office.

Among the individual contribu-

tors giving \$1,000 to his daughter were Republican Sen. Alfonse D'Amato and Republican Reps. Frank Horton of Rochester, Guy Vander Jagt of Michigan, and Jerry Lewis and Bill Lowery, both of California.

The PAC contributions included the maximum \$5,000 each from eye doctors and auto dealers, and \$2,000 from the PAC for the Brooklyn Union Gas Co. She also received \$5,000 from airline pilots, who supported her father heavily during his last few years in the House.

Dan Leonard, her campaign spokesman, said yesterday that she will reach her goal of raising \$400,000 by next week.

Leonard contended that Gigante's much smaller fund-raising haul proved that his campaign was floundering. "Nobody wants to throw money away," Leonard said. "If you are going to attract support, you have first got to show people you are a winner."

"We are aware that we are being outraised and outspent," said Ralph Giorgio, the treasurer of the Gigante campaign. "Hopefully we are using the smart money."

Giorgio also argued that Democratic candidates usually aren't financed as well as Republicans. "The tradition of the Democratic Party is the \$25 contribution," he said. "We don't get many

\$5,000 contributors. It's a different tradition."

Since the Feb. 28 filing, Giorgio said, Gigante has raised another \$20,000 and made an additional personal loan of \$40,000 to the campaign.

Of the \$168,000 raised by Ms. Molinari as of Feb. 28, nearly \$60,000 came from PACs. Among others giving more than \$1,000, were bankers, restaurant owners, insurance underwriters, PepsiCo, AT&T and the National PAC, an umbrella PAC for Jewish organizations.

Other well-known individual contributors included super developer Donald Trump (\$1,000) and

GOP Rep. Vin Weber of Minnesota (\$300).

Of Gigante's \$60,000 total in contributions, \$13,000 came from PACs, including \$5,000 each from trial lawyers and the National Educational Association, \$2,500 from a medical group and \$2,000 from the civil service employees.

Among individual contributions, he listed \$100 from Assemblyman Eric Vitaliano, D-Dongan Hills, a one-time rival for the Democratic congressional nomination.

Among their expenditures, both listed \$10,000 purchases of telephone banks, standard equipment for election eve "get-out-the-vote" operations.

OGC 5685

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90 MAR 15 PM 2:42

Sam Dawson
Political Director
NRCC

Witnessed
the 16th day of March, 1970
Philip A. Guarino
Notary Public

My Commission Expires June 14, 1921



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

March 19, 1990

Robert Dawson, Political Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, DC 20003

RE: MUR 3042

Dear Mr. Dawson:

This letter acknowledges receipt on March 14, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Robert J. Gigante. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3042. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

20040313637



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1990

Friends of Bob Gingante
Ralph J. Giorgio, Treasurer
98 Rose Avenue
Staten Island, NY 10306

RE: MUR 3042

Dear Mr. Giorgio:

The Federal Election Commission received a complaint which alleges that Friends of Bob Gingante and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3042. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 5 U.S.C. § 552(a)(7)(D) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

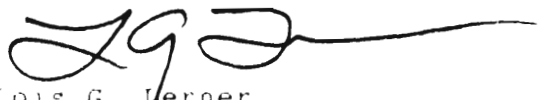
If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200.

9004081338

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence H. Noble
General Counsel



BY: Lois G. Verner
Associate General Counsel

Enclosures

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

90040812639



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1990

Robert J. Gigante
50 Hillview Lane
Staten Island, NY 10304

RE: MUR 3042

Dear Mr. Gigante:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3042. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

90040312541

OGC 5851

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

April 4, 1990

Lawrence M. Noble,
General Council
Federal Election Commission
General Councils Office
Washington, D.C. 20463

Subject: MUR 3042
Friends of Bob Gigante
C00240390

Dear Mr. Noble:

In response to the Subject Complaint, enclosed please find an affidavit prepared by me and copies of appropriate documents.

In trust that this matter will be closed.

