



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4375

DATE FILMED 4-28-97 CAMERA NO. 1

CAMERAMAN JMW

97043792481

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Law Offices of
STEPHEN M. DE LUCA, ESQ.
Attorney and Counsellor-at-Law

Admitted:
New Jersey
New York
United States Court of
International Trade

350 Lexington Ave.
Mt. Kisco, NY 10549
(914) 666-9200

485 Main St.
Hackensack, NJ 07105-8155
(201) 342-9300

Fax#: (914) 666-9203
Internet: sdeluca0@counsel.com

121 Night Owl Court
Longwood, FL 32779
(407) 862-8821

May 13, 1996

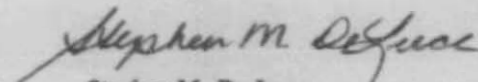
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: In the Matter of Vincent Natrella, et al.

Dear Sir/Madam:

Enclosed for filing please find an original and two (2) copies of a complaint by my client, Joseph J. DioGuardi, a candidate for Federal office, against several named respondents for violations of federal election law and regulations. If you have any questions, please contact me at the office of People for DioGuardi, (914) 762-5530.

Respectfully,


Stephen M. De Luca

Enclosure

97043792482

BEFORE THE FEDERAL ELECTION COMMISSION MAY 20 4 54 PM '96

In the Matter of

VINCENT NATRELLA, WESTCHESTER COUNTY
CONSERVATIVE PARTY, SUE KELLY, AND SUE
KELLY FOR CONGRESS,

Respondents.

TO: General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

The complainant, Joseph J. DioGuardi, as and for his complaint against the respondents, under oath and penalty of perjury, alleges the following:

THE PARTIES

1. Mr. DioGuardi is a candidate for Representative to the U.S. House of Representatives from the 19th Congressional District of New York State, a federal office as defined under 11 CFR section 100.3(a), and as such he is a candidate as defined under 11 CFR section 100.3.

2. Respondent Vincent Natrella is the Chairman of the Westchester County Conservative Party of the State of New York.

3. Respondent Westchester County Conservative Party of the State of New York is a political party as defined under 11 CFR section 100.5(e)(4) and is not an authorized committee or affiliated committee of Sue Kelly and/or Sue Kelly for Congress as defined under 11 CFR section 100.5(f) and (g).

4. Respondent Sue Kelly is the current Representative to the U.S. House of Representatives from the 19th Congressional District of New York State and is a candidate for re-election to that office, a federal office as defined under 11 CFR section 100.3(a), and as such she is a candidate as defined under 11 CFR section 100.3.

5. Respondent Sue Kelly for Congress is Ms. Kelly's principal campaign committee as defined under 11 CFR section 100.5(e)(1) and is the only one authorized by Ms. Kelly under 11 CFR section 102.13 as her authorized committee as defined under 11 CFR section 100.5(f)(1).

THE FACTS

6. In a direct mail campaign letter dated March 22, 1996, Ms. Kelly sent a letter to Republican Party leaders in the 19th Congressional District of New York State. A copy of this letter is attached hereto as Exhibit 1.

7. In a direct mail campaign letter dated April 11, 1996, Mr. Natrella sent a letter on Westchester County Conservative Party letterhead, which identifies himself as Chairman of the Westchester County Conservative Party and a Vice-Chairman of the New York State Conservative Party (the "State Party"), to over 100 Republican Party and Conservative Party leaders in the 19th Congressional District of New York State expressly advocating the election of Ms. Kelly and the defeat of Mr. DioGuardi, each of whom is clearly identified as defined under 11 CFR section 100.17. A copy of this letter is attached hereto as Exhibit 2.

8. In a letter dated April 24, 1996, Counsel for People for DioGuardi advised Michael Long, Chairman of the State Party, that a complaint against the State Party and others had been prepared with regard to Mr. Natrella's April 21, 1996 letter. A copy of this letter is attached hereto as Exhibit 3.

9. In a letter dated May 3, 1996, Counsel for the State Party responded to the said April 24, 1996 letter advising that the State Party had not authorized the letter, expended any State Party funds and did not otherwise support acquiesce in or authorize Mr. Natrella's letter, and that Mr. Natrella's representation that he is a Vice-Chairman of the State Party is untrue. A copy of this letter is attached hereto as Exhibit 4.

COUNT ONE

10. The complainant repeats and realleges all the allegations of paragraphs 1 through 9 as if fully restated herein.

11. The April 11, 1996 letter does not include a disclaimer as defined under 11 CFR section 110.11, and thus fails to provide non-authorization notice as defined under 11 CFR section 109.3.

COUNT TWO

12. The complainant repeats and realleges paragraphs 1 through 11 as if fully set forth herein.

13. The issuance of said April 11, 1996 letter was made for the purpose of influencing an election for federal office and as such was a contribution under 11 CFR section 100.7(a)(1).

14. Under information and belief, the issuance of said April 11, 1996 letter was on behalf of Ms. Kelly and/or Sue Kelly for Congress and as such the Conservative Party of Westchester County acted as an unauthorized committee of Ms. Kelly as defined under 11 CFR section 100.5(f)(2).

COUNT THREE

15. The complainant repeats and realleges paragraphs 1 through 14 as if fully set forth herein.

16. Under information and belief, Mr. Natrella does not have mailing lists or mailing labels for the Republican Party and Conservative Party leaders in the 19th Congressional District of New York State and does not have the equipment and personnel necessary to generate such lists or labels that were used on envelopes to mail the said April 11, 1996 letter to said leaders.

17. The content and language of the aforesaid April 11, 1996 letter are nearly identical to that of the aforesaid March 22, 1996 letter.

18. Under information and belief, said April 11, 1996 letter was made with the cooperation of, in consultation with, in concert with, or at the request of Ms. Kelly or Sue Kelly for Congress and as such was not an independent expenditure under 11 CFR section 100.16.

COUNT FOUR

19. The complainant repeats and realleges paragraphs 1 through 19 as if fully set forth herein.

20. By not stating in said April 11, 1996 letter who paid for it or whether Ms. Kelly or Sue Kelly for Congress authorized the letter and by putting it on Westchester County Conservative Party letterhead with his political offices stated thereon, Mr. Natrella suggests that the letter was paid for and/or authorized by the Conservative Party of Westchester County and/or the State Party.

21. Under information and belief, Mr. Natrella made a contribution in the name of another person, a prohibited contribution as defined under 11 CFR section 110.4(b)(i).

COUNT FIVE

22. The complainant repeats and realleges paragraphs 1 through 21 as if fully set forth herein.

23. Under information and belief, the Westchester County Conservative Party knowingly permitted its name to be used to effect a contribution made in its name by another person, a prohibited contribution as defined under 11 CFR section 110.4(b)(ii).

COUNT SIX

24. The complainant repeats and realleges paragraphs 1 through 23 as if fully set forth herein.

25. Under information and belief, Ms. Kelly knowingly accepted a contribution made by one person in the name of another, a prohibited contribution as defined under 11 CFR section 110.4(b)(iv).

COUNT SEVEN

26. The complainant repeats and realleges paragraphs 1 through 25 as if fully set forth herein.

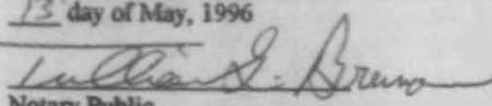
27. Under information and belief, Sue Kelly for Congress knowingly accepted a contribution made by one person in the name of another, a prohibited contribution as defined under 11 CFR section 110.4(b)(iv).

Dated: May 13th, 1996

Respectfully submitted,


Joseph J. DiGuardi
2 Croton Avenue
Ossining, New York 10562
(914) 762-5530

Sworn to before me this
13 day of May, 1996


Notary Public

TULLIO G. BRUNO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 4652504
QUALIFIED BY WESTCHESTER COUNTY
COMMISSION EXPIRES 6-19-97

97043792486

SUE KELLY

March 22, 1996

Mr. Richard J. Romano
11 Cheddar Lane
New Windsor, N.Y. 12553

Dear Richard:

Certainly I was a bit surprised to learn on March 14 that the New Windsor Republican Committee voted to endorse the candidacy of Joe DioGuardi.

I respect the committee's decision, but would like to take this opportunity to correct some of the assertions made at the meeting.

Item: Mr. DioGuardi contends that I am pro-abortion because of a vote I cast pertaining to late term abortions.

The Truth: Most late term abortions (450 of approximately 1.6 million annually) involve severely deformed or damaged fetuses and are done to protect the health or save the life of the mother. The bill to which Mr. DioGuardi referred would have imposed criminal penalties on doctors who perform late term abortions to save the mother's health. I believe this difficult decision is between a woman, her doctor, her husband and her God; not her God and the federal government.

Item: Mr. DioGuardi contends that I favor gay marriages.

The Truth: I am not a proponent of gay marriage. The amendment Mr. DioGuardi referenced in his presentation was also opposed by other conservative Republicans from New York, including Congressman Gilman, to whom Mr. DioGuardi recently contributed.

Item: Mr. DioGuardi contends that I favor federal funding of pornographic art.

The Truth: I supported successful efforts to prohibit federal funding of pornographic art. I am the mother of four children, have been married to the same man for 36 years and believe in family values. I am not in the business of spreading pornographic filth or funding it with federal tax dollars.

Item: It was alleged that I closed a Congressional office in Orange County.

The Truth: The 19th District Congressional office in Orange County was closed by Congressman Fish in the early 1990's. My federal staff allocation precludes having an office in each of the four counties I represent. However, upon taking office in 1995 I relocated Congressman Fish's Dutchess County office to a location much more convenient to those who live in New Windsor, hired a staff assistant from New Windsor and two others from neighboring Orange County towns. In addition, my Mobile Office held office hours on four different occasions in New Windsor between May and November.

P.O. BOX 599 KATONAH, NEW YORK 10536-0599 TEL 914/ 232-5940 FAX 914/ 232-7403
Paid for by Sue Kelly for Congress



97043792487

Item: It was alleged that I have ignored New Windsor.

The Truth: I have visited New Windsor 17 times since taking office. One of the first of 35 town meetings I held last year was in New Windsor. Shortly after the 104th Congress convened, I sponsored a special meeting for town Supervisors from the Hudson Valley, to which Supervisor Meyers was invited. I have and continue to confer frequently with Senator Larkin and Assemblywoman Calhoun and receive regular briefings from my staff on local problems in New Windsor.

When I addressed the Committee a month ago, the subject of Mr. DioGuardi was not raised and I thus did not feel compelled to discuss his candidacy. However, now that he has directly challenged my veracity, I do feel you are entitled to know the full story in advance of the Orange County Convention.

Mr. DioGuardi is a former Congressman who represented Southern Westchester in the 20th Congressional district in the 1980's. He was defeated in 1988 because of a money laundering scandal involving his campaign committee. His chief fund raiser was arrested, indicted and convicted. During the trial, he testified that Mr. DioGuardi had masterminded the scheme. In 1992, Mr. DioGuardi ran for Congress in the 18th Congressional district and was soundly defeated. In 1994, he moved to the 19th Congressional District two weeks before the primary and lost again. Although I defeated Mr. DioGuardi in the Republican primary, he continued to campaign actively on the conservative line in the general election, telling associates he hoped to secure enough votes to deny me a victory. In the general election, I defeated Mr. DioGuardi 52% to 10%. My Democratic opponent received 36%.

In Congress, Mr. DioGuardi was not the career conservative he would have you believe. He voted with Democrats more than 40% of the time and took four pay raises in four years. Not a single one of the 76 bills he sponsored ever became law.

Certainly I cannot please everyone and there will always be those who contend they could have done the job better. I will continue to represent you to the best of my ability and in a manner that I hope you will find consistent with strong family values and sound, conservative Republican principles.

Should you have questions regarding my voting record or wish to speak with me directly, I encourage you to call. My number in Washington is 202-225-5441. You can also reach me through the Fishkill office by calling 897-5200.

Sincerely,



97043792488

Westchester County



Conservative Party

87 SHORE VIEW DRIVE • YONKERS, NEW YORK 10710 • (914) 793-4470

Vincent Natrella
Chairman, Westchester County
Vice-Chairman, New York State

April 11, 1996

Michael L. Mannix
54 Whitson Road
Briarcliff Manor, New York 10510

Dear Michael,

Despite a personal plea from House Speaker Newt Gingrich to stay out of the race, former Congressman Joe DioGuardi has apparently decided to challenge incumbent Congresswoman Sue Kelly in the September Republican and Conservative primaries. He is actively seeking support from members of Republican and Conservative organizations in the 19th Congressional District.

