



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4245

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN ΣΣΣ

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O'Donnell, Schwartz, Glanstein & Rosen
Counselors at Law

RECEIVED
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COMMISSION
MAIL ROOM

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JOHN F. O'DONNELL (1907-1993)
ASHER W. SCHWARTZ
JOEL C. GLANSTEIN
DAVID B. ROSEN
MALCOLM A. GOLDSTEIN
CARL RACHLIN
MANLIO DI PRETA
EDMOND PENDLETON

Lincoln Building Suite 1022
60 East Forty Second Street, New York, N.Y. 10165

(212) 370-5100 • FAX (212) 597-6299

Washington, D.C. 20005
1300 L Street, N.W., Suite 200

(202) 898-1707

July 14, 1995

Federal Election Commission
999 East Street, N.W.
Washington, D.C. 20463

Dear Sir:

Transport Workers Union of America, AFL-CIO ("TWU") hereby sets forth a complaint against the Brooklyn Union Gas Company for violation of F.E.C. 441b (b)(6).

Brooklyn Union Gas Company has been maintaining for several years a checkoff system for certain management personnel to contribute to its political action fund. TWU, which with its Local 101, represents hourly employees of the Company, has on several occasions formally requested from the Company that it make available to TWU a similar checkoff. The Company has not done so. We believe this violates the section of the Federal Election Campaign Act set forth above. Please inform us of what additional steps we may have to take to pursue this matter.

Very truly yours,

David B. Rosen

David B. Rosen
General Counsel
Transport Workers Union
of America, AFL-CIO

DBR/dea
cc: Mr. Frank McCann

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

July 20, 1995

David B. Rosen
O'Donnell, Schwartz, Glanstein & Rosen
Lincoln Building
60 East Forty Second Street
New York, New York 10165

Dear Mr. Rosen:

This is to acknowledge receipt on July 20, 1995, of your letter dated July 14, 1995. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

96043724999

If you have any questions concerning this matter, please
contact me at (202) 219-3410.

Sincerely,

Retha Dixon

Retha Dixon
Docket Chief

Enclosure

cc: Brooklyn Union Gas Company

96043725000

O'Donnell, Schwartz, Glanstein & Rosen
Counselors at Law

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 15 11 30 AM '95

JOHN F. O'DONNELL (1907-1993)
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Washington, D.C. 20005
1300 L Street, N.W., Suite 200

(202) 898-1707

July 14, 1995

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

Re: Transport Workers Union of America, AFL-CIO
and Brooklyn Union Gas Company

Dear Ms. Dixon:

In accordance with the instructions contained in your letter of July 20, 1995, enclosed please find a notarized Affidavit and a Statement of Designation of Counsel in the above matter.

Thank you for your assistance in this regard.

Very truly yours,

David B. Rosen
David B. Rosen
General Counsel
Transport Workers Union
of America, AFL-CIO
(dea)

DBR/dea
cc: Mr. Frank McCann

96043725001

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

OFFICE OF GENERAL
COUNSEL
Aug 15 11 35 AM '55

MUR 4245

In the Matter of

TRANSPORT WORKERS UNION OF
AMERICA, AFL-CIO,

Charging Party,

and

AFFIDAVIT

BROOKLYN UNION GAS COMPANY,

Respondent.

STATE OF NEW YORK)

.ss.:

COUNTY OF NEW YORK)

FRANK McCANN, being duly sworn, deposes and says:

1. I am an Executive Vice President of Charging Party Transport Workers Union of America, AFL-CIO ("TWU"), and am fully familiar with the facts complained of herein.

2. The Company has been maintaining for several years a dues checkoff system for certain management personnel to contribute to its political action fund.

3. TWU, which with its Local 101, represents hourly employees of Brooklyn Union Gas Company (the "Company").

4. TWU has on several occasions formally requested from the Company that it make available to TWU a similar checkoff. The Company has not done so.

