



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4648
New York Republican Federal Campaign
Committee and Lewis B. Stone, as treasurer;
Jeffrey T. Buley; David R. Dudley; Mary F.
Obwald; Gregory V. Serio; and Luther
Mook

Dear Mr. Ginsberg:

On June 23, 1997, your clients, the New York Republican Federal Campaign Committee and Lewis B. Stone, as treasurer ("the Committee"); Jeffrey T. Buley; David R. Dudley; Mary F. Obwald; Gregory V. Serio; and Luther Mook were notified that the Federal Election Commission ("the Commission") had found reason to believe they violated certain provisions of the Federal Election Campaign Act of 1971, as amended. At that time the Commission issued Subpoenas to Produce Documents and Orders to Submit Written Answers to your clients.

On August 19, 1997, your clients submitted a joint response to the Commission's reason to believe findings along with their responses to the Commission's Subpoenas and Orders. On August 29, 1997 a supplemental affidavit from Jeffrey T. Buley and an amended joint response were submitted. On September 4, 1997, additional production in response to the Commission's Subpoena and Order was made by the Committee.

On December 9, 1997, the Commission reviewed the information contained in your clients' submissions, and is now aware of certain additional facts that support its previous reason to believe findings against the Committee. Specifically, the Commission previously found reason to believe that the Committee violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(i), which require that a political committee report the name and address of each person to whom an expenditure in excess of \$200 is made by that committee to meet an operating expense, together with the date, amount and purpose of such expenditure. These findings were based on the Committee's apparent failure during the 1994 election cycle to properly report the identities of the recipients of certain disbursements. The Commission also

found that the Committee knowingly and willfully violated these provisions during the 1996 election cycle due to the apparent failure of the Committee to properly report the purposes of certain disbursements. As a result of its review of the information submitted by your clients, the Commission is now aware that the date reported for the Committee's 1994 disbursement to the Kings County Republican Committee was incorrect. Also, the available evidence now suggests that, during the 1996 cycle, Jeffrey Buley also passed along cash for the Committee in amounts of \$200 or more to certain intermediaries, and that the Committee did not report the identities of these intermediaries. Thus, the Committee appears to have committed additional violations of 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(i) during the 1994 and 1996 election cycles.


In addition, certain findings with respect to 1994 activity now appear to apply to 1996 activity as well. Specifically, with respect to 1994 activity, the Commission found reason to believe that the Committee violated 2 U.S.C. § 432(h)(1) by making cash disbursements in excess of \$100. As noted above, the available evidence suggests that, during the 1996 cycle, Jeffrey Buley also passed along cash for the Committee in amounts of \$200 or more. Thus, it now appears that the Committee violated 2 U.S.C. § 432(h)(1) during the 1996 election cycle.

Also on December 9, 1997, the Commission took certain specific actions in this matter. The Commission rejected the Committee's request to enter into conciliation at this time. The Commission also rejected the Committee's request that the Commission grant a protective order in exchange for the Committee's production of its "volunteer list" pursuant to the Commission's previously-issued Subpoena and Order. At the same time, however, the Commission determined to hold in abeyance any consideration of whether to seek judicial enforcement of the Subpoena and Order pending the completion of other avenues of discovery.

The Commission also approved additional Orders to Submit Written Answers to Jeffrey T. Buley and Luther Mook, which are enclosed. Please note that your clients must submit their responses to the Orders within 30 days of your receipt of this letter. In addition, the Commission has authorized that a deposition be taken of Jeffrey T. Buley. The enclosed Subpoena requires Mr. Buley to appear in our offices on February 11, 1998 for this purpose.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,


Tony Buckley
Attorney

Enclosures
Orders to Submit Written Answers (2)
Subpoena for Deposition

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4648

ORDER TO SUBMIT WRITTEN ANSWERS


TO: Jeffrey T. Buley
c/o Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order. Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 19th day of December, 1997.

