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FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MURs 4935 and 5057
Dear for Congress, Inc.)
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GENERAL COUNSEL'S REPORT #17¹

I. ACTIONS RECOMMENDED

Find probable cause to believe that Steven Adelsberg, Joseph Billig, Boris Kandov, Benjamin Landa, Shimon Lefkowitz, Abraham Lesser and Boris Motovich violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) and approve the attached conciliation agreements.

II. BACKGROUND

On July 25, 2000, the Commission found reason to believe that Steven Adelsberg, Joseph Billig, Boris Kandov, Benjamin Landa, Shimon Lefkowitz, Abraham Lesser and Boris Motovich violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) by making contributions to Dear for Congress, Inc. ("Committee") which were in excess of the contribution limitations.² After attempting pre-probable cause conciliation with these respondents, this Office mailed General Counsel's Briefs to Joseph Billig, Boris Kandov, Benjamin Landa, Shimon Lefkowitz and

¹ OGC intended to submit General Counsel's Reports #17 and #18 simultaneously. However, General Counsel's Report #18 was inadvertently submitted earlier. Therefore, in order to retain a clearer administrative record for case management purposes, this report is being sent forward under its original number.

² The Commission also found reason to believe that 18 other individuals violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

1 Abraham Lesser on June 12, 2001 recommending that the Commission find that they violated
2 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1). This Office also mailed General
3 Counsel's Briefs to Steven Adelsberg on June 20, 2001 and to Boris Motovich on August 13,
4 2001 recommending that the Commission find that they violated 2 U.S.C. § 441a(a)(1)(A) and
5 11 C.F.R. § 110.1(b)(1). Benjamin Landa and Abraham Lesser submitted reply Briefs.

6 **III. ANALYSIS**

7 This Office's analysis is contained in the General Counsel's Briefs sent to each
8 respondent.

9 **A. Benjamin Landa**

10 The Commission found reason to believe that Mr. Landa made excessive contributions to
11 the Committee for the 1998 election cycle totaling \$9,000. On June 25, 2001, Mr. Landa
12 responded to the General Counsel's Brief stating that he "had no knowledge of the law at the
13 time" he made his contribution to the Committee. Attachment 1. Mr. Landa stated that he
14 "immediately insisted" that the Committee refund the excessive portion of his contributions
15 when he became aware that he had exceeded the legal limit. *Id.* He argues that as a result, he
16 "only contributed the legal limit." *Id.* Mr. Landa's response, however, does not demonstrate that
17 his contributions were made in compliance with 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R.
18 § 110.1(b)(1). Mr. Landa contributed \$5,000 on March 23, 1998 and June 17, 1998. First
19 General Counsel's Report at Attachment 4 at 10. The Committee refunded the excessive portion
20 of these contributions (\$9,000) on May 18, 1999 and on July 30, 1999, well after the 60-day time
21 period permitted under 11 C.F.R. § 110.1(b)(3). *Id.* Because the contributions were not properly
22 redesignated or reattributed, or were not refunded within 60 days of receipt by the Committee,

1 those contributions are considered excessive. Therefore, the Office of General Counsel
2 recommends that the Commission find probable cause to believe that Benjamin Landa violated
3 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

4 **B. Abraham Lesser**

5 The Commission found reason to believe that Mr. Lesser made excessive contributions to
6 the Committee for the 1998 election cycle totaling \$11,000. On June 25, 2001, Mr. Lesser
7 responded to the General Counsel's Brief stating that this was the first time he made a federal
8 campaign contribution and that he was not aware of the legalities involved. Attachment 2. Mr.
9 Lesser also expressed a desire to "correct this mistake." Attachment 2. Mr. Lesser's
10 explanation, however, does not refute the fact that his contributions were not made in compliance
11 with 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1). Mr. Lesser made eight contributions
12 totaling \$12,000 between April 7, 1998 and September 15, 1998. First General Counsel's Report
13 at Attachment 4 at 10. The Committee refunded the excessive portion of these contributions
14 (\$11,000) on May 20, 1999 and July 30, 1999, well after the 60-day time period permitted under
15 11 C.F.R. § 110.1(b)(3). *Id.* Because the contributions were not properly redesignated or
16 reattributed, or were not refunded within 60 days of receipt by the Committee, those
17 contributions are considered excessive. Accordingly, the Office of General Counsel recommends
18 that the Commission find probable cause to believe that Abraham Lesser violated 2 U.S.C.
19 § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

