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\*ADMITTED IN NY & DC

April 30, 2001

Att: Angela Whitehead Quigley  
Federal Election Commission  
Office of General Counsel  
Public Financing, Ethics  
and Special Projects  
999 E Street, N.W.  
Washington DC 20463

Re: MURs 4935 and 5057

Dear Ms. Quigley:

In response to letter dated August 23, 2000 addressed to my client, Boris Motovich, please be advised that Mr. Motovich has not violated the Federal Election Campaign Act of 1971 in that the funds which were contributed to Dear for Congress, Inc. for the Congressional race of Noach Dear were returned to Mr. Motovich and not utilized by Mr. Dear.

Enclosed herewith please find photocopies of two checks, each in the amount of \$1,500.00, and letter from Noach Dear's Congress Campaign Committee, indicating the return of the contribution in excess of the amount allowed by law. As a result of the return of these funds, my client was never in violation of the Federal Election Campaign Act of 1971.

My client does not understand why he should be responsible for payment of any penalties in settlement of this matter which was a technical violation. If you are seeking a nominal amount to resolve this issue, kindly advise the undersigned.

I can assure you that I am not going to "bid against" the information and regulations set forth in the communication of August 23, 2000.

In order for there to be a violation of the Federal Election Campaign Act of 1971, there must not only be intent but

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

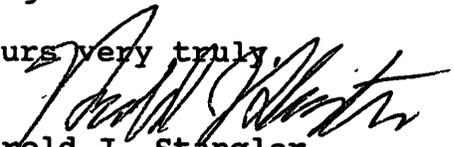
Att: Angela Whitehead Quigley  
Federal Election Commission -2-

April 30, 2001

the recipient of the contribution must have utilized the funds.  
In the present matter, the contribution was legal because the  
excess amount contributed was returned to my client.

If any additional information is required, please  
contact the office of the undersigned.

Yours very truly,



Harold J. Stangler

HJS/dam  
encs.

24 04 439 387

DEAR FOR CONGRESS, INC.  
PRIMARY ELECTION  
5812 18TH AVE  
BROOKLYN NY 11204

160  
210  
19255225

655

DATE 7/20/99

PAY TO THE ORDER OF

Boris Katsenelson

\$ 1,500.<sup>00</sup>/<sub>100</sub>

Fifteen hundred dollars

DOLLARS

**CITIBANK**

CITIBANK N.A. BR 480  
5812 18TH AVENUE  
BROOKLYN NY 11204

*[Signature]*

MEMO \_\_\_\_\_

MP