



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3148

DATE FILMED 3/27/92 CAMERA NO. 1

CAMERAMAN E.E.S.

92040902098

ENGEL FOR CONGRESS
P.O. Box 546
Bronx, New York 10461

90 OCT 26 PM 12:06

October 23, 1990

MUR 3148

Ms. Retha Dixon, Docket Chief
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Dominick Fusco
19th C.D. N.Y.

Dear Ms. Dixon:

We have previously submitted copies of some of Mr. Fusco's campaign literature, newspaper ads and other promotional items which Mr. Fusco personally distributed and had distributed on his behalf by others and through the mail. We are enclosing herewith copies of additional posters and newspaper ads. You will note that none of these items indicates who authorized and/or paid for them.

The name and address of "Committee of 100 Democrats" appears on some of said literature which was mailed using that committee's bulk rate mailing permit and which indicates that it was printed by Jan Press. You will note

A. no such committee has filed any reports or statements with the Commission nor has it been designated by the candidate as a principal or affiliated committee and

B. none of the reports submitted by Mr. Fusco's principal campaign committee discloses any payments to Jan Press for the printing or to the Committee of 100 Democrats for the postage or any in-kind contributions from Jan Press or the Committee of 100 Democrats.

Please also note that Mr. Fusco holds himself out as being the chairman of the Committee of 100 Democrats.

Although Mr. Fusco's principal campaign committee discloses expenditures for radio commercials, during those commercials Mr. Fusco stated that they were "paid for by the Fusco for Congress Committee." No such committee has filed any reports or statements with the Commission nor has it been designated by the candidate as a principal or affiliated committee.

06C8412

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 OCT 26 PM 3:48
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

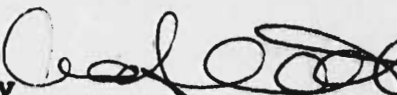
92040902099

In the Committee's first two filings, dated 8/31/90 and 9/28/90 Schedule C discloses a loan from Stefan Miller guaranteed by Mr. Fusco in the amount of \$5,000.00. The 8/31/90 report also lists a contribution from Stefan Miller in the amount of \$1,125.00. Thereafter in the report dated 10/15/90, Schedule C discloses a loan from Citibank guaranteed by Stefan Miller in the amount of \$5,000.00. You will note that there is no indication that the loan from Stefan Miller was ever paid off. If there was in fact only a single loan, the committee's attempt to recharacterize it is unavailing since whether from or guaranteed by Mr. Miller it constitutes an excessive contribution.

Mr. Fusco is an attorney specializing in election law. These flagrant violations of the law are clearly knowing and willful.

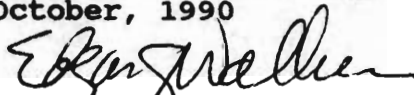
Very truly yours,

Engel for Congress

By 
Arnold Linhardt

State of New York)
County of ~~New York~~ ^{Frank}) ss.:
County of ~~New York~~

Sworn to and subscribed
before me this 23 day of
October, 1990


NOTARY PUBLIC, State of New York
31-4130615
Qualified in New York County
Commission Expires 8/31/91

92040902100

Harvest Festival: People and Plants of the Americas

The New York Botanical Garden will celebrate "People and Plants of the Americas," Saturday and Sunday, Sept. 15 and 16, with the Garden Harvest Festival and Native Plant Garden Weekend.

Visitors to the garden will be able to enjoy plants from both sides of the equator—everything from Brazilian bromellads to our own native New York Ironwood. In addition, craftspeople will demonstrate how they use plants as inspiration and raw materials to make their crafts.

Bronx gardeners will compete to see who grows the best produce in the borough. The curator of the Native Plant Garden will give tours of the diverse habitats on display.

A Venezuelan scientist will explain the diversity of plant life in South America beyond the rainforests.

"The weekend will be one filled with contrast and similarity," said Gregory Long, President of The New York Botanical Garden. "Contrast in the wide variety of plant life found on two continents, and similarity in the ways people use plants in many aspects of their lives."

Demonstrating the wide variety of plant species in the tropical rainforests is the lush exhibit in the Elia A. Haupt Conservatory, "A View of the Tropical Rainforest." The display includes the soft purple velvet plant, the striking striped zebra plant

from Brazil, and a tree covered with bromellads, epiphytes, and Spanish moss.

Botanical diversity in South America is by no means confined to the rainforests. Miriam Colella, Ph.D. student in botany at the Garden, specialist in Amazonian plants, and native of Venezuela, will demonstrate the rich variety of South American plants and their numerous and fascinating economic and medicinal uses with plants from the Garden's collections. Her talks and tours will be given on both Saturday and Sunday in Spanish at 2:30 p.m. and in English at 11:30 a.m., 1:00, and 4:00 p.m.

The diversity of North American plant species

will be represented by the wonderful mix of plants from a variety of north-

eastern habitats in the Native Plant Garden. This garden includes a natural

meadow, woodland and wetland areas, native

Continued on Page 27



Visitors watch as Martha G. Wagner, of Bedford Village, New York, demonstrate how she weaves Shaker baskets from Black Ash wood at the Garden Harvest Festival of The New York Botanical Garden. Ms. Wagner will be one of the many arts and craftspeople participating in the Garden's second annual Garden Harvest Festival, September 15-16.

FUSCO for CONGRESS

FUSCO SAYS... STOP TAX INCREASES

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS... NO MORE RENT INCREASE

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS... STOP CRIME AND VIOLENCE

Return and enforce the death penalty, or true life without parole.

IF ELECTED FUSCO WILL VOTE YES FOR SENIOR
CITIZENS CATASTROPHIC HEALTH CARE BENEFITS

FUSCO cares... ABOUT LABOR

Fusco is apposed to government intervention against breaking unions.
Fusco supports union efforts.



FUSCO CARES
FOR THE PEOPLE

HELP ME HELP YOU - VOTE
DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990.

92040902101

FUSCO for CONGRESS

FUSCO SAYS... STOP THE REPAIR SCANDAL,

there is a way out. Declare Co-Op City a Federal disaster area, and secure Federal funds for repairs and reimbursements for increases due to costs in repairs and maintenance.

FUSCO SAYS... STOP CRIME IN CO-OP CITY

Open a police station in Co-Op City. Return and enforce the death penalty.

FUSCO SAYS... STOP HURTING SENIOR CITIZENS

He will vote for senior citizens, catastrophic health care benefits.

FUSCO SAYS... STOP TAX INCREASES

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS... NO MORE RENT INCREASE

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS... STOP CRIME AND VIOLENCE

Return and enforce the death penalty, or true life without parole.



VOTE FOR
IRIS HERSKOWITZ RAZZ
Female District Leader
SAMUEL BURKE
Male District Leader
STEVE SIMON
State Committeeman
GLORIA GORDON
State Committeewoman

**VOTE TUESDAY
SEPTEMBER 11, 1990**

We need a tough minded, highly qualified, independent in Congress
ELECT FUSCO TO CONGRESS
DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990

92040902102

92040902103



DOMINICK A.

FUSCO

CONGRESSMAN

19th CONGRESSIONAL DISTRICT

Vote on Tuesday September 11,



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1990

Dominick A. Fusco
6003 Broadway
Bronx, NY 10471

RE: MUR 3140

Dear Mr. Fusco:

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 3140. 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.

92040902104

If you have any questions, please contact Craig Reffner, 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

92040902105



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1990

**Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
605 A Crescent Avenue
Bronx, NY 10458**

RE: MUR 3148

Dear Mr. Wedra:

The Federal Election Commission received a complaint which alleges that Throw the Rascals Out 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 3148. 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.

92040902106

If you have any questions, please contact Craig Reffner, 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



DE: Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: Dominick A. Fusco

92040902107



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1990

Committee of 100 Democrats
5591 Broadway
Bronx, NY 10463

RE: MUR 3148

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Committee of 100 Democrats 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 3148. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee 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.

92040902108

If you have any questions, please contact Craig Reffner, 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

92040902109



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1990

Stefan Miller
2470 Beaumont Avenue
Bronx, NY 10458

RE: NUR 3148

Dear Mr. Miller:

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 NUR 3148. 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 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.

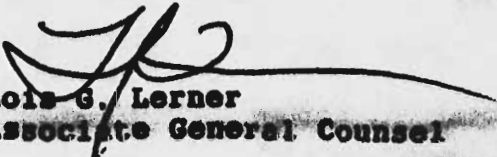
92040902110

If you have any questions, please contact Craig Reffner, 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

92040902111



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1990

Arnold Linhardt
Engel for Congress
P.O. Box 546
Bronx, NY 10461

RE: MUR 3148

Dear Mr. Linhardt:

This letter acknowledges receipt on October 26, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Dominick A. Fusco, Throw the Rascals Out and Dennis G. Nedra, Jr., as treasurer, the Committee of 100 Democrats and Stefan Miller. 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 3148. 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

BY:

Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

92040902112

06C 8609

DOMINICK A. FUSCO

6083 BROADWAY

BRONX, NEW YORK 10471

(212) 543-2555

90 NOV 13 AM 11:30

November 5, 1990

Craig Reffner
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 3148

Dear Mr. Reffner:

In response to Mr. Arnold Linhardt's complaint filed on behalf of his employer and my opponent in the Democratic primary election for Congressman Eliot Engel, I state the following:

The Committee of 100 Democrats gave my campaign committee, Throw the Rascals Out Committee, permission to use their bulk mailing permit. All costs of mailing were paid by the campaign committee as listed in the disbursements report covering the period from 8-31-90 to 9-13-90 on pages 1 and 2 of the itemized disbursements report. The Committee of 100 Democrats did not contribute any time, effort or money to the congressional campaign. This use of the bulk permit in no way competed with Mr. Engel's abuse of his congressional franking privilege which dwarfed my campaign mailing. The printing for the campaign piece in question which lists Jan Press as the printer was contracted by our campaign committee with Dot Generation of N.Y. Inc. who handled the printing contract. Neither myself nor my campaign committee had any contact or business with Jan Press. Payments for said services to Dot Generation were duly reported on page 2 of itemized disbursements in the report covering 8-13-90 to 9-13-90 and page 1 of itemized disbursements of report covering the period 7-31-90 to 8-31-90. As to the radio commercials, the campaign committee has listed all payments incurred for said commercials in the itemized disbursements report for the period 8-31-90 to 9-13-90. The failure to use the campaign committee was inadvertent as said commercial was done at the last moments in the campaign and we had the choice of running the commercial as it was made, or correcting same at last minute and lose the time slots contracted for. There was no attempt to circumvent campaign law as it was fully reported in our disbursement report. As to the loan guaranteed by Mr. Miller, yours truly has also guaranteed the loan and will pay the loan. Mr. Miller made two contributions, one for \$1,000 and also purchased a ticket at our fund raising affair for \$125.00. Mr. Miller's contribution of \$125 was returned to him and reported on page 2 of the itemized disbursements report, in the report covering the period 9-14-90 to 10-15-90.

Should you desire additional documentation and/or papers please notify the undersigned.

Very truly yours,

DOMINICK A. FUSCO

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 13 PM 2:54

92040902113

COMMITTEE OF 100 DEMOCRATS

5591 BROADWAY

BRONX, NEW YORK 10463

(212)543-2555

06-C 8608

November 5, 1990

Craig Reffner
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 3148

Dear Mr. Reffner:

In response to Mr. Lindhardt's complaint filed on behalf of his employer, Congressman Eliot Engel, my opponent in the recent Democratic party primary election, the committee makes the following statement:

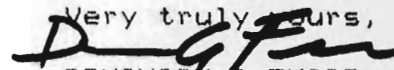
The committee of 100 Democrats gave permission to the Throw the Rascals Out Committee to use the committee's bulk rate permit for their political mailing.

The Committee of 100 Democrats did not contribute any money, time or effort to the campaign for Mr. Fusco.

The "Throw the Rascals Out Committee" reported any and all payments for the mailing done under said permit in their campaign disbursements report.

Should you desire additional documentation please advise.

Very truly yours,


DOMINICK A. FUSCO
chairperson

RECEIVED
FEDERAL ELECTIONS COMMISSION
OFFICE OF GENERAL COUNSEL
30 NOV 13 PM 2:34

9 2 0 4 0 9 0 2 1 1 4

30 NOV 13 AM 11:30

FEDERAL ELECTIONS COMMISSION
1325 K Street NW
Washington DC 20463

THROW THE RASCALS OUT COMMITTEE
605 A Crescent Avenue
Bronx, New York 10458

RECEIVED

(212)543-2555

06-28673

90 NOV 19 PM 12:15

November 12, 1990

Craig Reffner
Federal Elections Commission
Washington, D.C. 20463

Re: 3148

Dear Mr. Reffner:

In response to Congressman Eliot Engel's complaint through his employee Arnold Linhardt I make the following statement:

1. Committee of One Hundred Democrats did not expend any funds nor any contribution to the campaign of Mr. Fusco or to this committee. The Committee of 100 Democrats gave this committee permission to use their bulk rate permit. This committee reports has listed disbursements to the post office for bulk mailing.

2. This committee never contracted or dealt with Jan Press. This committee dealt with "Dot Generation of N.Y. Inc. which prepared the layouts for the campaign literature and they dealt with Jan Press for the printing. All payments as listed in our itemized disbursements were made to Dot Generation.

3. As to radio commercials, this was prepared by and independent contractor who prepared it for gratis and this committee listed in its itemized disbursements cost paid to the radio station which was paid by the candidate Dominick A. Fusco. The error as to the committee named on the radio spot was discovered too late to correct same. The choice at time of discovery was either to correct and lose the spots or run it as it was made. We choose the latter because of the time limitation. The disbursement was properly reported. To change the commercial would have resulted in losing the radio spots.

4. The loan was made to the committee and guaranteed by Miller and the candidate Dominick Fusco and will be paid. Mr. Miller obtained the money for the committee from Citi Bank. The loan I believe is similar to the one Mr. Engel obtained in his 1988 campaign from one Judith McGowan and we may have been mistaken in following that precedent established by Mr. Engel.

5. There was no deliberate attempt to misguide or violate any of filing laws. This is the typical Engel attitude only too well known in Bronx County to intimidate and discourage opposition to his candidacy.

Should your desire additional information please contact this committee.

Very truly yours,
Dennis G. Wedra, Jr.
DENNIS G. WEDRA jr.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 19 PM 3:59

92040902115

FEDERAL ELECTION COMMISSION
1325 K Street NW
Washington DC 20463

OGC 8670

November 12, 1990

Craig Reffner
Federal Elections Commission
Washington, D.C. 20463

e:MUR 3148

Dear Mr. Reffner:

A loan in the sum of \$5,000 was made to the Committee to Throw the Rascals Out from funds obtained from Citi Bank

Mr. Fusco guaranteed to pay back the loan and I guaranteed payment of the same. It is not a contribution and I expect the loan to be repaid and will demand that it be paid.

I have contributed \$1,000 to the Rascals Committee. I also had purchased a ticket in the sum of \$125 to a fund raiser for the committee. The \$125 was refunded to me by the committee because I was told that the payment for the ticket was excessive as to contributions.

If you want additional information please contact me.

Very truly yours,
Stefan Miller
Stefan Miller
2470 Beaumont Ave.
Bronx, New York 10458

90 NOV 19 PM 3:50

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 NOV 19 PM 12:16

RECEIVED
FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION
132 K Street NW
Washington DC 20463

92040902116

91 JUL -8 AM11:36

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR: # 3148
DATE COMPLAINT RECEIVED
BY OGC: October 26, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: October 31, 1990
STAFF MEMBER: Craig D. Reffner

COMPLAINANT: Arnold Linhardt on behalf of
Engel for Congress

RESPONDENTS: Dominick A. Fusco
Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer
Committee of 100 Democrats and
Dominick A Fusco, as treasurer
Stefan Miller

RELEVANT STATUTES: 2 U.S.C. § 432(e)
2 U.S.C. § 433(a)
2 U.S.C. §§ 434(a) and (b)
2 U.S.C. §§ 441a(a) and (f)
2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter originated by a complaint from Engel for Congress alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by Dominick A. Fusco¹ and his principal campaign committee, Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer (the "TRO Committee"), the

1. Dominick A. Fusco was a 1990 candidate in New York's 19th Congressional District. He received 29% of the vote in the primary election held on September 11, 1990, and as a result, was ineligible to participate in the general election.

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Committee of 100 Democrats ("100 Democrats")² and Stefan Miller. The complainant alleges violations by the Respondents in three areas: the failure to use a proper disclaimer on campaign literature as well as a radio advertisement; the failure to report certain disbursements and receipts; and the receipt of an excessive contribution from an individual, Stefan Miller. Responses have been received from each of the Respondents. Attachments A through D.

II. FACTUAL AND LEGAL ANALYSIS

A. Failure to use a proper disclaimer

Whenever a person makes an expenditure for a communication through general public political advertising, which expressly advocates the election or defeat of a clearly identified candidate, the communication must state who paid for the communication and, if not paid for by a candidate or an authorized candidate committee, must state whether the communication was or was not authorized by such candidate or candidate's committee. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a)(1).

According to the complainant, Mr. Fusco, and others acting on his behalf, distributed in person and through the mail, "campaign literature, newspaper ads and other promotional items," which failed to indicate "who authorized and/or paid for them." In support of this allegation, the complainant included

2. The Committee of 100 Democrats is a non-federal committee registered with the state of New York. According to New York state records, Dominick A. Fusco is the treasurer for the 100 Democrats.

92040902118

copies of material allegedly distributed by the Fusco campaign. The complainant also alleges that the Fusco campaign used a radio advertisement supporting Mr. Fusco's candidacy which included the statement: "'paid for by the Fusco for Congress Committee.'" The complainant challenges the use of the name Fusco for Congress, alleging that the commercial actually was paid for by the TRO Committee, not Fusco for Congress.

A review of the responses reveals that the candidate apparently authorized the campaign literature as well as the radio advertisement, and that all of these communications were paid for by the TRO Committee. In his response, Mr. Fusco acknowledges that the campaign materials submitted by the complainant were distributed, some by mail, and identifies Dot Generation of New York, Inc., as the company the Fusco campaign contracted with for the printing of the literature. Attachment A. In responding for the TRO Committee, Dennis Wedra, the TRO Committee's treasurer, similarly acknowledges that the TRO Committee paid to have the campaign materials in question printed and mailed. Attachment B.

With regard to the radio commercial, Mr. Fusco concedes that the Fusco for Congress Committee does not exist and asserts that the use of that name during the radio advertisement was merely an inadvertent error. Attachment A. He further explains that due to time constraints, the commercial could not have been aired had it been corrected and argues that "[t]here was no attempt to circumvent campaign law as it [the commercial] was fully reported in our disbursement report." Id. Mr. Wedra

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similarly acknowledges the disclaimer error in the radio advertisement and states that the funds for those commercials originated from the candidate and were reported as an expenditure by the Committee. Attachment B.

While the Respondents do not directly address the allegations concerning the absence of disclaimers on the campaign literature provided by the complainant, a review of the available information shows that neither the campaign materials nor the radio commercial properly identify the payor.³ Moreover, Mr. Fusco's assertion that there was no attempt to circumvent the Act because the cost for the radio commercial was disclosed on the TRO Committee's report is of little value here, because the purpose of Section 441d(a) is to ensure that listeners and readers of a communication are provided with the proper disclaimer, not to ensure that the expenditure for the communication is properly disclosed. Accordingly, this Office recommends that the Commission find reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 441d(a).

B. Failure to report disbursements and/or receipts

Pursuant to Section 434(b), all political committees filing disclosure reports with the Commission must disclose their expenditures and receipts, including the receipt of all in-kind

3. The materials submitted by the complainant include copies of a newspaper advertisement, several handbills and various other mailings, all of which contain statements such as: "FUSCO for CONGRESS" and "ELECT FUSCO FOR CONGRESSMAN 19th Congressional District."

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contributions. Additionally, in-kind contributions shall be reported as contributions at an amount equal to the usual and normal value on the date received, and shall also be reported as expenditures at the same usual and normal value. 11 C.F.R. § 104.13(a). Under the Act, a contribution includes any gift, subscription, loan, advance, deposit of money or anything of value, made by any person for the purpose of influencing any election. 2 U.S.C. § 431(8). The Commission has broadly construed "anything of value" to include things that may "be consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

The complainant alleges that some of the Fusco campaign materials, submitted with the complaint, were printed by Jan Press and mailed using the Committee of 100 Democrats' bulk rate mailing permit.⁴ According to the complainant, however, a review of disclosure reports shows that the TRO Committee reported no disbursements for these particular services. In the alternative, the complainant alleges that if Jan Press and the 100 Democrats provided their respective services to the Fusco campaign free of charge, then the TRO Committee failed to disclose the receipt of these services as in-kind contributions.

A review of the available information shows that the TRO

4. A review of the materials provided by the complainant shows several mailings concerning Mr. Fusco's candidacy, which are similar in that each contains the name and apparent address of the Committee of 100 Democrats as well as the bulk rate mailing permit, "No. 175."

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Committee paid for the printing and mailing of the campaign materials in question. Messrs. Fusco and Wedra explain that the TRO Committee's expenditures for the cost of printing the materials were made to Dot Generation of New York, Inc., which in turn paid Jan Press. Attachments A and B. Additionally, Messrs. Fusco and Wedra acknowledge that the TRO Committee used the 100 Democrats' mail permit but explain that TRO Committee paid for the cost of postage. Id. Finally, a review of disclosure reports shows that the TRO Committee made disbursements to Dot Generation and to the United States Post Office in Bronx, New York.⁵

Although the TRO Committee disclosed the cost of printing and mailing the campaign materials in question, it appears that the use of the 100 Democrats' mail permit was not accounted for as an in-kind contribution. In his response, Mr. Fusco explains that the mail permit was "donated" and argues that there was no value for the use of the permit since the TRO Committee paid for the cost of postage. Attachment A. Similarly, Mr. Wedra states that the TRO Committee disclosed disbursements to the post office for all postage costs and asserts that the 100 Democrats did not expend any funds on behalf of, nor contribute to,

5. A review of disclosure reports shows total disbursements to Dot Generation and the United States Post Office in the following amounts:

<u>Dot Generation, Inc.</u>		<u>United States Post Office</u>	
8-9-90	\$2,950	9-4-90	\$ 278.96
8-24-90	2,350		1,770.89
9-11-90	2,200	9-6-90	125.00
			460.15

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Mr. Fusco's campaign or to the TRO Committee. Attachment B. Finally, in a response submitted on behalf of the 100 Democrats, Mr. Fusco, who identifies himself as the chairman for the 100 Democrats, states that the 100 Democrats gave "permission" for their mail permit to be used but "did not contribute any money, time or effort to the campaign for Mr. Fusco." Attachment C.

As previously noted, a contribution includes the provision of anything of value made for the purpose of influencing any election for Federal office. Contrary to the Respondents' assertions, the use of the 100 Democrats' bulk rate mailing permit does constitute a "thing of value," as the Fusco campaign would have had to otherwise pay a higher postage rate. Since the TRO Committee apparently failed to disclose the receipt of this contribution, this Office recommends that the Commission find reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 434(b).⁶

C. Receipt of excessive contributions

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate

6. It appears that the Committee may have failed to report the receipt of other in-kind contributions. In the Committee's response, Mr. Wedra stated that the radio commercials, previously discussed, were prepared by an "independent contractor...for gratis." Attachment B. A review of disclosure reports, however, shows that the Committee did not report the receipt of this service as a contribution, in-kind or otherwise. Moreover, since the Respondents identified the individual preparing the commercials as an "independent contractor" rather than a "volunteer," the provision of this particular service would not appear to be exempt from the definition of a "contribution" under 2 U.S.C. § 431(8)(B)(i).

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amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits candidates, including their authorized committees, from knowingly accepting any contributions in excess of the Section 441a limitations, 2 U.S.C. § 441a(f), and provides that where any contribution or loan is obtained by a candidate in connection with his or her campaign, the candidate shall be considered to have obtained such contribution or loan as an agent of his or her authorized committee. 2 U.S.C. § 432(e)(2). The Act defines a contribution to include a loan and a loan includes any guarantee, endorsement, or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the contribution limitations of the Act is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A). Finally, each endorser or guarantor of a loan shall be deemed to have contributed that portion of the total amount of the loan for which he or she is liable in a written agreement. 11 C.F.R. § 100.7(a)(1)(i)(C).

