



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 1, 1999

VIA FACSIMILE AND
HAND DELIVERY

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;
William D. Powers; Jeffrey T. Buley;
David R. Dudley; Mary F. Obwald;
Gregory V. Serio; and Luther Mook

Dear Mr. Ginsberg:

On September 30, 1999, the Federal Election Commission found that there is probable cause to believe your clients, the New York Republican Federal Campaign Committee ("Committee") and Michael Avella, as treasurer, knowingly and willfully violated 2 U.S.C. §§ 432(c)(5), (h)(1) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 102.9(b)(1), (2) and 104.3(b), of the Commission's regulations. These violations involve the disbursement of cash in excess of \$100 in connection with the 1994 and 1996 general elections, and the failure to maintain records and the failure to properly report disbursements in connection with these same elections. In addition, the Commission found probable cause to believe that your clients, William D. Powers and Jeffrey T. Buley, each knowingly and willfully violated 2 U.S.C. § 432(h)(1), by disbursing cash in excess of \$100 on behalf of the Committee in connection with the 1994 and 1996 general elections.

The Commission has a duty to attempt to correct such violations for a period of at least 30 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. By determination of the Commission, the conciliation process in this matter will not extend beyond 30 days, absent an agreement by your clients to toll application of the statute of limitations. If we are unable to reach an agreement after 30 days, the

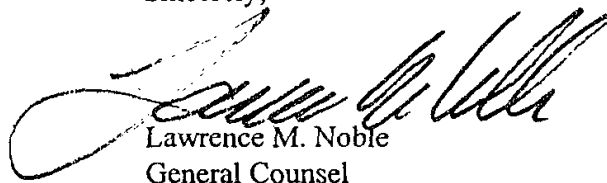
Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please have each of your clients sign, and please return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make the check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Tony Buckley, the attorney assigned to this matter, at (202) 694-1650.

In addition, the Commission previously notified you that it had taken no further action against your clients Mary F. Obwald, David R. Dudley, Gregory V. Serio and Luther Mook. On September 30, 1999, the Commission closed the file as to these individuals.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement