



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

**Via First Class Mail and Facsimile to (202) 672-5399**

**APR 19 2004**

Cleta Mitchell, Esq.  
Foley & Lardner  
3000 K Street, N.W.  
Washington, D.C. 20007

RE: MUR 5020  
Gormley for Senate Primary Election Fund  
and Alan C. Staller, as treasurer

Dear Ms. Mitchell:

Per our discussion, this Office still hopes to proceed informally in discovering facts pertinent to this matter. To that end, please consult with your clients to answer the following series of questions and produce the requested documents. A response is due 15 days from the date you receive this letter. Clear and legible copies or duplicates of the documents that, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals. Additional instructions and definitions to assist your client in answering these questions are also attached.

**QUESTIONS AND DOCUMENT REQUESTS**

1. With respect to the fundraiser held at the *Le Cirque* restaurant in Las Vegas, Nevada on or about February 9, 2000 (hereinafter "the Las Vegas fundraiser" or "fundraiser"):
  - a. State the exact date of the fundraiser.
  - b. Describe the circumstances leading up to the fundraiser including but not limited to who originally conceived of the idea of holding this fundraiser; when, how, by whom and to whom the idea was communicated; and identify all other persons contacted or involved in the planning, organization, direction, and execution of the fundraiser and state the responsibilities for each identified person regarding the fundraiser and the actions that each person took to plan,

organize, direct or execute the fundraiser. In your response,<sup>1</sup> state whether the following persons were among those involved in the conception, planning, organizing, directing or executing of the fundraiser, and if so, their actions in that regard: Steve Wynn and any assistant or support personnel thereof; Richard Bronson; Victor Cruse; Bruce Aguilera; Mark Juliano; Punam Mathur; and Andrea Beardon.

c. (1) Identify all persons who were invited to attend the fundraiser by you.  
(2) Identify all persons who were invited to attend the fundraiser by someone other than you; identify the person who did said inviting. For both (1) and (2), state whether invitations to attend the fundraiser were made in writing, orally, or both. Produce a copy of any written invitation(s). If any invitations were extended orally, identify the persons who extended the invitations.

d. (1) List any person associated with you that attended the Las Vegas fundraiser, and what role, if any, such person(s) had in the campaign. (2) Identify all other persons who attended the fundraiser.

e. Identify any person who made contributions at, or in connection with, this fundraiser and describe in full detail the manner in which you physically obtained possession of these contributions, including contributions received by mail and contributions brought to the fundraiser. As to the latter, describe how such contributions were physically obtained and how and by whom they were transmitted from the fundraiser at *Le Cirque* to you in New Jersey. Produce all documents that reflect, refer to or relate to each such transmission.

f. Identify any contributions associated with the fundraiser that were refunded by you, and describe the circumstances surrounding the refund and reasons the refund was made.

g. Explain why contributions related to this fundraiser were reported as being received on or about March 21, 2000 when the fundraiser was held on or about February 9, 2000.

2. To the extent not specifically requested above, provide all documents that reflect, refer to or relate to the fundraiser.

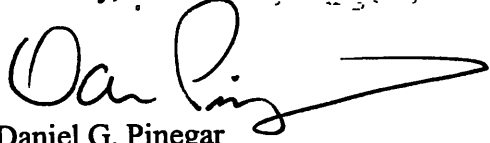
3. Describe your document retention and destruction policies. Identify the person(s) responsible for ensuring that documents are properly retained and destroyed. If such policies are reflected in documents, produce the documents. Describe your filing system(s) for documents relating to fundraisers held on your behalf during your campaign for U.S. Senate in 2000. Identify the person(s) responsible for maintaining such files.

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<sup>1</sup> "You" or "your" shall mean the authorized political committee of William Gormley, "Gormley for Senate Primary Election Fund," FEC ID Number C00349795, including the candidate, William Gormley; the treasurer, all officers and employees, whether paid or unpaid; agents; co-workers; volunteers; subordinates; staff or attorneys thereof. References to persons "working for or voluntarily assisting you" refer to any person performing any services on your behalf or at your direction, whether paid or unpaid, including, but not limited to any persons employed by you under a personal services contract.

If you have any questions, please contact me at (202) 694-1650

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Pinegar", with a long horizontal flourish extending to the right.

Daniel G. Pinegar  
Attorney

Attachment:

Additional Instructions and Definitions

### **ADDITIONAL INSTRUCTIONS**

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records. All questions answered shall be assumed by the Commission to be complete to the best of your knowledge unless you state that the answer is incomplete.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 1999 through April 30, 2000.

The following interrogatories and requests for production of documents are continuing in nature. Therefore, you should file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

### **ADDITIONAL DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

“Persons” shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

“Document” shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, envelopes, contracts, notes, diaries, log sheets, records of telephone communications, conference call agendas, transcripts, vouchers, accounting statements, ledgers, checks (front and back), money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, internal or external correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, electronic mail messages, schedules, date planner entries, and all other writings and other data compilations from which information can be obtained. If a document is maintained on or in a magnetic or electronic medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both “hard” (i.e., paper) and “soft” (i.e., in the magnetic or electronic medium) copies, including drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro Write, etc.) and version numbers by which the documents will be most easily retrieved.

“Identify” with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document, the author of the document, and all recipients of the document (including all persons, other than the primary recipient of the document, who received copies).

“Identify” with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

“And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.