The complainant alleges that in disclosure reports filed with the Commission, the TRO Committee disclosed two (2) excessive contributions from Stefan Miller: a \$5,000 loan from Mr. Miller, which was guaranteed by the candidate, and an additional \$1,125 contribution from Mr. Miller. The complainant further states that in another report, the TRO Committee recharacterized the loan, disclosing it as a "loan from Citibank

guaranteed by Stefan Miller in the amount of \$5,000." The complainant concludes that there is no indication that the loan from Stefan Miller was satisfied and, in the event there was only one loan, either from Mr. Miller or guaranteed by Mr. Miller, it nonetheless constitutes an excessive contribution.

In his response, Mr. Fusco acknowledges guaranteeing a \$5,000 loan with Mr. Miller and further states that while Mr. Miller made other contributions to his campaign totaling \$1,125, the TRO Committee refunded \$125. Attachment A. In the TRO Committee's response, Mr. Wedra states that the \$5,000 loan, reported in disclosure reports, was obtained by Mr. Miller from "Citi bank" [sic] and jointly guaranteed by Messrs. Miller and Fusco, the candidate. Attachment B.⁷ Finally, in his response, Mr. Miller admits to making contributions to the TRO Committee in the amounts of \$1,000 and \$125 as well as obtaining a \$5,000 loan from Citibank for the Fusco campaign. Attachment D. However, he asserts that the TRO Committee refunded his \$125 contribution and argues that the loan, which he states both he and Mr. Fusco guaranteed, is not a contribution as he expects and will demand that it be repaid. Id.

7. Mr. Wedra also asserts that the loan from Mr. Miller "is similar to the one Mr. Engel obtained in his 1988 campaign from one Judith McGowan and we may have been mistaken in following that precedent established by Mr. Engel." Attachment B. The loan referenced by Mr. Wedra, however, was challenged by the Commission in MUR 2921 (closed December 20, 1990), which concluded with the acceptance of signed conciliation agreements and civil penalties from Ms. Judith McGowan and Engel '88 and Charlotte B. Friedman, as treasurer.

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A review of the public record shows that the TRO Committee disclosed the receipt of a \$5,000 loan from Mr. Miller, guaranteed by Mr. Fusco, which was subsequently disclosed as a loan from Citibank, guaranteed by Messrs. Miller and Fusco. Additionally, disclosure reports filed by the TRO Committee show the receipt of a \$1,125 contribution from Mr. Miller on August 24, 1990, and a subsequent refund of \$125 on October 1, 1990.

While it appears that the Committee took steps to refund the excessive portion of Mr. Miller's \$1,125 contribution in a timely manner, the assertion that the \$5,000 loan is not a contribution is without merit as the Act specifically defines a contribution to include a loan and a loan includes "a guarantee, endorsement, and any other form of security." 11 C.F.R.

§ 100.7(a). Moreover, the guarantor of a loan shall be deemed to have contributed an amount equal to that for which he or she is liable and in the matter at hand, it appears that Messrs. Miller and Fusco are joint guarantors. Thus, since contributions from individuals may not exceed \$1,000, the \$5,000 bank loan appears to be an excessive contribution.

Additionally, given Mr. Fusco's involvement in the loan transaction, it appears that he may have knowingly accepted Mr. Miller's excessive contribution. Accordingly, this Office recommends that the Commission find reason to believe that Stefan Miller violated 2 U.S.C. § 441a(a), that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 441a(f) and that Dominick A. Fusco violated 2 U.S.C. § 441a(f).

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D. Additional Violations

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The Act defines a political committee as any committee, club, association or other group of persons which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year and requires all political committees to file a statement of organization with the Commission within ten (10) days after becoming a political committee. 2 U.S.C. §§ 431(4) and 433(a). The Act also requires that all political committees file reports with the Commission on a regular basis, disclosing all expenditures made and contributions received. 2 U.S.C. § 434(a). Under the Act, a Federal candidate must designate in writing a political committee to serve as his or her principal campaign committee and may further designate additional political committees to serve as authorized committees. 2 U.S.C. § 432(e)(1). The Act defines an authorized committee as the principal committee or any other political committee authorized by a candidate to receive contributions or make expenditures on his or her behalf, 2 U.S.C. § 431(6), and requires that the name of each authorized committee include the name of the candidate who authorized the committee. 2 U.S.C. § 432(e)(4).

The complainant alleges that Mr. Fusco is the chairman of the 100 Democrats and that while the name and address of that organization appear on some of the Fusco campaign literature, the 100 Democrats is not registered with the Commission nor has it been designated by Mr. Fusco as an authorized or affiliated committee. A review of Commission materials shows that the

100 Democrats is not registered with the Commission and that the only committee designated as an authorized committee by Mr. Fusco is his principal campaign committee, Throw the Rascals Out. As an initial matter, it appears that Mr. Fusco has improperly identified his principal campaign committee, Throw the Rascals Out, by failing to use his name as part of the TRO Committee's name. Accordingly, this Office recommends that the Commission find reason to believe that Dominick A. Fusco violated 2 U.S.C. § 432(e)(4).

As previously noted, the TRO Committee has acknowledged using the bulk rate mail permit in question, and such use would constitute a contribution from the 100 Democrats to the Fusco campaign. Additionally, the available evidence shows that the TRO Committee made expenditures totaling \$2,635 to cover the cost of the postage. See n.5, supra at 6. Since bulk rate mail cost 16.7 cents at the time instead of the regular 25 cents per item, the TRO Committee's use of the bulk rate mail permit in question resulted in a savings of 33%, or approximately \$870. However, given the other costs associated with the use of a bulk rate mail permit, as well as the possible use of the 100 Democrats' stationary, the total value of the support provided by the 100 Democrats to the Fusco campaign may have exceeded \$1,000. Accordingly, this Office recommends that the Commission find reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 433(a)

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and 434(a).⁸

III. RECOMMENDATIONS

1. Find reason to believe that Dominick A. Fusco violated 2 U.S.C. §§ 441a(f) and 432(e)(4).

2. Find reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer violated 2 U.S.C. §§ 441d(a), 434(b) and 441a(f).

3. Find reason to believe that Stefan Miller violated 2 U.S.C. § 441a(a).

4. Find reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a).

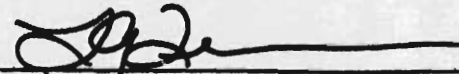
5. Approve the attached Factual and Legal Analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

Date

7/5/91

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Response of Dominick A. Fusco
- B. Response of Throw the Rascals Out
- C. Response of Committee of 100 Democrats
- D. Response of Stefan Miller
- E. Proposed Factual and Legal Analyses (4)

8. It does not appear that Mr. Fusco should have designated the 100 Democrats as a campaign committee or that it was an affiliated committee. There is no evidence indicating that he authorized the 100 Democrats to make expenditures or receive contributions on his behalf. Moreover, although Mr. Fusco has identified himself as the chairman of the 100 Democrats, the Commission has stated that a candidate is not precluded from serving as an executive on another committee, and doing so will not automatically establish affiliation. See AO 1978-12, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5306. Accordingly, at this time, this Office makes no recommendation as to whether the Committee of 100 Democrats should have been designated as an authorized campaign committee or whether the Committee of 100 Democrats was affiliated with Mr. Fusco's campaign.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dominick A. Fusco;
Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer;
Committee of 100 Democrats and
Dominick A. Fusco, as treasurer;
Stefan Miller.

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) MUR 3148
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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 11, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3148:

1. Find reason to believe that Dominick A. Fusco violated 2 U.S.C. §§ 441a(f) and 432(e)(4).
2. Find reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer violated 2 U.S.C. §§ 441d(a), 434(b) and 441a(f).
3. Find reason to believe that Stefan Miller violated 2 U.S.C. § 441a(a).
4. Find reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a).

(continued)

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5. Approve the Factual and Legal Analyses and the appropriate letters, as recommended in the General Counsel's report dated July 5, 1991.

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

Attest:

7-11-91

Date

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

Received in the Secretariat: Monday, July 8, 1991 11:36 a.m.
Circulated to the Commission: Monday, July 8, 1991 4:00 p.m.
Deadline for vote: Wednesday, July 10, 1991 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

RE: MUR 3148
Stefan Miller

Dear Mr. Miller:

On October 31, 1991, the Federal Election Commission notified you 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 enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 11, 1991, found that there is reason to believe you violated 2 U.S.C. § 441a(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 you. 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 your response to the enclosed Interrogatories and Request for Production of Documents within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this discovery request. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

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Stefan Miller
Page 2

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

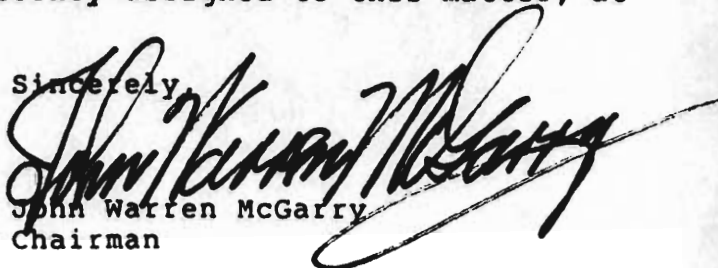
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending 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.

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.

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.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
) MUR 3148
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

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, D.C. 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.

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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.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 1990 to the present.

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.

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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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"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.

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**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. With regard to the \$5,000 bank loan referenced in the complaint in this matter, explain why you cosigned the loan and state:

- a. the purpose for which the loan was obtained;
- b. the date the loan was received and the terms of the loan, including the names of all the parties to the loan; and
- c. the form(s) of security used to secure the loan.

2. State whether the loan referenced above is outstanding, and include the outstanding balance if any. In the alternative, if the loan is not outstanding, state the date the loan was satisfied and the circumstances surrounding its payoff.

3. Have you cosigned, guaranteed or secured in any other way, any other loans used by Dominick Fusco in connection with his campaign? If so, identify each such loan.

Produce all documents that are referred to or relate to your answers to these questions.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Stefan Miller

MUR: 3148

I. GENERATION OF MATTER

This matter was initiated by a complaint from Engel for Congress alleging a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Stefan Miller. A response was received from Mr. Miller.

II. FACTUAL AND LEGAL ANALYSIS

The complainant alleges that Stefan Miller made excessive contributions to Throw the Rascals Out (the "TRO Committee"), the principal campaign committee of Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District election. According to the complainant, Mr. Miller's excessive contributions to the TRO Committee include a \$5,000 loan and an additional \$1,125 contribution. The complainant further states that there is no indication that the loan in question was satisfied, and whether the loan was made by Mr. Miller or guaranteed by Mr. Miller, it nonetheless constitutes an excessive contribution.

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). The Act defines a contribution to include a loan, and a loan includes any guarantee, endorsement or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a

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contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the contribution limits of the Act is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A). Finally, each endorser or guarantor of a loan shall be deemed to have contributed that portion of the total amount of the loan for which he or she is liable in a written agreement. 11 C.F.R. § 100.7(a)(1)(i)(C).

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In his response, Mr. Miller acknowledges making contributions to the TRO Committee in the amounts of \$1,000 and \$125 as well as guaranteeing a \$5,000 bank loan for Dominick Fusco's campaign. However, Mr. Miller asserts that the TRO Committee refunded \$125 to him and argues that the loan, which he states both he and Mr. Fusco guaranteed, is not a contribution as he expects and will demand that it be repaid. Disclosure Reports filed by the TRO Committee show the receipt of a \$5,000 bank loan, which was guaranteed by Messrs. Miller and Fusco, as well as a \$1,125 contribution from Mr. Miller. An additional disclosure report also shows that \$125 was refunded to Mr. Miller.

While it appears that the excessive portion of Mr. Miller's \$1,125 contribution was refunded in a timely manner, the assertion that the \$5,000 loan is not a contribution is without merit as the Act specifically defines a contribution to include a loan and a loan includes "a guarantee, endorsement, and any other form of security." Moreover, the guarantor of a loan

shall be deemed to have contributed an amount equal to that for which he or she is liable, and, in the matter at hand, the available evidence shows that Messrs. Miller and Fusco are joint guarantors. Since contributions from individuals may not exceed \$1,000, the \$5,000 bank loan guaranteed by Mr. Miller constitutes an excessive contribution. Therefore, there is reason to believe that Stefan Miller violated 2 U.S.C. § 441a(a).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 29, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
605 A Crescent Avenue
Bronx, New York 10458

RE: MUR 3148
Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer

Dear Mr. Wedra:

On October 31, 1991, the Federal Election Commission notified Throw the Rascals Out ("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 enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 11, 1991, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 441d(a), 434(b) and 441a(f), provisions 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 along with your response to the enclosed Interrogatories and Request for Production of Documents within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the enclosed discovery request. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

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Dennis G. Wedra, Jr., Treasurer
Page 2

In the absence of any additional information which demonstrates 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.

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.

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.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures

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

92040902142

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 3148
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
605 A Crescent Avenue
Bronx, New York 10458

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, D.C. 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.

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Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
Page 2

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.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 1990 to the present.

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.

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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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"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.

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Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
Page 4

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. Produce a copy of all magazine and newspaper advertisements, posters, fliers, pamphlets, yard signs or other such items distributed to the public in connection with Dominick Fusco's 1990 campaign for U.S. Congress. For each item produced:

- a. state the total number of copies made and distributed;
- b. describe the manner of distribution; and
- c. state the total costs incurred for production and distribution.

2. With regard to the radio commercial referenced in the complaint in this matter, identify the number of times the commercial was aired and state the total costs incurred in the production and airing of the commercial.

3. Identify all goods, services, gifts or other items, including the use of facilities, provided to you by the Committee of 100 Democrats. Describe in detail the goods or services provided and state whether the Committee of 100 Democrats was compensated for them, and if so, the amount of said compensation.

Produce all documents that are referred to or relate to your answers to these questions.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer

MUR: 3148

I. GENERATION OF MATTER

This matter was initiated by a complaint from Engel for Congress alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer (collectively referred to as the "TRO Committee"), the principal campaign committee of Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District election. A response was received from the TRO Committee.

II. FACTUAL AND LEGAL ANALYSIS

The complainant alleges violations by the TRO Committee in three areas: the failure to use a proper disclaimer on campaign literature as well as a radio advertisement; the failure to report certain disbursements and receipts; and the receipt of an excessive contribution from an individual, Stefan Miller.

A. Failure to use a proper disclaimer

Whenever a person makes an expenditure for a communication through general public political advertising, which expressly advocates the election or defeat of a clearly identified candidate, the communication must state who paid for the communication and, if not paid for by a candidate or an authorized candidate committee, must state whether the communication was or was not authorized by such candidate or

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candidate's committee. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a)(1).

According to the complainant, the TRO Committee distributed "campaign literature, newspaper ads and other promotional items," which failed to indicate "who authorized and/or paid for them." In support of this allegation, the complainant included copies of material allegedly distributed by the Fusco campaign. The complainant also alleges that the Fusco campaign produced a radio advertisement supporting Mr. Fusco's candidacy which included the statement: "'paid for by the Fusco for Congress Committee.'" The complainant challenges the use of the name Fusco for Congress, alleging that the commercial actually was paid for by the TRO Committee, not Fusco for Congress.

It appears that the candidate authorized the campaign literature as well as the radio advertisement, and that all of these communications were paid for by the TRO Committee. In the TRO Committee's response, Mr. Wedra acknowledges that the TRO Committee paid to have the campaign materials in question printed and mailed. Additionally, Mr. Wedra similarly acknowledges that the funds for the radio commercial originated from the candidate and were reported as an expenditure by the Committee.

However, a review of the available information shows that neither the campaign materials nor the radio commercial properly identify the payor. While Mr. Wedra does not address the allegation concerning the absence of disclaimers on the written campaign literature provided by the complainant, he concedes

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that the Fusco for Congress Committee does not exist and asserts that the use of that name during the radio advertisement was merely an inadvertent error. He explains that due to time constraints, the commercials could not have been aired had they been corrected. Additionally, Mr. Fusco asserts on behalf of the TRO Committee that "[t]here was no attempt to circumvent campaign law as it [the commercial] was fully reported" This assertion, however, is of little value here, as the purpose of Section 441d(a) is to ensure that listeners and readers of a communication are provided with the proper disclaimer, not to ensure that the expenditure for the communication is properly disclosed. Therefore, there is reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 441d(a).

B. Failure to report disbursements and/or receipts

Pursuant to Section 434, all political committees filing disclosure reports with the Commission must disclose their expenditures and receipts, including the receipt of all in-kind contributions. Additionally, in-kind contributions shall be reported as contributions at an amount equal to the usual and normal value on the date received, and shall also be reported as expenditures at the same usual and normal value. 11 C.F.R. § 104.13(a). Under the Act, a contribution includes any gift, subscription, loan, advance, deposit of money or anything of value, made by any person for the purpose of influencing any election. 2 U.S.C. § 431(8). The Commission has broadly construed "anything of value" to include things that may "be

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consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

The complainant alleges that some of the Fusco campaign materials used by the TRO Committee were printed by Jan Press and mailed using the Committee of 100 Democrats' (the "100 Democrats") bulk rate mailing permit. According to the complainant, however, the TRO Committee reported no disbursements for these particular services. In the alternative, the complainant alleges that if Jan Press and the 100 Democrats provided their respective services to the Fusco campaign free of charge, then the TRO Committee failed to disclose the receipt of these services as in-kind contributions.

A review of the available information shows that the TRO Committee paid for the printing and mailing of the campaign materials in question. In the TRO Committee's response, Mr. Wedra explains that the TRO Committee's expenditures for the cost of printing the materials were made to Dot Generation of New York, Inc., which in turn paid Jan Press. Additionally, Mr. Wedra acknowledges that the TRO Committee used the 100 Democrats' mail permit but explains that the TRO Committee paid the United States Post Office for the cost of postage. A review of disclosure reports filed by the TRO Committee shows that disbursements were apparently made to Dot Generation and to the United States Post Office in Bronx, New York.

However, while disclosing the cost of printing and mailing the campaign materials in question, it appears that the TRO

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Committee failed to account for the use of the 100 Democrats' mail permit as an in-kind contribution. While Mr. Wedra acknowledges that the TRO Committee used the 100 Democrats' bulk rate mailing permit, he states that the postage costs were paid by the TRO Committee and asserts that the 100 Democrats did not expend any funds on behalf of, nor contribute to, Mr. Fusco's campaign or to the TRO Committee. As previously noted, a contribution includes the provision of anything of value made for the purpose of influencing any election for Federal office. Contrary to Mr. Wedra's assertion, the use of the 100 Democrats' bulk rate mailing permit does constitute a "thing of value," as the Fusco campaign would have had to otherwise pay a higher postage rate. As previously noted the Act requires all contributions, in-kind or other wise to be disclosed and a review of disclosure reports shows that the TRO Committee did not disclose for the use of the 100 Democrats' bulk rate mailing permit. Therefore, there is reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 434.

C. Receipt of excessive contributions

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits candidates, including their authorized committees, from knowingly accepting any contributions in excess of the Section 441a limitations, 2 U.S.C. § 441a(f), and provides that

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where any loan is obtained by a candidate in connection with his or her campaign, the candidate shall be considered to have obtained such loan as an agent of his or her authorized committee. 2 U.S.C. § 432(e)(2). The Act defines a contribution to include a loan and a loan includes any guarantee, endorsement or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the contribution limitations of the Act is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A). Finally, each endorser or guarantor of a loan shall be deemed to have contributed that portion of the total amount of the loan for which he or she is liable in a written agreement. 11 C.F.R. § 100.7(a)(1)(i)(C).

The complainant alleges that the TRO Committee received excessive contributions from Stefan Miller consisting of a \$5,000 loan and a \$1,125 contribution. The complainant further states that there is no indication that the loan in question was satisfied and, whether the loan was made by Mr. Miller or guaranteed by Mr. Miller, it nonetheless constitutes an excessive contribution.

In the TRO Committee's response, Mr. Wedra acknowledges that the TRO Committee received a \$5,000 bank loan which was guaranteed by Messrs. Miller and Fusco. Additionally, it appears that the TRO Committee received a \$1,125 contribution

from Mr. Miller, but subsequently refunded \$125 to him. In this regard, it appears that the Committee took steps to refund the excessive portion of Mr. Miller's \$1,125 contribution in a timely manner. However, with regard to the \$5,000 loan, the Act specifically defines a contribution to include a loan and a loan includes "a guarantee, endorsement, and any other form of security." Moreover, the guarantor of a loan shall be deemed to have contributed an amount equal to that for which he or she is liable, and, in the matter at hand, the available evidence shows that Messrs. Miller and Fusco are joint guarantors. Since contributions from individuals may not exceed \$1,000, the bank loan guaranteed by Mr. Miller constitutes an excessive contribution. Therefore, there is reason to believe that Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

July 29, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dominick A. Fusco
6083 Broadway
Bronx, New York 10471

RE: MUR 3148
Dominick A. Fusco

Dear Mr. Fusco:

On October 31, 1991, the Federal Election Commission notified you 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 enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 11, 1991, found that there is reason to believe you violated 2 U.S.C. §§ 441a(f) and 432(e)(4), provisions 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 you. 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 your response to the enclosed Interrogatories and Request for Production of Documents within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the enclosed discovery request. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

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Dominick A. Fusco
Page 2

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

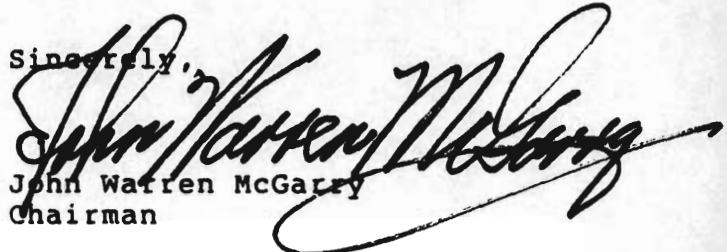
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending 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.

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.

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.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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) MUR 3148
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INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Dominick A. Fusco
6083 Broadway
Bronx, New York 10471

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, D.C. 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.

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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.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 1990 to the present.

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.

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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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"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.

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Dominick A. Fusco
Page 4

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. With regard to the \$5,000 bank loan referenced in the complaint in this matter, state:

- a. the purpose for which the loan was obtained;
- b. the date the loan was received and the terms of the loan, including the names of all the parties to the loan; and
- c. the form(s) of security used to secure the loan.

2. State whether the loan referenced above is outstanding, and include the outstanding balance if any. If the loan is not outstanding, state the date the loan was satisfied and the circumstances surrounding its payoff.

Produce all documents that are referred to or relate to your answers to these questions.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Dominick A. Fusco

MUR: 3148

I. GENERATION OF MATTER

This matter was initiated by a complaint from Engel for Congress alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District election. A response was received from Mr. Fusco.

II. FACTUAL AND LEGAL ANALYSIS

The complainant alleges that during the 1990 election, Mr. Fusco's campaign received excessive contributions from Stefan Miller, consisting of a \$5,000 loan and an additional \$1,125 contribution. The complainant further states that there is no indication that the loan in question was satisfied and, whether the loan was made by Mr. Miller or guaranteed by Mr. Miller, it nonetheless constitutes an excessive contribution.

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits candidates, including their authorized committees, from knowingly accepting any contributions in excess of the Section 441a limitations, 2 U.S.C. § 441a(f), and provides that where any contribution or loan is obtained by a candidate in connection with his or her campaign, the candidate shall be

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considered to have obtained such contribution or loan as an agent of his or her authorized committee. 2 U.S.C. § 432(e)(2). The Act defines a contribution to include a loan, and a loan includes any guarantee, endorsement or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the Act's contribution limits is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A). Finally, each endorser or guarantor of a loan shall be deemed to have contributed that portion of the total amount of the loan for which he or she is liable in a written agreement. 11 C.F.R. § 100.7(a)(1)(i)(C).

In his response, Mr. Fusco acknowledges that his campaign received a \$1,125 contribution from Mr. Miller as well as a \$5,000 bank loan, which was guaranteed by Mr. Miller. However, he states that \$125 was refunded to Mr. Miller and that the \$5,000 bank loan was jointly guaranteed by himself and Mr. Miller. Disclosure reports filed by Mr. Fusco's campaign committee show the receipt of a \$1,125 contribution from Mr. Miller as well as a \$5,000 bank loan, which was guaranteed by Messrs. Miller and Fusco. A disclosure report also shows that \$125 was refunded to Mr. Miller.

