

ROYER & BABYAK

ATTORNEYS AT LAW

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202-296-0784

1747 PENNSYLVANIA AVENUE, N.W.
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WASHINGTON, D. C. 20006

AUTOMATIC
TELECOPIER
202-293-2768

October 27, 1998

Mr. F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Elections Commission
999 E Street, Northwest
City of Washington, District of Columbia 20463

Via Hand

Re: MUR 4821

Dear Mr. Turley:

I am responding to a letter I received from the Federal Election Commission ("the Commission") dated October 21st, in which you informed me that, as a result of a complaint filed against Congressman Rick Lazio, I am a target of your investigation (one of among many) into campaign contributions in excess of \$1,000.00 made to Congressman Lazio's campaign. Specifically, the complainant—Kenneth J. Hartman, a political opponent of Mr. Lazio—has said that I contributed an amount in excess of \$1,000.00 during this election cycle in violation of 11 CFR 110.1(1).

Mr. Hartman apparently failed to read §110.1(1) or the succeeding sections. Had he done so, he would have found that the limitation in §110.1(1) of \$1000.00 "with respect to any election for federal office" is further defined in the next paragraph (2). This paragraph defines "*with respect to any election*" to include a primary *and* a general election. Further, §110.1(1)(b)(2)(i) states: "Contributors to candidates *are encouraged* to designate their contribution in writing for a particular election" (emphasis added). There is *no* requirement on my part to provide this information. If there is a requirement of designation, it is on the campaign. This process is laid out in §110(5). I have no knowledge how the Lazio campaign tracks contributions for the purposes of designation to a primary or a general election. Additionally, excess contributions over \$1000.00 for any election are to be handled in accordance with §110.1(b)(3)(i)(A), (B), or (C)¹.

Notwithstanding the discussion above and pursuant to our conversation of October 23rd, please find a break down of the contributions I have made in the 1997-1998 election cycle. During our conversation I indicated that my records showed contributions in the aggregate of \$1,500.00 in this election cycle (1997-1998) and \$500.00 in the last (1995-1996). This amount corresponds to your records (see Exhibit A) and my records (see Exhibit B and attachments thereto).

¹ Least there be any doubt regarding legality of the three contributions to Senator D'Amato's campaign as shown in the Federal Election Commissions data, the 11/10/97 contribution was returned by the campaign committee and the refund deposited in our account on January 22, 1998. (see exhibit c)

I am, however, somewhat concerned that the Federal Elections Commission failed to review its own data before proceeding with Mr. Hartman's complaint. A cursory review would have shown compliance with the appropriate sections of the Federal Election Campaign Act of 1971 ("the Act") by myself and undoubtedly others thereby negating this exercise and its attendant costs. The individual contributor data included in the materials you forwarded to us as part of the complaint is obviously erroneous with respect to my contributions in that I contributed only \$1500.00 during the 97-98 election cycle as opposed to the \$2000.00 suggested. (My records as well as the FEC's records support the \$1500.00 amount.) It appears that the data Mr. Hartman is using includes a duplicate entry for 10/15/97. Regardless of this, however, even if the contributions totaled \$2000.00, I would still have been in compliance with the Act. Before notifying contributors, who have no legal responsibility for election designation under the Act, that they may have violated the Act, the Commission should, I believe, at the least review its own records to ensure that a violation has indeed occurred.

I would hope that Mr. Hartman will receive a communication from the Commission explaining that these contributions are legal and that his inquiry, predicated on his desire to embarrass Congressman Lazio, has no merit. Further, I would hope that Mr. Hartman would apologize to the contributors to Mr. Lazio, as well as to Mr. Lazio for the work, expense and inconvenience created for the individuals listed in his complaint.

I appreciate that this matter will, as a matter of law, remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) of the Act.

If you should require any additional information, please do not hesitate to contact me.