I know Mr. DioGuardi well. He was once my Congressman. In years past I have supported him, as did many in the conservative community. I will not this year. I want you to know why.

Reason #1. We are already well represented in the United States Congress.

Sue Kelly has a conservative voting record. She has supported tax cuts, the balanced budget, line-item veto, welfare reform and term limits. She has worked closely with Speaker Gingrich to pass the very things that conservative minded people have so long advocated in New York and Washington.

I also know from personal experience that Mrs. Kelly has been especially attentive to her constituents. She returns to the district every weekend. She's held town meetings in every community in the district, sponsored meetings of town Supervisors, Mayors, elected officials, County Legislators, Republican and Conservative leaders. She even has a mobile office that conducts office hours around the district when Congress is in session.

Reason #2. Mr. DioGuardi carries political baggage that will haunt all of us if he is nominated.

From 1984-1988 Mr. DioGuardi represented Southern Westchester in

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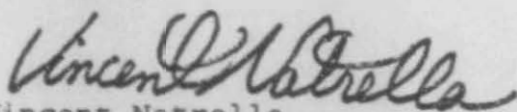
the 20th Congressional District. He was defeated in 1988 because of a money laundering scandal involving his campaign committee. His chief fundraiser was arrested, indicted and convicted. During the trial, his fundraiser testified to a Federal Judge that Mr. DioGuardi has masterminded the scheme to funnel illegal contributions to his campaign committee.

In 1992, Mr. DioGuardi ran for Congress in the 18th Congressional District and was soundly defeated. In 1994, he moved to the 19th Congressional District two weeks before the primary and lost again. Although Congresswoman Kelly defeated Mr. DioGuardi in the Republican primary, he continued to campaign actively on the conservative line in the general election, telling associates he hoped to secure enough votes to deny Mrs. Kelly a victory. In the general election, Mr. DioGuardi was trounced by Mrs. Kelly 52% to 10%. The Democrat received 36%.

I know what it takes to win elections in the Hudson Valley. Although the 19th Congressional district leans Republican, it is not one that will elect a scandal ridden Republican who has been repudiated in three different Congressional Districts in four different elections.

Mr. DioGuardi's lack of integrity cost the Republican party a seat in the United States Congress in 1988. He tried to prevent Mrs. Kelly from winning a seat for the Republican party in 1994. His nomination will most assuredly cost the Republican party a seat in the next Congress, not to mention the loss of Congresswoman Kelly. His is not the mission of a principled conservative; it is the wailing bellow of a scandal ridden politician whose career has come to an inglorious end.

Sincerely,



Vincent Natrella
Chairman Westchester Conservative Party

9704379249C

Law Offices of
STEPHEN M. De LUCA, ESQ.
Attorney and Counsellor-at-Law

Admitted:
New Jersey
New York
United States Court of
International Trade

Fax#: (914) 666-9203
Internet: sdeluca0@counsel.com

350 Lexington Ave.
Mt. Kisco, NY 10549
(914) 666-9200

485 Main St.
Hackensack, NJ 07105-8155
(201) 342-9300

121 Night Owl Court
Longwood, FL 32779
(407) 862-8821

April 24, 1996

Hon. Michael R. Long
Chairman, Conservative Party of
the State of New York
486 78th Street
Brooklyn, NY 11209

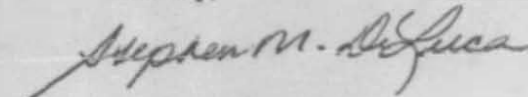
Dear Chairman Long:

Please be advised that I have prepared at Joseph J. DioGuardi's request a complaint against the Conservative Party of the State of New York and others with regard to a direct mail campaign letter that Vincent Natrella sent to Republican Party leaders in the 19th Congressional District of the State of New York expressly advocating the election of Sue Kelly and the defeat of Mr. DioGuardi. A copy of this letter is enclosed for your reference.

Among other things, the letter does not contain a disclaimer. The letterhead on which the letter was issued indicates that Mr. Natrella not only is the Chairman of the Westchester County Conservative Party but is a Vice-Chairman of the Conservative Party of New York State. It therefore suggests that the state party either gave support to, acquiesced in or authorized the issuance of this letter. As such, the letter fails to comply with provisions of Title 11 of the Code of Federal Regulations pertaining to Federal Elections.

Please direct any response you may have to my New York office so that we may resolve any outstanding questions before the filing of the complaint with the FEC. I look forward to hearing from you.

Sincerely,


Stephen M. De Luca

Enclosure

cc: Joseph J. DioGuardi

97043792491

PATRICK J. FOYE
919 THIRD AVENUE
NEW YORK, N.Y. 10022

May 3, 1996

Stephen M. DeLuca, Esq.
350 Lexington Avenue
Mt. Kisco, NY 10549

Dear Mr. DeLuca:

This is to confirm our conversation of yesterday. I have reviewed the letter dated April 11, 1996 from Vincent Natrella to a resident of Briarcliff Manor and have spoken to Michael R. Long, Chairman of the New York State Conservative Party. You should be aware of the following:

1. Mr. Natrella's letter was unauthorized and does not represent the views of the New York State Conservative Party. The State Party has not yet endorsed any candidate in the DioGuardi-Kelly 19th Congressional District race.

2. Mr. Natrella is not now a Vice-Chairman of the State Party. Any representation by Mr. Natrella to the contrary is untrue.

3. No State Party funds were expended in preparing or mailing Mr. Natrella's letter. The State Party did not support, acquiesce in or authorize Mr. Natrella's letter.

4. The State Party will endorse a candidate in the DioGuardi-Kelly race only after following its internal rules and regulations and in compliance with applicable federal and state law.

Please call me at (212) 735-2274 if you have any questions about this matter.

Very truly yours,

Pat Foye
Patrick J. Foye

cc: Michael R. Long



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 30, 1996

Joseph J. DioGuardi
2 Croton Avenue
Ossining, NY 10562

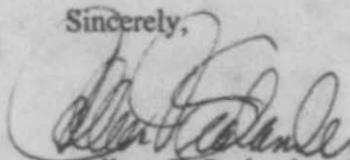
RE: MUR 4375

Dear Mr. DioGuardi:

This letter acknowledges receipt on May 20, 1996, 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 4375. 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,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043792493



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 30, 1996

George Sanossian, Treasurer
Sue Kelly for Congress Committee
700 White Plains Road, Suite 325
Scarsdale, New York 10583

RE: MUR 4375

Dear Mr. Sanossian:

The Federal Election Commission received a complaint which indicates that Sue Kelly for Congress Committee ("Committee") 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 4375. Please refer to this number in all future correspondence.