Very truly yours,



Ralph J. Giorgio

RJG:aa

90 APR -5 AM 10:25

90 APR -5 PM 12:06

Re: FEC ID C00240390
MUR 3042

STATE OF NEW YORK)
COUNTY OF RICHMOND) SS.:

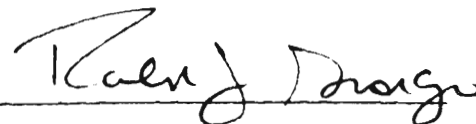
RALPH J. GIORGIO, being duly sworn deposes and says:

1. I reside at 63 Eva Avenue, Staten Island, New York 10306.

2. I am the Treasurer for "Friends of Bob Gigante, 98 Rose Avenue, Staten Island, New York 10306.

3. In that capacity, pursuant to the Federal Election Commission Rules, I personally prepared and submitted 48 hour notification letters for said campaign and have attached as Exhibits A through H copies of all notices that were sent.

4. I believe that each of these notifications were submitted on a timely basis pursuant to the rules and regulations of the Federal Election Commission.



RALPH J. GIORGIO

Sworn to before me this
4th day of April, 1990.


Notary Public

NOTARY PUBLIC, State of New York
No. 49-0800-008
Qualified in Richmond County
Commission Expires March 30, 1991

4/7/90 30/1990

90040312543

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 2, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D. C. 20515-6612

Subject: Special Notice-Last Minute Contribution
Friends of Bob Gigante
FEC ID# C00240390
New York State- 14th Congressional Dist.

Dear Sirs:

The following last minute loan was received during the past 48 hours.

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE</u>
Robert J. Gigante Candidate	\$40,000.00	March 2, 1990

Very truly yours,


RALPH J. GIORGIO,
Treasurer

/rmc

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 4, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Subject: Special Notice - Last Minute Contributions
Friends of Bob Gigante
FEC ID#C00240390
New York State - 14th Congressional District

Dear Sirs:

The following last minute contributions were received during the past 48 hours:

<u>Contribution</u>	<u>Amount</u>	<u>Date of Receipt</u>
International Union of Operating Engineers Political Action Committee	\$2000.00	March 2, 1990
Congressman Fazio Campaign ID#095729	\$1000.00	March 2, 1990

Very truly yours,



Ralph J. Giorgio,
Treasurer

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 7, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Subject: Special Notice - Last Minute Contribution
Friends of Bob Gigante
FEC ID# C00240390
New York State - 14th Congressional District

Dear Sirs:

The following last minute contributions were received during the past 48 hours.

<u>Contribution</u>	<u>Amount</u>	<u>Date of Receipt</u>
Josephine Ferrera	\$1000.00	March 5, 1990
Machinists Non-Partisan Political League	\$5000.00	March 5, 1990
Emanuel Shaouljian, MD	\$1000.00	March 5, 1990
Committee to Elect Gary L. Ackerman	\$1000.00	March 5, 1990

Very truly yours,



Ralph J. Giorgio
Treasurer

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 11, 1990

Clerk of the House of Representative
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Subject: Special Notice - Last Minute Contributions
Friends of Bob Gigante
FEC ID#C00240390
New York State - 14th Congressional District

Dear Sirs:

The following last minute contributions were received during
the past 48 hours.

<u>Contribution</u>	<u>Amount</u>	<u>Date of Receipt</u>
Cathleen and Edward Babaro	\$1500.00	March 9, 1990
American Nurses Assoc. Political Action Committee	\$1500.00	March 9, 1990
Noyer for Congress	\$1000.00	March 9, 1990
Diane Grigoli	\$1000.00	March 9, 1990
Jerome Grigoli	\$1000.00	March 9, 1990

Very truly yours,



Ralph J. Giorgio
Treasurer

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 14, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515-6612

Subject: Special Notice - Last Minute Contributions
Friends of Bob Gigante
FEC ID# C00240390
New York State - 14th Congressional District

Dear Sirs:

The following last minute contributions were received during
the past 48 hours.

<u>Contributions</u>	<u>Amount</u>	<u>Date of Receipt</u>
National Assoc. of Retired Federal Employees	\$1000.00	March 12, 1990

Very truly yours,



Ralph J. Giorgio
Treasurer

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 16, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D. C. 20515-6612

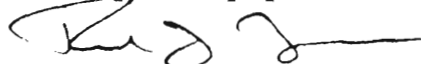
Subject: Special Notice-Last Minute Contribution
Friends of Bob Gigante
FEC ID# C00240390
New York State- 14th Congressional Dist.

Dear Sirs:

The following last minute loans were received during the
past 48 hours.

