



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

AUG 19 2003

Joseph R. Jingoli, Jr
54 Wilson Road
Lambertville, NJ 08530

RE: MUR 5020
Joseph R. Jingoli, Jr.

Dear Mr. Jingoli:

On August 12, 2003, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Daniel G. Pinegar, the attorney assigned to this matter, at (202) 694-1650

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Mason". The signature is fluid and cursive, with the first name "David" being the most prominent.

David M. Mason
Commissioner

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

1 **FEDERAL ELECTION COMMISSION**
2 **FACTUAL AND LEGAL ANALYSIS**

3
4
5 **RESPONDENT:**

6 Joseph R. Jingoli, Jr.,

)
)

MUR 5020

7
8 **I. GENERATION OF MATTER**

9 This matter was generated based on information ascertained by the Federal Election
10 Commission (the "Commission") in the normal course of carrying out its supervisory
11 responsibilities. *See* 2 U.S.C. § 437g(a)(2).

12 **II. FACTUAL AND LEGAL ANALYSIS**¹

13 **A. Law**

14 The Federal Election Campaign Act of 1971, as amended, makes it unlawful for any
15 person to make contributions to any candidate and his authorized political committee regarding
16 any election for Federal office, which, in the aggregate, exceeds \$1,000 per election. 2 U.S.C.
17 §§ 441a(a)(1)(A); 431(8)(A).

18 A "contribution" includes any direct or indirect payment, distribution, loan, advance,
19 deposit or gift of money, or any services, or anything of value to any candidate or campaign
20 committee, in connection with a Federal election. 2 U.S.C. § 431(8)(A). It does not include any
21 unreimbursed payment for travel expenses made by an individual on behalf of a candidate to the
22 extent that the cumulative value of such does not exceed \$1,000 with respect to any election.

¹ All of the facts recounted in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act herein are to the Act as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

2 U.S.C. § 431(8)(B)(iv) The costs that an individual incurs in attending a campaign fundraising event merely as a contributor do not constitute in-kind contributions to the campaign and do not count against the individual's \$1,000 volunteer travel exemption under 2 U.S.C. § 431(8)(B)(iv)

B. Facts & Analysis

Joseph R. Jingoli, Jr. is Chief Executive Officer of Joseph Jingoli and Sons, Inc., a construction company located in New Jersey. William L. Gormley was a candidate for the Republican nomination for the United States Senate in New Jersey in 2000. Gormley for Senate Primary Election Fund (the "Committee") was Mr. Gormley's political committee within the meaning of 2 U.S.C. § 431(4).

On October 28, 1999, Mr. Jingoli contributed the maximum under 2 U.S.C. § 441a(a) to the Committee – \$1,000 for use in the primary election and \$1,000 for use in the general election. See Committee's 1999 Year-End Report.

On February 4, 2000, Mr. Jingoli purchased three airline tickets using a credit card in his name for travel on February 8, 2000 from Philadelphia, PA to Las Vegas, NV. The cost of the three airline tickets was \$4,845 (\$1,601 for each plane ticket, plus a flight insurance charge of \$14, for a total of \$1,615 per person). The Committee never reimbursed Mr. Jingoli for the cost of these tickets. Therefore, the purchase of the airline tickets was an in-kind contribution to the Committee. 2 U.S.C. §§ 431(8)(A); 441a(a).

On February 8, 2000, Mr. Jingoli, Mr. Gormley and a third party traveled to Las Vegas to attend a fundraiser for the Committee the following day at *Le Cirque* in the Bellagio Hotel.

Since the Act provides that an individual can contribute up to \$1,000 per election, and Mr. Jingoli had already contributed the maximum amount prior to purchasing the airline tickets, this in-kind contribution became excessive in violation of 2 U.S.C. § 441a(a). While the Act

provides for a \$1,000 exception for unreimbursed travel expenses incurred by an individual on behalf of a candidate, 2 U.S.C. § 431(8)(B)(iv), this did not remedy the entirety of the excessive in-kind contribution over the \$1,000 threshold per election *See also* 11 C F R § 100 7(b)(8)

III. CONCLUSION

Accordingly, there is reason to believe that Joseph R. Jingoli, Jr. violated 2 U.S.C. § 441a(a).