HERGE, SPARKS & CHRISTOPHER, LLP

ATTORNEYS AT LAW

SUITE 360

6862 ELM STREET

McLean, Virginia 22101

(703) 848-4700

June 30, 2000

FACSIMILE NUMBER (703) 893-7371

J. CURTIS HERGE
ROBERT R. SPARKS, JR.
A. MARK CHRISTOPHER
MATTHEW SCOTT MCCONNELL
CHRISTOPHER T. CRAIG

Certified Mail - Return Receipt Requested

Lawrence M. Noble, Esq. General Counsel Federal Election Commission 999 E Street, N.W. Washington, D.C. 20463

Re: MUR 5020

Dear Mr. Noble:

This letter is written in furtherance of my letter to you, dated June 16, 2000, in which I confirmed our appearance as counsel to Mark A. Brown, Fred A. Buro, Lawrence Mullin, Donald J. Trump, and Trump Hotels & Casino Resorts, Inc. relative to the complaint filed by Audrey L. Michael, dated May 18, 2000, which has been designated MUR 5020. We enclosed with our letter each of our clients' Statement of Designation of Counsel; and we requested an extension until July 3, 2000 within which to submit this substantive response. By letter to me dated June 20, 2000, the Commission acknowledged our appearance and granted our extension request.

In her complaint, Ms. Michael made the following allegations about our clients:

"On March 27, 2000, according to the <u>Press of Atlantic City</u>, Trump Hotel Casinos and Resorts (sic) held a fundraiser to benefit William Gormley, a candidate for the U.S. Senate. Mr. Mark Brown, Mr. Lawrence Mullin and Mr. Fred Burro (sic) contacted various employees of Trump Hotels and Casino Resorts and solicited and received contributions from 33 employees (list attached) for a total of \$28,800.

"Mr. Brown collected these checks. The checks then were turned over to Mr. Donald J. Trump who presented them to Mr. Gormley.

Lawrence M. Noble, Esq. June 30, 2000 Page 2

"In all cases, employees of these corporations were compelled by senior executives to give to Mr. Gormley's campaign in violation of the Federal Election Law prohibiting `bundling'."

The foregoing allegations are spurious and totally false.

To evidence the falsity of the allegations in Ms. Michael's complaint and to demonstrate that the Federal Election Commission should take no action against our clients in connection with this matter, we submit to you herewith executed affidavits of Mark A. Brown, Fred A. Buro, Larry Mullin, and Donald J. Trump.¹ Those affidavits overwhelmingly confirm the following:

It was Donald J. Trump who personally sponsored, paid for, and hosted in his residence the March 27, 2000 reception for William L. Gormley, a candidate for election to the United States Senate from New Jersey. Contrary to the allegation by Ms. Michael that "Trump Hotel Casinos and Resorts (sic) held a fundraiser to benefit William Gormley" on March 27, 2000, it was in fact Donald J. Trump who personally sponsored the March 27, 2000 reception for Mr. Gormley. (See Trump Affidavit ¶3; Brown Affidavit ¶3; Buro Affidavit ¶3; and Mullin Affidavit ¶3.) Trump sponsored and hosted the reception in his individual capacity; not as Chairman of Trump Hotels & Casino Resorts. Trump Affidavit $\P 3.$) The reception was held in Mr. Trump's residence. (See Trump Affidavit ¶4; Brown Affidavit ¶¶3 and 8; Buro Affidavit $\P\P 3$ and 8; and Mullin Affidavit $\P\P 3$ and 8.) The invitations, food and beverages for the reception were paid for by Donald J. Trump personally . (See Trump Affidavit ¶5.) Trump was not reimbursed for the costs of the invitations, food and beverages. (See Trump Affidavit ¶6.)

Trump, is a businessman who, among other roles, serves as Chairman of Trump Hotels & Casino Resorts, Inc. Trump Plaza Hotel and Casino (the "Plaza"), Trump Taj Mahal Casino Resort (the "Taj Mahal"), and Trump Marina Hotel Casino (the "Marina") are subsidiaries of Trump Hotels & Casino Resorts, Inc. In March, 2000, Mark Brown was President of the Taj Mahal; Fred Buro was President of the Plaza; and Lawrence Mullin was President of the Marina. All four entities are located in Atlantic City, New Jersey.