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE</u>
Robert J. Gigante Candidate	\$50,000.00	March 14, 1990
Democratic Study Group 499 So. Capitol Suite 113 Washington, D.C.	\$ 5,000.00	March 14, 1990

Very truly yours,


RALPH J. GIORGIO,
Treasurer

/rmc

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

March 16, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D. C. 20515-6612

Subject: Special Notice-Last Minute Contribution
Friends of Bob Gigante
FEC ID# C00240390
New York State- 14th Congressional Dist.

Dear Sirs:

The following last minute contributions were received
during the past 48 hours.

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE</u>
New York State Democratic Committee 111 Washington Avenue Albany, N.Y. 12210	\$2,000.00	March 14, 1990
John R. Lucchese Staten Island, N.Y.	\$1,000.00	March 14, 1990
I.B.C.W. - C.O.P.E 1125 - 15th Street N.W. Washington, D.C. 20005	\$5,000.00	March 14, 1990
Building Industrial Association of New York Inc. PAC 1111 Victory Boulevard Staten Island, N. Y. 10301	\$2,000.00	March 14, 1990
Joel Liberman Staten Island, N. Y.	\$1,000.00	March 14, 1990
John Crone Staten Island, N. Y.	\$1,000.00	March 14, 1990

-1-

Clerk of the House of Representatives
Office of Records and Registration

March 16, 1990

Michael Amteis Holmdel, N. J.	\$1,000.00	March 14, 1990
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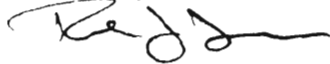
Mr. & Mrs. A. Tenter Riverdale, N. Y.	\$1,000.00	March 14, 1990
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Mr. & Mrs. F. Basignano Staten Island, N. Y.	\$1,000.00	March 14, 1990
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Mr. & Mrs. E. Barbaro Staten Island, N. Y.	\$1,000.00	March 14, 1990
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Mr. & Mrs. E. Vanderlieth Locust Valley, N. Y.	\$1,000.00	March 14, 1990
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Very truly yours,



RALPH J. GIORGIO
Treasurer

/rmc

90 JUN -7 AM 10:29

FEDERAL ELECTION COMMISSION
999 E St., N.W.
WASHINGTON, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #3042
DATE COMPLAINT RECEIVED
BY OGC: March 14, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: March 19, 1990
STAFF MEMBER: Todd Hageman

COMPLAINANT: Robert Dawson, Political Director
National Republican Congressional
Campaign Committee

RESPONDENTS: Robert J. Gigante

Friends of Bob Gigante and
Ralph J. Giorgio, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)

INTERNAL REPORTS CHECKED: Bob Gigante For Congress Committee
Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On March 14, 1990, Robert Dawson, the National Republican Congressional Campaign Committee's Political Director, filed a complaint with the Commission. The complaint alleges that Robert Gigante, the Democratic Party's nominee for the 14th District Congressional seat in New York, has violated the Federal Election Campaign Act ("the Act") by failing to file 48-hour reports as required by 2 U.S.C. § 434(a)(6)(A). The complaint also names Friends of Bob Gigante ("the Committee"), the candidate's principal campaign committee, and Ralph Giorgio, as its treasurer, as respondents based on the same allegations. The complaint was

sent to the Committee's treasurer who responded on April 4, 1990. The response states that all 48-hour reports were filed timely, (Attachment 1).

II. FACTUAL AND LEGAL ANALYSIS

The complaint cites a March 14, 1990 article in the Staten Island Advance as evidence supporting its allegations. The article reports that the Committee's treasurer has stated that the Gigante campaign has raised \$20,000 and has received a \$40,000 loan from the candidate. The complaint notes that the public record does not contain any indication that the Committee filed notices of these contributions as required by the Act. In fact the Committee filed the reports either on the same day or shortly after the complaint was filed.

Pursuant to the Act, a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i). A candidate's principal campaign committee must file special notices of contributions of \$1,000 or more received after the 20th day, but more than 48 hours before, an election in which the candidate is running. These last-minute contributions must also be itemized on the committee's next scheduled report. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f).

The special election for the 14th District Congressional seat in New York was scheduled for March 20, 1990. Section 434(a) required in this case that the Committee file notifications of all contributions, including loans, of \$1,000 or more received after

February 28, 1990 but before March 18, 1990. Furthermore, the notifications should have included the name of the candidate, the office sought by the candidate, the identification of each contributor, and the dates of receipt and amounts of each contribution. Under the Act, the identification of an individual includes the name, the mailing address, and the occupation of the individual, as well as the name of his or her employer.

