

**MARTIN I. KLEIN, P.C.**

**ATTORNEY AT LAW**

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**October 29, 1998**

**F. Andrew Turley, Esquire  
Supervisory Attorney  
Central Enforcement Division  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463**

**Att: Ms. Jennifer H. Boyt**

**Re: MUR 4821**

**Dear Sirs or Madam:**

I am the attorney for Mr. and Mrs. Leonard Litwin (designations of counsel are enclosed) and I am responding on their behalf to the Commission's Letter dated October 21, 1998. The Commission attached a purported complaint ("the complaint") from a Mr. Kenneth J. Herman concerning contributions made to Hon. Rick Lazio, U.S. Representative from the 2<sup>nd</sup> Congressional District of New York.

According to the complaint, the allegation is Congressman Lazio "...has received numerous illegal contributions from individuals in excess of the \$1,000 limit over the course of his past three elections...." The complaint refers to the 1993/1994 election cycle, the 1995/1996 election cycle, and the 1997/1998 election cycle..

Insofar as Mr. and Mrs. Litwin are concerned, the complaint, on its face, is without any basis in law or in fact and should be dismissed. The Litwins have complied in all respects with the Federal Election Campaign Act of 1971, as amended ("the Act").

The underlying premise of the complaint is faulty. It refers to a \$1,000 limit on individual contributions. It fails to recognize, however, that the \$1,000 limit applies to any election, including a primary and a general election, see Section 110.1 (b)(1) of Title 11, Code of Federal Regulations.

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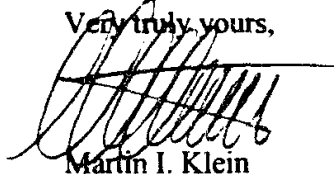
The Litwins were advised that they could contribute up to a maximum of \$1,000 for the primary election and an additional \$1,000 for the general election in each election cycle, for a total individual contribution of \$2,000 in each election cycle. They followed this advice and complied with the applicable statute and regulations.

The Litwins did not contribute to Congressman Lazio in the 1993/1994 election cycle.

On separate occasions and with separate checks, in 1996, the Litwins contributed to Congressman Lazio the maximum permitted under the law, namely \$1,000 for the primary election and \$1,000 for the general election. This was for the 1995/1996 election cycle. Similarly in 1997 and 1998, the Litwins, by separate checks, contributed to Congressman Lazio the maximum permitted under the law, namely \$1,000 for the primary election and \$1,000 for the general election. This was for the 1997/1998 election cycle. At no time during either election cycle did either Mr. or Mrs. Litwin contribute to Congressman Lazio in excess of \$1,000 for the primary and in excess of \$1,000 for the general election.

We trust the foregoing adequately answers the Commission's inquiry and that the complaint, insofar as it pertains to the Litwins, will be dismissed. Should the Commission need anything further, kindly do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Martin I. Klein', is written over a horizontal line.

Martin I. Klein

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4821

NAME OF COUNSEL: Martin I. Klein, Esq.

FIRM: Martin I. Klein, P.C.

ADDRESS: 9 West 57th Street Suite 4160

New York, New York 10019

TELEPHONE: (212 ) 753-9200

FAX: ( 212 ) 935-5520

The above-named individual is hereby designated as my counsel  
and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

10/29/98  
Date

Ruth Litwin  
Signature

RESPONDENT'S NAME: Mrs. Ruth Litwin

ADDRESS: 18 Broadlawn Avenue, Great Neck, New York 11024

TELEPHONE HOME (      )

BUSINESS (      )

## STATEMENT OF DESIGNATION OF COUNSEL

MUR 4821NAME OF COUNSEL: Martin I. Klein, Esq.FIRM: Martin I. Klein, P.C.ADDRESS: 9 West 57th Street Suite 4160New York, New York 10019TELEPHONE: ( 212 ) 753-9200FAX: ( 212 ) 935-5520

The above-named individual is hereby designated as my counsel  
and is authorized to receive any notifications and other communications  
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10/29/98

Date

Signature

RESPONDENT'S NAME: Mr. Leonard LitwinADDRESS: 18 Broadlawn Avenue, Great Neck / New York 11024

TELEPHONE: HOME( )

BUSINESS( )