



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1999

**VIA FACSIMILE AND FIRST
CLASS MAIL**

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 Michael Avella, as treasurer;
Jeffrey T. Buley; William D. Powers

Dear Mr. Ginsberg:

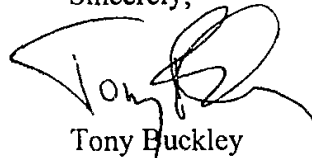
This Office is in receipt of your letter dated September 21, 1999, sent via courier. When I spoke to you on Wednesday, September 15, 1999 regarding your extension request, I raised the necessity of discussing the tolling of the statute of limitations. You responded that you would not consider any tolling of the statute of limitations. I told you that I would get back to you concerning your extension request. I neither told you that the request was granted nor denied, since it appeared that the Commission would, under the circumstances, need to make that decision. This Office expeditiously brought this matter to the Commission's attention, and requested an expedited response. In accordance with our policy, when I received the certification of the Commission's decision, which was on Monday, September 20, 1999, I notified your office. There was no attempt to engage in a "tactical delay." On the contrary, the idea was to receive a definitive response quickly by having the Commission make the decision. I note that you did not inquire of me prior to the weekend whether your extension request had been granted notwithstanding your refusal to consider a tolling of the statute of limitations.

The Commission was furnished with a copy of your September 13, 1999 letter when it considered whether to grant or deny your extension request. The Commission was therefore aware of your reasons for requesting the extension and that the response due date, absent extension, was September 22, 1999. When I spoke to you today, you advised that you considered today's letter to be a motion for reconsideration to be placed before the Commission. Your letter has not presented any new facts that were not previously known to the Commission at

the time of its original decision which was so recently reached. We will, however, circulate this letter to the Commission today on an informational basis (although you have already provided it to each of the Commissioners). Therefore, as noted previously, your clients' response is due by close of business on September 22, 1999. As you have been involved in this matter from the outset, you were present at the depositions, and we were not able to resolve the matter during pre-probable cause conciliation, the facts and recommendations contained in the General Counsel's Brief should contain no surprises.

This Office would be willing to grant you an extension if your clients will toll the statute of limitations for a commensurate period. Absent that, this Office plans to proceed to the Commission with its recommendations shortly after the present due date of your response. If this Office receives the response prior to the Commission's consideration of this Office's recommendation, it will of course, circulate it to the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Buckley', with a stylized flourish extending from the end.

Tony Buckley
Attorney