With regard to the \$5,000 bank loan, the Act limits contributions from individuals to \$1,000 and specifically defines a contribution to include a loan and a loan includes

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"a guarantee, endorsement, and any other form of security." Moreover, the guarantor of a loan shall be deemed to have contributed an amount equal to that for which he or she is liable, and, in the matter at hand, the available evidence shows that Messrs. Fusco and Miller are joint guarantors. Thus, the bank loan constitutes an excessive contribution from Mr. Miller. Since the Act specifically prohibits candidates from accepting excessive contributions, Mr. Fusco's involvement in the loan transaction appears to be a violation of 2 U.S.C. § 441a(f). Therefore, there is reason to believe that Dominick A. Fusco violated 2 U.S.C. § 441a(f).

A review of the available information also shows an additional violation concerning the name of Mr. Fusco's principal campaign committee. Under the Act, the name of each authorized committee must include the name of the candidate who authorized the committee. 2 U.S.C. § 432(e)(4). In his statement of organization, Mr. Fusco designated Throw the Rascals Out as his principal campaign committee. However, the name of this committee does not include Mr. Fusco's name. Therefore, there is reason to believe that Dominick A. Fusco violated 2 U.S.C. § 432(e)(4).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dominick A. Fusco, Treasurer
Committee of 100 Democrats
5591 Broadway
Bronx, New York 10463

RE: MUR 3148
Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

Dear Mr. Fusco:

On October 31, 1990, the Federal Election Commission notified the Committee of 100 Democrats ("Committee") 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 enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 11, 1991, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a), provisions 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 along with your response to the enclosed Interrogatories and Request for Production of Documents within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the enclosed discovery request. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

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Dominick A. Fusco, Treasurer
Committee of 100 Democrats
Page 2

In the absence of any additional information which demonstrates 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.

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.

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.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Chairman

Enclosures

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 3148
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INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Dominick A. Fusco, Treasurer
Committee of 100 Democrats
5591 Broadway
Bronx, New York 10463

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, D.C. 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.

92040902165

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.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 1990 to the present.

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.

92040902166

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.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"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.

92040902167

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. With regard to Dominick Fusco's 1990 campaign for U.S. Congress, explain why Mr. Fusco and his campaign committee, Throw the Rascals Out, were allowed to use your bulk rate mail permit and state:

- a. the total costs incurred during 1990 for obtaining and maintaining the bulk rate mail permit;
- b. the postage costs for mailing one item with the bulk rate mail permit in 1990;
- c. the total number of items you mailed in 1990 using the bulk rate mail permit; and
- d. the total number of items Dominick Fusco's campaign mailed in 1990 using your bulk rate mail permit.

2. State whether you were compensated by Dominick Fusco's campaign for the use of your bulk rate mail permit, and if so, the total amount of compensation you received.

3. In addition to the bulk rate mail permit referenced above, identify all goods, services, gifts or other items, including the use of facilities, provided by you to Dominick Fusco's 1990 campaign for U.S. Congress. Describe in detail each good or service provided and state whether you received any compensation for providing such goods or services, and if so, the amount received.

Produce all documents that are referred to or relate to your answers to these questions.

92040902168

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

MUR: 3148

I. GENERATION OF MATTER

This matter was initiated by a complaint from Engel for Congress alleging a violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Committee of 100 Democrats (the "100 Democrats") and Dominick A. Fusco, as treasurer. A response was received from the 100 Democrats.

II. FACTUAL AND LEGAL ANALYSIS

The complainant alleges that the Committee of 100 Democrats contributed the use of its bulk rate mailing permit to Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District election, but failed to register with the Federal Election Commission as a political committee.

The Act defines a political committee as any committee, club, association or other group of persons which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year and requires all political committees to file a statement of organization with the Commission within ten (10) days after becoming a political committee. 2 U.S.C. §§ 431(4) and 433(a). The Act also requires that all political committees file reports with the Commission on a scheduled basis, disclosing all expenditures made and contributions received. 2 U.S.C. § 434(a). Under the Act, a contribution includes any gift, subscription, loan,

92040902169

advance, deposit of money or anything of value, made by any person for the purpose of influencing any election. 2 U.S.C. § 431(8). The Commission has broadly construed "anything of value" to include things that may "be consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

A review of the available information shows that the 100 Democrats' bulk rate mailing permit was provided to Dominick Fusco's campaign. Additionally, it appears that the Fusco campaign paid for the cost of postage. As previously noted, a contribution includes the provision of anything of value made for the purpose of influencing any election for Federal office. In this regard, while the Fusco campaign apparently paid for the cost of postage, the use of the bulk rate mailing permit in question does constitute a "thing of value," as the Fusco campaign would have had to otherwise pay a higher postage rate. Moreover, given the lower price of bulk rate mail, the costs associated with the use of a bulk rate mail permit, and the possible use of the 100 Democrats' stationary, the total value of the support provided by the 100 Democrats to the Fusco campaign may have exceeded \$1,000. Therefore, there is reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a).

92040902170

DOMINICK A. FUSCO

ATTORNEY AT LAW

5801 BROADWAY

RIVERDALE, NEW YORK 10463

(212) 543-2555

0604#3332
MUR 3148

FEDERAL

91 AUG 16 AM 11:13

COMMISSION

TO

**Craig Douglas Reffner
Federal Election Commission
Washington, D.C. 20463**

DATE **August 14, 1991**

SUBJECT **Complaint vs.
DOMINICK A. FUSCO**

MUR 3148

Dear Mr. Reffner:

**Please accept this as a request for pre-probable cause
conciliation .**

I have also enclosed the interrogatories requested.

Thank you for your assistance in this matter.

Very truly yours.

DOMINICK A. FUSCO

91 AUG 16 PM 3:34

COMMISSION

In name of STEFAN MILLER:

DATE OF LOAN TO COMMITTEE: AUGUST 24, 1990

AMOUNT OF LOAN: \$2,500.00.

REPAYMENT OF LOAN BY DOMINICK A. FUSCO, CANDIDATE.

DATE OF PAYMENT

AMOUNT OF PAYMENT

Dec. 1, 1991.....	\$107.62
Jan. 5, 1991.....	\$148.34
Jan. 21, 1991.....	\$297.15
Feb. 25, 1991.....	\$148.57
April 5, 1991.....	\$ 75.00
May 3, 1991.....	\$ 70.00
June 14, 1991.....	\$ 71.00
June 29, 1991.....	\$ 70.00
August 1, 1991.....	\$ 70.00

total payments.....\$1,057.68

In name of STEFAN MILLER

DATE OF LOAN TO COMMITTEE: AUGUST 24, 1991.

REPAYMENT OF LOAN BY DOMINICK A. FUSCO, CANDIDATE:

DATE OF PAYMENT

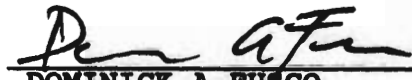
AMOUNT OF PAYMENT

Dec. 1, 1991.....	\$154.37
Jan. 5, 1991.....	\$105.73
Jan. 21, 1991.....	\$213.63
Feb. 25, 1991.....	\$104.85
April 5, 1991.....	\$ 50.00
May 3, 1991.....	\$ 54.75
June 14, 1991.....	\$ 54.75
June 29, 1991.....	\$ 50.00
August 8, 1991.....	\$ 49.00

total payments.....\$837.05

This is a true statement of payments made by DOMINICK A. FUSCO on the above loans.

Date: August 14, 1991


DOMINICK A. FUSCO

92040902172

DOMINICK A. FUSCO, an attorney duly authorized to practice law
in the State of New York makes the following affirmation
pursuant to CPLR 2106:

The following is the answer to the interrogatories and request
for productions of documents:

1.a. The loan was obtained by the THROW THE RASCALS OUT COMMITTEE
and was used for campaign expenses.

b. The loan was received from the Credit Card accounts of
STEFAN MILLER of 2470 Beaumont Avenue, Bronx, New York, \$2,500
from account no. and \$2,500 from account no.
maintained at Citibank.

Upon receipt of knowledge of loan your affirmant requested that
the money be returned. On learning that the funds had been expended
for campaign expenses, your affirmant pledged to repay the loan
by assuming the monthly payments to both accounts and requesting
Stefan Miller not to make any payments on the account until the
loan was repayed.

The committee received the proceeds of the loan on or about August
24, 1990.

c. Form of security was affirmant's personal pledge to take over
the payments on the loan accounts.

2. The loan is outstanding, as of August 1, 1991 total payments
have amounted to \$1,894.75 leaving a balance of \$3,105.27, all
paid by your affirmant.

Attached to and made part of this answer is exhibit "A" listing
dates and amount of payments as to said loans.

Copies of affirmant's personal checks making payments will be
supplied upon request. Affirmant needs time to gather cancelled
checks and remit copies.

Dated: Bronx, New York

AUG. 14, 1991

R. A. Fer

91 AUG 15 PM 1:34

92040902173

RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

91 AUG 20 AM 11:31

August 15, 1991

Craig Douglas Weffner
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 3148
Throw the Rascals Out
Committee and
Dennis G. Wedra Jr as treas.

Dear Mr. Weffner:

I am hereby making two requests:

1. That I be allowed at least two weeks time to enable me to collect and assemble all the papers, literature and documents as requested in the interrogatories. Dominick A. Fusco, the candidate has in his possession various campaign literature and bills as the various campaign costs. He has promised to search his files and produce any and all material requested.

2. I wish to pursue pre-probable cause conciliation.

Very truly yours,

Dennis G. Wedra Jr.

Dennis G. Wedra Jr.

RECEIVED
FEDERAL ELECTION COMMISSION
COUNSEL
91 AUG 20 PM 3:41

92040902174

06C 2267
RECEIVED
FEDERAL ELECTION COMMISSION
MAIN COPY ROOM

91 AUG 20 AM 11:20

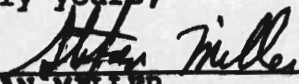
August 15, 1991

Federal Elections Commission
Washington, D.C. 20461

Attention: Douglas Reffner

I hereby request a pre-probable cause conciliation in the matter of the complaint against Dominick A. Fusco and the Throw the Rascals Out Committee.

Very truly yours,


STEPAN MILLER

91 AUG 20 PM 3:41

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE ATTORNEY GENERAL
COUNSEL

92040902175

STEFAN MILLER, being duly sworn, deposes and says:

That he submits the following statement in response to the request for interrogatories and production of documents:

1. The loan was taken from my two credit card accounts numbered _____ and account no. _____ and maintained at Citibank.
 - a. The loan was requested by the Throw the Rascals Out Committee for campaign expenditures.
 - b. The loan from my my credit card accounts was made on or about August 24, 1990 and I am the only party on the credit card.
 - c. Mr. Dominick A. Fusco, the candidate was subsequently informed of the loan, and he requested that the loan be returned. When the committee did not have sufficient funds to return the loan, Mr. Fusco pledged to me that he would assume the payments on the loans and that I was not to make any payments on the loan until the \$5,000 loaned to the committee was fully paid.
2. There is outstanding a balance of approximately \$3,000.00 Mr. Fusco having paid approximately \$2,000. I have not made any of the monthly payments since the inception of the loan.
3. I have not cosigned, guaranteed or secured in any other way any other loans by Dominick Fusco in connection with the campaign.

Stefan Miller
STEFAN MILLER

Sworn to before me this

15th day of August, 1991

Anthony Cardillo
Notary Public

ANTHONY CARDILLO
Notary Public, State of New York
No. 03-4880234
Qualified in Bronx County
Commission Expires May 27, 1992

92040902176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1991

Dominick A. Fusco
6083 Broadway
Bronx, New York 10471

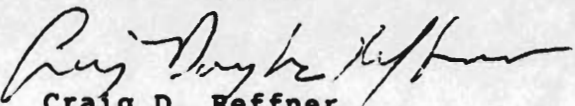
RE: MUR 3148
Dominick A. Fusco

Dear Mr. Fusco:

Pursuant to our conversation on August 21, 1991, it is my understanding that you will be submitting copies of all canceled checks referenced in your response to this Office's discovery requests, by the close of business, April 23, 1991.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Craig D. Reffner
Staff Attorney

92040902177



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1991

Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
605 A Crescent Avenue
Bronx, New York 10458

RE: MUR 3148
Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer

Dear Mr. Wedra:

This is in response to your letter dated August 15, 1991, which we received on August 20, 1991, requesting an extension of 14 days to respond to this Office's discovery requests. 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 August 30, 1991.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lisa E. Klein
Assistant General Counsel

92040902178

DOMINICK A. FUSCO

ATTORNEY AT LAW

5501 BROADWAY

RIVERDALE, NEW YORK 10463

(212) 543-2555

06C 2840

TO

Craig D. Reffner
Federal Elections Commission
Washington, D.C. 20463

DATE

Dominick A. Fusco

SUBJECT

MUR 3148

Dear Mr. Reffner:

Enclosed please find statement and documents as requested
as per above matter.

Very truly yours,

D. A. Fusco
DOMINICK A. FUSCO

91 AUG 29 AM 10:49

RECEIVED
FEDERAL ELECTIONS COMMISSION
AUG 29 1981

920040206

August 23, 1991

DOMINICK A. FUSCO, an attorney duly authorized to practice law in the State of New York makes the following affirmation pursuant to CPLR 2106:

Your affirmant submits the following in response to the interrogatories and request for production of documents by Dominick A. Fusco as treasurer of the Committee of 100 Democrats:

1. a. Total costs for obtaining and maintaining bulk rate mail permit for committee was \$60.00 (exhibits A 1; A 2; A 3.)
b. Cost of mailing one item with the permit was either 10.1 cents or 13.2 cents. (exhibits B-1; B-2; B-3:).
c. 734 pieces were mailed by committee in 1990.
d. 19,612 pieces were mailed under committee's bulk rate permit. (exhibits B-1; B-2; B-3.) by Throw the Rascals Out Committee.
2. No compensation was received by Fusco's campaign for use of bulk rate permit.
3. No other goods, services, gifts or other items were provided to Fusco's campaign nor any use of committee's facilities.

Dated: Bronx, New York
August 23, 1991


DOMINICK A. FUSCO

92040902180

EXHIBIT A.1

U.S. POSTAL SERVICE - P.S. 3544 POST OFFICE RECEIPT FOR MONEY		TRANSACTION NO. 90330104525F	
OFFICE	BRONX, NEW YORK 10451-9998	AIC	RECEIPT NO. 90005157
A/ERO	BRONX GPO	138	
IT	FOR:		DATE
*****60.00	3RD CLASS BULK FEE		11/26/90
TO WITH CHECK For year 12/31/90 thru 12/31/91		BY: (SIGNATURE)	
OM. OF ONE HUNDRED DEMOCRATS 591 BROADWAY BRONX NY 10463-5503		 IMPRINT PERMIT NO. 00175	
		SF	

80

Keywords: *work, stress, coping, organizational commitment, organizational citizenship behavior*

9

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1

1

1

II

1

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167

COMMITTEE OF 100 DEMOCRATS-P.A.C.
5591 BROADWAY
BRONX, NY 10463

5/8

1990

PAY TO THE ORDER OF - U.S. POSTAL SERVICE

SIXTY

60.00

DOLLARS

CHEMICAL BANK
5581 Broadway
Bronx, N.Y. 10463

FOR Bill Mervin Davis (175) I R GF

00001670 0210001280 0640022544 00000006000



NO '90 27 4
PAID 1-2

10 2045 950

NEW YORK POSTAL DIGEST

UNITED STATES POSTAL SERVICE
ANNUAL FEE RENEWAL NOTICE

11/30/89

EXHIBIT A 2

COM. OF ONE HUNDRED DEMOCRATS
5571 BROADWAY
BRONX, NY 10463-5503

DEAR POSTAL CUSTOMER,

Your privilege to mail at the bulk third-class rates, presorted first-class rate or presorted special fourth class rate, and/or to distribute business reply matter will expire on the dates shown below.

If you plan to continue using your existing privileges, the noted fees must be paid prior to the indicated due date(s). It is recommended that fee(s) be paid in advance to facilitate the acceptance of your mailings.

Please return this notice with your payment to the address below:

U.S. POSTAL SERVICE
MAILING REQUIREMENTS
1989 FEE RENEWALS
558 GRAND CONCOURSE
BRONX, NY 10451-9640

Please make your check out to the POSTMASTER or to the U.S. POSTAL SERVICE. Also, note on your check your permit number and type of service you are requesting.

Thank you for your business. We look forward to continuing to serve your postal needs.

Sincerely,

GEORGE DALLEY, MANAGER, MAILING REQUIREMENTS
558 GRAND CONCOURSE

FEE TYPE	PERMIT TYPE	PERMIT #	EX DATE	FEE COST
3RD CLASS BULK FEE	IMPRINT	00175	12-31-89	\$60.00
TOTAL FEE'S				\$60.00

4

COMMITTEE 100 DEMOCRATS-P.A.C.

5591 BROADWAY
BRONX, NY 10463

144

Dec. 11, 1989

10

PAY TO THE ORDER OF ***U.S. POSTAL SERVICE*** POSTMASTER***

\$

60.00

SIXTYno cents***

DOLLARS

CHEMICAL BANK

5591 Broadway
Bronx, N.Y. 10463

FOR 3rd class bulk fee #175

D. C. F.

⑈000144⑈ ⑆021000128⑆ 064⑈022544⑈

EXHIBIT A3

92040902183

FINANCIAL DOCUMENT -- FORWARD TO FINANCE OFFICE

U.S. Postal Service STATEMENT OF MAILING WITH PERMIT IMPRINTS		MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare duplicate if receipt required. Check for instructions from your postmaster regarding box labeled "RCA Offices."			Permit No. 175																																								
Post Office of Mailing 10451		Date 9/4/90	Receipt No.	Fed. Agency Subcode	Mailing Statement Sequence No.																																								
Check applicable box ☐ International ☒ 3rd Class ☐ Carrier Route ☐ Basic ZIP+4 ☐ 5-Digit ZIP+4 ☐ ZIP+4 Barcoded ☒ 5-Digit ☐ Basic ☐ Single Piece ☐ 4th Class ☐ Library Rate ☐ Special 4th Class Single Piece ☐ Presort Special 4th Class																																													
Processing Category (See DMM 128) ☐ Letters ☒ Flats ☐ Machinable Parcels ☐ Irregular Parcels ☐ Outside Parcels		Weight of a single piece 2580 lbs. TOTAL IN MAILING Pieces 11,540 Pounds 1.86.08 Sacks 223		Mailing Identification Code: NUMBER OF Trays Pallets Other Containers																																									
Name and Address of Permit Holder (Include ZIP Code) Committee of 100 Democrats 5591 Broadway Bronx, N.Y. 10463 Telephone No. (212) 543-2559		POSTAGE COMPUTATION <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Pound Rate</th> <th>1. Pound Rate Postage Charge</th> <th>No. Pounds</th> <th>Rate/Pound</th> <th>Postage</th> </tr> <tr> <td rowspan="8" style="writing-mode: vertical-rl; transform: rotate(180deg);">Piece Rates</td> <td>2. ZIP+4 Barcoded</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>3. 5-digit ZIP+4</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>4. Basic ZIP+4</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>5. Carrier Route</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>6. 5-digit</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>7. Basic</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>8. Rate Category</td> <td>No. of Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td colspan="4" style="text-align: right;">9. SUBTOTAL (1 through 8) ▶</td> <td>Postage</td> </tr> </table>					Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage	Piece Rates	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece	Postage	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage	5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage	6. 5-digit	No. Qual. Pieces	Rate Per Piece	Postage	7. Basic	No. Qual. Pieces	Rate Per Piece	Postage	8. Rate Category	No. of Pieces	Rate Per Piece	Postage	9. SUBTOTAL (1 through 8) ▶				Postage
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☒ Check if nonprofit under DMM 623* ☐ Check if nonprofit under DMM 623*		☐ Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)																																											
Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments") ☐ See reverse side		No. of Pieces Rate/Piece Postage																																											
12. TOTAL POSTAGE (9 plus 10) where applicable		Total Postage \$1165.54																																											
* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.																																													
The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)																																													
I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.																																													
Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)						Telephone No.																																							
I CERTIFY that this mailing was prepared and mailed in accordance with the provisions of the postal laws and regulations and that the annual fee has been paid.						Round Stamp (Required)																																							
Signature of Mailer						Round Stamp (Required)																																							

U.S. Postal Service STATEMENT OF MAILING WITH PERMIT IMPRINTS		MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labeled "RCA Offices."			Permit No. 175																																								
Post Office of Mailing 10451		Date 9/4/90		Receipt No.	Fed. Agency Subcode	Mailing Statement Sequence No.																																							
Check applicable box ☐ International 7 ☒ 3rd Class ☐ Carrier Route ☐ Basic ZIP+4 ☐ S-Digit ZIP+4 ☒ ZIP+4 Barcoded ☒ S-Digit ☐ Basic ☐ Single Piece		4th Class ☐ Library Rate ☐ Special 4th Class Single Piece ☐ Presort Special 4th Class																																											
Processing Category (See DMM 128) ☐ Letters ☒ Flats ☐ Machinable Parcels		Weight of a single piece 2580 lbs.		Mailing Identification Code:																																									
☐ Irregular Parcels ☐ Outside Parcels		TOTAL IN MAILING Pieces 4586 Pounds 73.95		NUMBER OF Trays 8 Pallets 3 Other Containers																																									
Name and Address of Permit Holder (Include ZIP Code) (217) 543-2555 COMMITTEE OF 100-DEMOCRATS 5591 BRONX DUNK BRONX, N.Y. 10463		POSTAGE COMPUTATION <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Pound Rate</th> <th>1. Pound Rate Postage Charge</th> <th>No. Pounds</th> <th>Rate/Pound</th> <th>Postage</th> </tr> </thead> <tbody> <tr> <td rowspan="8" style="writing-mode: vertical-rl; transform: rotate(180deg);">Piece Rates</td> <td>2. ZIP+4 Barcoded</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>3. 5-digit ZIP+4</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>4. Basic ZIP+4</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>5. Carrier Route</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>6. 5-digit</td> <td>No. Qual. Pieces 4586</td> <td>Rate Per Piece 13.2</td> <td>Postage 605.35</td> </tr> <tr> <td>7. Basic</td> <td>No. Qual. Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td>8. Rate Category</td> <td>No. of Pieces</td> <td>Rate Per Piece</td> <td>Postage</td> </tr> <tr> <td colspan="4">9. SUBTOTAL (1 through 8)</td> <td>Postage</td> </tr> </tbody> </table>					Pound Rate	1. Pound Rate Postage Charge	No. Pounds	Rate/Pound	Postage	Piece Rates	2. ZIP+4 Barcoded	No. Qual. Pieces	Rate Per Piece	Postage	3. 5-digit ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage	4. Basic ZIP+4	No. Qual. Pieces	Rate Per Piece	Postage	5. Carrier Route	No. Qual. Pieces	Rate Per Piece	Postage	6. 5-digit	No. Qual. Pieces 4586	Rate Per Piece 13.2	Postage 605.35	7. Basic	No. Qual. Pieces	Rate Per Piece	Postage	8. Rate Category	No. of Pieces	Rate Per Piece	Postage	9. SUBTOTAL (1 through 8)				Postage
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	8. Rate Category	No. of Pieces	Rate Per Piece	Postage																																									
	9. SUBTOTAL (1 through 8)				Postage																																								
☐ Check if nonprofit under DMM 623*		☐ Check if nonprofit under DMM 623*																																											
Name and Address of Individual or Organization for which mailing is prepared (If other than permit holder)		Name and Address of Mailing Agent (If other than permit holder)																																											
10. Additional Postage Payment (State reasons for additional postage payment on reverse side under "Comments") ☐ See reverse side		No. of Pieces		Rate/Piece		Postage																																							
11. ☐ Check if applicable third-class bulk piece rate is affixed to each piece. (Form 3602-PC required)																																													
12. TOTAL POSTAGE (9 plus 10) where applicable						\$ 605.35																																							
* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 623.5 DMM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.																																													
The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to \$10,000. (18 U.S.C. 1001) In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed. (31 U.S.C. 3802)																																													
I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.																																													
Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) X R. A. T...						Telephone No.																																							
I CERTIFY that this mailing has been inspected to verify that it qualifies for the rate of postage being paid, and that it is properly prepared (and presented where required) and that the statement of mailing has been verified and the postage assessed fee has been paid.						Inspected (Stamp Required) SEP 11 1990																																							
Signature of Weigher R. A. T...																																													

8

DATE.....DEC. 1, 1990.....

