



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 6, 1998

Jeffrey P. Wasserman, Esquire  
Muchnik, Wasserman & Dolin  
4000 Hollywood Boulevard  
Suite 710 North  
Hollywood, Florida 33021

RE: MUR 4646  
Amy Robin Habie  
Wallace Walker

Dear Mr. Wasserman:

On June 24, 1997, the Federal Election Commission notified your clients, Amy Robin Habie and Wallace Walker, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, the Commission, on April 29, 1998, found that there is reason to believe your clients violated of the Act. The Commission found that there is reason to believe that Ms. Habie knowingly and willfully violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(a)(1)(A). The Commission also found that there is reason to believe that Mr. Walker violated 2 U.S.C. § 441f. The Factual and Legal Analyses, which formed a basis for the Commission's findings, are attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Michael Lehmann, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Joan D. Aikens  
Chairman

Enclosures

Factual and Legal Analyses

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:      Amy Robin Habie

MUR: 4646

This matter was generated by a complaint filed with the Federal Election Commission (the "Commission") by Scott Lewis and Carol Lewis. See 2 U.S.C. § 437g(a)(1).

The Federal Election Campaign Act of 1971, as amended (the "Act"), sets limits on the amount of money that an individual may contribute to a candidate or authorized political committee. 2 U.S.C. § 441a(a). The Act prohibits persons from making contributions in someone else's name or knowingly assisting either the making or accepting of a contribution in the name of another. 2 U.S.C. § 441f. See also 11 C.F.R. § 110.4(b)(1).

The complaint consists of a letter from Scott Lewis, with affidavits from both Scott and Carol Lewis attached. In Carol Lewis' affidavit, she states as follows:

Amy Robin Habie of Boca Raton, Florida asked me to make a \$1,000 political contribution to the campaign of U.S. Representative Jane Harmon [sp] (D., Calif.) on behalf of her friend, attorney David Boies of the Cravath, Swaine & Moore law firm in New York City. Ms. Habie have [sp] me a \$1,000 check drawn on her personal account in exchange for my \$1,000.00 check to Rep. Jane Harmon's [sp] campaign. . . . She said that Senator Kennedy also received such donations . . .

In Scott Lewis' affidavit, he indicates that, on June 2, 1997, he contacted Representative Harman's California office and spoke with a member of her staff about his wife's contribution. At his request, the staff member read to him the names of the other Florida contributors who gave \$1,000 to Friends of Jane Harman (hereinafter "Harman"). In addition to Habie, Lewis recognized the names of Habie's secretary (Wallace Walker), her mother (Rhea Weil) and her

mother's husband (Lawrence Herman). At the time of her contribution, Carol Lewis was Habie's bookkeeper.

Habie, her secretary, her mother and her mother's husband each contributed \$1,000 to both Harman and Kennedy for Senate 2000 (hereinafter "Kennedy"). All of the contributions to Harman at issue in the present case were reportedly received on May 23, 1996, apparently during a trip to California by Habie. Habie and her secretary's contributions to Kennedy were both accepted on March 13, 1996. According to the public record, the alleged straw donors (Lewis, Walker, Herman, and Weil) -- who made \$1,000 contributions to candidates in distant states (California and Massachusetts) -- have made no other contributions to candidates for Federal office.

In responding to the complaint, Habie has failed to deny the allegation that she arranged for contributions in the name of another. An affidavit from Habie that has been submitted to the Commission seems to contain an implicit admission that she arranged for others to contribute her money to Harman in their names. In her affidavit, Habie explains that she was unaware that it would be violation of the Act to contribute more than \$1,000 to Harman. The affidavit does not address the contributions to Kennedy.

Given (1) Lewis' affidavit indicating that Habie asked her to make a contribution and reimbursed her for doing so; (2) the circumstances (e.g., the timing) surrounding the contributions of Habie's secretary, her mother and her mother's husband to a candidate for Congress in California and a candidate for Senate in Massachusetts; (3) Habie's implicit admission, in her affidavit, that she made excessive contributions; and (4) the absence of evidence contradicting the substance of Lewis' allegations; it appears that Habie either

reimbursed Lewis, Walker, Herman and Weil for their contributions to Harman and Kennedy or otherwise provided the funds that Lewis, Walker, Herman and Weil used to contribute to Harman and Kennedy. If so, then Habie made contributions in excess of the Act's monetary limit of \$1,000 per election for an individual's contribution to a candidate committee by contributing a total of \$5,000 to Harman (through straw contributions from Lewis, Walker, Herman and Weil) and a total of \$4,000 to Kennedy (through straw contributions from Walker, Herman and Weil).