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

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792495



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 30, 1996

The Honorable Sue W. Kelly
U.S. House of Representatives
1037 Longworth Office Building
Washington, DC 20515

RE: MUR 4375

Dear Ms. Kelly:

The Federal Election Commission received a complaint which indicates 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 4375. Please refer to this number in all future correspondence.

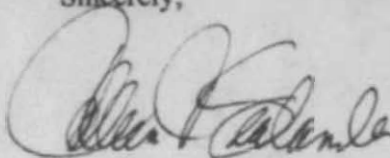
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

97043792496

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792497



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 30, 1996

The Honorable Sue W. Kelly
187 Jay Street
Katonah, New York 10536

RE: MUR 4375

Dear Ms. Kelly:

The Federal Election Commission received a complaint which indicates 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 4375. Please refer to this number in all future correspondence.

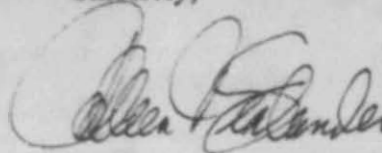
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792499



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 30, 1996

The Honorable Michael R. Long, Chairman
Conservative Party of the State of New York
486 78th Street
Brooklyn, New York 11209

RE: MUR 4375

Dear Mr. Long:

The Federal Election Commission received a complaint which indicates that the Conservative Party of the State of New York 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 4375. Please refer to this number in all future correspondence.

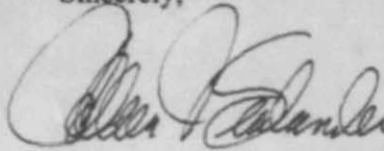
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Conservative Party of the State of New York in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, 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.

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97043792500

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792501



FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 30, 1996

Vincent Natrella, Chairman
Westchester County Conservative Party
87 Shore View Drive
Yonkers, New York 10710

RE: MUR 4375

Dear Mr. Natrella:

The Federal Election Commission received a complaint which indicates that the Westchester County Conservative Party and you, as chairman, 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 4375. Please refer to this number in all future correspondence.

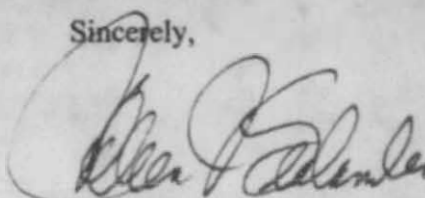
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Westchester County Conservative Party and you, as chairman in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. 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.

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97043792502

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043792503

PATRICK J. FOYE
919 THIRD AVENUE
NEW YORK, N.Y. 10022

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 13 2 29 PM '96

June 12, 1996

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

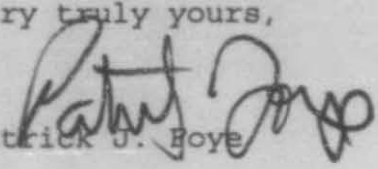
Re: MUR 4375

Ladies/Gentlemen:

I am writing on behalf of the Conservative Party of the State of New York (the "State Party") with respect to In the Matter of Vincent Natrella, et al. On June 3, 1996, the State Party received a letter dated May 30 from the Federal Election Commission (the "FEC"). The FEC's letter stated that it has "received a complaint which indicates that the [State Party] may have violated the Federal Election Campaign Act of 1971, as amended...."

In fact, the complaint does not indicate that the State Party may have violated the Act and the State Party is not a named respondent in the complaint. In any event, enclosed is a sworn affidavit of Michael R. Long, Chairman of the State Party, with respect to certain matters raised in the complaint. Also, enclosed is the State Party's Statement of Designation of Counsel. If you have any questions, I can be reached at (212) 735-2274.

Very truly yours,


Patrick J. Foye

Enclosure

cc: Clinette Short
Colleen Sealander, Esq.
Stephen M. DeLuca, Esq.
Vincent Natrella
Rep. Sue Kelly

97043792504

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of
VINCENT NATRELLA,
et al.,
Respondents

AFFIDAVIT OF MICHAEL R. LONG

Michael R. Long, under oath and penalty of perjury, states as follows:

1. I am the Chairman of the Conservative Party of the State of New York (the "State Party").
2. On or about April 26, 1996, I received a letter dated April 24, 1996 from Stephen M. DeLuca, counsel to People for DioGuardi. That letter was filed as Exhibit 3 to a complaint dated May 13, 1996 and filed with the Federal Election Commission (the "FEC") on or about May 20, 1996 (the "Complaint").
3. Mr. DeLuca's letter (Exhibit 3) contained a letter from Vincent Natrella to a person in Briarcliff Manor, New York dated April 11, 1996 regarding the primary election in the 19th Congressional District (the "Natrella Letter"). The Natrella Letter was filed as Exhibit 2 to the Complaint.
4. Neither the content nor the mailing of the Natrella Letter was approved or authorized by the State Party.
5. The State Party was unaware of the existence of the Natrella Letter until the State Party received a copy from Mr. DeLuca on or about April 26, 1996.

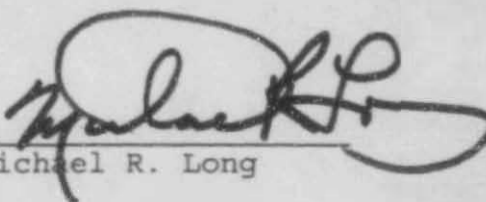
6. No funds or resources of the State Party were expended in preparing or mailing the Natrella Letter.

7. The State Party has not endorsed any candidate in the 19th Congressional District race.

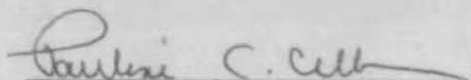
8. If it determines to endorse a candidate in the 19th Congressional District race, the State Party will do so only after following its internal rules and regulations and in compliance with applicable federal and state law.

9. Although the Natrella Letter states that Mr. Natrella is "Vice-Chairman, New York State", in fact, Mr. Natrella has not been Vice-Chairman of the State Party since September 1990.