2 U.S.C. § 431(13).

The Committee filed all of its 48-hour contribution notices in two separate batches. The first batch itemized contributions received from March 5, 1990 through March 12, 1990, but was received by the Commission on March 14, 1990. The second batch itemized contributions received from March 2, 1990 through March 14, 1990, and was received by the Commission on March 19, 1990.

An examination of the reports filed by the Committee indicates that three separate classifications of violations occurred: (1) reports were filed untimely with improper contributor identification for twenty-one (21) contributions totaling \$115,000 (of particular significance in this category is a \$40,000 loan from the candidate), (2) reports were filed untimely for four contributions totaling \$14,000, and (3) a report totaling \$1,000 was filed with inadequate contributor information. See Attachment 2. The Committee's reports were all dated by the Committee within 48 hours of the date the Committee received the contributions listed in report; however, in each instance except one, these reports were date stamped as received by the Commission

more than 48 hours after the Committee received the contributions. See Attachment 3. Therefore, the reports of the \$130,000 in contributions were either filed untimely, contained inadequate contributor information, or both. This Office recommends that the Commission find reason to believe that Friends of Bob Gigante and Ralph Giorgio, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

There is no evidence indicating that the candidate was personally involved in these reporting violations since the treasurer signed all of the reports. Therefore, this Office also recommends that the Commission find no reason to believe that Bob Gigante violated 2 U.S.C. § 434(a)(6)(A).

III. RECOMMENDATIONS

1. Find reason to believe that Friends of Bob Gigante and Ralph Giorgio, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

2. Find no reason to believe that Robert J. Gigante violated 2 U.S.C. § 434(a)(6)(A).

3. Approve the appropriate letter and the attached Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

Date

6/6/90

By:


Lois G. Lerner
Associate General Counsel

Attachment

1. Response
2. List of contributions
3. Date Stamped Reports
4. Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Robert J. Gigante) MUR 3042

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 11, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3042:

1. Find reason to believe that Friends of Bob Gigante and Ralph Giorgia, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).
2. Find no reason to believe that Robert J. Gigante violated 2 U.S.C. § 434(a)(6)(A).
3. Approve the appropriate letter and the Factual and Legal Analysis, as recommended in the General Counsel's Report dated June 6, 1990.

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

Attest:

6-12-90
Date

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

Received in the Secretariat: Wed., June 7, 1990 10:29 a.m.
Circulated to the Commission: Wed., June 7, 1990 4:00 a.m.
Deadline for vote: Mon., June 11, 1990 4:00 a.m.

dr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1990

Mr. Ralph J. Giorgio, Treasurer
Friends of Bob Gigante
98 Rose Avenue
Staten Island, NY 10306

RE: MUR 3042

Dear Mr. Giorgio:

On March 19, 1990, the Federal Election Commission notified Friends of Bob Gigante ("the Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on June 11, 1990, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of 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 within 15 days of 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

Mr. Giorgio
Page 2

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.

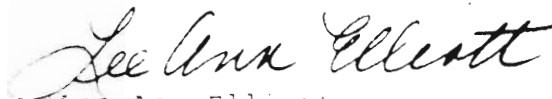
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 matter to be made public.

If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

Designation of Counsel Form
Factual & Legal Analysis
Procedures

9004081253

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3042

RESPONDENTS: Friends of Bob Gigante and
Ralph J. Giorgio, as treasurer

On March 14, 1990, Robert Dawson, the National Republican Congressional Campaign Committee's Political Director, filed a complaint with the Commission. The complaint alleges that Friends of Bob Gigante ("the Committee"), and Ralph Giorgio, as treasurer, have violated the Federal Election Campaign Act ("the Act") by failing to file 48-hour reports as required by 2 U.S.C. § 434(a)(6)(A). The complaint was sent to the Committee's treasurer who responded on April 4, 1990. The response states that all 48-hour reports were filed timely.

The complaint cites a March 14, 1990 article in the Staten Island Advance as evidence supporting its allegations. The article reports that the Committee's treasurer has stated that the Gigante campaign has raised \$20,000 and has received a \$40,000 loan from the candidate. The complaint notes that the public record does not contain any indication that the Committee filed notices of these contributions as required by the Act. In fact the Committee filed the reports either on the same day or shortly after the complaint was filed.

Pursuant to the Act, a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i). A

candidate's principal campaign committee must file special notices of contributions of \$1,000 or more received after the 20th day, but more than 48 hours before, an election in which the candidate is running. These last-minute contributions must also be itemized on the committee's next scheduled report. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f).

