



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Perry Vais
2660 East 28th Street
Brooklyn, NY 11235

DEC 06 2000

RE: MUR 4995

Dear Mr. Vais:

On April 5, 2000, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on October 25, 2000. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the word "Sincerely,".

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4995
FRIENDS OF WEINER

Perry Vais alleged that Friends of Weiner ("Weiner") accepted a corporate contribution of \$250 from United Snacks, Inc., ("United") and received a corporate contribution from M & R Management in the form of below market rent for the campaign headquarters. Vais said that the monthly rents in the area of the headquarters were typically \$3,300 per month, but Weiner only paid a total of \$3,300. Vais' final allegation was that Weiner contributed funds from his City Council fund to contribute to local candidates outside his council district, thereby assisting his congressional campaign.

United responded that it inadvertently violated the law by contributing \$250 to Weiner. The company stated that the fact that the acting President was Argentinean and had a "language barrier may have contributed to this mistake", as he was told that corporate checks were unacceptable and "heard that they were acceptable." United stated that Weiner advised it by letter last year that the check was received in error, and that a refund would occur. As of United's response date, however, the refund had not been received.

M & R replied to the suggestion that it had rented to Weiner at below market value as completely false and unfounded. M & R said the property was difficult to rent (being vacant for one year before the Committee rented it and remaining vacant after the Committee left it in 1998 until early in 2000) and the \$300 per month rental fee was appropriate. Furthermore, the Committee paid all rent owed after 12 months of tenancy.

The Committee's response stated that the corporate contribution from United was refunded on April 17, 2000. As to the allegation that it had failed to pay rent and that the rent was below fair market value, Weiner's response was very similar to M & R's, going so far as to say the Committee may have been overcharged as the space was small and there were frequent plumbing and electric problems. The Committee responded that the complainant's last allegation, concerning the city council (non-federal) committee aiding his congressional campaign by contributing to local candidates outside the council area, was false. The Committee stated that "both of the candidates referenced in [the] complaint *opposed* Mr. Weiner's candidacy" (emphasis in response).

There appears to be no serious intent to violate the law, and this matter is less significant relative to other matters pending before the Commission.