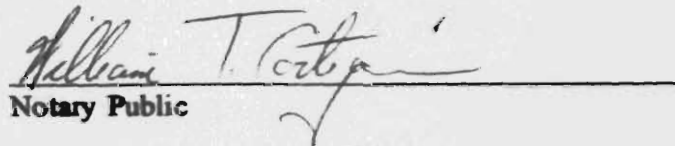
96043725002

5. TWU believes this refusal by the Company to be in violation of F.E.C. §441b (b)(6).


Frank McCann

Subscribed and sworn to before me this

16th day of August, 1995


Notary Public

WILLIAM T. COSTIGAN
Notary Public, State of New York
No. 5832270
Qualified in Westchester County
Commission Expires January 31, 1997



Transport Workers Union of America

Affiliated with American Federation of Labor and Congress of Industrial Organizations

88 WEST END AVENUE • NEW YORK, N.Y. 10023 • PHONE: 212 873-6000 • FAX: 212 721-1431

MATTHEW GUINAN
Int'l President Emeritus

GEORGE E. LEITZ
Int'l President Emeritus

SONNY HALL
International President

FRANK McCANN
Int'l Exec. Vice President

JOHN J. KERRIGAN
Int'l Secretary-Treasurer

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GEORGE ROBERTS
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Council Members

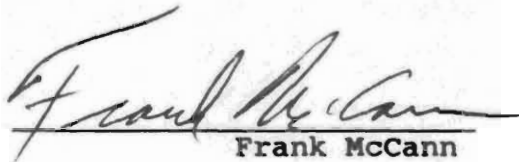
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AL MAYES
JOHN MIRRIONE
RICHARD PLOCINSKI
JAMES ROSS
MARSHA SPINOWITZ

STATEMENT OF DESIGNATION OF COUNSEL

I, Frank McCann, Executive Vice President of the Transport Workers Union of America, AFL-CIO ("TWU"), hereby authorize David B. Rosen, Esq. of O'Donnell, Schwartz, Glanstein & Rosen, to receive all communications from the Federal Election Commission on behalf of TWU. The above counsel's address is: 60 East 42nd Street - Suite 1022, New York, New York 10165. (212) 370-5100.


Frank McCann

Dated: August 10, 1995



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 17, 1995

David B. Rosen, General Counsel
O'Donnell, Schwartz, Glanstein & Rosen
Lincoln Building
60 East Forty Second Street
New York, N.Y. 10165

RE: MUR 4245

Dear Mr. Rosen:

This letter acknowledges receipt on August 15, 1995, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4245. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043725005



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 17, 1995

**Robert B. Catell, Chairman
Brooklyn Union Gas Company
P.O. Box 020690
Brooklyn, N.Y. 11202-9965**

RE: MUR 4245

Dear Mr. Catell:

The Federal Election Commission received a complaint which indicates that the Brooklyn Union Gas Company 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 4245. 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 Brooklyn Union Gas Company 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.

Celebrating the Commission's 20th Anniversary

**YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED**

96043725006

If you have any questions, please contact me at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

96043725007

Cullen and Dykman

177 Montague Street

Brooklyn, New York 11201-3611

(718) 855-9000

Fax (718) 855-4282

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COMMISSION
OFFICE OF GENERAL
COUNSEL

Sep 6 11 43 AM '95

September 5, 1995

VIA FEDERAL EXPRESS

Mary L. Taksar, Esq.
Central Enforcement Docket
Office of General Counsel
Federal Election Commission
999 East Street, N.W.
Washington, D.C. 20463

Re: Transport Workers Union of America,
AFL-CIO, and
The Brooklyn Union Gas Company
Complaint No. MUR-4245
RESPONSE TO COMPLAINT

Dear Ms. Taksar:

We are the attorneys for The Brooklyn Union Gas Company ("Brooklyn Union"). Enclosed is a Designation of Counsel Statement signed by an officer of Brooklyn Union, in accordance with 11 C.F.R. § 111.23.