01340
DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

1340000388

180217644746

120690

1363

DEC 1 '90

1-272
210

PAY TO THE
ORDER OF

CITIBANK

- C/F HIGGINS & EVAN

107.62



CHASE

The Chase Manhattan Bank, N.A.
5500 Broadway
Bronx, NY 10463

DOLLARS

321 4651 00 12-07-90

46512512

MEMO 5424-1802-1764-4746

D C/F

92040902187

9

DATE.....JAN-5, 1991.....

02084 2084000364 180217544705 011691

DOMINICK FUSCO
6063 BROADWAY
BRONX, NY 10463

1385

JAN. 5 '91

1-2 72
210

NEW TO THE
ORDER OF

CITIZEN BANK - 105 7²/₁₀

- ONE HUNDRED + FIVE - ⁷³/₁₀₀



CHASE

The Chase Manhattan Bank, N.A.

6060 Broadway

BRONX, NY 10463

35201855090 01-17-91 45602634

DOLLARS

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10

DATE..... JAN 21, 1991.....

02752 2752000390 180217644746 020491 1392

DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

JAN 21 1991

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210

Pay to the
order of

CITIBANK MATHE CAN 213 63
TWO HUNDRED THIRTY THREE AND 63/100



CHASE

The Chase Manhattan Bank, N.A.
6600 Broadway
New York, NY 10043

DOLLARS

341 4352 04 02-05-91 43702873

MEMO

CANAL CAN 5424-102-1764746

R. C. F.

92040902189

11

DATE.....FEB-25, 1991.....

01748 31749000146 - 160217644746 030691 1415
DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

FEB 25 91

1-2 72
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TO THE ORDER OF - CITI KAM'S EXPSTENCARD - 104.85
- ONE HUNDRED FOUR - 85 -
CHASE 600 Broadway New York, NY 10038



CHASE

600 Broadway New York, NY 10038

DOLLARS

541 4501 04 03-07-91 45163834

MEMO 5424-1802-176424746 01 1000 Dr Ar

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12

DATE....APRIL 13, 1991....

DOMINICK FUSCO
30631 ROADWAY
BRONX, NY 10463

02704 2704000210 180217644746 042291
1451

APRIL 12, 91

1-272
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PAY TO THE
ORDER OF

CITIBANK MASTER CARD, 50th

~~FIFTY~~ 123 239



CHASE
The Chase Manhattan Bank, N.A.
600 Broadway
Bronx, NY 10463

DOLLARS

342 4370 03 04-23-91 43702052

MEMO

S-11111 5424-122-178454746 D 9Fm

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13

DATE... MAY 3, 1991.....

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DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

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180217644746

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MAY 3 '91

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NEW TO THE
ORDER OF

CITIBANK MARKER CARD

- FIFTY-FIVE -



CHASE

The Chase Manhattan Bank, N.A.

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DOLLARS

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De GFE

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14

DATE... JUNE 14, 1991

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6083 BROADWAY
BRONX, NY 10463

JUNE 14 '91

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PAY TO THE
ORDER OF

CITIBANK NOTION CARD

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FIFTY-FIVE



CHASE

1100 Chase Manhattan Bank, N.A.
600 Broadway
Bronx, NY 10463

DOLLARS

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MEMO / Mailed 5424-1802-17054746

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15

DATE.....JUNE 29, 1991.....

05692 5692000014 180217644746 071191 1507

DOMINICK FUSCO
6083 BROADWAY
BRONX, N. Y. 10471

JUNE 29, 91

1-2/210
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PAY TO THE
ORDER OF

CITIBANK MTRN CARD 50⁰⁰

FIFTY



CHASE
6083 Broadway
Bronx, NY 10463

DOLLARS

MEMO Bill MC 5424 180217644746 De CTF

92040902194

(16)

DATE.. AUG. 1, 1991

CHECK # 1538

\$ 49.00

CANCELLED CHECKS
NOT RECEIVED FROM BANK
AS OF AUG. 23, 1991.

92040902195

17

DATE... Dec. 1, 1990

71606

1506000177

12065015031

120600

DOMINICK FUSCO
6063 BROADWAY
BRONX, NY 10463

1364

Dec 1 90

1272
210

PAY TO THE
ORDER OF

CITIZENS VISA

ONE HUNDRED + FIFTY DOLLARS



CHASE

The Chase Manhattan Bank, N.A.
6063 Broadway
Bronx, NY 10463

DOLLARS

322 4684 00 12-07-90 46870578

MEMO 4128-050-159-313

D- GF

92040902196

18

DATE.....JAN-5, 1991.....

02908
DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

2908000362

1280501593

011591

1386

JAN. 5 '91

1-272
210

PAID TO THE
ORDER OF

- CITIBANK - VITA

- ONE HUNDRED & FORTY-SEVEN

147 $\frac{34}{100}$



CHASE

The Chase Manhattan Bank, N.A.
600 Broadway
Bronx, NY 10463
91018 OS

DOLLARS

MEMO C.A.A. - C.A.A. 4128-050-159-313

D. G. F.

92040902197

19

DATE.....JAN. 21, 1991.....

02752 2752060406 128050159313 020491
DOMINICK FUSCO 1391
6083 BROADWAY
BRONX, NY 10463

JAN 21 1991

1-2 72
210

PAY TO THE ORDER OF CITIBANK VIA 000021, 297.15
- TWO HUNDRED NINETY SEVEN AND 15/100



CHASE

The Chase Manhattan Bank, N.A.
666 Broadway
Bronx, NY 10463

DOLLARS

341 4362 04 02 03 91 43702881

MEMO CAMP LOAN 4138-052-157-343 R OF

92040902198

DATE. FEB-25, 1991.....

DOMINICK F
6083 BROADWAY
BRONX, NY 10463

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FEB 25, 91

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**PAY TO THE
ORDER OF**

-CITIBANK VISA

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~~ONE HUNDRED FORTY-FOUR~~



CHASE

The Chase Manhattan Bank, N.A.
5560 Broadway
Bronx, NY 10463

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MEMO 4128-050-159-31362 01 (007225)

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21

DATE... APRIL 12, 1991...

02154 2154000310 128050159313 042291

DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

1450

APRIL 12 '91

1-272
210

PAID TO THE
ORDER OF

CITIBANK VISA

75th

SEVENTY FIVE



CHASE

The Chase Manhattan Bank, N.A.
6500 Broadway
Bronx, NY 10463

DOLLARS

342 4370 03 04-23-91 4322+333

MEMO

S-ACCT 4128-050-159-313

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DATE....MAY 3 1991.....

01150 1150000440 128050159313 051591466
DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

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1-2 72
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PAY TO THE ORDER OF CITIBANK VISA SEVENTY 70 ¹/₁₀₀



CHASE

The Chase Manhattan Bank, N.A.

666 Broadway

New York, NY 10048

01 (000013)

342 4569 03 05-16-91

457 0247

MEMO 4128-050-159-363 05

[Signature]

92040902201

23

DATE... JUNE 14, 1991...

01515 1515000134 128050159313 062891

DOMINICK FUSCO
6083 BROADWAY
BRONX, NY 10463

1490

JUNE 14, 91

1-2 72
210

PAY TO THE
ORDER OF

CITIBANK VISA

SEVENTY-ONE

01 1500014

239



CHASE

THE CHASE Manhattan Bank, N.A.
5900 Broadway
Bronx, NY 10463

DOLLARS

MEMO 4128-050-159-313 (VISA)

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92040902202

24

DATE.....JUNE 29, 1991.....

05532 5532000204 128050159313 071091,

DOMINIC FUSCO
6083 BROADWAY
BRONX, N. Y. 10471

1506

JUNE 29, 91

1-2/210
BRANCH 72

PAY TO THE
ORDER OF

CITIBANK VISA

~~SEVENTY~~

20 ¹⁰⁰



CHASE

The Chase Manhattan Bank, N.A.
600 Broadway
Bronx, NY 10463

DOLLARS

MEMO

re: milk 4128050159313 VISA

D. A. F.

92040902203

25

DATE... AUG. 1, 1991.....

CHECK # 1537

\$ 70.00

CANCELLED CHECKS
NOT RECEIVED FROM
BANK AS OF AUGUST 23, 1991.

92040902204



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stefan Miller
2470 Beaumont Avenue
Apartment 3C
Bronx, New York 10458-6302

RE: MUR 3148
Stefan Miller

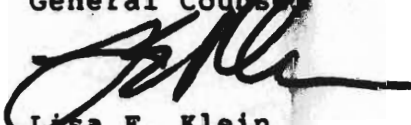
Dear Mr. Miller:

On July 29, 1991, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a), a provision of the Federal Election Campaign Act of 1971, as amended. On that same date, this Office sent you discovery requests, which you responded to on August 15, 1991. However, since your response did not include any documents that either refer to or relate to your written answers to this Office's discovery requests, we remind you that such documents, if they exist, should be produced to fulfill compliance with the Commission's investigation of this matter.

If you have any questions, please contact Craig Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lisa E. Klein
Assistant General Counsel

92040902205

OC 2392

MUR 3148

DENNIS G. WEDRA, being duly sworn, deposes and says:

That he was the treasurer for the Throw the Rascals Out Committee and makes this answer in reply to the demand for interrogatories and production of documents:

1. Exhibit A: Flyers, total printed 100,000; cost \$6,500.00
distribution: by bulk mail 19,612. cost \$2,251.04
distribution: by volunteers street, and building
distribution: 80,388 cost \$ 150.00

Exhibit B: Lotto holders: 10,000 cost: \$818.00
Distributed street by volunteers no costs

Exhibit C: Advestrising City News weekly paper:
Two ads cost \$600.00

Exhibit D: Palm cards 2,500 printed cost \$780.00
Street distribution by volunteers no cost

Exhibit E: Posters. 250 cost \$150.00
Distributed by volunteers no cost

Exhibit F: Newspaper advertisement
Gannet Press cost \$1,519.00

Exhibit G: Shopping bags, no copy available. Bill
included, Best of recollection
inscription on bag "ELECT FUSCO TO CONGRESS
9,575 shopping bags cost \$1,135.74

2. Radio commercial 17 spots net cost \$1,785.00
Exhibit H: radio commercial contract.

3. The only item given to us by the Committee of 100 Democrats was the use of its bulk mail permit. We received no other goods, services, gifts, facilities or any other item from the Committee of 100 Democrats.

Sworn to before me

this 29 day of August 1991

Anthony Cardillo
Notary Public

Dennis G. Wedra, Jr
DENNIS G. WEDRA

ANTHONY CARDILLO
NOTARY PUBLIC, State of New York
No. 03-4860234
Qualified in Bronx County
Commission Expires May 27, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
91 SEP -4 AM 11: 09
RECEIVED
FEDERAL ELECTION COMMISSION
91 SEP -4 PM 2: 10

9202206

Committee Of 100 Democrats 5591 Broadway, Bronx, New York 10463

FUSCO for CONGRESS

Bulk Rate
U.S. Postage
PAID
Bronx, NY
No. 175



EXHIBIT A
100,000

**VOTE PRIMARY DAY
- TUESDAY -
SEPT. 11th, 1990**

DOMINICK A. FUSCO

A Tough Minded, Highly Qualified, Independent Democrat

FUSCO CARES ABOUT YONKERS

FUSCO REALLY CARES ABOUT YONKERS

**JUDGE SANDS . . .
LEAVE YONKERS ALONE
DON'T LEGISLATE . . . it's not your job.
HIGH RISES . . . don't work
HIGH RISES . . . destroy neighborhoods**



*Dom Fusco greets the Mayor of Yonkers,
Hank Spallone, at City Hall.*

FUSCO SAYS:

**IF I AM ELECTED, I WILL SPONSOR
LEGISLATION-AGAINST-SCATTER-SIGHT HOUSING.**

*****HELP ME . . . HELP YOU . . . VOTE DEMOCRATIC*****
PRIMARY-TUESDAY, SEPTEMBER 11, 1990

FUSCO for CONGRESS

Bulk Rate
U.S. Postage
PAID
Bronx, NY
No. 175

MILITARY STATUS

ENGEL APPROVES
THE BURNING OF THE
FLAG

FUSCO DOESN'T BELIEVE
IN BURNING THE FLAG

HONORABLE
DISCHARGE
W.W.I
VET

ENGEL
APPROVES
BURNING THE
FLAG

FUSCO

STOP
FLAG BURNING

RESPECT THE COUNTLESS LIVES
SACRIFICED IN THE STRUGGLE TO
PRESERVE FREEDOM.

**VOTE PRIMARY DAY
- TUESDAY -
SEPT. 11th, 1990**

DOMINICK A. FUSCO

A Tough Minded, Highly Qualified, Independent Democrat

JAN
PRESS

FUSCO for CONGRESS

FUSCO SAYS... STOP THE REPAIR SCANDAL,

there is a way out. Declare Co-Op City a Federal disaster area, and secure Federal funds for repairs and reimbursements for increases due to costs in repairs and maintenance.

FUSCO SAYS... STOP CRIME IN CO-OP CITY

Open a police station in Co-Op City. Return and enforce the death penalty.

FUSCO SAYS... STOP HURTING SENIOR CITIZENS

He will vote for senior citizens, catastrophic health care benefits.



We need a tough minded, highly qualified, independent in Congress

ELECT FUSCO TO CONGRESS

DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990

FUSCO ***** *for CONGRESS*

Bulk Rate
U.S. Postage
PAID
Bronx, NY
No. 175

MILITARY STATUS

ENGEL APPROVES
THE BURNING OF THE
FLAG

FUSCO DOESNT BELIEVE
IN BURNING THE FLAG

HONORABLE
DISCHARGE
W.W.I
VET

ENGEL
APPROVES
BURNING THE
FLAG

FUSCO

STOP
FLAG BURNING

RESPECT THE COUNTLESS LIVES
SACRIFICED IN THE STRUGGLE TO
PRESERVE FREEDOM.

VIRGINIA FARMER-PH
3207 HERING AVE.
BRONX NEW YORK 10469

**VOTE PRIMARY DAY
- TUESDAY -
SEPT. 11th, 1990**

DOMINICK A. FUSCO

A Tough Minded, Highly Qualified, Independent Democrat

9 2 0 4 0 9 0 2 2 1 2

FUSCO for ***CONGRESS***

FUSCO SAYS . . . ***STOP TAX INCREASES***

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS . . . ***NO MORE RENT INCREASE***

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS . . . ***STOP CRIME AND VIOLENCE***

Return and enforce the death penalty, or true life without parole.

**IF ELECTED FUSCO WILL VOTE YES FOR SENIOR
CITIZENS CATASTROPHIC HEALTH CARE BENEFITS**

FUSCO cares . . . ***ABOUT LABOR***

Fusco is apposed to government intervention against breaking unions.
Fusco supports union efforts.



***FUSCO CARES
FOR THE PEOPLE***

HELP ME HELP YOU - VOTE
DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990

EXHIBIT B
10,000

9 2 0 4 0 9 0 2 2 1 3

EXHIBIT C
CO-OP-CITY NEWS

Harvest Festival: People and Plants of the Americas

The New York Botanical Garden will celebrate "People and Plants of the Americas," Saturday and Sunday, Sept. 15 and 16, with the Garden Harvest Festival and Native Plant Garden Weekend.

Visitors to the garden will be able to enjoy plants from both sides of the equator—everything from Brazilian bromeliads to our own native New York Ironweed. In addition, craftspeople will demonstrate how they use plants as inspiration and raw materials to make their crafts.

Bronx gardeners will compete to see who grows the best produce in the borough. The curator of the Native Plant Garden will give tours of the diverse habitats on display.

A Venezuelan scientist will explain the diversity of plant life in South America beyond the rainforests.

"The weekend will be one filled with contrast and similarity," said Gregory Long, President of The New York Botanical Garden. "Contrast in the wide variety of plant life found on two continents, and similarity in the ways people use plants in many aspects of their lives."

Demonstrating the wide variety of plant species in the tropical rainforests is the lush exhibit in the Enid A. Haupt Conservatory, "A Few of the Tropical Rainforest." The display includes the soft purple velvet plant, the striking striped acaia plant

from Brazil, and a tree covered with bromeliads, epiphytes, and Spanish moss.

Botanical diversity in South America is by no means confined to the rainforests. "Miriam Colella, Ph.D. student in botany at the Garden, specialist in Amazonian plants, and native of Venezuela, will demonstrate the rich variety of South American plants and their numerous and fascinating economic and medicinal uses with plants from the Garden's collections. Her talks and tours will be given on both Saturday and Sunday in Spanish at 2:30 p.m. and in English at 11:30 a.m., 1:00, and 4:00 p.m.

The diversity of North American plant species

will be represented by the wonderful mix of plants from a variety of north-

western habitats in the meadow, woodland and wetland areas, native garden includes a natural

Continued on Page 27



Visitors watch as Martin G. Wagner, of Bedford Village, New York, demonstrates how the various Shinarump habitats from Black Ash wood of the Garden Harvest Festival of The New York Botanical Garden. Mr. Wagner will be one of the many arts and craftspeople participating in the Garden's annual annual Garden Harvest Festival, September 15-16.

FUSCO for CONGRESS

FUSCO SAYS... STOP TAX INCREASES

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS... NO MORE RENT INCREASE

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS... STOP CRIME AND VIOLENCE

Return and enforce the death penalty, or true life without parole.

IF ELECTED FUSCO WILL VOTE YES FOR SENIOR
CITIZENS CATASTROPHIC HEALTH CARE BENEFITS

FUSCO cares... ABOUT LABOR

Fusco is apposed to government intervention against breaking unions.
Fusco supports union efforts.



FUSCO CARES
FOR THE PEOPLE

HELP ME HELP YOU - VOTE
DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990.

COUP LRY
Ams

92040902215

PRAT

EXHIBIT D
PALM CARDS
2,150..

ELECT
FUSCO
FOR
CONGRESSMAN
19th Congressional District

- Native Son of the Bronx
- World War II Veteran with Honorable Discharge
- Married with three children
- Fordham College - Journalism Major
- St. John's University School of Law, L.L.B. Graduate
- Twenty-nine years of extensive civil and criminal law

VOTE FOR AN
INDEPENDENT DEMOCRAT

FUSCO

Primary Day - September 11, 1990

92040902216

Handwritten mark

VOTE
FUSCO

FOR

CONGRESSMAN
19th Congressional District

ENDORSED BY

"WE"
The People

FUSCO • FUSCO

Primary Day

Tuesday, September 11, 1990

Bronx and Yonkers

92040902217

EXHIBIT 5
POSTER
200.

92040902218



DOMINICK A.

FUSCO

CONGRESSMAN

19th CONGRESSIONAL DISTRICT

FUSCO CARES ABOUT YONKERS

EXHIBIT F
GRANT PAGES
ADV.

**JUDGE SANDS . . .
LEAVE YONKERS ALONE
DON'T LEGISLATE . . . it's not your job.
HIGH RISES . . . don't work
HIGH RISES . . . destroy neighborhoods**

FUSCO SAYS:
**IF I AM ELECTED, I WILL SPONSOR
LEGISLATION-AGAINST-SCATTER-SIGHT HOUSING.**



*Dom Fusco greets the Mayor of Yonkers,
Hank Spallone, at City Hall.*

HELP ME

HELP YOU

VOTE DEMOCRATIC

EXHIBIT G
SHOPPING BAGS

**GENERAL PAPER AND ALLIED PRODUCTS
PRE PACKAGING SPECIALISTS**
2230 BASSFORD AVENUE • BRONX, N.Y. 10468
(Near 165th Street and 2nd Avenue)

Assigned To: Take Out the Rascals Committee

Address 625 A Crescent Ave

City of New York 10458

[illegible]

"All claims for damages, deficiencies, or any objection to terms or prices as stated in this bill are to be made within 24 hours after delivery. Upon default in payment of any invoice, all remaining invoices shall immediately become due and payable without notice, together with twenty per cent of the principal and interest as attorney's fees. A service charge at the rate of 1 1/2% per month will be charged on past due accounts."

113574

B19312

Received by

2-OFFICE COPY

92040.902220



CBS RADIO A DIVISION OF CBS INC.
375 WEST 42 STREET, NEW YORK, NEW YORK 10019
PHONE: (212) 755-6000

DUPLICATE
CONTRACT

START DATE 09/06/90	CONTRACT # 88135	MOD #	PAGE # 1
END DATE 09/12/90	DATE ENTERED 09/06/90	DATE LAST MODIFIED 09/06/90	

THOMAS ADVERTISING
ATTN: JIM THOMAS
6083 BROADWAY
BRONX, NY 10463

ADVERTISER FUSCO FOR CONGRESS	STATION/MARKET WCBS-AM-NEW YORK, NY
PRODUCT D.FUS/NYDEM/US CONG	SALES PERSON/OFFICE R. MCDERMID

Agreement made at New York between CBS Radio, a Division of CBS Inc., and the following advertising agency acting on behalf of advertiser to broadcast radio programs and announcements over the facilities of WCBS Radio. THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF.

LINE #		TIMES/PROGRAMS	DATES	LEN	MO	TU	WE	TH	FR	SA	SU	SPOTS PER WK	RATE
1	AA	5A - 10A	THU, 09/06-WED, 09/12	60	1	0	0	0	1	0	0	2	
2	AA	6A - 10A	THU, 09/06-WED, 09/12	60	0	0	0	0	0	1	0	1	
3	B	10A - 3P	THU, 09/06-WED, 09/12	60	2	0	0	0	1	0	0	3	
4	A	3P - 8P	THU, 09/06-WED, 09/12	60	1	0	0	0	1	0	0	2	
5	C	8P - 12M	THU, 09/06-WED, 09/12	60	1	0	0	1	0	1	1	4	
6	B	10A - 8P	THU, 09/06-WED, 09/12	60	0	0	0	0	0	2	0	2	
7	B	6A - 8P	THU, 09/06-WED, 09/12	60	0	0	0	0	0	0	3	3	
-----ADDITIONAL INSTRUCTIONS-----													
CASH IN ADVANCE													
SEP 90 2100.00													
EXHIBIT H													
-----AIR-----TOTALS-----													
WEEKS--SPOTS--GROSS--AGENCY COMMISSION--NET													
2 17 2100.00 315.00 1785.00													

ACCEPTED FOR STATION

Walter K... 9/12/90

ACCEPTED FOR AGENCY (AND MEDIA BUYING SERVICE, IF ANY) AS AGENT FOR THE ADVERTISER

NAME _____ TITLE _____

92040902221

CONTROL 43130

06C3224

COMMITTEE OF 100 DEMOCRATS

5591 BROADWAY *BRONX N.Y. 10463 * (212) 543 2555



MUR 3148

October 18, 1991

Craig D. Reffner
Federal Elections Commission
Washington, D.C. 20463

Re: Dominick A. Fusco
Treasurer
Committee of One
Hundred Democrats

91 OCT 23 AM 11:55

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF CHIEF COUNSEL

Dear Mr. Reffner:

Please accept this as a request by the Committee of One Hundred Democrats for pre-probable cause conciliation.

I have enclosed two checks to cover to items requested by you concerning postage and mailing:

a. Check no. 1019 dated September 6, 1990 drawn on the Throw The Rascals Out Committee in the sum of \$125.00 paying for 500 25 cents stamps totalling \$125.00.

b. Check no. 1313 dated September 4, 1990 drawn on the account of Dominick A. Fusco in the sum of, \$278.96 paying for bulk mail for permit no 175 belonging to the Committee of One Hundred Democrats.

I could not find any other records concerning the two items in the committee of 100 files. I have not been able to find any other records in the Throw the Rascals out Committee's files in form of receipts to substantiate the same.

If there are any other requests for information, I am ready to provide the same.