For the Commission,

For the Commission,


John Warren McGarry
Chairman

ATTEST:

Lisa R. Davis
for Marjorie W. Emmons
Secretary to the Commission

[Attachments](#)
[Instructions](#)
[Definitions](#)
[Questions](#)

INSTRUCTIONS

In answering these interrogatories, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any communications or other items about which information is requested by any of the following interrogatories, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to the present.

The following interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all employees, agents or attorneys thereof.

"Committee" shall mean the New York Republican Federal Campaign Committee.

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

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

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS

1. Identify the persons who signed checks issued by the Committee of \$15,000 each to you and David R. Dudley, of \$10,000 each to Mary F. Obwald and Gregory V. Serio, and of \$5,000 each to Luther Mook and the Kings County Republican Party, as reported on the Committee's 1994 30-Day Post-General Report.

2. Regarding the \$50,000 in cash obtained by you through the negotiation of checks issued by the Committee on November 7, 1994 to you, Mary F. Obwald, Gregory V. Serio and David Dudley,

a) state the number of persons to whom you personally distributed any portion of that \$50,000;

b) identify each person to whom you personally distributed any portion of that \$50,000 in amounts of \$100 or greater. Include in each identification the specific amount distributed, and the date and time of day and your location when the money was distributed; and

c) with respect to the persons identified in response to 2.b. above, identify each person to whom they personally distributed any portion of the above-specified money. Include in each identification the specific amount distributed.

3. Regarding the \$22,500 in cash obtained by you through the negotiation of checks issued by the Committee on October 31 and November 1, 1996 to you, Mary F. Obwald, J. Brendan Quinn, William D. Powers, Jason Powers, Kenneth Dippel, Lisa Herbst Ruggles, and Darryl Fox,

a) state the number of persons to whom you personally distributed any portion of that \$22,500;

b) identify each person to whom you personally distributed any portion of that \$22,500 in amounts of \$100 or greater. Include in each identification the specific amount distributed, and the date and time of day and your location when the money was distributed; and

c) with respect to the persons identified in response to 3.b. above, identify each person to whom they personally distributed any portion of the above-specified money. Include in each identification the specific amount distributed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4648

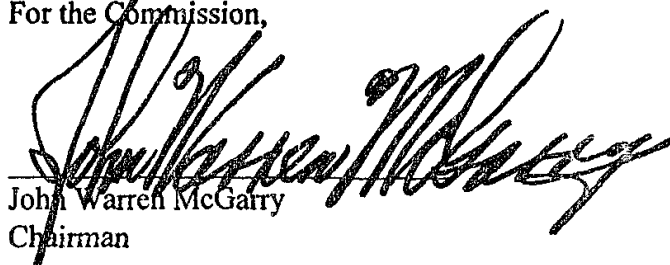
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Luther Mook
c/o Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

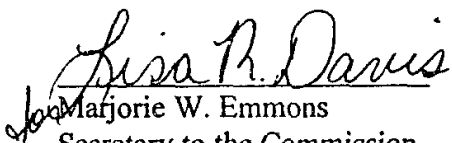
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For the Commission,


John Warren McGarry
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Marjorie W. Emmons
Secretary to the Commission

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

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS

1. Regarding the \$5,000 in cash obtained by you through the negotiation of a check issued by the Committee to you on November 5, 1994,

- a) state the number of persons to whom you personally distributed any portion of that \$5,000;
- b) identify each person to whom you personally distributed any portion of that \$5,000 in amounts of \$100 or greater. Include in each identification the specific amount distributed, and the date and time of day and your location when the money was distributed; and
- c) with respect to the persons identified in response to 1.b. above, identify each person to whom they personally distributed any portion of the above-specified money. Include in each identification the specific amount distributed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4648


SUBPOENA

TO: Jeffrey T. Buley
c/o Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

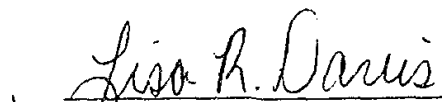
Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition. Notice is hereby given that the deposition is to be taken on Wednesday, February 11, 1998, in Room 657 at 999 E Street, N.W., Washington, D.C., beginning at 10:00 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 19th day of December, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


for Lisa R. Davis
Marjorie W. Emmons
Secretary to the Commission