I remain,

Very truly yours,


Robert S. Royer

cc Congressman Rick Lazio *without* enclosures

Enclosures Exhibit A
 Exhibit B *with* attachments 1,2,3 and 4
 Exhibit C



Presented by the Federal Election Commission

**Individual Contributions Arranged By Type,
Giver, Then Recipient****Contributions to Political Committees**

ROYER, ROBERT
AKRON, OH 44333
SCANLON & GEARINGER

BOYLE, MARY

VIA MARY BOYLE FOR U S SENATE COMMITTEE

03/30/1998

838.00

98020081149

ROYER, ROBERT
BAINBRIDGE IS, WA 98110
ROYER COMMUNICATIONS

DODD, CHRISTOPHER J

VIA 98 FRIENDS OF CHRIS DODD

04/06/1997

1000.00

97020080472

ROYER, ROBERT
WASHINGTON, DC 20006

ENGEL, ELIOT L

VIA ENGEL FOR CONGRESS

03/19/1997

500.00

97032294301

ROYER, ROBERT
WASHINGTON, DC 20006
ROYER & BABYAK

BOND, CHRISTOPHER S

VIA MISSOURIANS FOR KIT BOND

05/12/1998

1000.00

98020160771

05/12/1998

1000.00

98020160774

D'AMATO, ALFONSE M

VIA FRIENDS OF SENATOR D'AMATO (1998 COMMITTEE)

02/05/1997

1000.00

97020101535

DEFEND AMERICA PAC

05/05/1998	2000.00	<u>98033201459</u>
<u>JOHNSON, TIM</u> <u>VIA TIM JOHNSON FOR SOUTH DAKOTA INC</u>		
03/11/1997	500.00	<u>97020090740</u>
<u>LAFALCE, JOHN J</u> <u>VIA FRIENDS OF JOHN LAFALCE</u>		
09/15/1997	500.00	<u>98032782742</u>
<u>LAZIO, RICK</u> <u>VIA LAZIO FOR CONGRESS</u>		
06/18/1997	500.00	<u>97032282886</u>
10/15/1997	500.00	<u>98032751108</u>
10/16/1997	500.00	<u>98032751109</u>
<u>PICKERING, CHARLES W 'CHIP' JR</u> <u>VIA PICKERING FOR CONGRESS</u>		
12/22/1997	250.00	<u>98032764593</u>
ROYER, ROBERT WASHINGTON, DC 20006 ROYER AND BABYAK		
<u>KANJORSKI, PAUL E</u> <u>VIA PENNSYLVANIANS FOR KANJORSKI</u>		
06/30/1997	250.00	<u>97032261672</u>
<u>MCCOLLUM, BILL</u> <u>VIA BILL MCCOLLUM FOR CONGRESS</u>		
12/04/1997	1000.00	<u>98032764200</u>
<u>SESSIONS, JEFF</u> <u>VIA FRIENDS OF SESSIONS SENATE COMMITTEE INC</u>		
05/27/1997	1000.00	<u>97020101061</u>
ROYER, ROBERT WASHINGTON, DC 20008 ROYER & BABYAK		
<u>VENTO, BRUCE F</u> <u>VIA VOLUNTEERS FOR VENTO</u>		
05/27/1997	500.00	<u>97032282532</u>
ROYER, ROBERT A ESQ AKRON, OH 44308 ATTORNEY		
<u>ASSOCIATION OF TRIAL LAWYERS OF AMERICA POLITICAL ACTION</u> <u>COMMITTEE</u>		
02/12/1998	283.00	<u>98032892806</u>

ROYER, ROBERT J.
SEATTLE, WA 98121
BOB ROYER COMMUNICATIONS

INSLEE, JAY ROBERT
VIA INSLEE FOR CONGRESS

09/02/1998	964.00	<u>98990026779</u>
09/03/1998	250.00	<u>98990026779</u>

ROYER, ROBERT S
WASHINGTON, DC 20006
ROYER & BABYAK

BREAUX, JOHN B
VIA JOHN BREAUX COMMITTEE

09/16/1997	1000.00	<u>98020061856</u>
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D'AMATO, ALFONSE M
VIA FRIENDS OF SENATOR D'AMATO (1998 COMMITTEE)