The special election for the 14th District Congressional seat in New York was scheduled for March 20, 1990. Section 434(a) required in this case that the Committee file notifications of all contributions, including loans, of \$1,000 or more received after February 28, 1990 but before March 18, 1990. Furthermore, the notifications should have included the name of the candidate, the office sought by the candidate, the identification of each contributor, and the dates of receipt and amounts of each contribution. Under the Act, the identification of an individual includes the name, the mailing address, and the occupation of the individual, as well as the name of his or her employer.
2 U.S.C. § 431(13).

The Committee filed all of its 48-hour contribution notices in two separate batches. The first batch itemized contributions received from March 5, 1990 through March 12, 1990, but was received by the Commission on March 14, 1990. The second batch itemized contributions received from March 2, 1990 through March 14, 1990, and was received by the Commission on March 19, 1990.

An examination of the reports filed by the Committee indicates that three separate classifications of violations

occurred: (1) reports were filed untimely with improper contributor identification for twenty-one (21) contributions totaling \$115,000 (of particular significance in this category is a \$40,000 loan from the candidate), (2) reports were filed untimely for four contributions totaling \$14,000, and (3) a report totaling \$1,000 was filed with inadequate contributor information. See Attachment 1. The Committee's reports were all dated by the Committee within 48 hours of the date the Committee received the contributions listed in report; however, in each instance except one, these reports were date stamped as received by the Commission more than 48 hours after the Committee received the contributions. See Attachment 2. The reports of the \$130,000 in contributions were either filed untimely, contained inadequate contributor information, or both. Therefore, there is reason to believe that Friends of Bob Gigante and Ralph Giorgio, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

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ATTACHMENT 1

I. REPORTS FILED UNTIMELY WITH IMPROPER CONTRIBUTOR IDENTIFICATION

<u>CONTRIB.</u>	<u>AMOUNT</u>	<u>DAYS LATE</u>	<u>MISSING INFORMATION</u>
Josephine Ferrera	\$1,000	7	Add., occup., emp.
Machinists Non- Partisan Pol. League	\$5,000	7	Address
Emanuel Shaouljian	\$1,000	7	Address
Comm. to Elect Ackerman	\$1,000	7	Address
2 IUOE PAC	\$2,000	10	Address
5 Cong. Fazio Campaign	\$1,000	10	Address
1 Cathleen and Edward Barbaro	\$1,500	3	Add., occup., emp.
3 American Nurses Assoc. PAC	\$1,500	3	Address
4 Noyer for Congress	\$1,000	3	Address
1 Diane Grigoli	\$1,000	3	Add., occup., emp.
1 Jerome Grigoli	\$1,000	3	Add., occup., emp.
1 Robert J. Gigante (Candidate)	\$50,000	3	Address
John P. Lucchese	\$1,000	3	Add., occup., emp.
Joel Liberman	\$1,000	3	Add., occup., emp.
John Crone	\$1,000	3	Add., occup., emp.
Michael Amteis	\$1,000	3	Add., occup., emp.
Mr. and Mrs. A. Tenter	\$1,000	3	Add., occup., emp.
Mr. and Mrs. F. Basignano	\$1,000	3	Add., occup., emp.

Mr. and Mrs. E. Barbaro	\$1,000	3	Add., occup., emp.
Mr. and Mrs. E. Vanderlieth	\$1,000	3	Add., occup., emp.
Robert J. Gigante (Candidate)	\$40,000	15	Address

II. REPORTS FILED UNTIMELY

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DAYS LATE</u>
Democratic Study Group	\$5,000	3
New York State Democratic Committee	\$2,000	3
IBCW - COPE	\$5,000	3
Building Industrial Assoc. of New York Inc. PAC	\$2,000	3

III. REPORTS FILED WITH INADEQUATE CONTRIBUTOR INFORMATION

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>MISSING INFORMATION</u>
National Association of Retired Fed. Employees	\$1,000	Address



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1990

Robert J. Gigante
50 Hillview Lane
Staten Island, NY 10304

RE: MUR 3042

Dear Mr. Gigante:

On March 19, 1990, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On June 11, 1990, the Commission found, on the basis of the information in the complaint, that there is no reason to believe you violated 2 U.S.C. § 434(a)(6)(A). Accordingly, the Commission closed its file in this matter as it pertains to you.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. G. Lerner", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Bob Gigante for Congress