Very truly yours,
Dominick A. Fusco
DOMINICK A. FUSCO

91 OCT 23 AM 9:54

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF CHIEF COUNSEL

92040902222

DOMINICK FUSCO
6063 BROADWAY
BRONX, NY 10463

1313

X
5417. 4 .90

1-2 72
210

PAY TO THE
ORDER OF

BRONX POSTMASTER

278.96

TWO HUNDRED SEVENTY-EIGHT ⁹⁶/₁₀₀



CHASE

The Chase Manhattan Bank N A
5500 Broadway
Bronx, NY 10463

DOLLARS

90255 15 (000008)

MEMO

ALL REC #175

D. G. F.

92040602223

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
91 OCT 23 PM 12:02

THROW THE RASCALS OUT COMMITTEE
605A CRESSENT AVENUE
BRONX, N.Y. 10458

1019

1-12
210

PAY
TO THE
ORDER OF

Post Master Bronx

September 6, 1990

\$ 125.00

One hundred and twenty five dollars & 00/100 DOLLARS

CHEMICALBANK
2425 ARTHUR AVENUE, BRONX, N.Y. 10468

Rafael

FOR

500 STamps

⑈001019⑈ ⑈021000128⑈ 185⑈ 106900⑈

⑈0000012500⑈

92040902224

SE 90 07

021000089
(FIG-BCS 985)

SE 90 07 4

PAID 1-12

07 02 30

05500222



92040902225

08/24/90 16/92

REQUEST FOR CASH ADVANCE

CITIBANK, N.A.

I hereby request the lesser of the charge card identified above to pay to bearer the amount shown as TOTAL hereon. I hereby confirm that I will pay said amount, with any charges due thereon, to said lesser in accordance with the terms of the charge card agreement governing the use of said card.

DATE	BRANCH NO.	AUTHORIZATION CODE
08/24/90	102	457
CURRENCY CONC. DATE	RATE	AMOUNT
		TOTAL \$1000.00
Three Thousand		DOLLARS
PLEASE WRITE AMOUNT IN WORDS		

CITIBANK	CITIBANK	CITIBANK	CITIBANK
NEW YORK	NEW YORK	NEW YORK	NEW YORK

X [Signature] BORROWER'S SIGNATURE

X 247. Bennett Ave. Apt. 2C Bronx N.Y. 10458 BORROWER'S ADDRESS

MC: ONLIN CASH ADV 08/24/90 12:55:06 BR 102 ALR 24-109440-07500-61161 \$2,000.00

05/10/90 4-2 CV
STEFAN MILLER

REQUEST FOR CASH ADVANCE

CITIBANK, N.A.

I hereby request the lesser of the charge card identified above to pay to bearer the amount shown as TOTAL hereon. I hereby confirm that I will pay said amount, with any charges due thereon, to said lesser in accordance with the terms of the charge card agreement governing the use of said card.

DATE	BRANCH NO.	AUTHORIZATION CODE
08/24/90	102	457
CURRENCY CONC. DATE	RATE	AMOUNT
		TOTAL \$3000.00
Three Thousand		DOLLARS
PLEASE WRITE AMOUNT IN WORDS		

CITIBANK	CITIBANK	CITIBANK	CITIBANK
NEW YORK	NEW YORK	NEW YORK	NEW YORK

X [Signature] BORROWER'S SIGNATURE

X 247. Bennett Ave. Apt. 2C Bronx N.Y. 10458 BORROWER'S ADDRESS

VISA: ONLIN CASH ADV 08/24/90 12:54:27 BR 102 ALR 24-109440-07500-61161-46 \$3,000.00

MUR3148

Here are The copies of The loans I Took against my credit cards and The check I wrote out To Fusco's Campaign Committee. Note That The money was a loan.

I am presently Waiting for Dominick Fusco To send me copies of The payments he made To me. Please mail me information on The conciliation process as I cannot locate my papers.

[Signature]

IMPORTANT - Retain this copy for your records

Dpt
185 10690V

0000 03932

CITIBANK

Aug 21 1970

RECEIVED

0093

Pay to the Order of Charles E. Russell Out Committee \$ 5000

Five Thousand & no/100

Citibank, N.A.
360 Citicorp Avenue
New York, N.Y. 10048

CITIBANK

For John T. Stewart Trust Alfred Miller

Dollars

920602226

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dominick A. Fusco

Throw the Rascals Out and
Dennis G. Wedra, Jr., as treasurer

Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

Stefan Miller

MUR 3148

SENSITIVE

91 OCT 28 AM 11:42

RECEIVED
F.E.C.
SECRETARIAT

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter arose from a complaint alleging that during the 1990 election, Dominick A. Fusco's authorized campaign committee, Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer (collectively referred to as the "TRO Committee"), failed to use proper disclaimers in radio advertisements as well as other campaign literature; did not disclose the receipt of an in-kind contribution from an unregistered organization, the Committee of 100 Democrats; and received an excessive contribution from an individual, Stefan Miller. See First General Counsel's Report at 2-3, 5 and 8-9.

On July 11, 1991, the Commission found reason to believe that the TRO Committee violated 2 U.S.C. 441d(a), 434(b) and 441a(f) and that Stefan Miller violated 2 U.S.C. § 441a(a). In addition, the Commission found reason to believe that Dominick A. Fusco violated 2 U.S.C. § 441a(f) and 432(e)(4) and that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer (collectively referred to as the "100 Democrats"), violated 2 U.S.C. §§ 433(a) and 434(a). The basis for the

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Commission's finding against Mr. Fusco concerned his apparent involvement in the excessive contribution made by Mr. Miller and his failure to properly identify his principal campaign committee, by including his name as part of the TRO Committee's name. With regard to the 100 Democrats, the value of that organization's in-kind contribution to the TRO Committee apparently exceeded \$1,000, and as such it may have crossed the threshold for political committee status.

In their responses to discovery, none of the Respondents challenges the basis of the Commission's reason-to-believe findings. Attachments A (Dominick Fusco), B (TRO Committee), C (100 Democrats) and D (Stefan Miller). In addition, each of the Respondents has requested pre-probable cause conciliation. Attachments A at 1, B at 1, C at 9 and D at 1.

II. ANALYSIS

A. Section 441d(a) Violation

A review of the TRO Committee's response shows that the Fusco campaign distributed seven different types of campaign literature which included: "flyers," "Lotto holders," two newspaper advertisements in the "City News," "Palm cards," "Posters," one newspaper advertisement made through "Gannet Press," and "shopping bags." Attachment B at 2. With the exception of the shopping bags, a sample of each communication was provided to this Office and a review shows that none of the materials used by the Fusco campaign identify the TRO Committee as the payor nor do any of the communications state that they were authorized by Dominick Fusco, the candidate. Id. at 3-16.

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With regard to the radio advertisement, the Respondents previously acknowledged using an improper disclaimer during the airings of this particular communication, see First General Counsel's Report at 3-4, and a review of the TRO Committee's response to discovery shows that the commercial in question was aired seventeen times over a two week period. Id. at 1 and 17.¹

B. Section 441a(a) and 441a(f) Violations

A review of the responses shows that Mr. Miller provided the TRO Committee with a \$5,000 loan on August 24, 1990. According to Mr. Miller, the loan was requested by the TRO Committee "for campaign expenditures" and "was taken from my two credit card accounts . . . at Citibank." Attachment D at 2. Mr. Miller provided copies of documents showing that he obtained

1. In the TRO Committee's response, Dennis Wedra provided an itemization for each of the communications in question, showing the total number printed or produced and costs associated therein:

Communication	Number produced	Cost
Flyers	100,000	\$ 6,500.00
Lotto Holders	10,000	818.00
Newspaper Advertising		
City News	2	600.00
Gannet Press	1	1,519.00
Palm Cards	2,500	780.00
Posters	250	150.00
Shopping Bags	9,575	1,135.74
	Total	\$11,502.74

Attachment B at 2. Mr. Wedra also provided information showing that a total of \$2,401.04 was spent on the distribution of the "Flyers." Id. In addition, a copy of the TRO Committee's purported contract with the radio station that aired the commercial in question shows that the costs for airing this communication totaled \$1,785. Id. at 17. Thus, it appears that the TRO Committee's costs incurred in connection with all of its communications totaled \$15,688.78.

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\$2,500 in cash from each of his two credit card accounts and then drafted a check to the TRO Committee in the amount of \$5,000, apparently after having deposited the funds in question into his personal bank account. Id. at 3 (cash advance credit card slips) and 4 (\$5,000 check to TRO Committee dated August 24, 1990). He further states that there is an outstanding balance of approximately \$3,000 on the total amount he loaned the TRO committee. Id. at 2.²

9 2 0 4 0 9 0 2 2 3 0
With regard to Mr. Fusco's involvement in receiving the loan in question, Mr. Miller states that after he made the loan "the candidate was subsequently informed . . . and he requested that the loan be returned." Id. Mr. Miller further states that since the TRO Committee did not have sufficient funds to return the loan, "Mr. Fusco pledged to me that he would assume the payments on the loans [sic] and that I was not to make any payments on the loan until the \$5,000 loaned to the committee was fully paid." Id. Mr. Fusco acknowledges that the loan was received by the TRO Committee and used for campaign expenditures. Attachment A at 2. Moreover, he asserts that once he was informed that the loan had been made, he requested that it be returned and that since the TRO Committee had used

2. In his response, Mr. Fusco similarly states that Mr. Miller used two credit card accounts to obtain the \$5,000 loan and that as of August 1, 1991, there was a balance of approximately \$3,105.27 owed Mr. Miller. Attachment A at 2. However, Mr. Fusco asserts that when Mr. Miller obtained the \$5,000 loan, he obtained \$3,000 from one of his credit card accounts and \$2,000 from the other. Id. Contrary to this assertion, a review of the documentation provided by Mr. Miller, clearly shows that he obtained \$2,500 from each of his two accounts. See Attachment D at 3-4.

the funds and thus apparently could not refund the loan, he "pledged to repay the loan by assuming the monthly payments to both accounts and requesting Stefan Miller not to make any payments on the account [sic] until the loan was repayed [sic]." Id. at 2. In his response, Mr. Fusco provided copies of canceled checks showing, that as of August 1, 1990, he had paid a total of \$1,894.75 towards satisfying the loan, an amount consistent with Mr. Miller's response that approximately \$3,000 of the loan remains outstanding. Id. at 3 and 7-24.

In light of the available evidence, it does not appear that Dominick Fusco was involved in the receipt of the loan on behalf of his campaign committee. Rather, it appears that Mr. Fusco became aware of the \$5,000 loan after it was made and in this regard, his involvement in the transaction does not appear to be in violation of the Act. Accordingly, this Office is preparing a brief recommending a finding of no probable cause to believe that Dominick A. Fusco violated 2 U.S.C. § 441a(f).

C. Section 433 and 434 Violations

In their responses, the Respondents assert that the only contribution, in-kind or otherwise, that the Fusco campaign received from the 100 Democrats was the use of that organization's bulk rate mailing permit.³ Attachments B at 2

3. It appeared from a review of the materials submitted by the complainant that in addition to the 100 Democrats' bulk rate mailing permit, the TRO Committee may have used the 100 Democrats' stationary, thus increasing the value of the 100 Democrats' in-kind contribution. See First General Counsel's Report at 12. However, a review of the responses to discovery shows that the TRO Committee apparently paid for the costs of printing and publishing the campaign materials it used during

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and C at 2. With regard to the value of this contribution, we know that the TRO Committee apparently paid the actual postage costs related to its use of the 100 Democrats' bulk rate mailing permit and a review of disclosure materials shows that four separate disbursements, totaling \$2,635, were made to the United States Post Office. See First General Counsel's Report at n.5 p 6. The Respondents, however, acknowledge that \$2,510 was actually related to the use of the mail permit. Attachment C at 2 and 6-12.⁴ Apparently, one of the TRO Committee's expenditures, in the amount of \$125, was for the purpose of first class postage and did not arise from using the bulk rate mailing permit in question. Id. at 9.

Assuming that a total of 19,612 items were actually mailed using the 100 Democrats' bulk rate mailing permit, the TRO Committee would have incurred first-class postage charges totaling \$4,903 (19,612 items x .25). In addition, the annual cost associated with maintaining a bulk rate mailing permit was

(Footnote 3 continued from previous page)
Dominick Fusco's campaign. See supra note 1. In addition, the Respondents have asserted that, other than the 100 Democrats' bulk rate mailing permit, no other "goods, services, gifts, [or] facilities" were provided to Dominick A. Fusco's campaign by the 100 Democrats. Attachments B at 2 and C at 2.

4. With regard to the amount the Respondents acknowledge paying, the supporting documentation shows that the TRO Committee mailed 19,612 items at a cost of \$2,231.04 or 11,540 items at a rate of 10.1 cents per item and 8,072 items at a rate of 13.2 cents per item. Attachment C at 6-8. Mr. Fusco explains that although the TRO Committee paid the additional \$278.96 (\$2,510 - 2,231.04) in postage, he "could not find any" records, other than a check from the TRO Committee in this amount, which related to the use of the 100 Democrats' bulk rate mailing permit. Id. at 9-10.

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sixty dollars. See Attachment C at 2 and 3-5. Since the 100 Democrats assert that they mailed 734 items during 1990, compared with the TRO Committee's 19,612 items, a pro rata assessment of this annual fee towards the TRO Committee is \$58. Id. at 2. In light of these factors, it appears that the unreimbursed value of using the 100 Democrats' bulk mailing permit totals \$2,451 (((\$4,903 - \$2,510) + \$58).

Pursuant to 2 U.S.C. § 441a(a) no person, including a political committee which does not qualify as a multicandidate political committee, may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. In light of the apparent value of the 100 Democrats' bulk rate mailing permit, it appears that the 100 Democrats made a contribution in excess of the Act's contribution limitations. Accordingly, this Office recommends that the Commission find reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. § 441a(a).⁵

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

5. The Commission has previously found reason to believe that the TRO Committee violated 2 U.S.C. § 441a(f) in connection with the the excessive loan made by Stefan Miller. See supra pp 1-2. Accordingly, this Office makes no additional recommendation that the TRO Committee violated 2 U.S.C. § 441a(f) with regard to the use of the 100 Democrats' bulk rate mailing permit.

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IV. RECOMMENDATIONS

1. Find reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. § 441a(a).
2. Enter into conciliation with Dominick A. Fusco prior to a finding of probable cause to believe.
3. Enter into conciliation with Throw the Rascals Out and Dennis G. Wedra, Jr., as treasurer, prior to a finding of probable cause to believe.
4. Enter into conciliation with the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, prior to a finding of probable cause to believe.
5. Enter into conciliation with Stefan Miller prior to a finding of probable cause to believe.

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6. Approve the proposed factual and legal analysis, the attached conciliation agreements (4) and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 10/25/91 BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Responses from Dominick A. Fusco
- B. Responses from Throw the Rascals Out
and Dennis G. Wedra, Jr., as treasurer
- C. Responses from Committee of 100
and Dominick A. Fusco, as treasurer
- D. Responses from Stefan Miller
- E. Proposed Factual and Legal Analysis
- F. Proposed Conciliation Agreements (4)

Staff assigned: Craig Douglas Reffner

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6. Approve the proposed factual and legal analysis, the conciliation agreements (4) and the appropriate letters, as recommended in the General Counsel's Report dated October 25, 1991.

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

Attest:

10-31-91
Date

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

Received in the Secretariat:	Mon., Oct. 28, 1991 11:42 a.m.
Circulated to the Commission:	Mon., Oct. 28, 1991 4:00 p.m.
Deadline for vote:	Wed., Oct. 30, 1991 4:00 p.m.

dr

92040902238



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1991

Dominick A. Fusco, Treasurer
Committee of 100 Democrats
5591 Broadway
Bronx, New York 10463

RE: MUR 3148
Committee of 100 Democrats and
Dominick A. Fusco, Treasurer

Dear Mr. Fusco:

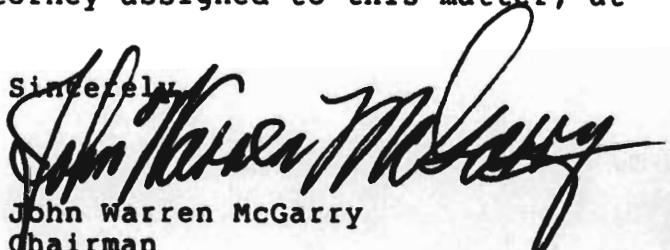
On July 11, 1991, the Federal Election Commission found reason to believe that the Committee of 100 Democrats and you, as treasurer, violated 2 U.S.C. §§ 433(a) and 434(a). Subsequently, on October 30, 1991, the Commission found reason to believe that the Committee of 100 Democrats and you, as treasurer, violated 2 U.S.C. § 441a(a). The Factual and Legal Analysis, which formed a basis for the Commission's additional finding, is attached for your information.

In addition, at your request, on October 30, 1991, 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


John Warren McGarry
Chairman

Enclosures
Conciliation Agreement
Factual and Legal Analysis

92040902239

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

MUR: 3148

I. FACTUAL BACKGROUND

On July 11, 1991, the Federal Election Commission (the "Commission") found reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer (collectively referred to as the "100 Democrats"), violated 2 U.S.C. §§ 433(a) and 434(a). The basis for the Commission's finding arose from a complaint alleging that the 100 Democrats failed to register with the Commission despite having provided the use of a bulk rate mailing permit, No. 175, to Throw the Rascal Out (the "TRO Committee"), the principal campaign committee for Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional Election.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(a) no person, including a political committee which does not qualify as a multicandidate political committee, may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. Under the Act, a contribution includes any gift, subscription, loan, advance, deposit of money or anything of value, made by any person for the purpose of influencing any election. 2 U.S.C. § 431(8). The Commission has broadly construed "anything of value" to include things that may "be

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consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

Based upon information obtained through discovery, it appears that during the 1990 election in New York's Nineteenth Congressional District, the TRO Committee used the 100 Democrats' bulk rate mailing permit to mail 11,540 items at a rate of 10.1 cents per item and 8,072 items at a rate of 13.2 cents per item. Rather than paying for the cost of first class postage, the TRO Committee paid \$2,510 to the United States Post Office for the actual cost of postage related to its use of the 100 Democrats' bulk rate mailing permit. Assuming that a total of 19,612 items were actually mailed using the 100 Democrats' bulk rate mailing permit, the TRO Committee would have otherwise incurred first-class postage charges totaling \$4,903. In addition, during 1990, the 100 Democrats paid an annual fee of sixty dollars to maintain the use of their bulk rate mailing permit. Since the 100 Democrats assert that they mailed 734 items during 1990, compared with the TRO Committee's 19,612 items, a pro rata assessment of this annual fee towards the TRO Committee is \$58. In light of these factors, it appears that the unreimbursed value of using the 100 Democrats' bulk mailing permit totals \$2,451.

Since the use of 100 Democrats' bulk rate mailing permit allowed the TRO Committee to mail items at a cost below that which it would have otherwise incurred, the bulk rate mailing permit in question clearly constitutes a contribution.

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Moreover, since the apparent unreimbursed value of using this bulk rate mailing permit is in excess of the contribution limitations set forth at Section 441a(a), it appears that the 100 Democrats made an excessive in-kind contribution to the TRO Committee. Therefore, there is reason to believe the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. § 441a(a).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1991

Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

RE: MUR 3148
Stefan Miller

Dear Mr. Miller:

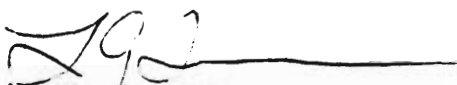
On July 11, 1991, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a). At your request, on October 30, 1991, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

92040902243



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1991

Dennis G. Wedra, Jr., Treasurer
Throw the Rascals Out
605 A Crescent Avenue
Bronx, New York 10458

RE: MUR 3148
Throw the Rascals Out and
Dennis G. Wedra, Jr., Treasurer

Dear Mr. Wedra:

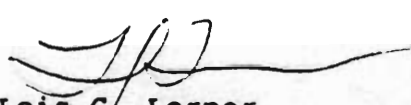
On July 11, 1991, the Federal Election Commission found reason to believe that Throw the Rascals Out and you, as treasurer, violated 2 U.S.C. § 441d(a), 434(b) and 441a(f). At your request, on October 30, 1991, the Commission determined to enter into negotiations directed towards reaching a conciliation 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

92040902244



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1991

Dominick A. Fusco
6083 Broadway
Bronx, New York 10471

RE: MUR 3148
Dominick A. Fusco

Dear Mr. Fusco:

On July 11, 1991, the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441a(f) and 432(e)(4). At your request, on October 30, 1991, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of the Section 432(e)(4) violation 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

92040902245

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

JOHN A. BARONE

Attorney at Law

777 Third Avenue

New York, New York 10017

91 DEC -9 AM 11:36

244
(212) 532-7700
Telex
(212) 371-4396

December 3, 1991

Federal Election Commission
999 E Street N.W.
Washington, DC 20463

Attn: Craig Douglas Reffner, Esq.

Re: MUR 3148 Stefan Miller

Dear Mr. Reffner:

I enclose the affidavit of Mr. Stefan Miller and the exhibits thereto. In view of Mr. Miller's low income, his small net worth, his lack of political sophistication and the lack of any intent on his part to violate the law, I ask that the heavy fine proposed to be levied upon him be reconsidered.

I have undertaken to contact Congressman Engle in this regard also, since he was the candidate most affected by this controversy.

Mr. Miller has been a friend of mine for a number of years and I know him to be an individual of high integrity. I have chosen to represent him before your agency out of friendship and out of the high regard in which I hold him.

Very truly yours,

John A. Barone
John A. Barone

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC -9 AM 3:12

92040902246

Before THE FEDERAL ELECTION COMMISSION

In the Matter of
Stefan Miller

)
)
)
MUR 3148

Stefan Miller, being duly sworn, deposes and says:

1. I am the respondent in the above referenced matter.
I am a resident of 2352 Beaumont Avenue, Bronx, NY.

2. This case arises out of my involvement in the election campaign of 1990. I am not a professional politician, a lawyer nor am I an expert in election law. I am a Personnel Specialist with the Etna Home Attendant Service Corporation. My job is to supervise workers who care for the aged and infirm at the residence of the latter.

3. In 1989 I became involved in Bronx politics. I was approached by Mr. Dennis Wedra. Mr. Wedra ran a political club affiliated with the Democratic Party. The club was located on Creston Avenue in the Bronx.

4. Mr. Wedra told me that his club stood for political reform and honesty in government. I learned that his club was allied with the Committee of 100 Democrats, a well known Bronx insurgent organization. I believed then and still believe that it is the duty of every citizen to take an active interest in government and political affairs.

5. Mr. Wedra informed me that he was organizing a political campaign along with Dominic Fusco, Esq., a prominent

92040902247

attorney. The name of the campaign was entitled the "Throw the Rascals Out" campaign. The stated aim of the campaign was to bring fresh faces into Bronx politics.

6. Mr. Wedra prevailed upon me to run for the office of New York State Committeeman. Mr. Wedra asked me to contribute \$6,000.00 to the campaign, specifically to the campaign of Mr. Fusco against Congressman Elliot Engle.

7. At the time of this request I did not have \$6,000. I therefore contributed \$1,000 to the campaign and took a \$5,000.00 loan against my Citibank Visa Credit Card. I am still carrying this loan. Exhibit "1" I was told that this money would be repaid from campaign committee funds. Mr. Wedra told me it was perfectly proper to make such a loan as I was not directly expending my own funds. I had no reason to disbelieve him. As I said, I am not an attorney and had no previous political experience.

8. Until a complaint was filed against me by a Mr. Arnold Linhardt of the Engle for Congress Committee, I was unaware that I had broken any law.

9.

10.

Stefan Miller

STEFAN MILLER

Sworn to before me
this 30th day of November, 1991

John A. Barone
Notary Public

Admitted Bronx County

#4951837

Term Expires 06/05/93

92040902249

92040902250

08/24/90 30/92

REQUEST FOR CASH ADVANCE CITIBANK, N.A.
NEW YORK

I hereby request the issuer of the charge card identified above to pay to bearer the amount shown as TOTAL herein. I hereby confirm that I will pay said amount, with any charges due thereon, to said issuer in accordance with the terms of the charge card agreement governing the use of said card.

DATE	BRANCH NO.	AUTHORIZATION CODE
08/24/90	102	157
CURRENCY	CONV. DATE	RATE
AMOUNT	TOTAL \$2,000.00	

PLEASE WRITE AMOUNT IN WORDS: Two Thousand DOLLARS

☒ BORROWER'S SIGNATURE: [Signature] ☒ BORROWER'S ADDRESS: 247 BROADWAY APT. 3C BKA N.Y. 10013

MC: ONLIN CASH ADV 08/24/90 12:55:06 BR 102 ALB 241109440-07500-61161-10458
\$2,000.00

05/10/90 4:2 CV
STEFAN MILLER

REQUEST FOR CASH ADVANCE CITIBANK, N.A.
NEW YORK

I hereby request the issuer of the charge card identified above to pay to bearer the amount shown as TOTAL herein. I hereby confirm that I will pay said amount, with any charges due thereon, to said issuer in accordance with the terms of the charge card agreement governing the use of said card.

