



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 4, 2001

Kirk Jowers, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

RE: MURs 4935 and 5057  
Harry Gross

Dear Mr. Jowers:

On December 13, 2000, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations. Accordingly, the file has been closed in this matter as it pertains to Mr. Gross.

This matter will become public within 30 days after it has been closed with respect to all other respondents involved. Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

*Anita Alexander*

Anita Alexander  
Paralegal Specialist

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Harry Gross ) MURs 4935 and 5057  
 )  
 )

**CONCILIATION AGREEMENT**

Matter Under Review ("MUR") 4935 was initiated by a signed, sworn, and notarized complaint by Sandy Aboulafia. MUR 5057 was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe Harry Gross ("Respondent") violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

NOW THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts and violations of law in this matter are as follows:

1. Dear for Congress, Inc. was the principal campaign committee of Noach Dear for his campaign for the Democratic nomination for the United States House of Representatives (New York 9<sup>th</sup> District) in the 1998 primary.

2. Abraham Roth is the Treasurer of Dear for Congress, Inc.

3. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made by a person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A); 11 C.F.R. § 100.7(a)(1). A person is prohibited from making contributions to any candidate and his or her authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

4. The Respondent contributed an aggregate amount of \$10,000 to Dear for Congress, Inc. He contends that he had misunderstood the federal contribution limits and the distinction between candidate and party committee contributions, and between "hard" and "soft" money, and believed that his contribution was in a legally permissible amount. He also contends that he assumed that Dear for Congress would make any necessary decisions regarding the proper designation of the funds.

5. The Respondent contends that this is his first violation of the federal election laws. He also contends that he has reviewed a summary of the relevant federal election laws and compliance guidelines to help him avoid any future misunderstandings. Dear for Congress refunded \$9,000 to the Respondent.

V. The Respondent made an excessive contribution of \$9,000 to Dear for Congress, Inc. in violation of 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 110.1(b)(1).

VI. The Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$1,900, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance

with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may initiate a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties thereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY: *Kim Leslie Bright*  
Kim Leslie Bright  
Associate General Counsel

1/4/07  
Date

FOR THE RESPONDENT:

*[Signature]*  
Harry Gross  
Respondent

11.29.00  
Date