4150 Hylan Boulevard, Staten Island, NY 10308 — 718-356-0765

July 6, 1990

90 JUL -9 AM 10:44

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Mr. Todd Hageman
Federal Election Commission
Washington, D.C. 20463

Subject: MUR 3042

Dear Mr. Hageman:

The purpose of this letter is to advise you that I am pre-probable cause conciliation of the Subject matter. Confirming our discussion today I would like to point out the following concerning the question of untimely submittal of the 48 hour notification requirement:

1. All contributions received were reported.
2. No attempt was made to conceal any contributions.
3. All notifications were mailed within 48 hours. Since the U.S. Postal Service was considered to be a government agency, the timeliness requirement was assumed to be satisfied.
4. Nowhere in the information provided by your office does the requirement for use of next day mail.

As treasurer, all requirements of the Federal Election Law have been complied with. It is unfortunate that this issue has been raised. I trust that it can be reasonably reconciled.

Very truly yours,



Ralph J. Giorgio
Treasurer

90 JUL 25 AM 9:44

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3042
Friends of Bob Gigante)
and Ralph J. Giorgio,)
as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 11, 1990, the Commission found reason to believe that Friends of Bob Gigante (the "Committee") and Ralph J. Giorgio, as treasurer, violated 2 U.S.C. § 434(a)(6)(A). Specifically, last minute contribution notices totaling \$130,000 were either filed untimely, contained inadequate contributor information, or both.¹ This figure includes \$90,000 in loans from the candidate's personal funds.

Mr. Giorgio filed a response to the Commission's findings on July 9, 1990 requesting pre-probable cause conciliation. See Attachment 1. In the Committee's response, and in a telephone call with a staff member from this Office, Mr. Giorgio pointed out several circumstances in mitigation of the violations. Mr. Giorgio noted that all last-minute contributions were reported and that no attempt was made to conceal any information from the Commission concerning the

1. Contribution notices totaling \$115,000 were filed untimely with inadequate contributor identification. Contribution notices totaling \$14,000 were filed untimely but with complete contributor information. One notice of a \$1,000 contribution was filed timely, but it lacked adequate contributor identification.

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contributions. Furthermore, the treasurer asserts that all reports were mailed within 48 hours of the Committee's contribution receipts. Mr. Giorgio stated that by mailing the reports within 48 hours of the receipt date, he felt he had complied with the 48 hour reporting requirement since Commission regulations do not specify that all such reports be sent via overnight mail.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Enter into conciliation with Friends of Bob Gigante and Ralph J. Giorgio, as treasurer, prior to a finding of probable

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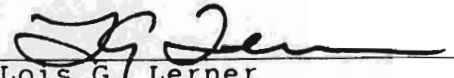
cause to believe.

2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 7/24/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Request for conciliation
2. Proposed Conciliation Agreement

Staff assigned: Todd S. Hageman

9004031258



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: JULY 26, 1990

SUBJECT: MUR 3042 - GENERAL COUNSEL'S REPORT
DATED JULY 24, 1990

The above-captioned document was circulated to the
Commission on WEDNESDAY, JULY 25, 1990 at 4:00 p.m..

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____ XXXX _____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____ XXXX _____

This matter will be placed on the meeting agenda
for TUESDAY, JULY 31, 1990.

Please notify us who will represent your Division before the
Commission on this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3042
Friends of Bob Gigante and Ralph)
J. Giorgio, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on July 31,
1990, do hereby certify that the Commission decided by a
vote of 4-0 to take the following actions in MUR 3042:

1. Enter into conciliation with Friends of
Bob Gigante and Ralph J. Giorgio, as
treasurer, prior to a finding of probable
cause to believe.
2. Approve the proposed conciliation agreement
and letter attached to the General Counsel's
report dated July 24, 1990.

Commissioners Aikens, Josefiak, McDonald, and McGarry
voted affirmatively for the decision; Commissioners
Elliott and Thomas were not present.

Attest:

7-31-90
Date

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

20040812570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1990

Friends of Bob Gigante
Ralph J. Giorgio, Treasurer
98 Rose Avenue
Staten Island, NY 10306

RE: MUR 3042

Dear Mr. Giorgio:

On June 11, 1990, the Federal Election Commission found reason to believe that Friends of Bob Gigante and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A). At your request, on July 9, 1990, 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 you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Todd S. Hageman, the staff member assigned to this matter, at (800) 424-9530.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature, likely of Lois G. Lerner, is written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

90040312571

90107-9 0112:11

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Bob Gigante and Ralph)
J. Giorgio, as treasurer)

MUR 3042

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Ralph J. Giorgio, the treasurer of Friends of Bob Gigante ("the Committee").