Lawrence M. Noble, Esq. June 30, 2000 Page 3

- No executive of Trump Hotels & Casino Resorts, Inc. or its subsidiaries collected or received a contribution to Gormley for Senate from any other employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries. Contrary to the allegation by Ms. Michael that "Mr. Mark Brown, Mr. Lawrence Mullin and Mr. Fred Burro (sic) contacted various employees of Trump Hotels & Casino Resorts and solicited and received contributions from 33 employees," no employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries gave Mr. Brown, or Mr. Buro, or Mr. Mullin, or Mr. Trump his or her contribution to Gormley for Senate. (See Brown Affidavit ¶6, Buro Affidavit ¶6, Mullin Affidavit ¶6 and Trump Affidavit ¶13.) There was a table in the foyer of Mr. Trump's residence which was staffed by Gormley campaign aides. (See Trump Affidavit ¶11.) Reception attendees who contributed to Gormley for Senate delivered their individual checks to the Gormley campaign aides. (See Brown Affidavit $\P9$, Buro Affidavit $\P9$, and Mullin Affidavit $\P9$.) Brown, Mr. Buro, and Mr. Mullin each delivered his own contribution check to a Gormley campaign aide; but no one of them delivered any third-party's check to Mr. Gormley or to a Gormley campaign aide, because none of them ever received a contribution check from a third-party. (See Brown Affidavit ¶¶6 and 9; Buro Affidavit \P 6 and 9; and Mullin Affidavit \P 6 and 9.)
- Trump Hotels & Casino Resorts, Inc. or its subsidiaries to William L. Gormley. Contrary to the allegation by Ms. Michael that Mr. Brown "collected" contribution checks from employees of Trump Hotels & Casino Resorts, Inc. and turned them over "to Mr. Donald J. Trump who presented them to Mr. Gormley," Mr. Brown did not collect any other person's contribution check to Gormley for Senate. (See Brown Affidavit ¶6.) Neither Mr. Brown, nor any other individual, gave Mr. Trump his or her, or any other person's contribution check to Gormley for Senate. (See Trump Affidavit ¶13.) Mr. Trump did not present to William L. Gormley or to any Gormley campaign aide any third-party's contribution check to Gormley for Senate. (See Trump Affidavit ¶10 and 11; Buro Affidavit ¶10 and 11; and Mullin Affidavit ¶10 and 11.)
- 4. No employee of Trump Hotels & Casino Resorts, Inc. was compelled to contribute to Gormley for Senate. Contrary to the allegation by Ms. Michael that "employees of these corporations were compelled by senior executives to give to Mr. Gormley's campaign," Mr. Trump informed Messrs. Brown, Buro, and Mullin that employees of Trump Hotels & Casino Resorts, Inc. and its subsidiaries were welcome to attend the Gormley reception

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whether or not they contributed to Gormley for Senate. (See Trump Affidavit ¶10.) Messrs. Brown, Buro, and Mullin each told the members of their respective executive committees that a contribution was not prerequisite or a condition to attending the reception. (See Buro Affidavit ¶4 and Mullin Affidavit ¶4.) Mr. Trump did not compel any employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries to contribute to Gormley for Senate, or to contribute a certain amount, or to attend the reception. (See Trump Affidavit ¶10, Brown Affidavit ¶12; Buro Affidavit ¶12, and Mullin Affidavit ¶12.) Mr. Brown, Mr. Buro, and Mr. Mullin did not compel, pressure or even recommend to any subordinate that he or she should attend the reception, that he or she should contribute to Gormley for Senate, or that he or she should contribute a specific amount to Gormley for Senate. (See Brown Affidavit ¶5, Buro Affidavit ¶5, and Mullin Affidavit ¶5.)

The evidence is clear and compelling that, as to our clients, the allegations contained in the complaint in this matter have no foundation and are without merit. Trump Hotels & Casino Resorts, Inc. did not hold a fundraising event for William L. Gormley; the executives of Trump Hotels & Casino Resorts, Inc. and its subsidiaries did not compel employees to contribute to Gormley for Senate; and no executive of Trump Hotels & Casino Resorts, Inc. and its subsidiaries served as a conduit or intermediary of any contribution to Gormley for Senate. It would be unreasonable and an abuse of discretion to conclude otherwise or to pursue this matter further.

It is respectfully submitted that the Federal Election Commission should take no further action against Mark Brown, Fred Buro, Lawrence Mullin, Donald J. Trump, or Trump Hotels & Casino Resorts, Inc. in connection with this matter.