DATE	BRANCH NO.	AUTHORIZATION CODE
08/24/90	102	157
CURRENCY	CONV. DATE	RATE
AMOUNT	TOTAL \$3,000.00	

PLEASE WRITE AMOUNT IN WORDS: Three Thousand DOLLARS

☒ BORROWER'S SIGNATURE: [Signature] ☒ BORROWER'S ADDRESS: 247 BROADWAY APT. 3C BKA N.Y. 10013

VISA: ONLIN CASH ADV 08/24/90 12:54:27 BR 102 ALB 241109440-07500-61161-10458
\$3,000.00

MUR314?

Here are The copies of The loans I took against my credit cards and The check I wrote out to Fusco's Campaign committee. Note THAT The money was a loan.

I am presently waiting for Dominick Fusco to send me copies of The payments he made to me. Please mail me information on The conciliation process as I cannot locate my papers.

Stefan Miller

0093

Aug. 24 19 90 1-8/210 BR 102

Pay to the Order of Sharon J. Russell Out Committee \$ 5000.00

Dollars

Bank, N.A.
2481 Canton Avenue
Brooklyn, N.Y.
10468

CTIBANK

For Sharon J. Russell Out Committee Alfred Miller

0092

8-24 19 90 1-8/210 BR 102

Pay to the Order of Sharon J. Russell Out Committee \$ 1000.00

Dollars

Bank, N.A.
2481 Canton Avenue
Brooklyn, N.Y.
10468

CTIBANK

For Sharon J. Russell Out Committee Alfred Miller

15220604026

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 JAN 29 PM 1:20

Hand
3148

Dennis G. Wedra, Jr
55 Halley Street
Yonkers, NY. 10704

January 22, 1992

Craig D. Reffner
Federal Elections Commission
Washington, DC 20463

Dear Mr. Reffner:

In regard to the conciliation agreement, I Dennis G. Wedra, Jr
verbly resigned my position as treasurer to the Throw The Rascals
out committee right after Mt. Fusco's capaign for congress.
In the conversation that we had over the phone you stated that the
resignation must be in writing. As of 1/22/92 I resign my position
as treasurer to the Throw The Rascals Out Committee. Thank you.

Very truly yours,

Dennis G. Wedra, Jr.
Dennis G. Wedra, Jr

92040902252

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
No. 03-002285
Qualified in Bronx
mission Expires 9/30/93

DOMINICK A. FUSCO

ATTORNEY AT LAW

5591 BROADWAY

RIVERDALE, NEW YORK 10463

(212) 543-2555

RECEIVED
FEDERAL ELECTIONS COMMISSION

92 FEB -3 AM 9:24

TO

Craig D. Reffner
Federal Elections Commission
Washington, D.C. 20463

DATE **January 29, 1992**
MUR 3148
SUBJECT **Dominick A. Fusco**

92 FEB -3 PM 3:48

Dear Mr. Reffner:

Enclosed please find copies of report mailed to the clerk of the House of Representatives. Said report was transmitted to you by fax.

If there are any questions, please call the undersigned.

DAF/sm
enc.

Very truly yours,

Dominick A. Fusco
DOMINICK A. FUSCO

92040902253

DOMINICK A. FUSCO

ATTORNEY AT LAW

5591 BROADWAY

RIVERDALE, NEW YORK 10463

(212) 543-2555

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 FEB '3 AM 9:24

TO

Clerk
House of Representatives
Office of Records & Registration
1036 Longworth House Office Bldg.
Washington, D.C. 20515-6612

DATE January 29, 1992
SUBJECT Throw the Rascals
Out Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
92 FEB -3 PM 3:48

To the Clerk:

Enclosed please find the January 31, 1992 year end report for the above committee.

The treasurer of said committee has resigned and will forward his resignation in writing.

The undersigned, who was the candidate for Congress has taken control of the books and records of the committee and has prepared the enclosed report and will continue to do so until all committee obligations have been satisfied.

If there are any questions, please contact the undersigned.

Very truly yours,

D. A. Fusco
DOMINICK A. FUSCO

DAF/SM
enc.

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) THROW THE RASCALS OUT COMMITTEE		2. FEC IDENTIFICATION NUMBER
ADDRESS (number and street) ☒ Check if different than previously reported. 5591 BROADWAY		
CITY, STATE and ZIP CODE BRONX N.Y. 10463	STATE/DISTRICT N.Y. 19 CD	
		3. IS THIS REPORT AN AMENDMENT? ☐ YES ☒ NO

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 FEB -3 PM 3 48

4. TYPE OF REPORT

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

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

SUMMARY

5. Covering Period _____ through _____	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0	\$26,445.00
(b) Total Contribution Refunds (from Line 20(d))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	0	\$26,445.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).	0	\$29,040.69
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a)).	0	\$29,040.69
8. Cash on Hand at Close of Reporting Period (from Line 27)	\$29.31	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$3,781.74	
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 Donna A. Fisco		
Signature of Treasurer 		Date Jan. 30 1992

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 3
(revised 4/87)

92040902255

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full)		Report Covering the Period:	
		From:	To:
I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		0	
(ii) Unitemized		0	
(iii) Total of contributions from individuals		0	7,685.00
(b) Political Party Committees		0	
(c) Other Political Committees (such as PACs)		0	
(d) The Candidate		0	18,769.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))		0	26,454.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.		0	0
13. LOANS:			
(a) Made or Guaranteed by the Candidate		0	5,000.00
(b) All Other Loans		0	0
(c) TOTAL LOANS (add 13(a) and (b))		0	5,000.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		0	0
15. OTHER RECEIPTS (Dividends, interest, etc.)		0	0
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		0	31,454.00
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES		0	29,040.69
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.		0	0
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate		600.00	2,400.00
(b) Of All Other Loans		0	0
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		600.00	2,400.00
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees		0	0
(b) Political Party Committees		0	0
(c) Other Political Committees (such as PACs)		0	0
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		0	0
21. OTHER DISBURSEMENTS		-0	0
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21).		600.00	31,640.69
III. CASH SUMMARY			
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD		\$	29.31
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)		\$	0
25. SUBTOTAL (add Line 23 and Line 24)		\$	29.31
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)		\$	0
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)		\$	29.31

6 5 2 2 0 4 0 9 0 2 2 5 6

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 FEB -3 PM 3 49

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE **1** OF **1**
FOR LINE NUMBER

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)

THROW THE RASCALS OUT COMMITTEE

A. Full Name, Mailing Address and ZIP Code NONE		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period NONE
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
B. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code 		Name of Employer 	Date (month, day, year) 	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):		Occupation 	Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

NONE

92040902257

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page	PAGE OF
	FOR LINE NUMBER

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)

THROW THE RASCALS OUT COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: ☐ Primary ☐ General ☐ Other (specify)		

TOTAL of Disbursements This Page (optional)	NONE
TOTAL This Period (last page this line number only)	

SCHEDULE D
(Revised 3/80)

DEBTS AND OBLIGATIONS
Excluding Loans

Page ____ of ____ for
LINE NUMBER ____
(Use separate schedules
for each numbered line)

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
THROW THE RASCALS OUT COMMITTEE				
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
JOHN ZINGALE A&Z Plastics Products Inc. 2239 Hoffman St. Bronx NY 10458	\$246.00	0	0	\$246.00
Nature of Debt (Purpose):	campaign combi holders etc			
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
KRIEGER BROTHERS 2330 Bassford Ave. Bronx NY 10458	\$1,135.74	0	0	\$1,135.74
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional)				
2) TOTAL This Period (last page this line only)				\$1,381.74
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)				\$2,400.00
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)				\$3,781.74

92040902259

SCHEDULE C
(Revised 3/80)

LOANS

Page ____ of ____ for
LINE NUMBER ____
(Use separate schedules
for each numbered line)

Name of Committee (in Full)			
A. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
THROW THE RASCALS OUT COMMITTEE	\$5,000.00	\$2,600.00	\$2,400.00
Election: ☐ Primary ☐ General ☐ Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ (Apr) ☐ Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
STEFAN MILLER	AETNA HOMSE SRV		
	Occupation		
	PERSONNEL		
	Amount Guaranteed Outstanding:		
	\$2,400.00		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
DOMINICK A.FUSCO	self employed		
6083 BROADWAY	Occupation		
BRONX, NEW YORK 10471	attorney		
	Amount Guaranteed Outstanding:		
	\$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding:		
	\$		
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Cumulative Payment To Date
Election: ☐ Primary ☐ General ☐ Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ (Apr) ☐ Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding:		
	\$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding:		
	\$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding:		
	\$		
SUBTOTALS This Period This Page (optional)			
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

JOHN A. BARONE

Attorney at Law

605 Third Avenue

18th Floor

New York, New York 10158

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92 FEB 18 PM 4:43

Telephone

(212) 532-7700

Facsimile

(212) 371-4396

February 14, 1992

Craig Douglas Reffner, Esq.
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Re: MUR 3148 Stefan Miller

Dear Mr. Reffner:

Please be advised that I no longer represent Mr. Stefan Miller in the above referenced matter.

Please address any further communications directly to Mr. Miller.

Very truly yours,

John A. Barone
John A. Barone

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

92 APR -7 PM 3:21

In the Matter of

Dominick A. Fusco

Throw the Rascals Out and
Dominick A. Fusco, as treasurer

Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

Stefan Miller

SENSITIVE

MUR 3148

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Based on information contained in a complaint as well as the responses received thereto, the Commission found reason to believe that Dominick A. Fusco violated 2 U.S.C. §§ 441a(f) and 432(e)(4); Throw the Rascals Out and its treasurer ("TRO Committee") violated 2 U.S.C. §§ 441d(a), 434(b) and 441a(f); the Committee of 100 Democrats and Dominick A. Fusco, as treasurer ("100 Democrats"), violated 2 U.S.C. §§ 433(a) and 434(a); and Stefan Miller violated 2 U.S.C. § 441a(a).¹ After an investigation was conducted, the Commission approved four conciliation proposals in settlement of this matter.

II. DISCUSSION

A. Signed Conciliation Agreements

Attached for the Commission's consideration are signed conciliation agreements for Dominick Fusco, the TRO Committee,

1. At the time of the Commission's reason-to-believe findings, Dennis G. Wedra, Jr., was the treasurer of the TRO Committee. However, Mr. Wedra subsequently contacted this Office and explained that as of January 22, 1992, he had resigned from that position.

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the 100 Democrats and Stefan Miller. Attachments A-D. These agreements have been signed by the Respondents for whom they were approved, including the agreements for the 100 Democrats and the TRO Committee, which have each been signed by Mr. Fusco.

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B. Additional Matter

At the time the Commission approved the conciliation proposals in this matter, this Office noted that based on the information gathered during discovery, we were prepared to

-3-

recommend that the Commission find no probable cause to believe that Mr. Fusco violated 2 U.S.C. § 441a(f).

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Given the amount involved as well as the fact that Mr. Fusco has assumed responsibility for repaying the loan, this Office recommends that the Commission take no further action with respect to the possible violation of 2 U.S.C. § 441a(f) by Mr. Fusco.

III. RECOMMENDATIONS

1. Take no further action against Dominick A. Fusco with respect to 2 U.S.C. § 441a(f).
2. Accept the attached conciliation agreements with Dominick A. Fusco, Throw the Rascals Out and Dominick A. Fusco, as treasurer, the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, and Stefan Miller.
3. Close the file.
4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

4-7-92
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Signed Conciliation Agreement for Dominick A. Fusco
- B. Signed Conciliation agreement for Throw the Rascals Out and Dominick A. Fusco, as treasurer
- C. Signed Conciliation Agreement for the Committee of 100 Democrats and Dominick A. Fusco, as treasurer
- D. Signed Conciliation Agreement for Stefan Miller
- E. Letter from Stefan Miller dated December 3, 1991.

Staff Assigned: Craig Douglas Reffner

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: APRIL 9, 1992

SUBJECT: MUR 3148 - GENERAL COUNSEL'S REPORT
DATED APRIL 7, 1992

The above-captioned document was circulated to the
Commission on WEDNESDAY, APRIL 8, 1992 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	_____
Commissioner McDonald	XXX
Commissioner McGarry	_____
Commissioner Potter	XXX
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, APRIL 21, 1992.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dominick A. Fusco;) MUR 3148
Throw the Rascals Out and)
Dominick A. Fusco, as treasurer;)
Committee of 100 Democrats and)
Dominick A. Fusco, as treasurer;)
Stefan Miller.)

CERTIFICATION

I, Delores R. Harris, recording secretary for the Federal Election Commission executive session on April 21, 1992, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3148:

1. Take no further action against Dominick A. Fusco with respect to 2 U.S.C. § 441a(f).
2. Accept the conciliation agreements with Dominick A. Fusco, Throw the Rascals Out and Dominick A. Fusco, as treasurer, the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, and Stefan Miller.
3. Close the file.

(continued)

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4. Approve the appropriate letters, as recommended in the General Counsel's report dated April 7, 1992.

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

Attest:

April 22, 1992
Date

Delores R. Harris
Delores R. Harris
Administrative Assistant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arnold Linhardt
Engel for Congress
P. O. Box 546
Bronx, New York 10461

RE: MUR 3148
Dominick A. Fusco
Throw the Rascals Out and
Dominick A. Fusco, as treasurer
Committee of 100 Democrats and
Dominick A. Fusco, as treasurer
Stefan Miller

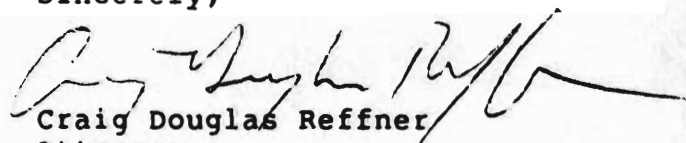
Dear Mr. Linhardt:

This is in reference to the complaint you filed on behalf of Engel for Congress with the Federal Election Commission on October 26, 1990, concerning Dominick A. Fusco's 1990 campaign in New York's Nineteenth Congressional District.

The Commission found that there was reason to believe Dominick A. Fusco violated 2 U.S.C. §§ 441a(f) and 432(e)(4); Throw the Rascals Out and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 441a(f), 441d(a) and 434(b); the Committee of 100 Democrats and Dominick A. Fusco, as treasurer, violated 2 U.S.C. §§ 441a(a), 433(a) and 434(a); and Stefan Miller violated 2 U.S.C. § 441a(a), provisions of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On April 21, 1992, the Commission determined to take no further action with respect to Mr. Fusco's possible violation of 2 U.S.C. § 441a(f) and accepted conciliation agreements with respect to the other violations. Accordingly, the Commission closed the file in this matter. Copies of these agreements are enclosed for your information.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosures
Conciliation Agreements (4)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 4, 1992

Dominick A. Fusco, Treasurer
Throw the Rascals Out
5591 Broadway
Riverdale, New York 10463

MUR: 3148
Throw the Rascals Out and
Dominick A. Fusco, as treasurer

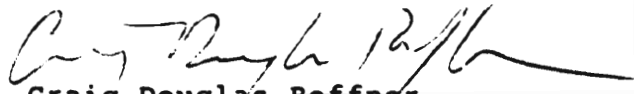
Dear Mr. Fusco:

On April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Throw the Rascals Out and you, as treasurer, in settlement of a violation of 2 U.S.C. §§ 441a(f), 441d(a) and 434(b), provisions 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 note that the first of ten (10) payments toward the civil penalty is due within 30 days of the conciliation agreement's effective date. Thereafter, nine (9) consecutive monthly installment payments of three hundred and fifty dollars (\$350) each will follow, with each payment due on the first day of the month in which it becomes due. If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Throw the Rascals Out and
Dominick A. Fusco, as treasurer

MUR 3148

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Arnold Linhardt on behalf of Engel for Congress. The Federal Election Commission found reason to believe that Throw the Rascals Out and its treasurer ("Respondents"), violated 2 U.S.C. §§ 441d(a), 434(b) and 441a(f).

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. Throw the Rascals Out is the principal campaign

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FEDERAL ELECTION COMMISSION

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committee for Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District election, within the meaning of 2 U.S.C. § 431(5).

2. Dominick A. Fusco is the treasurer of Throw the Rascals Out. Previously, until January 22, 1992, Dennis G. Wedra, Jr., was the treasurer of Throw the Rascals Out.

3. Under the Act whenever a person, including a political committee, makes an expenditure for a communication through general public political advertising, which expressly advocates the election or defeat of a clearly identified candidate, the communication must state who paid for the communication and, if not paid for by a candidate or an authorized candidate committee, must state whether the communication was or was not authorized by such candidate or candidate's committee.

4. During New York's 1990 Nineteenth Congressional District Election, Respondents made expenditures totaling \$15,688.78 for eight different communications which expressly advocated the election or defeat of Dominick A. Fusco. Respondents' communications were made through general public political advertising and included radio commercials, newspaper advertisements, shopping bags and posters.

5. The communications made by the Respondents did not clearly state that they were paid for by the Respondents.

6. Under the Act, a contribution includes anything of value made by any person for the purpose of influencing any

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election, 2 U.S.C. § 431(8), and the Commission has broadly construed "anything of value" to include things that may "be consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

7. In addition, the Act defines a contribution to include a loan and a loan includes any guarantee, endorsement or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the contribution limitations of the Act is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A).

8. The Act prohibits candidates, including their authorized committees, from knowingly accepting any contributions in excess of the Section 441a limitations. 2 U.S.C. § 441a(f). Under 2 U.S.C. § 441a(a), no person, including a political committee which does not qualify as a multicandidate political committee, may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

9. Pursuant to 2 U.S.C. § 434(b), all political committees filing disclosure reports with the Commission must disclose their expenditures and receipts, including the receipt of

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all in-kind contributions. Additionally, in-kind contributions shall be reported as contributions at an amount equal to the usual and normal value on the date received, and shall also be reported as expenditures at the same usual and normal value. 11 C.F.R. § 104.13(a).

10. On August 4, 1990, Respondents accepted a \$1,000 contribution from Stefan Miller, an individual. This contribution was designated for the 1990 primary election.

11. On August 24, 1990, Respondents accepted a \$5,000 contribution, in the form of a loan, from Stefan Miller. This contribution was designated for the 1990 primary election.

12. During the 1990 election in New York's Nineteenth Congressional District, Respondents used a bulk rate mailing permit provided to them by the Committee of 100 Democrats, a political committee within the meaning of 2 U.S.C. § 431(4).

13. Respondents mailed 11,540 items at a rate of 10.1 cents per item and 8,072 items at a rate of 13.2 cents per item using the 100 Democrats' bulk rate mailing permit. Rather than paying for the cost of first class postage, Respondents paid \$2,510 to the United States Post Office for the actual cost of postage incurred in connection with their use of the bulk rate mailing permit in question.

14. During 1990, the Committee of 100 Democrats paid an annual fee of sixty dollars to maintain the use of its bulk rate mailing permit. In addition, during 1990, the Committee of 100 Democrats mailed 734 items using its bulk rate mailing permit.

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15. The unreimbursed value of using the 100 Democrats' bulk rate mailing permit totaled \$2,451.

16. Respondents did not disclose receiving the use the 100 Democrats' bulk rate mailing permit as an in-kind contribution when they filed a report with the Commission disclosing contributions received and disbursements made during the 1990 election.

V. 1. Respondents made expenditures for communications through general public political advertising which expressly advocated the election of Dominick A. Fusco, but failed to clearly state in those communications that they were paid for by the Respondents, in violation of 2 U.S.C. § 441d(a).

2. Respondents accepted an excessive contribution from Stefan Miller in the amount of \$5,000, in violation of 2 U.S.C. § 441a(f).

3. Respondents accepted an excessive contribution from the Committee of 100 Democrats in the amount of \$1,451, in violation of 2 U.S.C. § 441a(f).

4. Respondents failed to disclose the receipt of an in-kind contribution in violation of 2 U.S.C. § 434(b).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three thousand and five hundred dollars (\$3,500), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

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1. One initial payment of three hundred and fifty dollars (\$350) due no later than thirty (30) days after the date that this agreement is accepted by the Commission;

2. Thereafter, nine (9) consecutive monthly installment payments of three hundred and fifty dollars (\$350) each;

3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no

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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

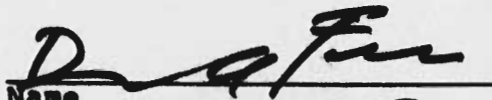
BY:


Lois G. Lerner
Associate General Counsel

Date

5/4/92

FOR THE RESPONDENTS:


Name
Position CANDIDATE.

Date

4-1-92

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 4, 1992

Dominick A. Fusco, Treasurer
Committee of 100 Democrats
5591 Broadway
Riverdale, New York 10463

MUR: 3148
Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

Dear Mr. Fusco:

On April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the Committee of 100 Democrats and you, as treasurer, in settlement of a violation of 2 U.S.C. §§ 441a(a), 434(a) and 433(a), provisions 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 note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure
Conciliation Agreement

92040902277

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

)
)
) MUR 3148
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Arnold Linhardt on behalf of Engel for Congress. The Federal Election Commission ("Commission") found reason to believe that the Committee of 100 Democrats and Dominick A. Fusco, as treasurer ("Respondents"), violated 2 U.S.C. §§ 433(a), 434(a) and 441a(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 Committee of 100 Democrats is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Dominick A. Fusco is the treasurer of the Committee of 100 Democrats.

3. Under the Act, a political committee is any committee, club, association or other group of persons which receives contributions or makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4).

4. The Act requires all political committees to file a statement of organization with the Commission within ten (10) days after becoming a political committee. 2 U.S.C. § 433(a).

5. The Act further requires that all political committees file reports with the Commission on a scheduled basis, disclosing all expenditures made and contributions received. 2 U.S.C. § 434(a).

6. Pursuant to 2 U.S.C. § 441a(a), no person, including a political committee which does not qualify as a multicandidate political committee, shall make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

7. Under the Act, a contribution includes any gift, subscription, loan, advance, deposit of money or anything of value, made by any person for the purpose of influencing any election. 2 U.S.C. § 431(8). The Commission has broadly construed "anything of value" to include things that may "be consumed or utilized to influence a Federal election." See AO 1989-13, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 5963 (quoting AO 1985-19, 2 Fed. Election Camp. Fin Guide (CCH) ¶ 5845).

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8. During the 1990 election in New York's Nineteenth Congressional District, Respondents provided the use of their bulk rate mailing permit to Throw the Rascals Out, the authorized campaign committee for Dominick A. Fusco, a 1990 candidate in that election.

9. Throw the Rascals Out used the Respondents' bulk rate mailing permit to mail 11,540 items at a rate of 10.1 cents per item and 8,072 items at a rate of 13.2 cents per item. Rather than paying for first class postage, Throw the Rascals Out paid \$2,510 to the United States Post Office for the actual cost of postage.

10. During 1990, Respondents paid an annual fee of sixty dollars to maintain the use of a bulk rate mailing permit, No. 175. In addition, during 1990, Respondents mailed 734 items using their bulk rate mailing permit.

11. The unreimbursed value of using Respondents' bulk rate mailing permit to Throw the Rascals Out totaled \$2,451.

V. 1. Respondents made a contribution aggregating in excess of \$1,000 during a calendar year, but failed to register with the Commission as a political committee and thereafter file reports on a scheduled basis disclosing all contributions received and all disbursements made, in violation of 2 U.S.C. §§ 433(a) and 434(a).

2. Respondents made an excessive in-kind contribution to Dominick A. Fusco's campaign totaling \$1,451, in violation of 2 U.S.C. § 441a(a).

VI. 1. Respondents will pay a civil penalty to the Federal

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Election Commission in the amount of nine hundred dollars (\$900), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will file a statement of organization with the Commission pursuant to 2 U.S.C. § 433(a) and, thereafter, shall file scheduled reports disclosing all contributions received and disbursements made pursuant to 2 U.S.C. § 433(b).