In her affidavit, Habie explains that she understood that there was a limit to how much she could contribute to Harman, but was under the mistaken impression "that this was a requirement that Congresswoman Harmon [sp] had set for her own purposes." While Habie's explanation (if true) could explain why she was unaware that her contributions to Harman exceeded the Act's monetary limits, it does not explain why Habie was so intent on making those excess contributions (in violation of a candidate's self-imposed limits) that she directed straw donors to make contributions (in their own name) for which she reimbursed them. Habie's explanation also does not address the excessive contributions (through straw donors) that she apparently made to Kennedy, which were made before the contributions to Harman. Because of these questions about Habie's explanation as to why she made excessive contributions through straw donors, there is reason to believe that Habie engaged in knowing and willful violations of the Act. In sum, there is reason to believe that Habie knowingly and willfully violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(a)(1)(A).

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:      Wallace Walker

MUR: 4646

This matter was generated by a complaint filed with the Federal Election Commission by Scott Lewis and Carol Lewis. See 2 U.S.C. § 437g(a)(1).

The Federal Election Campaign Act of 1971, as amended, prohibits persons from allowing their names to be used to effect a contribution in the name of another. 2 U.S.C. § 441f.

The complaint consists of a letter from Scott Lewis, with affidavits from both Scott and Carol Lewis attached. In Carol Lewis' affidavit, she states as follows:

Amy Robin Habie of Boca Raton, Florida asked me to make a \$1,000 political contribution to the campaign of U.S. Representative Jane Harmon [sp] (D., Calif.) on behalf of her friend, attorney David Boies of the Cravath, Swaine & Moore law firm in New York City. Ms. Habie have [sp] me a \$1,000 check drawn on her personal account in exchange for my \$1,000.00 check to Rep. Jane Harmon's [sp] campaign. . . . She said that Senator Kennedy also received such donations . . .

In Scott Lewis' affidavit, he indicates that, on June 2, 1997, he contacted Representative Harman's California office and spoke with a member of her staff about his wife's contribution. At his request, the staff member read to him the names of the other Florida contributors who gave \$1,000 to Friends of Jane Harman (hereinafter "Harman"). In addition to Habie, Lewis recognized the names of Habie's secretary (Wallace Walker), her mother (Rhea Weil) and her mother's husband (Lawrence Herman). At the time of her contribution, Carol Lewis was Habie's bookkeeper.

Habie, her secretary, her mother and her mother's husband each contributed \$1,000 to Harman and Kennedy for Senate 2000 (hereinafter "Kennedy"). All of the contributions to Harman at issue in the present case were reportedly received on May 23, 1996, apparently during a trip to California by Habie. Habie and Walker's contributions to Kennedy were both accepted on March 13, 1996. According to the public record, the alleged straw donors (Lewis, Walker, Herman, and Weil) -- who made \$1,000 contributions to candidates in distant states (California and Massachusetts) -- have made no other contributions to candidates for Federal office.

In responding to the complaint, Walker has failed to deny the allegation that he allowed his name to be used to make contributions in the name of another. An affidavit from Habie that has been submitted to the Commission seems to contain an implicit admission that she arranged for others to contribute her money to Harman in their names.

Given (1) Lewis' affidavit indicating that Habie asked her to make a contribution and reimbursed her for doing so; (2) the circumstances (e.g., the timing) surrounding the contributions of Habie's secretary, her mother and her mother's husband to a candidate for Congress in California and a candidate for Senate in Massachusetts; (3) Habie's implicit admission, in her affidavit, that she made excessive contributions; and (4) the absence of evidence contradicting the substance of Lewis' allegations; there is reason to believe that Wallace Walker may have violated the Act. Specifically, there is reason to believe that Walker may have violated 2 U.S.C. § 441f (allowing his name to be used to make contributions in the name of another) in that Habie reimbursed him for his contributions to Harman and Kennedy or otherwise provided the funds Walker used to contribute to Harman and Kennedy.