20 **C. Steven Adelsberg**

21 The Commission found reason to believe that Steven Adelsberg made excessive
22 contributions to the Committee for the 1998 election cycle totaling \$8,000. In response to the

1 Commission's reason to believe finding, Mr. Adelsberg expressed an interest in resolving the
2 matter Mr. Adelsberg did not submit a response to the
3 General Counsel's Brief recommending a finding of probable cause. Mr. Adelsberg made three
4 contributions totaling \$9,000 between November 21, 1997 and August 6, 1998. First General
5 Counsel's Report at Attachment 4 at 1. The Committee refunded the excessive portion of these
6 contributions (\$8,000) on May 20, 1999, well after the 60-day time period permitted under
7 11 C.F.R. § 110.1(b)(3). *Id.* Because the contributions were not properly redesignated or
8 reattributed, or were not refunded within 60 days of receipt by the Committee, those
9 contributions are considered excessive. Accordingly, the Office of General Counsel recommends
10 that the Commission find probable cause to believe that Steven Adelsberg violated 2 U.S.C.
11 § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

12 **D. Joseph Billig**

13 The Commission found reason to believe that Joseph Billig made excessive contributions
14 to the Committee for the 1998 election cycle totaling \$7,000.

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Mr. Billig did not submit

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a response to the General Counsel's Brief. Mr. Billig made four contributions totaling \$8,000

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between May 27, 1998 and September 1, 1998. First General Counsel's Report at Attachment 4

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at 2. The Committee refunded the excessive portion of these contributions (\$7,000) on May 20,

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1999, well after the 60-day time period permitted under 11 C.F.R. § 110.1(b)(3) *Id.* Because

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the contributions were not properly redesignated or reattributed, or were not refunded within 60

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days of receipt by the Committee, those contributions are considered excessive. Accordingly, the

1 Office of General Counsel recommends that the Commission find probable cause to believe that
2 Joseph Billig violated 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

3 **E. Boris Kandov**

4 The Commission found reason to believe that Boris Kandov made excessive
5 contributions to the Committee for the 1998 election cycle totaling \$5,000. Mr. Kandov did not
6 respond to either the Commission's reason to believe finding or the General Counsel's Brief.
7 Mr. Kandov made two contributions totaling \$6,000 between January 22, 1998 and July 14,
8 1998. First General Counsel's Report at Attachment 4 at 8. The Committee refunded \$4,000 of
9 the excessive portion of these contributions on May 19, 1999, well after the 60-day time period
10 permitted under 11 C.F.R. § 110.1(b)(3). *Id.* Because the contributions were not properly
11 redesignated or reattributed, or were not refunded within 60 days of receipt by the Committee,
12 those contributions are considered excessive. Accordingly, the Office of General Counsel
13 recommends that the Commission find probable cause to believe that Boris Kandov violated
14 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

15 **F. Shimon Lefkowitz**

16 The Commission found reason to believe that Shimon Lefkowitz made excessive
17 contributions to the Committee for the 1998 election cycle totaling \$19,000. In response to the
18 Commission's reason to believe finding, Mr. Lefkowitz argued that because the excessive
19 portion of his contribution was refunded he did not violate the law. Mr. Lefkowitz did not
20 respond to the General Counsel's Brief. Mr. Lefkowitz made six contributions totaling \$20,000
21 between September 26, 1997 and September 8, 1998. First General Counsel's Report at
22 Attachment 4 at 10. The Committee refunded the \$18,000 of the excessive portion of these

1 contributions on May 20, 1999 and July 30, 1999, well after the 60-day time period permitted
2 under 11 C.F.R. § 110.1(b)(3). *Id.* Because the contributions were not properly redesignated or
3 reattributed, or were not refunded within 60 days of receipt by the Committee, those
4 contributions are considered excessive. Accordingly, the Office of General Counsel recommends
5 that the Commission find probable cause to believe that Shimon Lefkowitz violated 2 U.S.C.
6 § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

7 **G. Boris Motovich**

8 The Commission found reason to believe that Mr. Motovich made excessive
9 contributions to the Committee for the 1998 election cycle totaling \$5,500.