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 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,

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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:

L G Lerner
Lois G. Lerner
Associate General Counsel

Date

5/4/92

FOR THE RESPONDENTS:

Name

Position

D. A. Fen

Date

12-19-91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1992

Mr. Dominick A. Fusco
5591 Broadway
Riverdale, New York 10463

RE: MUR 3148
Dominick A. Fusco

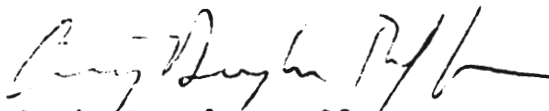
Dear Mr. Fusco:

On April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 432(e)(4), a provision of the Federal Election Campaign Act of 1971, as amended. In addition, the Commission determined to take no further action with respect to your possible violation of 2 U.S.C. § 441a(f). 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 note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Dominick A. Fusco

)
)
)

MUR 3148

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Arnold Linhardt on behalf of Engel for Congress. The Federal Election Commission found reason to believe that Dominick A. Fusco ("Respondent") violated 2 U.S.C. § 432(e)(4).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Dominick A. Fusco is a candidate within the meaning of 2 U.S.C. § 431(2).

2. Under the Act, each candidate must designate in writing, a political committee to serve as a principal campaign committee of such candidate. 2 U.S.C. § 432(e). The name of each authorized committee, including the principal campaign committee,

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must include the name of the candidate who authorized the committee. 2 U.S.C. § 432(e)(4).

3. In his statement of candidacy, a writing filed with the Commission, Dominick A. Fusco designated "Throw the Rascals Out" as his principal campaign committee.

V. Respondent designated an authorized committee which does not include his name, in violation of 2 U.S.C. § 432(e)(4).

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of two hundred and fifty dollars (\$250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent shall, in a writing filed with the Commission, rename his principal campaign committee, Throw the Rascals Out, in compliance with the requirements of 2 U.S.C. § 432(e)(4).

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. Respondent 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

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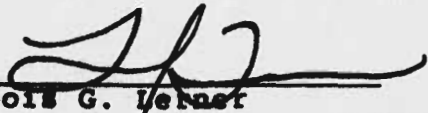
Commission.

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:

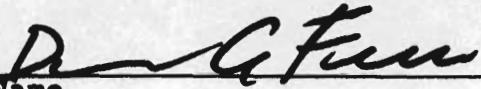

Lois G. Lehner
Associate General Counsel

Date

5-4-92

FOR THE RESPONDENT:

Name
Position



Date

Dec. 19, 1991

92040902286



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1992

Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

MUR: 3148
Stefan Miller

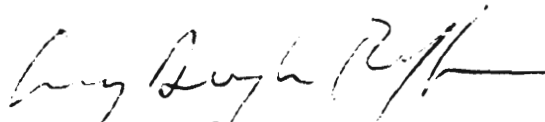
Dear Mr. Barone:

On April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of a violation of 2 U.S.C. § 441a(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 note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosure
Conciliation Agreement

CLOSED

92040902287

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Stefan Miller

)
)
)

MUR 3148

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Arnold Linhardt on behalf of Engel for Congress. The Federal Election Commission ("Commission") found reason to believe that Stefan Miller ("Respondent") violated 2 U.S.C. § 441a(a).

NOW, THEREFORE, the Commission and the Respondent, 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 Respondent 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. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Stefan Miller is a "person," as defined by 2 U.S.C. § 431(11).

2. Under the Act, no person shall make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the

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aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A).

3. The Act defines a contribution to include a loan, and a loan includes any guarantee, endorsement or any other form of security. 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.7(a)(1)(i). A loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and is subject to the contribution limitations of the Act. 11 C.F.R. § 100.7(a)(1)(i)(B). Moreover, a loan which exceeds the contribution limits of the Act is unlawful, even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(A).

4. On August 4, 1990, Stefan Miller contributed \$1,000 to Throw the Rascals Out, the authorized campaign committee for Dominick A. Fusco, a 1990 candidate in New York's Nineteenth Congressional District Election. This contribution was designated for the 1990 primary election.

5. On August 24, 1990, Stefan Miller contributed, in the form of a loan, \$5,000 to Throw the Rascals Out. This contribution was designated for the 1990 primary election.

V. Respondent made an excessive contribution totaling \$5,000, in violation of 2 U.S.C. § 441a(a).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of one thousand and three hundred dollars (\$1,300), 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

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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. Respondent 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 not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

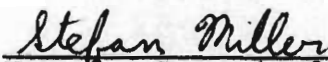
BY:


Lois G. Lerner
Associate General Counsel

Date

5/4/92

FOR THE RESPONDENT:


Name By: John A. Baron P
Position Attorney

Date

1/3/92

92040902290



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3148

DATE FILMED 3/27/92 CAMERA NO. 1

CAMERAMAN E.E.S.

92040902291



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3148.

6/10/92

92040910058

Craig Douglas Reffner
Attorney

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
May 26 3 42 PM '92

CLOSED

MUR: 3148
Stefan Miller

92 MAY 27 PM 3:45

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Dear Mr. Reffner:

On May 8, 1992 I received a copy of a conciliation agreement signed by my former attorney, Mr. John Barone. Please disregard it as he signed it without my consent or consultation. I have talked to Mr. Barone since that time and he agrees he acted upon a misunderstanding.

I have been accused of violating 2 U.S.C. 441a(a). The law says that it is illegal to contribute more than \$1000.00 to any candidate running for a federal office. It is true that on Aug. 24, 1990 I made a \$1000.00 contribution to the Throw The Rascals Out Committee and on that same day loaned Dominick Fusco \$5000.00 for his campaign, thus exceeding the legal contribution limit by \$5000.00. I am aware that any loan not paid back in full by primary day, the unpaid excess becomes considered a contribution and I am aware that the greater part of that loan was unpaid by primary day. What I was unaware of until recently was that my \$5000.00 loan to Dominick Fusco was misappropriated by the Throw The Rascals Out Committee and divided among 22 other candidates, running for state and local offices, besides Dominick Fusco so that he only received a small portion of that loan. I cannot say that my \$1000.00 contribution was misappropriated because unlike the loan, I did not specify that it should go to Dominick Fusco alone, but to the Throw The Rascals Out Committee. I can say that the contribution was also divided among the 22 other candidates besides Dominick Fusco because I now have a list of their names, backed up by copies of the literature their names appear on and a copy of the list of checks drawn against my contribution and loan. Consequently, Dominick Fusco received only a small portion of my contribution as well.

The other part of 2 U.S.C. 441a(a) says that it is illegal to contribute more than \$5000.00 to any political committee during any year. We both agree that the article is referring to a federal political committee since if it was referring to a state or local political committee it would fall outside of the jurisdiction of the U.S.C.. We also agree that the Throw The Rascals Out Committee was a federal political committee. What you seem to be having trouble grasping is that the Throw The Rascals Out Committee was also a state and local political committee that financed state and local candidates and the amount of my contribution and loan spent on state and local campaigning falls outside of your jurisdiction to prosecute. If you want to prosecute me for making an excessive contribution, please confine your case to the amount of my money that actually went to federal campaigning.

How much of my money actually went to federal campaigning, I have no idea. The literature and figures I am furnishing you was obtained partially from Dominick Fusco and partially from copies furnished to you by my accuser, Arnold Lindhardt who actually aided my case by giving me more numbers to divide \$6000.00 by. Both Mr. Fusco and I have tried unsuccessfully to get copies of invoices from the various printing companies, showing the itemized breakdown of the expenses but none exist. The Throw The Rascals Out Committee gave us nothing. I can only surrender my findings to you for an investigation and if that investigation can prove with accurate figures that I actually did

contribute more than \$1000.00 to federal campaigning then I will readily pay the \$1300.00 penalty imposed upon me without further resistance. If, on the other hand, this cannot be proven convincingly, I will fight you to the end of my life.

This I warn you Mr. Refiner, that if I have to stand trial I will not stand alone. I will contact Mr. Martin Gottleib and Mr. Dean Baquet of the New York Times, who did a series of articles at Mr. Fusco's request on the corruption and inadequacies of the election process and I will let them see for themselves how the Federal Election Commission allows anyone to form political committees without any investigation into their histories or characters and then pounces on the carcasses of their victims like a pack of cowardly jackals, to pick at what is left on their bones. I will also see if Roseanne Coletti would be interested in this story. If I stand trial before a federal court, the Federal Election Commission will stand trial before the country. Trust me Mr. Refiner, I can make you a star.

Sincerely,

Stefan Miller

Stefan Miller

92 MAY 27 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92001604026

List of State and Local Candidates Financed by My \$5000.00 Contribution
(compiled from enclosed package of literature)

1. Iris Hershkowitz Baez
2. Samuel Burke
3. Steven Simon
4. Gloria Gordon
5. Dominick A. Fusco
6. John C. Klotz
7. Patricia Wright
8. Arthur D. Wright
9. Gretchen Bernstein
10. Diana S. Levy
11. Hugh J. Walsh
12. Judith M. Hoberman
13. John Valentine
14. Carmelo Laboy
15. Alfreda Bludson
16. Gertrude Chamlee
17. Francis Alessandro
18. Jaime Rios
19. Israel Martinez
20. Charles Serrano
21. Nilsa Rodriguez
22. Priscilla A. Barnhart
23. Edwin Figueroa

92 MAY 27 PM 3:65

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

920409100

EATON'S
CORRASABLE
BOND
USA
BRISTOL

25% COTTON FIBRE

FUSCO for CONGRESS

92 MAY 27 PM 3:45

FUSCO SAYS . . . STOP TAX INCREASES

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS . . . NO MORE RENT INCREASE

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS . . . STOP CRIME AND VIOLENCE

Return and enforce the death penalty, or true life without parole.

**IF ELECTED FUSCO WILL VOTE YES FOR SENIOR
CITIZENS CATASTROPHIC HEALTH CARE BENEFITS**

FUSCO cares . . . ABOUT LABOR

Fusco is apposed to government intervention against breaking unions.
Fusco supports union efforts.



**FUSCO CARES
FOR THE PEOPLE**

HELP ME HELP YOU - VOTE

92040910063

VOTE
FUSCO

FOR

CONGRESSMAN
19th Congressional District

ENDORSED BY

"WE"

The People

FUSCO • FUSCO

Primary Day

Tuesday, September 11, 1990

Bronx and Yonkers

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 MAY 27 PM 3:45

FUSCO ***** *for* CONGRESS

MILITARY STATUS

FBI DOESN'T BELIEVE
IN BURNING THE FLAG

UNDER THE SIGNING OF THE
FLAG

DISCHARGE
W.W.I
VET

ENGEL
APPROVES
BURNING THE
FLAG

FUSCO

**STOP
FLAG BURNING**

RESPECT THE COUNTLESS LIVES
SACRIFICED IN THE STRUGGLE TO
PRESERVE FREEDOM.

FEMALE STATE COMMITTEE MEMBER

SEPT. 11th, 1990

A Tough Minded, Highly Qualified, Independent Democrat

VOTE SEPT.11-DEMOCRAT PRIMARY
for congress-19th c.d.

DOMINICK A.FUSCO

for state senate

JOHN C.KLOTZ

female district leader

PATRICIA WRIGHT

male state committee member

ARTHUR D.WRIGHT

judicial convention delegates

GRETCHEN BERNSTEIN

DOMINICK A.FUSCO

DIANA S.LEVY

HUGH J.WALSH

JUDITH M.HOBERMAN

JOHN VALENINTE

CARMELO LABOY

alternate delegates

ALFREDA BLUDSON

GERTRUDE CHAMLEE

92 MAY 27 PM 3:45

RECEIVED
GENERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92040910065

**THROW THE RASCALS OUT COMMITTEE
ENDORSES THE FOLLOWING:**

for congress 19th c.d.

DOMINICK A.FUSCO

for female district leader:

IRIS HERSKOWITZ BAEZ

for male district leader:

SAMUEL BURKE

for state senate:33rd S.D.:

JOHN C.KLOTZ

for male state committee member:

STEVEN SIMON

female state committee member:

GLORIA GORDON

Judge of the civil court

FRANCIS ALESSANDRO

Judge of the civil court:Bronx Vide

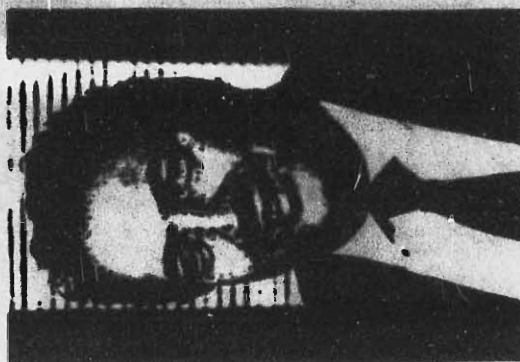
JAIME RIOS

DEMOCRATIC PARTY PRIMARY ELECTION

TUESDAY SEPTEMBER 11,1990

92040910067

He has worked for us



*Re-elect Assemblyman
Israel*

Martinez

**Democratic Primary
Tuesday, Sept. 11**

*Committee 100 Democrats
5591 Broadway
Bronx, New York 10463*



**BULK RATE
U.S. POSTAGE
PAID
Bronx, New York
Permit No. 175**

Re-elect Assemblyman Israel **Martinez**

PERFORMANCE OVER POLITICS AND PROMISES

*Re-elect Assemblyman
Israel Martinez*

and his team

**STATE SENATE
Charles Serrano**

**DISTRICT LEADERS
Nilsa Rodriguez
Charles Serrano**

**STATE COMMITTEE
Priscilla A. Barnhart
Edwin Figueroa**

EXPENDITURES: THROW THE RASCALS OUT COMMITTEE**MULTIPLE CANDIDATES: CONGRESS; CIVIL COURT JUDGES;
N.Y. STATE ASSEMBLY; DISTRICT LEADERS; STATE COMMITTEE;
JUDICIAL DELEGATES.**

DATE	CHECK NO.	PAYEE	AMOUNT	ITEM
1990				
8-24	1002	VICTORY PRESS	\$ 150.00	PALM CARDS
8-24	1003	DOT GENERATION	\$2350.00	FLYERS
8-27	1008	COMPUTER SERVICES	\$ 871.19	LABELS
8-31	1012	DOT GENERAYTION	\$2950.00	FLYERS
9-3-	1013	PEARL PRINTERS	\$ 280.00	PALM CARDS
9-4	1017	US POSTAL SERV.	\$1770.89	MAIL FLYERS
9-6-	1018	US POSTAL SERV.	\$ 460.15	MAIL FLYERS
9-6-	1022	VICTORY PRESS	\$ 630.00	PALM CARDS
9-7-	1023	COMPUTER SERVICES	\$ 360.96	LABELS
9-11	1026	DOT GENERATION	\$2,200.00	FLYERS

12,023.19

92040210068

**STEFAN MILLER
2353-55 BEAUMONT AVE.
BRONX, NEW YORK 10458**



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3148.

6/17/92

92040910148



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

June 10, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dominick A. Fusco, Treasurer
Committee of 100 Democrats
6083 Broadway
Bronx, New York 10463

RE: MUR 3148
Committee of 100 Democrats
and Dominick A. Fusco, as
treasurer

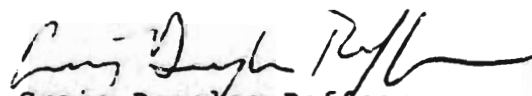
Dear Mr. Fusco:

On May 4, 1992, the Federal Election Commission and the Committee of 100 Democrats and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. §§ 433(a), 434(a) and 441a(a). According to the agreement, you were required to pay a civil penalty of nine hundred dollars (\$900.00). The conciliation agreement provided for payment in full within thirty days from the date the agreement was fully executed.

According to Commission records, a payment has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Refner
Attorney

22040210149



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dominick A. Fusco
6083 Broadway
Bronx, New York 10463

RE: MUR 3148
Dominick A. Fusco

Dear Mr. Fusco:

On May 4, 1992, the Federal Election Commission entered into a conciliation agreement with you in settlement of a violation of 2 U.S.C. § 432(e)(4). According to the agreement, you were required to pay a civil penalty of two hundred and fifty dollars (\$250.00). The conciliation agreement provided for payment in full within thirty days from the date the agreement was fully executed. In addition, the agreement also required you to change the name of your principal campaign committee, Throw the Rascals Out, to comply with the requirements of 2 U.S.C. § 432(e)(4).

According to Commission records, no payment has been received, nor has the name of your principal campaign committee been changed. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless you fully comply with the terms of the conciliation agreement within five (5) days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

92040910150



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dominick A. Fusco, Treasurer
Throw the Rascals Out
6083 Broadway
Bronx, New York 10463

RE: MUR 3148
Throw the Rascals Out
and Dominick A. Fusco,
as treasurer

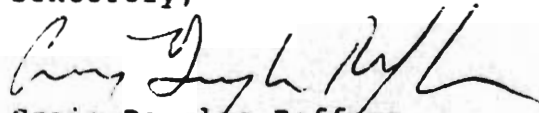
Dear Mr. Fusco:

On May 4, 1992, the Federal Election Commission and Throw the Rascals Out and you, as treasurer, entered into a conciliation agreement in settlement of violations of 2 U.S.C. §§ 441d(a), 434(b) and 441a(f). According to the agreement, you were required to pay a civil penalty of three thousand and five hundred dollars (\$3,500.00). The conciliation agreement provided for ten (10) installment payments of three hundred and fifty dollars (\$350.00) each, with your first payment due on June 4, 1992, and each additional payment due on the first day of each successive month, until March 1, 1993.

According to Commission records, your payment for the month of June 1992 has not been received. Please be advised that in the event that any installment payment is not timely received, the Commission may, at its discretion, accelerate the remaining payments. Moreover, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment immediately, we will recommend that the Commission take the appropriate action.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

92040910151



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Stefan Miller
2470 Beaumont Avenue
Bronx, New York

RE: MUR 3148
Stefan Miller

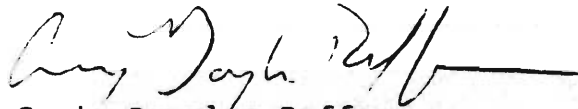
Dear Mr Miller:

On May 4, 1992, the Federal Election Commission entered into a conciliation agreement with you in settlement of a violation of 2 U.S.C. § 441a(a). According to the agreement, you are required to pay a civil penalty of one thousand and three hundred dollars (\$1,300.00). The conciliation agreement provided for payment in full within thirty days from the date that the agreement was executed.

According to Commission records, a payment has not been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payment from you in five days, this Office will recommend that the Commission file suit to remedy this violation.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

92040910152



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3148.

7/15/92

92040920916

RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

JUN 29 PM 5:15

In the Matter of

Dominick A. Fusco

Throw the Rascals Out and
Dominick A. Fusco, as treasurer

Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

Stefan Miller

SENSITIVE

MUR 3148

EXECUTIVE SESSION

JUL 07 1992

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 21, 1992, the Commission accepted signed conciliation agreements from Dominick A. Fusco, Throw the Rascals Out and Dominick A. Fusco, as treasurer ("TRO Committee"), the Committee of 100 Democrats and Dominick A. Fusco, as treasurer ("100 Democrats"), and Stefan Miller. The agreement for Mr. Fusco concerned his violation of 2 U.S.C. § 432(e)(4) and provided for a civil penalty of \$250. The agreement for the TRO Committee concerned violations of 2 U.S.C. §§ 441d(a), 434(b) and 441a(f) and provided for a civil penalty of \$3,500, to be paid in ten monthly installments of \$350 each. The agreement for the 100 Democrats concerned violations of 2 U.S.C. §§ 433(a) and 434(a) and provided for a civil penalty of \$900. Finally, the agreement for Mr. Miller concerned his violation of 2 U.S.C. § 441a(a) and provided for a civil penalty of \$1,300. In addition to these civil penalties, the agreement for Mr. Fusco provided that he change the name of his principal campaign committee, Throw the Rascals Out, to comply with the requirement 2 U.S.C. § 432(e)(4). The agreement for the

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100 Democrats similarly required that that Committee file a statement of organization with the Commission and thereafter comply with the disclosure provisions of 2 U.S.C. § 434.

II. DISCUSSION

On May 4, 1992, Respondents were notified that the Commission accepted the conciliation agreements that each had respectively submitted and closed the file in this matter. To date, Respondents have not paid the civil penalties provided for in their respective agreements with the Commission. A review of the public record also shows that Mr. Fusco has not changed the name of his principal campaign committee to comply with the requirement of 2 U.S.C. § 432(e)(4), nor has the 100 Democrats filed a statement of organization or in any other way complied with the requirements of 2 U.S.C. §§ 433 and 434. On June 10, 1992, this office notified Respondents of their failure to comply with the terms of their respective conciliation agreements with the Commission and encouraged them to comply within ten days.

Since neither Dominick A. Fusco nor the 100 Democrats has complied with the terms of their respective conciliation agreements with the Commission, including the payment of their respective civil penalties, this Office recommends that the Commission authorize this Office to file suit against these Respondents.

The TRO Committee has also failed to pay the first of ten installment payments toward the civil penalty provided for in its conciliation agreement with the Commission. As noted, this

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conciliation agreement calls for a civil penalty of \$3,500 and also provides that the Commission may, at its discretion, accelerate the remaining installment payments if any installment payment is not received, thereby causing the entire amount of the civil penalty to become due upon ten days written notice to Respondents. In light of the TRO Committee's failure to pay its first installment payment, this Office recommends that the Commission determine to accelerate the remaining installment payments and authorize this Office to file suit if the entire \$3,500 civil penalty is not received within ten days from the date the TRO Committee is notified of the Commission's determination.

Lastly, Mr. Miller has informed staff of this Office that he will not pay the civil penalty provided for in his conciliation agreement. Attachment A. He contends that the attorney who represented him in this matter, John Barone, was not authorized to negotiate a conciliation agreement which provided for a \$1,300 civil penalty. Id. Staff of this Office contacted Mr. Barone, who stated that he was authorized to represent Mr. Miller, although he acknowledged that there may have been some confusion between them concerning the specific amount of a civil penalty that he was authorized to negotiate on Mr. Miller's behalf. Attachment B. Given that Mr. Barone was authorized to represent Mr. Miller before the Commission in this matter, any concerns Mr. Miller may have regarding the terms negotiated on his behalf should be resolved with his former attorney, Mr. Barone. Accordingly, this Office recommends that

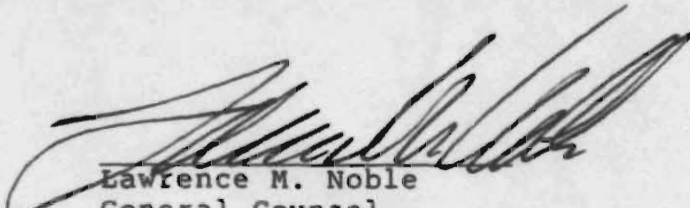
the Commission authorize this Office to file a civil suit against Stefan Miller. In addition, this Office recommends that the Commission approve the attached letter notifying Mr. Miller of the Commission's determination and explaining that any concerns he may have over the civil penalty provided for in his conciliation agreement should be resolved with his attorney, Mr. Barone. Attachment C.

III. RECOMMENDATIONS

1. Authorize the Office of General Counsel to file a civil suit for relief in United States District Court against Dominick A. Fusco; the Committee of 100 Democrats and Dominick A. Fusco, as treasurer; and Stefan Miller.
2. Determine to accelerate the remaining civil penalty installment payments in the conciliation agreement entered into with Throw the Rascals Out and Dominick A. Fusco, as treasurer.
3. Authorize the Office of General Counsel to file a civil suit for relief in United States District Court against Throw the Rascals Out and Dominick A. Fusco, as treasurer, if these Respondents do not pay the full civil penalty provided for in their conciliation agreement within ten days.
4. Approve the attached letter to Stefan Miller.
5. Approve the appropriate letters.

Date

6/29/92


Lawrence M. Noble
General Counsel

Attachments

- A. Letter from Stefan Miller
- B. Letter to John Barone
- C. Proposed letter to Stefan Miller

Staff Assigned: Craig Douglas Reffner

92040920920

May 20, 1992

Dr. Douglas Reffner
Attorney

MAY 23 3 01 PM '92

MUR: 3143
Stefan Miller

92MAY27 PM 3:45

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Dear Mr. Reffner:

In May 4, 1992 I received a copy of a conciliation agreement signed by my former attorney, Mr. John Barone. Please disregard it as he signed it without my consent or consultation. I have talked to Mr. Barone since that time and he agrees he acted upon a misunderstanding.

I have been accused of violating 2 U.S.C. 441a(a). The law says that it is illegal to contribute more than \$1000.00 to any candidate running for a federal office. It is true that on Aug. 24, 1990 I made a \$1000.00 contribution to the Throw The Rascals Out Committee and on that same day loaned Dominick Fusco \$5000.00 for his campaign, thus exceeding the legal contribution limit by \$5000.00. I am aware that any loan not paid back in full by primary day, the unpaid excess becomes considered a contribution and I am aware that the greater part of that loan was unpaid by primary day. What I was unaware of until recently was that my \$5000.00 loan to Dominick Fusco was misappropriated by the Throw The Rascals Out Committee and divided among 22 other candidates, running for state and local offices, besides Dominick Fusco so that he only received a small portion of that loan. I cannot say that my \$1000.00 contribution was misappropriated because unlike the loan, I did not specify that it should go to Dominick Fusco alone, but to the Throw The Rascals Out Committee. I can say that the contribution was also divided among the 22 other candidates besides Dominick Fusco because I now have a list of their names, backed up by copies of the literature their names appear on and a copy of the list of checks drawn against my contribution and loan. Consequently, Dominick Fusco received only a small portion of my contribution as well.

The other part of 2 U.S.C. 441a(a) says that it is illegal to contribute more than \$5000.00 to any political committee during any year. We both agree that the article is referring to a federal political committee since if it was referring to a state or local political committee it would fall outside of the jurisdiction of the U.S.C.. We also agree that the Throw The Rascals Out Committee was a federal political committee. What you seem to be having trouble grasping is that the Throw The Rascals Out Committee was also a state and local political committee that financed state and local candidates and the amount of my contribution and loan spent on state and local campaigning falls outside of your jurisdiction to prosecute. If you want to prosecute me for making an excessive contribution, please confine your case to the amount of my money that actually went to federal campaigning.

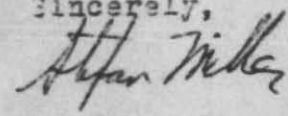
How much of my money actually went to federal campaigning, I have no idea. The literature and figures I am furnishing you was obtained partially from Dominick Fusco and partially from copies furnished to you by my accuser, Arnold Linhardt who actually aided my case by giving me more numbers to divide \$6000.00 by. Both Mr. Fusco and I have tried unsuccessfully to get copies of invoices from the various printing companies, showing the itemized breakdown of the expenses but none exist. The Throw The Rascals Out Committee gave nothing. I can only surrender my findings to you for an investigation that investigation can prove with accurate figures that I actually did

Attachment A, 10/10

contribute more than \$1000.00 to Federal campaigning then I will readily pay the \$1300.00 penalty imposed upon me without further resistance. If, on the other hand, this cannot be proven convincingly, I will fight you to the end of my life.

This I warn you Mr. Reffner, that if I have to stand trial I will not stand alone. I will contact Mr. Martin Gottlieb and Mr. Dean Baquet of the New York Times, who did a series of articles at Mr. Fusco's request on the corruption and inadequacies of the election process and I will let them see for themselves how the Federal Election Commission allows anyone to form political committees without any investigation into their histories or characters and then pounces on the carcasses of their victims like a pack of cowardly jackals, to pick at what is left on their bones. I will also see if Roseanne Joletti would be interested in this story. If I stand trial before a federal court, the Federal Election Commission will stand trial before the country. Trust me Mr. Reffner, I can make you a star.

Sincerely,



Stefan Miller

92040920922

92 MAY 27 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

List of State and Local Candidates Financed by My \$5000.00 Contribution
(compiled from enclosed package of literature)

1. Iris Hershkowitz Baez
2. Samuel Burke
3. Steven Simon
4. Gloria Gordon
5. Dominick A. Fusco
6. John J. Klotz
7. Patricia Wright
8. Arthur D. Wright
9. Gretchen Bernstein
10. Diana S. Levy
11. Hugh J. Walsh
12. Judith M. Roberman
13. John Valentine
14. Jarrel Laboy
15. Alfreda Gludson
16. Gertrude Charles
17. Francis Alessandro
18. Jaime Rios
19. Israel Martinez
20. Charles Serrano
21. Nilsa Rodriguez
22. Priscilla A. Barnhart
23. Edwin Figueroa

92040920923

92 MAY 27 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C.

FUSCO for CONGRESS

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

92 MAY 27 PM 3:45

FUSCO SAYS . . . STOP TAX INCREASES

Convert defense budget to construction budget, create jobs, thereby increasing revenue without increasing taxes.

FUSCO SAYS . . . NO MORE RENT INCREASE

Assist middle income housing by raising funds through federal bond issues to cover cost of maintenance and repairs, middle class rentals are being increased because of miscalculation of costs in repairs. Repairs can be funded through federal bond issue.

FUSCO SAYS . . . STOP CRIME AND VIOLENCE

Return and enforce the death penalty, or true life without parole.

**IF ELECTED FUSCO WILL VOTE YES FOR SENIOR
CITIZENS CATASTROPHIC HEALTH CARE BENEFITS**

FUSCO cares . . . ABOUT LABOR

Fusco is apposed to government intervention against breaking unions.
Fusco supports union efforts.



**FUSCO CARES
FOR THE PEOPLE**

**HELP ME HELP YOU - VOTE
DEMOCRATIC PRIMARY TUESDAY, SEPT. 11, 1990**

92040920925

VOTE
FUSCO
FOR

CONGRESSMAN
19th Congressional District

ENDORSED BY

"WE"
The People

FUSCO • FUSCO

Primary Day
Tuesday, September 11, 1990
Bronx and Yonkers

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF SENATOR COUNCIL
92 MAY 27 PM 3:45

50910

0 2 0 4 0 8 2 0 8 2 6

**Bulk Rate
U.S. Postage
PAID
Bronx, NY
No. 175**



A Tough Minded, Highly Qualified, Independent Democrat

VOTE SEPT.11-DEMOCRAT PRIMARY
for congress-19th c.d.

DOMINICK A.FUSCO.

for state senate

JOHN C.KLOTZ

female district leader

PATRICIA WRIGHT

male state committee member

ARTHUR D.WRIGHT

judicial convention delegates

GRETCHEN BERNSTEIN

DOMINICK A.FUSCO

DIANA S.LEVY

HUGH J.WALSH

JUDITH M.HOBERMAN

JOHN VALENINTE

CARMELO LABOY

alternate delegates

ALFREDA BLUDSON

GERTRUDE CHAMLEE

92 MAY 27 PM 3:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

92040920927

70/10

THROW THE RASCALS OUT COMMITTEE

ENDORSES THE FOLLOWING:

for congress 19th c.d.

DOMINICK A.FUSCO

for female district leader:

IRIS HERSKOWITZ BAEZ

for male district leader:

SAMUEL BURKE

for state senate:33rd S.D.:

JOHN C.KLOTZ

for male state committee member:

STEVEN SIMON

female state committee member:

GLORIA GORDON

Judge of the civil court

FRANCIS ALESSANDRO

Judge of the civil court:Bronx Wide

JAIME RIOS

DEMOCRATIC PARTY PRIMARY ELECTION

TUESDAY SEPTEMBER 11,1990

92040920928

**Re-elect Assemblyman
Israel Martinez**

and his team

**STATE SENATE
Charles Serrano**

**DISTRICT LEADERS
Nilsa Rodriguez
Charles Serrano**

**STATE COMMITTEE
Priscilla A. Barnhart
Edwin Figueroa**

Re-elect Assemblyman Israel *Martinez*
PERFORMANCE OVER POLITICS AND PROMISES



Committee 100 Democrats
5591 Broadway
Bronx, New York 10463

He has worked for us



**Re-elect Assemblyman
Israel**

Martinez

**Democratic Primary
Tuesday, Sept. 11**

BULK RATE
U.S. POSTAGE
PAID
Bronx, New York
Permit No. 175

9/9/10

EXPENDITURES:THROW THE RASCALS OUT COMMITTEE

MULTIPLE CANDIDATES: CONGRESS;CIVIL COURT JUDGES;
N.Y.STATE ASSEMBLY;DISTRICT LEADERS;STATE COMMITTEE;
JUDICIAL DELEGATES.

DATE	CHECK NO.	PAYEE	AMOUNT	ITEM
1990				
8-24	1002	- VICTORY PRESS	\$ 150.00	PALM CARDS
8-24	1003	DOT GENERATION	\$2350.00	FLYERS
8-27	1008	- COMPUTER SERVICES	871.19	LABELS
8-31	1012	DOT GENERAYTION	\$2950.00	FLYERS
9-3-	1013	- PEARL PRINTERS	\$ 280.00	PALM CARDS
9-4	1017	US POSTAL SERV.	\$1770.89	MAIL FLYERS
9-6-	1018	US POSTAL SERV.	\$ 460.15	MAIL FLYERS
9-6-	1022	VICTORY PRESS	\$ 630.00	PALM CARDS
9-7-	1023	COMPUTER SERVICES	\$ 360.96	LABELS
9-11	1026	DOT GENERATION	\$2,200.00	FLYERS

12,023.19

92040920930

STEFAN MILLER
2353-55 BEAUMONT AVE.
BRONX, NEW YORK 10458

10/10



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 3, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Barone, Esq.
605 Third Avenue
18th Floor
New York, New York 10158

RE: MUR 3148
Stefan Miller

Dear Mr. Barone:

This will confirm our telephone conversation of June 1, 1992, in which you clarified the circumstances surrounding your legal representation of Stefan Miller in the above-captioned matter. Based on our conversation, it is my understanding that you began representing Mr. Miller on or about December 17, 1991, and that you were his attorney in this matter when you signed and submitted a conciliation agreement on his behalf on January 3, 1992. You further stated that while you were authorized to negotiate a conciliation agreement for Mr. Miller, there may have been some misunderstanding with him about the amount of the civil penalty that you were authorized to offer in settlement of this matter.

If this letter does not accurately reflect our telephone conversation, or if there is any additional information you would like to share with this Office, please contact me at your earliest convenience. I can be reached at (202) 219-3690.

Sincerely,

Craig Douglas Reffner
Staff Attorney

Attachment B

92040920931



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

RE: MUR 3148
Stefan Miller

Dear Mr. Miller:

On May 4, 1992, you were notified that on April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of your violation of 2 U.S.C. § 441a(a). On May 23, 1992, we received your letter dated May 20, 1992, in which you state that you will not pay the civil penalty provided for in your conciliation agreement with the Commission because your attorney, John A. Barone, was not authorized to negotiate a civil penalty of this amount. As Craig Reffner of this Office explained to you, since Mr. Barone was authorized to represent you in this matter, any concerns you may have over the amount of the civil penalty provided for in your conciliation agreement with the Commission should be resolved with Mr. Barone.

In light of the above considerations and as result of your failure to pay the civil penalty provided for in your conciliation agreement with the Commission, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to pay the civil penalty provided for in your conciliation agreement with the Commission, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,

Lawrence M. Noble
General Counsel

Attendant C

92040920932



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Rd*
DATE: June 29, 1992
SUBJECT: MUR 3148 - General Counsel's Rpt.

The attached is submitted as an Agenda document
for the Commission Meeting on: July 7, 1992

Open Session _____
Closed Session XX

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Extension of Time []
Exception []

Other [XX]

SENSITIVE-CIRCULATE ON

BLUE PAPER.

DISTRIBUTION

Compliance [XX]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Rd*
DATE: June 29, 1992
SUBJECT: MUR 3148 - General Counsel's Rpt.

The attached is submitted as an Agenda document
for the Commission Meeting on: July 7, 1992

Open Session _____
Closed Session XX

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []
Extension of Time []
Exception []

Other [XX]

SENSITIVE-CIRCULATE ON

BLUE PAPER.

DISTRIBUTION

Compliance [XX]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dominick A. Fusco;) MUR 3148
)
Throw the Rascals Out and)
Dominick A. Fusco, as treasurer;)
)
Committee of 100 Democrats and)
Dominick A. Fusco, as treasurer;)
)
Stefan Miller.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 7, 1992, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3148:

1. Authorize the Office of General Counsel to file a civil suit for relief in United States District Court against Dominick A. Fusco; the Committee of 100 Democrats and Dominick A. Fusco, as treasurer; and Stefan Miller.
2. Determine to accelerate the remaining civil penalty installment payments in the conciliation agreement entered into with Throw the Rascals Out and Dominick A. Fusco, as treasurer.

(continued)

92040920935

3. Authorize the Office of General Counsel to file a civil suit for relief in United States District Court against Throw the Rascals Out and Dominick A. Fusco, as treasurer, if these Respondents do not pay the full civil penalty provided for in their conciliation agreement within ten days.
4. Approve the letter to Stefan Miller as recommended in the General Counsel's report dated June 29, 1992.
5. Approve the appropriate letters as recommended in the General Counsel's report dated June 29, 1992.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present.

Attest:

7-8-92
Date

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

92040920936



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLOSED

Dominick A. Fusco, Treasurer
Committee of 100 Democrats
5591 Broadway
Riverdale, New York 10463

RE: MUR 3148
Committee of 100 Democrats and
Dominick A. Fusco, as treasurer

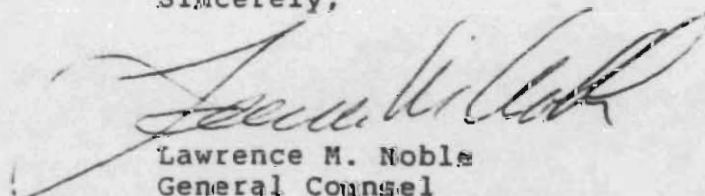
Dear Mr. Fusco:

On May 4, 1992, you were notified that on April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the Committee of 100 Democrats and you, as treasurer, in settlement of your violations of 2 U.S.C. §§ 433(a) and 434(a). As you are aware, this conciliation agreement provides for the payment of a \$900 civil penalty and also requires that you file a statement of organization for the Committee of 100 Democrats pursuant to 2 U.S.C. § 433 and thereafter comply with the disclosure requirements of 2 U.S.C. § 434.

As a result of your failure to comply with the terms of the conciliation agreement you entered into with the Commission, including the payment of the civil penalty, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,


Lawrence M. Noble
General Counsel

92040920937



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 15, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stefan Miller
2470 Beaumont Avenue
Bronx, New York 10458

RE: MUR 3148
Stefan Miller

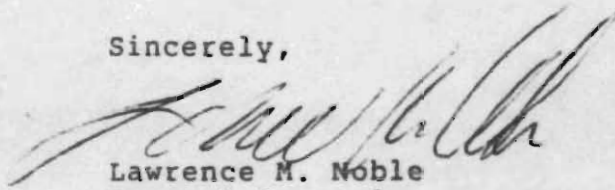
Dear Mr. Miller:

On May 4, 1992, you were notified that on April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on your behalf in settlement of your violation of 2 U.S.C. § 441a(a). On May 23, 1992, we received your letter dated May 20, 1992, in which you state that you will not pay the civil penalty provided for in your conciliation agreement with the Commission because your attorney, John A. Barone, was not authorized to negotiate a civil penalty of this amount. As Craig Reffner of this Office explained to you, since Mr. Barone was authorized to represent you in this matter, any concerns you may have over the amount of the civil penalty provided for in your conciliation agreement with the Commission should be resolved with Mr. Barone.

In light of the above considerations and as result of your failure to pay the civil penalty provided for in your conciliation agreement with the Commission, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to pay the civil penalty provided for in your conciliation agreement with the Commission, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,



Lawrence M. Noble
General Counsel

92040920938



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 15, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dominick A. Fusco
5591 Broadway
Riverdale, New York 10463

RE: MUR 3148
Dominick A. Fusco

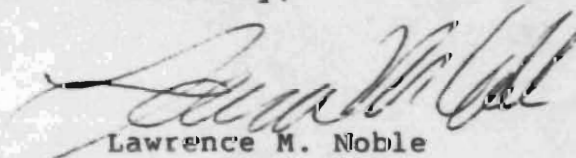
Dear Mr. Fusco:

On May 4, 1992, you were notified that on April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement you submitted in settlement of your violation of 2 U.S.C. § 432(e)(4). As you are aware, this conciliation agreement provides for the payment of a \$250 civil penalty and also requires that you change the name of your authorized campaign committee, Throw the Rascals Out, to comply with the requirement of 2 U.S.C. § 432(e)(4).

As a result of your failure to comply with the terms of the conciliation agreement you entered into with the Commission, including the payment of the civil penalty, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,


Lawrence M. Noble
General Counsel

92040920939



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dominick A. Fusco, Treasurer
Throw the Rascals Out
5591 Broadway
Riverdale, New York 10463

RE: MUR 3148
Throw the Rascals Out and
Dominick A. Fusco, as treasurer

Dear Mr. Fusco:

On May 4, 1992, you were notified that on April 21, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Throw the Rascals Out and you, as treasurer, in settlement of your violations of 2 U.S.C. §§ 441a(f), 441d(a) and 434(b). As you are aware, this conciliation agreement provides for the payment of a \$3,500 civil penalty in ten (10) monthly installments of \$350 each. The first installment payment was due on June 1, 1992. In addition, this conciliation agreement provides that if you fail to make any installment payment, the Commission may, at its direction, determine to accelerate the remaining installment payments thereby causing the entire civil penalty to become due within ten days of your receipt of this notification.

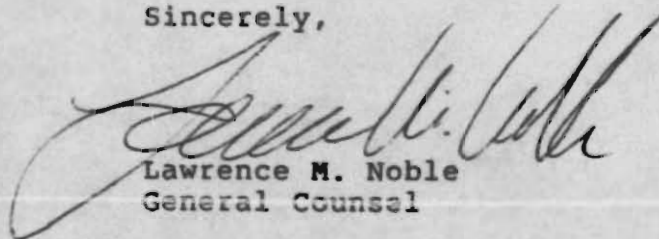
As a result of your failure to pay the first installment payment of your civil penalty, the Commission has determined to accelerate the remaining installment payments. Accordingly, the entire civil penalty of \$3,500, as provided for in your conciliation agreement with the Commission, must be received by this Office within ten days of your receipt of this notice. The Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court if the entire civil penalty is not received within this time.

92040920940

Dominick A. Fusco, Treasurer
Page 2

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3400, within five days of your receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence M. Noble", is written over the typed name and title.

Lawrence M. Noble
General Counsel

92040920941



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

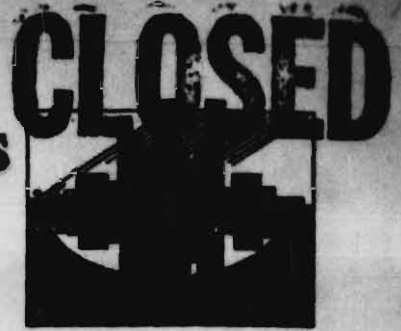
THE PUBLIC RECORD IN CLOSED MUR 3148.

9/22/92

92040924098

Committee of 100 Democrats

5591 BROADWAY BRONX NEW YORK 10463
(212)543-2555



September 11, 1992

Ken Kellner
Federal Elections Commission
Washington D.C. 20463

Re: MUR 3148
Committee of 100 Democrats

92 SEP 18 AM 11:38

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Dear Mr. Kellner:

Enclosed find check for \$900 in settlement of the above matter.

If there are any questions, please contact the undersigned.

Very truly yours,

DOMINICK A. FUSCO
chairperson

SEP 17 10 23 AM '92

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

9 6 0 4 2 2 4 0 9 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Committee of 100 Democrats-PAC, check number 225, dated September 11, 1992 and in the amount of \$ 900.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of \$ 900.00, the MUR number is 3148 and in the name of Committee of 100 Democrats-PAC. The account into which it should be deposited is indicated below:

— Budget Clearing Account (OGC), 95F3875.16

XXX Civil Penalties Account, 95-1099.160

— Other: _____

Philomena Brooks
Signature

09/18/92

Date

92 SEP 18 AM 11:30

RECEIVED
FEDERAL ELECTION COMMISSION

92040924100

OGC 6501 Folder Copy

COMMITTEE OF 100 DEMOCRATS-P.A.C.

5591 BROADWAY
BRONX, NY 10463

225

1-12
210

PAY TO THE
ORDER OF

8/17/11 1992
— FEDERAL ELECTION COMMISSION —
— NINE HUNDRED — 100 —

\$ 900.00

DOLLARS

CHEMICAL BANK

5581 Broadway
Bronx, N.Y. 10463

FOR

FIN.

D. A. F.

⑈000225⑈ ⑆021000128⑆ 064⑈022544⑈

92 SEP 18 AM 11:38

RECEIVED
FEDERAL ELECTION COMMISSION

DOMINICK A. FUSCO
ATTORNEY AT LAW
5591 BROADWAY
RIVERDALE, NEW YORK 10463
(212) 543-2555

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
SEP 17 11 53 AM

92 SEP 18 AM 11:38

RECEIVED
FEDERAL ELECTION COMMISSION

TO

Ken Kellner
Federal Election Commission
Washington, D.C. 20463

DATE

September 11, 1992

SUBJECT

Dominick A. Fusco

Dear Mr. Kellner:

Enclosed find money order in the sum of \$250.00 to cover civil penalty for failure to include my name as a candidate in the authorized committee .

Also enclosed is an amended statement of candidacy which amends the principal campaign committee from Throw the Rascals Out to Fusco for Congress Committee.

Upon acceptance of the amended committee name an account will be opened under the new name so that the fine against the principal campaign committee can be settled.

Very truly yours,


DOMINICK A. FUSCO

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

RECEIVED
FEDERAL ELECTION
COMMISSION

1. (a) NAME OF COMMITTEE IN FULL COMMITTEE TO ELECT FUSCO TO CONGRESS	☒ (Check if name is changed)	2. DATE 9/11/92
(b) Number and Street Address 5591 BROADWAY BRONX NEW YORK 10463	☒ (Check if address is changed)	3. FEC IDENTIFICATION NUMBER 138189
(c) City, State and ZIP Code BRONX NEW YORK 10463		4. IS THIS STATEMENT AN AMENDMENT? ☒ YES ☐ NO

5. TYPE OF COMMITTEE (Check one)

- ☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|---|--|----------------------------------|--------------------------------|
| Name of Candidate
DOMINICK A. FUSCO | Candidate Party Affiliation
DEMOCRAT | Office Sought
CONGRESS | State/District
NY-19 |
|---|--|----------------------------------|--------------------------------|
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ committee of the _____
(National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
NONE		

Type of Connected Organization

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
DOMINICK A. FUSCO	5591 BROADWAY BRONX NY 10463	CANDIDATE

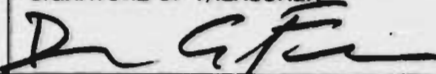
8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
DOMINICK A. FUSCO	5591 Broadway Bronx NY 10463	treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
CHEMICAL BANK	5581 BROADWAY BRONX NY 10463

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

TYPE OR PRINT NAME OF TREASURER DOMINICK A. FUSCO	SIGNATURE OF TREASURER 	DATE 9/11/92
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

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For further information contact:
Federal Election Commission
Toll-free 800-424-9530
Local 202-376-3120

FEC FORM 1
(revised 4/87)

92740924103



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1992

TWO WAY MEMORANDUM

TO: Virginia Whitted
OGC, Docket

FROM: Philomena Brooks
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Dominick A Fusco
check number MO 18308703 dated
September 14, 1992, and in the amount of \$ 250.00.
Attached is a copy of the check and any correspondence that
was forwarded. Please indicate below the account into which
it should be deposited, and the MUR number and name.

TO: Philomena Brooks
Accounting Technician

FROM: Virginia Whitted
OGC, Docket

In reference to the above check in the amount of
\$ 250.00, the MUR number is 3148 and in the name of
Dominick A. Fusco. The account into
which it should be deposited is indicated below:

☐ Budget Clearing Account (OGC), 95F3875.16

☒ Civil Penalties Account, 95-1099.160

☐ Other: _____

Virginia Whitted
Signature

September 18, 1992
Date

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
92 SEP 18 AM 11:30

920409224104

OGC 6500

RECEIVED
FEDERAL ELECTION COMMISSION
92 SEP 18 AM 11:38

92040924105

CHEMICAL BANK

55 Water Street
New York, N.Y. 10041

Personal Money Order
Not Valid Over \$1,000.00

1-12
210

No. 18308703

SEPTEMBER 14 1992

Pay to the Order of FEDERAL ELECTIONS COMMISSION

CHEM
0676 25000000

Address 6083 BROADWAY BACNY NY 10471

Signature R a P

⑈ 18308703 ⑈ ⑆ 021000128 ⑆ 000 777048 ⑈