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Enclosures

AFFIDAVIT OF DONALD J. TRUMP

STATE	OF	NEW	YORK))
)	ss
COUNTY	OF	NEV	VORK)

- I, DONALD J. TRUMP, being duly sworn, hereby make this statement under oath and of my own free will for the purpose of memorializing my knowledge and recollection of the facts and circumstances related to the reception I hosted on March 27, 2000 for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey.
- 1. I am a citizen of the United States and I reside at 721 Fifth Avenue, New York, New York, 10022.
- 2. I am Chairman of Trump Hotels & Casino Resorts,
 Inc.
- 3. On Monday, March 27, 2000, I personally sponsored and hosted a reception for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey. I did so solely in my individual capacity, not in my representative capacity as Chairman of Trump Hotels & Casino Resorts, Inc.
- 4. The March 27, 2000 reception I sponsored and hosted for William L. Gormley was held in my residential premises at 721 Fifth Avenue, New York, New York, 10022.
- 5. I paid from my personal funds all the costs of the invitations, food, and beverages for the March 27, 2000 reception I sponsored and hosted for William L. Gormley.

- 6. I was not reimbursed, in whole or in part, for the costs of the invitations, food and beverages for the March 27, 2000 reception I sponsored and hosted for William L. Gormley.
- 7. Of the invitations to the March 27, 2000 reception I sponsored and hosted for William L. Gormley, only approximately ten percent (10%) of the total, more or less, were mailed to executives of Trump Hotels & Casino Resorts, Inc. and its subsidiaries. The other invitees were friends and business acquaintances not employed by Trump Hotels & Casino Resorts, Inc. or its subsidiaries.
- 8. Trump Plaza Hotel and Casino (the "Plaza"), Trump
 Taj Mahal Casino Resort (the "Taj Mahal"), and Trump Marina Hotel
 Casino (the "Marina") are subsidiaries of Trump Hotels & Casino
 Resorts, Inc.
- 9. In March, 2000, Fred Buro was President of the Plaza, Mark Brown was President of the Taj Mahal, and Lawrence Mullin was President of the Marina.
- description, to compel or pressure any employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries to contribute to Gormley for Senate, or to contribute a certain amount to Gormley for Senate, or to attend the March 27, 2000 reception I sponsored and hosted for William L. Gormley. Conversely, I did inform Messrs. Buro, Brown and Mullin that decisions whether or not to contribute, how much to contribute if one decided to contribute, and whether or not to attend the reception were voluntary and, further, that executives of Trump Hotels & Casino Resorts, Inc.

and its subsidiaries were welcome to attend the reception whether or not they contributed to Gormley for Senate.

- 11. At the March 27, 2000 reception I sponsored and hosted for William L. Gormley, there was a table in the foyer inside the entrance to my residence which was staffed by Gormley for Senate personnel. Upon information and belief, reception attendees who contributed to Gormley for Senate delivered their contribution checks directly to the Gormley for Senate personnel at the reception table.
- 12. Approximately one hundred (100) individuals, more or less, attended the March 27, 2000 reception I sponsored and hosted for William L. Gormley.
- 13. No individual delivered to me personally, or in my representative capacity as Chairman of Trump Hotels & Casino Resorts, Inc., his or her contribution check to Gormley for Senate; and no individual delivered to me personally, or in my representative capacity as Chairman of Trump Hotels & Casino Resorts, Inc., a contribution check to Gormley for Senate drawn by a third party.
- 14. I did not, before or during the March 27, 2000 reception I sponsored and hosted for William L. Gormley, personally, or in my representative capacity as Chairman of Trump Hotels & Casino Resorts, Inc., deliver to William L. Gormley, or to any Gormley for Senate personnel, a contribution check to Gormley for Senate drawn by a third party.
- 15. I did not witness any executive of Trump Hotels & Casino Resorts, Inc. or its subsidiaries personally or in his or

her representative capacity deliver to William L. Gormley, or to any Gormley for Senate personnel, a contribution check to Gormley for Senate drawn by a third party.

16. I neither reimbursed, nor caused any other person to reimburse, any employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries for his or her contribution to Gormley for Senate.

IN WITNESS WHEREOF, I have executed this Affidavit this

day of June, 2000.

DONALD J. TRUMP

Sworn to and Subscribed before me by DONALD J (TRUMP, this 36%) day of June 2000.