We hereby respond to the allegations of the complaint of the Transport Workers Union of America, AFL-CIO ("TWU") that Brooklyn Union has violated the Federal Election Campaign Act, 2 U.S.C. § 441b(b)(6), by allegedly refusing to make available to the TWU a checkoff system for its members to contribute to its political action fund, the Committee On Political Education ("COPE").

Brooklyn Union denies that it has violated Section 441b(b)(6) and denies that it ever refused to make available to the TWU a system for its employees who are members of Local 101 of the TWU to contribute to the TWU's political action fund.

The TWU's complaint is accompanied by the affidavit of Frank McCann, International Executive Vice President of the TWU, which alleges in part that the TWU has "on several occasions formally

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FACSIMILE (516) 357-3792

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WASHINGTON, D.C. 20036-2411
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NEW JERSEY OFFICE
ONE RIVERFRONT PLAZA
NEWARK, NEW JERSEY 07102-6487
TELEPHONE (201) 822-1545
FACSIMILE (201) 822-4583

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Mary L. Taksar, Esq.
Complaint No. MUR 4245
August 31, 1995
Page 2

requested" that Brooklyn Union make a salary checkoff method available for its hourly employees to contribute to COPE. Mr. McCann's allegation is untrue. The TWU made one written inquiry to Brooklyn Union concerning this issue, and it was not a "formal request" to begin a checkoff system for COPE contributions.

On July 8, 1994, Mr. McCann faxed to William G. Bollbach, Brooklyn Union's Director of Industrial Relations, a copy of a letter dated May 18, 1994 addressed to Robert B. Catell, President and Chief Executive Officer of Brooklyn Union. Mr. McCann stated in his letter that, "I am writing to you to request that you contact T.W.U. Local 101 in order to arrange a 'C.O.P.E.' check-off for those of your T.W.U. represented employees who choose to participate in it." Local 101 of the TWU is the certified bargaining representative of a bargaining unit of Brooklyn Union's employees in Brooklyn and Queens. A copy of Mr. McCann's letter is attached as Exhibit A.

On July 27, 1994, Mr. Bollbach replied in writing to Mr. McCann's letter. Mr. Bollbach stated that Brooklyn Union had not previously received Mr. McCann's letter but that he would review the issues raised in it and contact Mr. McCann to discuss the matter further. A copy of Mr. Bollbach's letter is attached as Exhibit B.

The TWU has sent no other written correspondence to Brooklyn Union regarding this issue, and no official of Local 101 has ever written to Brooklyn Union to request that Brooklyn Union institute a salary deduction or checkoff system to enable members of Local 101 to contribute to COPE. Nevertheless, Brooklyn Union has done precisely what Mr. McCann requested in his letter. Brooklyn Union and Local 101 have discussed offering such a system to Local 101 members and have discussed various issues associated with implementing such a system, including the reimbursement of Brooklyn Union's administrative costs and the appropriate time for Local 101 to begin soliciting its members for COPE contributions in connection with such a system.

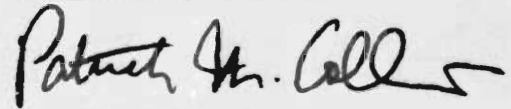
Brooklyn Union has never refused nor indicated to Local 101 or to the TWU a refusal to extend to employees who are Local 101 members a method to facilitate voluntary contributions to COPE. Brooklyn Union has been discussing this issue with Local 101 and expects to conclude its discussions with Local 101 within the next

Mary L. Taksar, Esq.
Complaint No. MUR 4245
August 31, 1995
Page 3

few weeks. Therefore, the TWU's complaint is without merit and the Federal Election Commission should take no action on it.

Please contact us if you would like any further information.