Dated: June 12, 1996


Michael R. Long

Sworn to before me this
12th day of June 1996


Notary Public

PAULINE C. CELLA
Notary Public, State of New York
No. 43-0603365
Qualified in Richmond County
Commission Expires July 31, 1997

97043792506

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4375

NAME OF COUNSEL: Patrick J. Foye

FIRM: _____

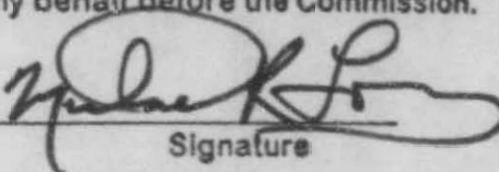
ADDRESS: 919 Third Avenue, Suite 44-74
New York, NY 10022

TELEPHONE: (212) 735-2274

FAX: (212) 735-3624

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/12/96
Date


Signature

RESPONDENT'S NAME: Conservative Party of New York State

ADDRESS: 486 78th Street
Brooklyn, NY 11209

TELEPHONE: HOME (718) 748-8018

BUSINESS (718) 921-2158

97043792507

FEDERAL ELECTIONS COMMISSION

In the Matter of

The complaint of Joseph DioGuardi
against Vincent Natrella et al.

MUR 4375

VERIFIED ANSWER

SUE KELLY, by her attorneys, Twohy, Kelleher & Gallagher, LLP,
does hereby answer the complaint of Joseph J. DioGuardi as follows:

1. Respondent denies information and/or knowledge sufficient
to form a belief as to the facts alleged in paragraphs numbered 1,
3, 8, 9 and 16 of the complaint.

2. Respondent denies the allegations contained in paragraphs
numbered 14, 20, 21, 23, 25 and 27.

3. Respondent denies paragraph numbered 6 but does
affirmatively state as the letter indicates, same was sent by Sue
Kelly for Congress, the Political Committee authorized therefor.

4. Respondent states as to paragraph numbered 7 of the
complaint that the letter attached to the complaint as Exhibit 2
speaks for itself. Respondent did not personally play any role in
the preparation and/or mailing of said letter.

5. Respondent denies the statements contained in paragraph
numbered 11 of the complaint except to admit that said letter does
not include a disclaimer as defined under Section 110.11.

6. Respondent lacks knowledge or information sufficient to
form a belief as to the conclusion contained in paragraph numbered
17 and states that the contents of the two letters referenced
therein speak for themselves.

96. JUN 12 9 06 AM

COMMISSION
OFFICE OF GENERAL
COUNSEL

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7. The respondent denies so much of the information contained in paragraph numbered 18 of the complaint as alleges the April 11th letter was made with the cooperation of, in consultation with, or at request of respondent. Respondent admits said letter was mailed with the cooperation of Sue Kelly for Congress. Respondent lacks sufficient information and knowledge to form a belief as to the conclusion of law contained in said paragraph.

RESPONDENT AFFIRMATIVELY STATES AS FOLLOWS:

8. At no time has respondent or anyone on behalf of the subject committee accepted or knowingly participated in the acceptance or processing of any contribution which violates the letter or spirit of Federal Election Commission rule, regulation or statute.

9. The April 11, 1996 letter was sent by an individual in an attempt to influence internal party functioning as related to the primary in and for the 19th Congressional District of New York State.

10. The Election Law of the State of New York at Section 2-126 prohibits expenditures of any Party funds in any primary election. Therefore, in order to avoid any question, postage and envelopes were paid for by Sue Kelly for Congress.

11. Respondent does not believe any action taken by the said Committee to be in violation of the letter or spirit of the Federal Campaign financing and reporting structures.

13. Respondent has instructed her counsel to seek opinion of the Federal Election Commission regarding parameters for inclusion of disclaimers on letters sent by private citizens.

WHEREFORE, it is respectfully requested that the Commission dismiss this complaint in its entirety.

TWOHY, KELLEHER & GALLAGHER, LLP
188 Montague Street
Brooklyn, New York 11201
718-875-2021

Kelly'kelly.net

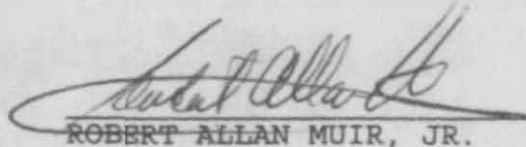
VERIFICATION

STATE OF NEW YORK)

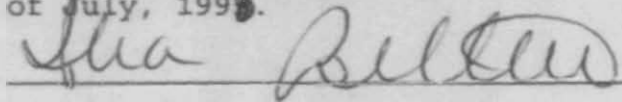
ss.:

COUNTY OF KINGS)

ROBERT ALLAN MUIR, JR., being duly sworn, deposes and says that deponent is the attorney for the Respondent SUE KELLY in this proceeding and has read the annexed Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true. The basis upon which this verification is made by me is that I maintain my law office in a different county than my client, SUE KELLY resides.


ROBERT ALLAN MUIR, JR.

Sworn to before me this 5th day
of July, 1996.



ILSA BELTRAN
Notary Public, State of New York
No. 24-4977201
Qualified in Kings County
Commission Expires January 28, 1997

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4375

NAME OF COUNSEL: ROBERT ALLAN MUIR

FIRM: TWOHY, KELLEHER & GALLAGHER

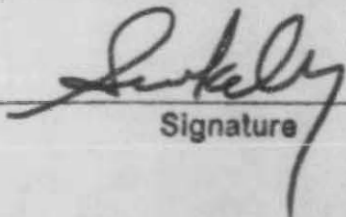
ADDRESS: 188 MONTAGUE AVE
BROOKLYN, NY 11201

TELEPHONE: (718) 825-2021

FAX: (718) 802-9360

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6.4.96
Date


Signature

RESPONDENT'S NAME: SUB W. KELLY

ADDRESS: 1037 LHO3
WASIT DC 28515

TELEPHONE: HOME (914) 232-3744

BUSINESS (202) 225-5441

97043792512

FEDERAL ELECTIONS COMMISSION

-----X

MUR 4375

In the Matter of

VERIFIED ANSWER

The complaint of Joseph DioGuardi
against Vincent Natrella et al.