NOTARY PUBLIC

My Commission Expires:

NORMA I. FOERDERER
NOTARY PUBLIC, State of New York
No 01F04743494
Qualified in New York County
Commission Expires Sept. 30, 200 1

NORMA I. FOERDERER
NORMA PUBLIC, State of New York
Outlified in New York County
Outlified in New York County
Outlified in New York County

ID 6099260547

APPIDAVIT OF FRED BURO

STATE OF NEW JERSEY)	
)	39
COUNTY OF ATLANTIC)	

- I, FRED BURO, being duly sworn, hereby make this statement under oath and of my own free will for the purpose of memorializing my recollection of the facts and circumstances related to a reception on March 27, 2000 for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey, which was sponsored by Donald J. Trump.
- 1. I am a citizen of the United States and I reside at 279 Southshore Drive, Toms River, New Jersey.
- I am President of Trump Plaza Hotel and Casino, in Atlantic City, New Jersey.
- 3. In March, 2000, I received in the mail an invitation from Donald J. Trump, written on Mr. Trump's personal stationery, to attend a reception to be held on March 27, 2000 in Mr. Trump's residence in New York City in honor of William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey.
- 4. Upon inquiry, I was informed the invitation was open to all executive personnel of Trump Plaza Hotel and Casino who wished to attend. As a result, I informed the members of my Executive Committee they were welcome to attend, if they so desired; and that, while the reception was being held to raise funds for the Gormley campaign, it was my understanding they could attend without making a contribution.

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- 5. I did not compel, pressure or even recommend to any individual employed at Trump Plaza Hotel and Casino that he or she should attend the reception, that he or she should contribute to the Gormley campaign, or that he or she should contribute a specific amount to the Gormley campaign.
- 6. No employee of Trump Plaza Hotel and Casino, in fact no other person, gave me before, during or after the reception, his or her check (or anything of value) earmarked for William L. Gormley or for the Gormley campaign.
- 7. On Monday, March 27, 2000, I traveled to New York
 City to attend a business meeting of casino executives, which as
 regular, leld every Monday.
- 8. In the late afternoon on Monday, March 27, 2000, I attended the reception in honor of William L. Gormley which was held in Mr. Trump's residence in New York City.
- 9. At the reception in Mr. Trump's residence, I handed one of Mr. Gormley's campaign aides my personal check, drawn to the order of Gormley for Senate, in the amount of \$1,000.00.

 That was the only item I delivered to Mr. Gormley or to any aide of Mr. Gormley.
- 10. I observed Mr. Trump and Mr. Gormley at the reception, but I did not see Mr. Trump hand Mr. Gormley, or any aide to Mr. Gormley, any check(s) or any envelope(s).
- 11. I observed other attendees at the reception, but I did not see any person hand Mr. Gormley, or any aide to Mr. Gormley, any line than what appeared to be his or her own

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- No person compelled or pressured me to attend the reception, to contribute to the Gormley campaign, or to contribute any specific amount to the Gormley campaign. My decision to attend the reception, to contribute to the Gormley campaign and the amount to contribute were each made independent of others, of my own free will, and voluntarily by me.
- I have not been reimbursed directly or indirectly, in whole or in part, for the contribution I made to Gormley for Senate.

IN WITNESS WHEREOF, I have executed this Affidavit this

231 day of May, 2000.

Sworn to before me, a Notary Public this 3nd day of May, 2000.

My commission expires:

NOTARY PUBLIC OF NEW JERSEY My Commission Expires Jan. 15, 2004

AFFIDAVIT OF LARRY MULLIN

STATE OF NEW JERSEY)
) ss:
COUNTY OF ATLANTIC)

- I, LARRY MULLIN, being duly sworn, hereby make this statement under oath and of my own free will for the purpose of memorializing my recollection of the facts and circumstances related to a reception on March 27, 2000 for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey, which was sponsored by Donald J. Trump.
- 1. I am a citizen of the United States and I reside at 1108 Lavender Lane, Absecon, New Jersey.
- 2. I am President of Trump Marina Hotel Casino, in Atlantic City, New Jersey.
- 3. In March, 2000, I received in the mail an invitation from Donald J. Trump, written on Mr. Trump's personal stationery, to attend a reception to be held on March 27, 2000 in Mr. Trump's residence in New York City in honor of William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey.
- 4. Upon inquiry, I was informed the invitation was open to all executive personnel of Trump Marina Hotel. Casino who wished to attend. As a result, I informed the members of my Executive Committee they were welcome to attend, if they so desired; and that, while the reception was being held to raise funds for the Gormley campaign, it was my understanding they could attend without making a contribution.