Very truly yours,



Patrick M. Collins

Enclosures

PMC/

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Transport Workers Union of America

Affiliated with American Federation of Labor and Congress of Industrial Organizations

88 WEST END AVENUE • NEW YORK, N.Y. 10023 • PHONE: 212 873-6000 • FAX: 212 721-1431

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Int'l President Emeritus

GEORGE E. LEVITZ
Int'l President Emeritus

SONNY HALL
International President

FRANK MCCANN
Int'l Exec. Vice President

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JOHN MAITERT
AL MAYES
JOHN MINNION
RICHARD FLORENSKI
JAMES HOSS
MARSHA SPINOWITZ

May 18, 1994

Mr. Robert B. Catell
Chief Executive Officer
Brooklyn Union Gas Company
One Metro Tech Center
Brooklyn, New York 11201

Dear Mr. Catell:

I am writing to you to request that you contact T.W.U. Local 101 in order to arrange a "C.O.P.E." check-off for those of your T.W.U. represented employees who choose to participate in it. We believe that such a check-off is a reasonable and fair step for you to take on behalf of these employees. Moreover, we have noted that the Company does maintain a "P.A.C." which provides a check-off for managerial personnel and FEC 441b(b)(6) requires that a company in such circumstances make the check-off requested available to unions representing its employees.

Please contact me, as soon as possible, to discuss this matter.

Sincerely yours,

Frank McCann
Int'l Executive Vice President
Transit Division Director

FMCC:bu
open-153

cc: P. Wiedman
M. Spingowitz

Exhibit A



One MetroTech Center
Brooklyn, New York 11201-3851
403-2730
852-4843 Fax

William Bollbach
Director,
Industrial Relations

July 27, 1994

Mr. Frank McCann
International Vice President
TWU Express
80 West End Avenue
New York, New York 10023

Dear Mr. McCann:

I am writing in response to your fax to me of July 8, 1994, enclosing a copy of a letter dated May 18, 1994 addressed to Mr. Robert B. Catell, the President and Chief Executive Officer of Brooklyn Union. I know that you informed me during our telephone conversation on July 8 of your understanding that this letter had been mailed to Mr. Catell previously. However, I have checked with all of the appropriate people at the Company, and I regret to inform you that this letter was never received by Mr. Catell or anyone else.

Nonetheless, after receiving your fax, we have initiated a review of the matters raised in your letter. We anticipate contacting you to discuss this matter when our review has been completed.

In the interim, if you have any questions, please feel free to call me.

Yours truly,

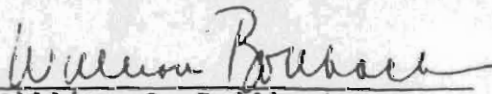

William G. Bollbach
Director, Industrial Relations



Exhibit B

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

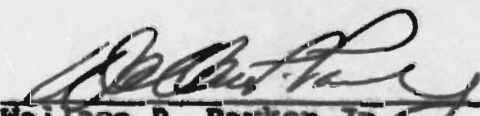
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In the Matter of	:	Complaint No. MUR-4245
TRANSPORT WORKERS UNION OF	:	
AMERICA, AFL-CIO,	:	
Charging Party,	:	<u>DESIGNATION OF COUNSEL</u>
- and -	:	
THE BROOKLYN UNION GAS COMPANY,	:	
Respondent.	:	

-----X

I, Wallace P. Parker Jr., Senior Vice President of The Brooklyn Union Gas Company ("Respondent") located at One MetroTech Center, Brooklyn, New York 11201, hereby designate Alvin Adelman, Esq., of the law firm of Cullen and Dykman, as counsel for Respondent and authorize him to receive any notifications and other communications from the Commission and to act on Respondent's behalf before the Commission in regard to this complaint. Please send all further communications to Alvin Adelman, Esq., Cullen and Dykman, 177 Montague Street, Brooklyn, New York 11201-3611.

Dated: Brooklyn, New York
September 5, 1995


Wallace P. Parker Jr.