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13 Mr. Motovich made three contributions totaling \$6,5000
14 between December 24, 1997 and March 30, 1998. First General Counsel's Report at Attachment
15 4 at 17. The Committee refunded \$3,000 of the excessive portion of these contributions on
16 May 19, 1999 and July 30, 1999, well after the 60-day time period permitted under 11 C.F.R.
17 § 110.1(b)(3). *Id.* Because the contributions were not properly redesignated or reattributed, or
18 were not refunded within 60 days of receipt by the Committee, those contributions are
19 considered excessive.

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21 Therefore, the Office of General Counsel

1 recommends that the Commission find probable cause to believe that Boris Motovich violated
2 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).

3 **IV. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

4 Attached for the Commission's approval are proposed conciliation agreements with
5 Steven Adelsberg, Joseph Billig, Boris Kandov, Shimon Lefkowitz, Abraham Lesser, Benjamin
6 Landa and Boris Motovich.

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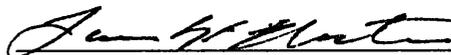
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3 **V. RECOMMENDATIONS**
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- 5 1. Find probable cause to believe that Steven Adelsberg made an excessive contribution
6 in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
7 2. Find probable cause to believe that Joseph Billig made an excessive contribution in
8 violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
9 3. Find probable cause to believe that Boris Kandov made an excessive contribution in
10 violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
11 4. Find probable cause to believe that Benjamin Landa made an excessive contribution
12 in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
13 5. Find probable cause to believe that Shimon Lefkowitz made an excessive contribution
14 in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
15 6. Find probable cause to believe that Abraham Lesser made an excessive contribution
16 in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
17 7. Find probable cause to believe that Boris Motovich made an excessive contribution in
18 violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
19 8. Approve the attached conciliation agreements.
20 9. Approve the appropriate letters.
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25 11/15/01
26 Date


27 Lawrence H. Norton
28 General Counsel

29 **Attachments**
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- 31 1. Benjamin Landa Response
32 2. Abraham Lesser Response

1 3. Conciliation Agreements (7)

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3 Staff Assigned: Peter G. Blumberg

4 Delbert K. Rigsby

5 Danita C. Lee

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JUN 25 11 05 AM '01

Benjamin Landa
1337 East 7th Street
Brooklyn, NY 11230
June 19, 2001

JUN 25 12 55 PM '01
RECEIVED
FEDERAL ELECTION
COMMISSION
GENERAL

Secretary of The Commission
Federal Election Commission
Washington, DC 20463

RE. MURs 4935 and 5057

Dear Sir:

This is in reference to your notice of June 12, 2001.

This transaction was an error, which was corrected when the committee refunded to me the excess improper part of the contribution.

I had no knowledge of the law at the time of the contribution, but when I found out, I immediately insisted the improper part of contribution be refunded to me. So I in fact only contributed the legal limit. A copy of the canceled check from the Dear for Congress committee made out to me for \$9,000 was supposed to be forwarded to you by them.

I hope that your agency will not penalize me for ignorance of the technical law as I assumed the Committee knew what it was doing.

If I can be of any further assistance, please let me know Thank you for your kind consideration.

Very truly yours

Benjamin Landa
Benjamin Landa

Attachment 1
Page 1 of 1

2001 JUN 25 11 05 AM

ABRAHAM LESSER
1481 47TH STREET
BROOKLYN, NEW YORK 11219

JUL 1 2 5 11 01

FEDERAL ELECTION COMMISSION

July 12, 2001

Delbert K. Rigsby Esq.
Federal Election Commission
999 East St NW
Washington, D.C. 20463

Re: MURs 4935 and 5057

Dear Mr. Rigsby:

I am in receipt of your letters dated June 12, 2001 and July 9, 2001 regarding my contribution to Dear for Congress campaign.

This is the first time that I had made a political contribution for a Federal campaign and was not aware of the legalities involved. However, if you find that I did violate any federal laws I would like to find a way how to correct this mistake.

Please inform me how this matter can be resolved.

I look forward to hearing from you at your earliest convenience.

Sincerely,



Abraham Lesser

Attachment 2
Page 1 of 1