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- 5. I did not compel, pressure or even recommend to any individual employed at Trump Marina Hotel Casino that he or she should attend the reception, that he or she should contribute to the Gormley campaign, or that he or she should contribute a specific amount to the Gormley campaign.
- 6. No employee of Trump Marina Hotel Casino, in fact no other person, gave me before, during or after the reception, his or her check (or anything of value) earmarked for William L. Gormley or for the Gormley campaign.
- 7. On Monday, March 27, 2000, I traveled to New York
 City to attend a business meeting of casino executives which is
 regularly held every Monday.
- 8. In the late afternoon on Monday, March 27, 2000, I attended the reception in honor of William L. Gormley which was held in Mr. Trump's residence in New York City.
- 9. At the reception in Mr. Trump's residence, I handed one of Mr. Gormley's campaign aides my personal check, drawn to the order of Gormley for Senate, in the amount of \$1,000.00. That was the only item I delivered to Mr. Gormley or to any aide of Mr. Gormley.
- 10. I observed Mr. Trump and Mr. Gormley at the reception, but I did not see Mr. Trump hand Mr. Gormley, or any aide to Mr. Gormley, any check(s) or any envelope(s).
- 11. I observed other attendees at the reception, but I did not see any person hand Mr. Gormley, or any aide to Mr. Gormley, anything other than what appeared to be his or her own personal check.



- 12. No person compelled or pressured me to attend the reception, to contribute to the Gormley campaign, or to contribute any specific amount to the Gormley campaign. My decision to attend the reception, to contribute to the Gormley campaign and the amount to contribute were each made independent of others, of my own free will, and voluntarily by me.
- 13. I have not been reimbursed directly or indirectly, in whole or in part, for the contribution I made to Gormley for Senate.

IN WITNESS WHEREOF, I have executed this Affidavit this 2 day of pone, 2000.

Sworn to before me, a Notary Public, this /ma/ day of May, 2000.

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commission expires:

5/10/2005

JAMES R KELLEHER
Notary Public, New Jersey
My Commission Expires May 10, 2005

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AFFIDAVIT OF MARK BROWN

STATE	OF :	NEW	JERSEY)	
)	SS
COUNTY	OF	ATI	ANTIC)	

- I, MARK BROWN, being duly sworn, hereby make this statement under oath and of my own free will for the purpose of memorializing my recollection of the facts and circumstances related to a reception on March 27, 2000 for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey, which was sponsored by Donald J. Trump.
- I am a citizen of the United States and I reside at
 West Seaview Avenue, Linwood, New Jersey.
- 2. I am President of Trump Taj Mahal Casino•Resort, in Atlantic City, New Jersey.
- 3. In March, 2000, I received in the mail an invitation from Donald J. Trump, written on Mr. Trump's personal stationery, to attend a reception to be held on March 27, 2000 in Mr. Trump's residence in New York City in honor of William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey.
- 4. Upon inquiry, I was informed the invitation was open to all executive personnel of Trump Taj Mahal Casino•Resort who wished to attend. As a result, I informed the members of my Executive Committee they were welcome to attend, if they so desired.
- 5. I did not compel, pressure or even recommend to any individual employed at Trump Taj Mahal Casino•Resort that he or

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she should attend the reception, that he or she should contribute to the Gormley campaign, or that he or she should contribute a specific amount to the Gormley campaign.

- 6. No employee of Trump Taj Mahal Casino•Resort, in fact no other person, gave me before, during or after the reception, his or her check (or anything of value) earmarked for William L. Gormley or for the Gormley campaign.
- 7. On Monday, March 27, 2000, I traveled to New York City to attend a business meeting of casino executives which is regularly held every Monday.
- 8. In the late afternoon on Monday, March 27, 2000, I attended the reception in honor of William L. Gormley which was held in Mr. Trump's residence in New York City.
- 9. At the reception in Mr. Trump's residence, I handed one of Mr. Gormley's campaign aides my personal check, drawn to the order of Gormley for Senate, in the amount of \$1,000.00. That was the only item I delivered to Mr. Gormley or to any aide of Mr. Gormley.
- 10. I observed Mr. Trump and Mr. Gormley at the reception, but I did not see Mr. Trump hand Mr. Gormley, or any aide to Mr. Gormley, any check(s) or any envelope(s).
- 11. I observed other attendees at the reception, but I did not see any person hand Mr. Gormley, or any aide to Mr. Gormley, anything other than what appeared to be his or her own personal check.
- 12. No person compelled or pressured me to attend the reception, to contribute to the Gormley campaign, or to contri-

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bute any specific amount to the Gormley campaign. My decision to attend the reception, to contribute to the Gormley campaign and the amount to contribute were each made independent of others, of my own free will, and voluntarily by me.

13. I have not been reimbursed directly or indirectly, in whole or in part, for the contribution I made to Gormley for Senate.

IN WITNESS WHEREOF, I have executed this Affidavit this day of May, 2000.

MARK BROWN

Sworn to before me, a Notary Public,

(h) 3/ day of May, 2000.

Notary Public

My commission expires:

LYNN L. RUBLACK
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 7/21/2003