09/26/1997	1000.00	<u>98020042709</u>
11/10/1997	1000.00	<u>98020043014</u>

← RE-DEPOSITED on
Jan 22, 1998

ROYER, ROBERT STEWART
WASHINGTON, DC 20006
ROYER & BABYAK

KLECZKA, GERALD D
VIA FRIENDS OF JERRY KLECZKA

09/29/1997	500.00	<u>98032690104</u>
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Total Contributions: 17835.00

Joint Fundraising Contributions

These are contributions to committees who are raising funds to be distributed to other committees.
The breakdown of these contributions to their final recipients may appear below

ROYER, ROBERT A
AKRON, OH 44333
ATTORNEY

CIVIC JUSTICE FOR AMERICA

12/08/1997	275.00	<u>98032663293</u>
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Total Joint Fundraising: 275.00

TRY A: NEW QUERY
RETURN TO: FEC HOME PAGE

(B)

LAZIO CONTRIBUTIONS

1997-1998

<u>Date</u>	<u>Ck #</u>	<u>Recipient</u>	<u>Amount</u>
4/15/97 ¹	5117	Lazio for Congress	\$ 500
8/1/97 ²	5295	Lazio for Congress	\$ 500
10/7/97 ³	5430	Friends of Rick Lazio	\$ 500

1995-1996

<u>Date</u>	<u>Ck #</u>	<u>Recipient</u>	<u>Amount</u>
9/24/96 ⁴	4786	Cmte. To ReElect Rick Lazio	\$ 500

¹ See Attachment 1

² See Attachment 2

³ See Attachment 3

⁴ See Attachment 4

ROYER & BABYAK 1-91
1747 PENNSYLVANIA AVE. N.W. SUITE 800
WASHINGTON, D.C. 20006

5117

DATE April 15, 1997

PAY TO THE ORDER OF \$ 500 ¹⁵⁻²¹/₁₀₀

Five hundred and ¹⁵/₁₀₀

CITIZENS BANK

FOR DEPOSIT ONLY 1000 Payor

Handwritten Signature

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 EAB
 BAY SHORE, NY 11706
 ⑆ 028001489 ⑆
 FOR DEPOSIT ONLY
 LAZIO FOR CONGRESS
 0750389766

ENDORSE HERE:

ROYER & BABYAK 1-51
1747 PENNSYLVANIA AVE., N.W., SUITE 900
WASHINGTON, D.C. 20006

PAY
TO THE
ORDER OF

Pay to Congress
Five hundred and 00/100

\$ 500.00

DOLLARS

DATE *August 1, 1997*



CITIZENS
BANK
OF WASHINGTON, N.A.

FOR

Gonda K. Harris

1997
5295

ENDORSE HERE

PAY TO THE ORDER OF
BAY SHORE, NY 11706
⑈ 628001489 ⑈
FOR DEPOSIT ONLY
LAZIO FOR CONG ⑈ 628
075069765

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10/17/97 20

⑈ 621 001 436 ⑈

OCT 17 97

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ROYER & BABYAK 1-91
1747 PENNSYLVANIA AVE., N.W., SUITE 900
WASHINGTON, D.C. 20006

PAY
TO THE
ORDER OF

Friends & Rich Larin
Five Hundred and no cents

DATE

Oct 7 98

15-591
540

\$500.00

DOLLARS



CITIZENS
BANK
OF WASHINGTON, D.C.

FOR *100% to Robert Royer*

Roy

48330
5430

PAY TO THE ORDER OF
EAB
RAY SHORE, NY 11708
003001489
FOR DEPOSIT ONLY
LAZIO FOR CONGRESS
075089755

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BANK - NEW YORK
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4786

ROYER & BABYAK 1-91
1747 PENNSYLVANIA AVE., N.W., SUITE 800
WASHINGTON, D.C. 20006

PAY
TO THE
ORDER OF

DATE Sept 24/92 $\frac{15-26}{540}$

DOLLARS

Committes to Le-Port Rule Legim. \$300.00

For Merrill and me and

 **CITIZENS
BANK**
OF WASHINGTON, D.C.

FOR

Contribution

Ray

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