96043725013

BEFORE THE FEDERAL ELECTION COMMISSION FEB 6 12 10 PM '96

In the Matter of

)
) Enforcement Priority
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 10 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of each case and the factors leading to assignment of a relatively

1. These matters are: MUR 4165 (Attachment 2); MUR 4187 (Attachment 3); MUR 4188 (Attachment 4); MUR 4199 (Attachment 5); MUR 4211 (Attachment 6); MUR 4212 (Attachment 7); MUR 4216 (Attachment 8); MUR 4224 (Attachment 9); MUR 4243 (Attachment 10); MUR 4245 (Attachment 11).

96043725014

low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 2-11. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referrals for matters referred by the Reports Analysis Division in instances where this information was not previously circulated. See Attachments 2-11.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 33 cases that

do not

warrant further investment of significant Commission resources.²

2. These matters are: PM 308 (Attachment 12); RAD 94L-29 (Attachment 13); RAD 94L-34 (Attachment 14); RAD 94NF-10 (Attachment 15); RAD 94NF-13 (Attachment 16); MUR 4027 (Attachment 17); MUR 4028 (Attachment 18); MUR 4033 (Attachment 19); MUR 4042 (Attachment 20); MUR 4045 (Attachment 21); MUR 4047 (Attachment 22); MUR 4049 (Attachment 23); MUR 4057 (Attachment 24); MUR 4059 (Attachment 25); MUR 4062 (Attachment 26); MUR 4065 (Attachment 27); MUR 4066 (Attachment 28); MUR 4067 (Attachment 29); MUR 4069 (Attachment 30); MUR 4070 (Attachment 31); MUR 4077 (Attachment 32); MUR 4079 (Attachment 33); MUR 4086 (Attachment 34); MUR 4089 (Attachment 35); MUR 4095 (Attachment 36); MUR 4099 (Attachment 37); MUR 4102 (Attachment 38); MUR 4104 (Attachment 39); MUR 4111 (Attachment 40); MUR 4113 (Attachment 41); MUR 4117 (Attachment 42); MUR 4127 (Attachment 43); and MUR 4132 (Attachment 44).

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Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report in instances where this information was not previously circulated. See Attachments 12-44.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below in Section III.A and III.B effective February 13, 1996. By closing the cases effective February 13, 1996, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective February 13, 1996 in the following matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94NF-10
- 5) RAD 94NF-13

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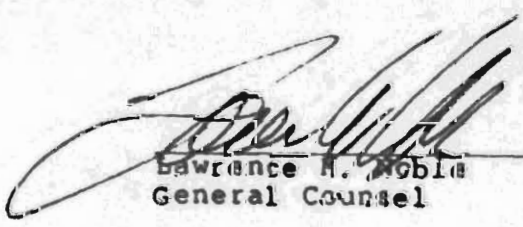
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B. Take no action, close the file effective February 13, 1996, and approve the appropriate letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059
- 10) MUR 4062
- 11) MUR 4065
- 12) MUR 4066
- 13) MUR 4067
- 14) MUR 4069
- 15) MUR 4070
- 16) MUR 4077
- 17) MUR 4079
- 18) MUR 4086
- 19) MUR 4089
- 20) MUR 4095
- 21) MUR 4099
- 22) MUR 4102
- 23) MUR 4104
- 24) MUR 4111
- 25) MUR 4113
- 26) MUR 4117
- 27) MUR 4127
- 28) MUR 4132
- 29) MUR 4165
- 30) MUR 4187
- 31) MUR 4188
- 32) MUR 4199
- 33) MUR 4211
- 34) MUR 4212
- 35) MUR 4216
- 36) MUR 4224
- 37) MUR 4243
- 38) MUR 4245

96043725017

Date 2/6/96


Lawrence H. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Enforcement Priority

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)
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Agenda Document #X96-13

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission, do hereby certify that the
Commission decided by votes of 4-0 to take the following
action in the above-captioned matter:

A. Decline to open a MUR and close the file
effective March 5, 1996, in the following
matters:

- 1) PM 308
- 2) RAD 94L-29
- 3) RAD 94L-34
- 4) RAD 94MF-10
- 5) RAD 94MF-13

B. Take no action, close the file effective
March 5, 1996, and approve appropriate
letter in the following matters:

- 1) MUR 4027
- 2) MUR 4028
- 3) MUR 4033
- 4) MUR 4042
- 5) MUR 4045
- 6) MUR 4047
- 7) MUR 4049
- 8) MUR 4057
- 9) MUR 4059

(continued)

96043725018

Federal Election Commission
Certification: Enforcement Priority
March 6, 1996

Page 2

10) MUR 4062
11) MUR 4063
12) MUR 4066
13) MUR 4067
14) MUR 4069
15) MUR 4070
16) MUR 4077
17) MUR 4079
18) MUR 4086
19) MUR 4089
20) MUR 4095
21) MUR 4099
22) MUR 4102
23) MUR 4104
24) MUR 4111
25) MUR 4113
26) MUR 4117
27) MUR 4127
28) MUR 4132
29) MUR 4165
30) MUR 4187
31) MUR 4188
32) MUR 4199
33) MUR 4211
34) MUR 4212
35) MUR 4216
36) MUR 4224
37) MUR 4243
38) MUR 4245

(continued)

96043725019

Federal Election Commission
Certification: Enforcement Priority
March 5, 1996

Page 3

Commissioners Aikens, Elliott, McDonald, and Thomas
voted affirmatively on the above-noted decisions.
Commissioner McGarry was not present.

Attest:

3/7/96
Date

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

96043725020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Rosen, General Counsel
O'Donnell, Schwartz, Glanstein & Rosen
Lincoln Building
60 East Forty Second Street
New York, NY 10165

RE: MUR 4245

Dear Mr. Rosen:

On August 15, 1995, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Brooklyn Union Gas Company. See attached narrative. Accordingly, the Commission closed its file in this matter on March 5, 1996. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar (FBH)

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

196043725021

NUR 4245

BROOKLYN UNION GAS COMPANY

The Transport Workers Union of America, AFL-CIO ("TWU"), filed a complaint alleging that the Brooklyn Union Gas Company has violated 2 U.S.C. § 441b(b)(6) because it has not established a checkoff system available to members of the TWU Local 101 even though such a system was requested in writing and exists for management personnel of Brooklyn Union Gas Company.

Brooklyn Union Gas Company responds that it has never refused or indicated to Local 101 or TWU a refusal to extend to employees who are Local 101 members a method to facilitate voluntary contributions to COPE. According to the respondent, it received one written inquiry regarding a checkoff system which requested that Brooklyn Gas contact TWU in order to arrange for a check-off system. The respondent states that it replied in writing and that TWU Local 101 and Brooklyn Union Gas have discussed offering such a system to Local 101 and the various issues associated with implementing such a system, including the reimbursement of Brooklyn Union's administrative costs and the appropriate time for Local 101 to begin soliciting its members for COPE contributions in connection with such system. Brooklyn Union states that it anticipates that discussions with Local 101 will be concluded shortly.

This matter is less significant relative to other matters pending before the Commission.

96043725022



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 7, 1996

Alvin Adelman, Esquire
Cullen and Dykman
177 Montague Street
Brooklyn, NY 11201-3611

RE: MUR 4245
Brooklyn Gas Company

Dear Mr. Adelman:

On August 17, 1995, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Brooklyn Union Gas Company. See attached narrative. Accordingly, the Commission closed its file in this matter on March 5, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3460.

Sincerely,

Mary L. Taksar *76H*

Mary L. Taksar, Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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NUR 4245

BROOKLYN UNION GAS COMPANY

The Transport Workers Union of America, AFL-CIO ("TWU"), filed a complaint alleging that the Brooklyn Union Gas Company has violated 2 U.S.C. § 441b(b)(6) because it has not established a checkoff system available to members of the TWU Local 101 even though such a system was requested in writing and exists for management personnel of Brooklyn Union Gas Company.

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This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4245

DATE FILMED 3/19/96 CAMERA NO. 2

CAMERAMAN EES

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