



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

JUN 1 1 2002

Harold Stangler, Esq.
Edelman, Krasin & Jaye, PLLC
One Old Country Road
Carle Place, NY 11514

RE: MURs 4935 and 5057
Boris Motovich

Dear Mr. Stangler:

On May 31, 2002, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you on behalf of Boris Motovich 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 your client.

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,

A handwritten signature in cursive script that reads "Danita C. Lee".

Danita C. Lee
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Boris Motovich) 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. An investigation was conducted, and the Commission found probable cause to believe Boris Motovich ("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 duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.
- 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:
 - a. 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 9th District) in the 1998 primary

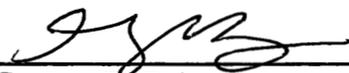
- b. Abraham Roth is the Treasurer of Dear for Congress, Inc.
 - c. A contribution is a gift, subscription, loan, advance, deposit of money, or anything of value made by a person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A); 11 C.F.R. § 100.7(a)(1). An individual 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).
 - d. Respondent contributed an aggregate amount of \$6,500 to Dear for Congress, Inc.
- V. Respondent made an excessive contribution of \$5,500 to Dear for Congress, Inc., in violation of 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1).
- VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$1,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).
- VII. Respondent agrees to cease and desist from violating 2 U.S.C. § 441a(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) in the future.
- VIII. 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
- IX. This agreement shall become effective as of the date that all parties thereto have executed same and the Commission has approved the entire agreement.

X 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.

XI. 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 H. Norton
General Counsel

BY: 
Gregory R. Baker
Acting Associate General Counsel

6/10/02
Date

FOR THE RESPONDENT:


Name
Position

3/19/02
Date