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Therefore, this Office recommends that the Commission accept the attached conciliation agreement with Friends of Bob Gigante and Ralph J. Giorgio, as treasurer. To date, a check for the civil penalty has not been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Friends of Bob Gigante and Ralph J. Giorgio, as treasurer.

2. Close the file.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

BY:

Lois G. Lerner
Associate General Counsel

Attachments

- 1.
- 2.

Staff Assigned: Todd S. Hageman

20040312574

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Friends of Bob Gigante and Ralph) MUR 3042
J. Giorgio, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 15, 1990, the Commission decided by a vote of 4-0 to take the following actions in MUR 3042:

1. Accept the conciliation agreement with Friends of Bob Gigante and Ralph J. Giorgio, as treasurer, as recommended in the General Counsel's Report dated November 8, 1990.
2. Close the file.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated November 8, 1990.

Commissioners Aikens, Elliott, Josefiak, and Thomas voted affirmatively for the decision; Commissioners McDonald and McGarry did not cast votes.

Attest:

11/15/90
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Friday, Nov. 9, 1990 12:11 p.m.
Circulated to the Commission: Tuesday, Nov. 13, 1990 11:00 a.m.
Deadline for vote: Thursday, Nov. 15, 1990 11:00 a.m.

dr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 7, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Sam Dawson, Political Director
National Republican
Congressional Committee
320 First Street, S.E.
Washington, DC 20003

RE: MUR 3042
Bob Gigante for Congress
and Ralph J. Giorgio,
as treasurer

Dear Mr. Dawson:

This is in reference to the complaint you filed with the Federal Election Commission on March 14, 1990, concerning Bob Gigante for Congress and Ralph J. Giorgio, as treasurer.

The Commission found that there was reason to believe Bob Gigante for Congress and Ralph J. Giorgio, as treasurer violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On November 15, 1990, a conciliation agreement signed by the respondent was accepted by the Commission. Accordingly, the Commission closed the file in this matter on November 15, 1990. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

9304081376



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 7, 1990

CLOSED

Bob Gigante for Congress
Ralph J. Giorgio, Treasurer
4150 Hylan Boulevard
Staten Island, NY 10308

RE: MUR 3042

Dear Mr. Giorgio:

On November 15, 1990, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. 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. Please be advised that a check for the civil penalty, made payable to the Commission, is due within 30 days of the agreement's effective date. If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

cc: Robert Gigante

20040312677

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3042
Friends of Bob Gigante)
and Ralph J. Giorgio,)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Robert Dawson. The Federal Election Commission ("Commission") found reason to believe that Friends of Bob Gigante and Ralph J. Giorgio, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6)(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. Friends of Bob Gigante is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Ralph J. Giorgio is the treasurer of Friends of

Bob Gigante.

3. Section 434(a)(6)(A) of Title 2 provides that political committees authorized by a candidate must file special notices identifying contributors who make contributions, including loans, of \$1,000 or more received after the 20th day, but more than 48 hours before, an election in which the candidate is running, within 48 hours of the committee's receipt of such contributions.

4. Respondents were required to file special notices identifying contributors who made contributions, including loans, of \$1,000 or more received after February 28, 1990 but before March 18, 1990. Respondents filed reports either untimely, with inadequate contributor identification, or both for \$130,000 in special notices for last-minute contributions between March 2, 1990 and March 14, 1990.

V. Respondents failed to either timely file, provide adequate contributor identification, or both for \$130,000 in last-minute contributions in violation of 2 U.S.C. § 434(a)(6)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two thousand, dollars (\$2,000), 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 have 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 requirements 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 not contained in this written agreement shall be enforceable.

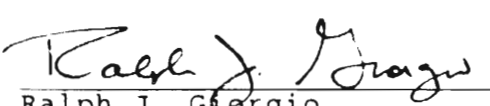
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

12/5/90 Date

FOR THE RESPONDENTS:


Ralph J. Giorgio
Treasurer

September 26, 1990 Date

93040812680



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3042

DATE FILMED 12/26/90 CAMERA NO. 2

CAMERAMAN AS

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