-----X

VINCENT NATRELLA, by his attorneys, Twohy, Kelleher & Gallagher, LLP, does hereby answer the complaint of Joseph J. DioGuardi as follows:

1. Respondent denies information and/or knowledge sufficient to form a belief as to the facts alleged in paragraphs numbered 1, 3, 8, 9 and 16 of the complaint.

2. Respondent denies the allegations contained in paragraphs numbered 14, 20, 21, 23, 25 and 27.

3. Respondent denies paragraph numbered 6 but does affirmatively state as the letter indicates, same was sent by Sue Kelly for Congress.

4. Respondent states as to paragraph numbered 7 of the complaint that the letter attached to the complaint as Exhibit 2 speaks for itself.

5. Respondent denies the statements contained in paragraph numbered 11 of the complaint except to admit that said letter does not include a disclaimer as defined under Section 110.11.

6. Respondent lacks knowledge or information sufficient to form a belief as to the conclusion contained in paragraph numbered 17 and states that the contents of the two letters referenced therein speak for themselves.

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7. The respondent denies so much of the information contained in paragraph numbered 18 of the complaint as alleges the April 11th letter was made with the cooperation of in consultation with or at request of respondent. Respondent sent said letter as a part of his First Amendment Expression. Respondent admits said letter was mailed with the cooperation of Sue Kelly for Congress. Respondent lacks sufficient information and knowledge to form a belief as to the conclusion of law contained in said paragraph.

RESPONDENT AFFIRMATIVELY STATES AS FOLLOWS:

8. At no time have I or any of my committees made or knowingly participated in the giving or processing of any contribution which violates the letter or spirit of Federal Election Commission rule, regulation or statute.

9. The April 11, 1996 letter was sent by me, individually, in an attempt to influence internal party functioning as related to the primary of the 19th Congressional District of New York State.

10. The Election Law of the State of New York at Section 2-126 prohibits expenditures of any Party funds in any primary election. Therefore, in order to avoid any question, postage and envelopes were paid for by Sue Kelly for Congress.

11. Respondent does not believe any action taken by the said Committee to be in violation of the letter or spirit of the Federal Campaign financing and reporting structures.

13. Respondent has instructed his counsel to seek opinion of the Federal Election Commission regarding parameters for inclusion of disclaimers on letters sent by private citizens and on the Party and its committees.

WHEREFORE, it is respectfully requested that the Commission dismiss this complaint in its entirety.

TWOHY, KELLEHER & GALLAGHER, LLP
188 Montague Street
Brooklyn, New York 11201
718-875-2021

Kelly/natrelle.ans

VERIFICATION

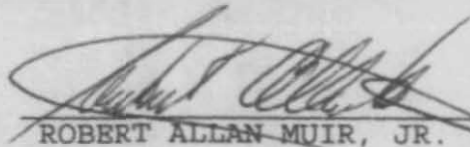
STATE OF NEW YORK)

ss.:

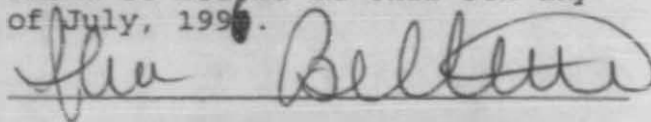
COUNTY OF KINGS)

97043792516

ROBERT ALLAN MUIR, JR., being duly sworn, deposes and says that deponent is the attorney for the Respondent VINCENT NATRELLA in this proceeding and has read the annexed Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true. The basis upon which this verification is made by me is that I maintain my law office in a different county than my client, VINCENT NATRELLA resides.


ROBERT ALLAN MUIR, JR.

Sworn to before me this 5th day
of July, 1990.



ILSA BELTRAN
Notary Public, State of New York
No. 24-4977201
Qualified in Kings County
Comm. Expires January 28, 1997

FEDERAL ELECTIONS COMMISSION

In the Matter of

The complaint of Joseph DioGuardi
against Vincent Natrella et al.

MUR 4375

VERIFIED ANSWER

SUE KELLY for Congress Committee, by its attorneys, Twohy, Kelleher & Gallagher, LLP, does hereby answer the complaint of Joseph J. DioGuardi as follows:

1. Respondent denies information and/or knowledge sufficient to form a belief as to the facts alleged in paragraphs numbered 1, 3, 8, 9 and 16 of the complaint.

2. Respondent denies the allegations contained in paragraphs numbered 14, 20, 21, 23, 25 and 27.

3. Respondent denies paragraph numbered 6 but does affirmatively state as the letter indicates, same was sent by Sue Kelly for Congress.

4. Respondent states as to paragraph numbered 7 of the complaint that the letter attached to the complaint as Exhibit 2 speaks for itself.

5. Respondent denies the statements contained in paragraph numbered 11 of the complaint except to admit that said letter does not include a disclaimer as defined under Section 110.11.

6. Respondent lacks knowledge or information sufficient to form a belief as to the conclusion contained in paragraph numbered 17 and states that the contents of the two letters referenced therein speak for themselves.

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7. The respondent denies so much of the information contained in paragraph numbered 18 of the complaint as alleges the April 11th letter was made with the cooperation of, in consultation with, or at request of respondent. Respondent admits said letter was mailed with the cooperation of Sue Kelly for Congress. Respondent lacks sufficient information and knowledge to form a belief as to the conclusion of law contained in said paragraph.

RESPONDENT AFFIRMATIVELY STATES AS FOLLOWS:

8. At no time has anyone on behalf of the committee accepted or knowingly participated in the acceptance or processing of any contribution which violates the letter or spirit of Federal Election Commission rule, regulation or statute.

9. The April 11, 1996 letter was sent by an individual in an attempt to influence internal party functioning as related to the primary in and for the 19th Congressional District of New York State.

10. The Election Law of the State of New York at Section 2-126 prohibits expenditures of any Party funds in any primary election. Therefore, in order to avoid any question, postage and envelopes were paid for by Sue Kelly for Congress.

11. Respondent does not believe any action taken by the said Committee to be in violation of the letter or spirit of the Federal Campaign financing and reporting structures.

13. Respondent has instructed its counsel to seek opinion of the Federal Election Commission regarding parameters for inclusion of disclaimers on letters sent by private citizens.

WHEREFORE, it is respectfully requested that the Commission dismiss this complaint in its entirety.

TWOHY, KELLEHER & GALLAGHER, LLP
188 Montague Street
Brooklyn, New York 11201
718-875-2021

Kelly'scommittee.sns

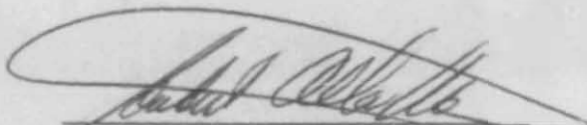
VERIFICATION

STATE OF NEW YORK)

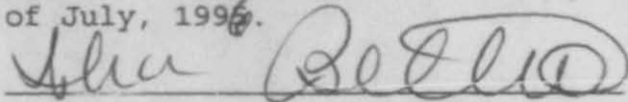
ss.:

COUNTY OF KINGS)

ROBERT ALLAN MUIR, JR., being duly sworn, deposes and says that deponent is the attorney for the Respondent SUE KELLY for Congress Committee, in this proceeding and has read the annexed Answer; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true. The basis upon which this verification is made by me is that I maintain my law office in a different county than my client, SUE KELLY for Congress Committee resides.


ROBERT ALLAN MUIR, JR.

Sworn to before me this 5th day
of July, 1996.



ILSA BELTRAN
Notary Public, State of New York
No. 24-4977201
Qualified in Kings County
Commission Expires January 28, 1997

97043792520

STATEMENT OF DESIGNATION OF COUNSEL

MUR. 4375

NAME OF COUNSEL: ROBERT MUIR, JR

FIRM: TWOHY, KELLEHER & GALLAGHER, LLP

ADDRESS: 188 MONTAGNE ST - 9th FL
BROOKLYN NY 11201-3609

TELEPHONE: () _____

FAX: () _____

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/5/96

Date

[Signature]

Signature

RESPONDENT'S NAME: GEORGE SANOSSIAN

SHE KELLY FOR CONGRESS
ADDRESS: 700 WHITE PLAINS ROAD
SCARSDALE, NY 10583-5013

TELEPHONE: HOME () _____

BUSINESS (914) 715-9800

97043792521

BEFORE THE FEDERAL ELECTION COMMISSION

FED

MAR 5 11 40 AM '97

In the Matter of

)
)
)
)

ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

MAR 11 1997

EXECUTIVE SESSION

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (*Bill Thomas Campaign Committee*); MUR 4347 (*Anonymous Respondent*); MUR 4354 (*Brian Steel for Congress*); MUR 4367 (*Philipstown Republicans*); MUR 4371 (*Employment Group*); MUR 4373 (*Cannon for Congress*); MUR 4374 (*Mark Stodola for Congress Primary Committee*); MUR 4375 (*Westchester County Conservative Party*); MUR 4377 (*Braxton for Congress*); MUR 4379 (*Teamsters Local Union No. 135*); MUR 4383 (*Pauken for Congress*); MUR 4384 (*Willie Colon for U.S. Congress*); MUR 4388 (*Bill Witt for Senate and Congress*); MUR 4390 (*Kolbe 96*); MUR 4391 (*Pat Roberts for Congress Committee*); MUR 4393 (*Cecil J. Banks*); MUR 4397 (*AFL-CIO*); MUR 4405 (*Katz for Congress Committee*); MUR 4411 (*First Evangelical Presbyterian Church*); MUR 4414 (*Turietta-Koury for Congress Committee*); MUR 4418 (*Bell Atlantic*); MUR 4421 (*Butler for Mayor*); MUR 4448 (*Friends for Jim Rapp*); Pre-MUR 334 (*Kinnamon for Congress*); and Pre-MUR 335 (*Davis for Congress*).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

III. RECOMMENDATIONS.

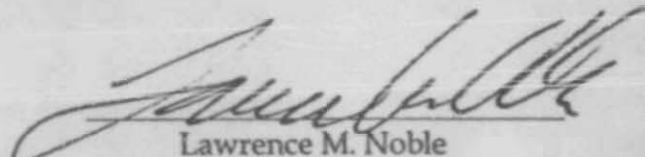
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322
2. Pre-MUR 334
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

3/5/97
Date


Lawrence M. Noble
General Counsel

97043792525

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document #X97-16
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322;
2. Pre-Mur 334;
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

97043792526

Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

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

Attest:

3-12-97
Date

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

97043792527



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph J. DioGuardi
2 Crofton Avenue
Ossining, NY 10562

RE: MUR 4375

Dear Mr. DioGuardi:

On May 20, 1996, 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 respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997. 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,

F. Andrew Turlé
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792528

WESTCHESTER COUNTY CONSERVATIVE PARTY

97043792529

Joseph J. DioGuardi, congressional candidate in New York's 19th Congressional District, alleges that Vincent Natrella sent a letter on April 11, 1996 to 100 Republican and Conservative Party leaders in the 19th District which advocated the nomination of Sue Kelly and opposed the candidacy of Joseph J. DioGuardi. The complainant asserts that this letter was sent on the letterhead of the Westchester County Conservative Party ("WCCP") identifying Mr. Natrella as Chairman of the WCCP and Vice Chairman of the New York State Conservative Party ("State Party"). He asserts that this action constituted a contribution to her candidacy and established the Conservative Party of Westchester County as an unauthorized committee for Ms. Kelly. Mr. DioGuardi states that this letter represents a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Natrella letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Complainant contends that this letter should have contained a disclaimer. Finally, he alleges that, by using his party titles and letterhead, Mr. Natrella suggests that the letter was paid for and/or authorized by the WCCP and State Party. This evidences, according to Mr. DioGuardi, that the two party organizations knowingly permitted their names to be used to effect a contribution made in the name of another; and that Ms. Kelly and the Sue Kelly for Congress Committee (the "Committee") knowingly accepted a contribution made by one person in the name of another. Complainant also alleged that Mr. Natrella misrepresented his position and authority as Vice Chairman of the State Party in the letter. This complaint is substantially similar to that filed in MUR 4367 by the same complainant involving different respondents.

Respondent Michael R. Long, State Party Chairman, indicates that he and the State Party first learned of Mr. Natrella's April 24 letter when he received a copy from Mr. DioGuardi's counsel. Mr. Long states that "[n]either the content nor the mailing of the Natrella Letter was approved or authorized by" or paid for by the State Party. According to Mr. Long, Mr. Natrella has not been Vice Chairman of the State Party since September 1990.

Respondent Vincent Natrella denies all but two allegations. He admits that he mailed the April 11 letter "with the cooperation of...Sue Kelly for Congress" as an exercise of his First Amendment rights. He also admits that his letter did not contain a disclaimer but denies that it fails to provide non-authorization notice. He concedes that the postage and envelopes were paid for by Sue Kelly for Congress.

The Sue Kelly for Congress committee response is almost identical to that of Mr. Natrella in all material respects. This respondent admits that the Natrella letter was mailed with its cooperation, and that it paid for postage and envelopes.

In her own response, Respondent Sue Kelly states that she did not personally play any role in the preparation and/or mailing of the April 11 letter. Her response is otherwise nearly identical in all material respects with those of the Committee and Mr. Natrella.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Robert A. Muir, Esq.
Twohy, Kelleher & Gallagher, LLP
188 Montague Street, 9th Floor
Brooklyn, NY 11201-3609

MUR 4375
The Honorable Sue W. Kelly
Kelly for Congress Committee, George Sanossian, Treasurer
Vincent Natrella, Chairman, Westchester County Conservative Party

Dear Mr. Muir:

On May 30, 1996, the Federal Election Commission notified your clients 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 your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792530

WESTCHESTER COUNTY CONSERVATIVE PARTY

Joseph J. DioGuardi, congressional candidate in New York's 19th Congressional District, alleges that Vincent Natrella sent a letter on April 11, 1996 to 100 Republican and Conservative Party leaders in the 19th District which advocated the nomination of Sue Kelly and opposed the candidacy of Joseph J. DioGuardi. The complainant asserts that this letter was sent on the letterhead of the Westchester County Conservative Party ("WCCP") identifying Mr. Natrella as Chairman of the WCCP and Vice Chairman of the New York State Conservative Party ("State Party"). He asserts that this action constituted a contribution to her candidacy and established the Conservative Party of Westchester County as an unauthorized committee for Ms. Kelly. Mr. DioGuardi states that this letter represents a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Natrella letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Complainant contends that this letter should have contained a disclaimer. Finally, he alleges that, by using his party titles and letterhead, Mr. Natrella suggests that the letter was paid for and/or authorized by the WCCP and State Party. This evidences, according to Mr. DioGuardi, that the two party organizations knowingly permitted their names to be used to effect a contribution made in the name of another, and that Ms. Kelly and the Sue Kelly for Congress Committee (the "Committee") knowingly accepted a contribution made by one person in the name of another. Complainant also alleged that Mr. Natrella misrepresented his position and authority as Vice Chairman of the State Party in the letter. This complaint is substantially similar to that filed in MUR 4367 by the same complainant involving different respondents.

Respondent Michael R. Long, State Party Chairman, indicates that he and the State Party first learned of Mr. Natrella's April 24 letter when he received a copy from Mr. DioGuardi's counsel. Mr. Long states that "[n]either the content nor the mailing of the Natrella Letter was approved or authorized by" or paid for by the State Party. According to Mr. Long, Mr. Natrella has not been Vice Chairman of the State Party since September 1990.

Respondent Vincent Natrella denies all but two allegations. He admits that he mailed the April 11 letter "with the cooperation of...Sue Kelly for Congress" as an exercise of his First Amendment rights. He also admits that his letter did not contain a disclaimer but denies that it fails to provide non-authorization notice. He concedes that the postage and envelopes were paid for by Sue Kelly for Congress.

The Sue Kelly for Congress committee response is almost identical to that of Mr. Natrella in all material respects. This respondent admits that the Natrella letter was mailed with its cooperation, and that it paid for postage and envelopes.

In her own response, Respondent Sue Kelly states that she did not personally play any role in the preparation and/or mailing of the April 11 letter. Her response is otherwise nearly identical in all material respects with those of the Committee and Mr. Natrella.

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

97043792531



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

Patrick J. Foye, Esq.
919 Third Avenue
New York, NY 10022

RE: MUR 4375
Michael R. Long, Chairman, Conservative Party of
the State of New York

Dear Mr. Foye:

On May 30, 1996, the Federal Election Commission notified your clients 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 your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on April 1, 1997.

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 Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792532

97043792533

MUR 4375

WESTCHESTER COUNTY CONSERVATIVE PARTY

Joseph J. DioGuardi, congressional candidate in New York's 19th Congressional District, alleges that Vincent Natrella sent a letter on April 11, 1996 to 100 Republican and Conservative Party leaders in the 19th District which advocated the nomination of Sue Kelly and opposed the candidacy of Joseph J. DioGuardi. The complainant asserts that this letter was sent on the letterhead of the Westchester County Conservative Party ("WCCP") identifying Mr. Natrella as Chairman of the WCCP and Vice Chairman of the New York State Conservative Party ("State Party"). He asserts that this action constituted a contribution to her candidacy and established the Conservative Party of Westchester County as an unauthorized committee for Ms. Kelly. Mr. DioGuardi states that this letter represents a coordinated expenditure on behalf of Ms. Kelly, evidenced by his view that the text in the Natrella letter was nearly identical to that in a letter sent by Ms. Kelly to Republican Party leaders in the 19th District approximately two months earlier. Complainant contends that this letter should have contained a disclaimer. Finally, he alleges that, by using his party titles and letterhead, Mr. Natrella suggests that the letter was paid for and/or authorized by the WCCP and State Party. This evidences, according to Mr. DioGuardi, that the two party organizations knowingly permitted their names to be used to effect a contribution made in the name of another; and that Ms. Kelly and the Sue Kelly for Congress Committee (the "Committee") knowingly accepted a contribution made by one person in the name of another. Complainant also alleged that Mr. Natrella misrepresented his position and authority as Vice Chairman of the State Party in the letter. This complaint is substantially similar to that filed in MUR 4367 by the same complainant involving different respondents.

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Respondent Vincent Natrella denies all but two allegations. He admits that he mailed the April 11 letter "with the cooperation of... Sue Kelly for Congress" as an exercise of his First Amendment rights. He also admits that his letter did not contain a disclaimer but denies that it fails to provide non-authorization notice. He concedes that the postage and envelopes were paid for by Sue Kelly for Congress.

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In her own response, Respondent Sue Kelly states that she did not personally play any role in the preparation and/or mailing of the April 11 letter. Her response is otherwise nearly identical in all material respects with those of the Committee and Mr. Natrella.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4375

DATE FILMED 4-25-97 CAMERA NO. 1

CAMERAMAN JMD

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