

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3 In the Matter of)

4 Mirage Resorts, Inc.)

5 Atlantic City Showboat, Inc.)

6 Marina Associates)

7 David Jonas)

8 Herbert Wolfe)

9 Gormley for Senate Primary Election Fund)

10 and Alan C. Staller, as treasurer)

11

12 **GENERAL COUNSEL'S REPORT #5**

13 **I. ACTIONS RECOMMENDED:**

14 Accept the attached conciliation agreements with Mirage Resorts, Inc; Atlantic
 15 City Showboat, Inc., Marina Associates, David Jonas and Herbert Wolfe; and the
 16 Gormley for Senate Primary Election Fund and Alan C Staller, as treasurer; take no
 17 further action against Punam Mathur and send her an admonishment letter; take no
 18 further action against Harrah's Entertainment, Inc.; and close the file as to all the
 19 respondents in this matter.

20 **II. BACKGROUND**

21 Attached are three conciliation agreements

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25 In this matter, the Commission found reason to believe that Mirage Casino

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MUR 5020

SENSITIVE

¹ See Attachments 1, 2, and 3 No civil penalty checks have been received

1 Resorts, Inc. ("Mirage")¹ and Punam Mathur, its former director of Government and
 2 Community Relations, violated 2 U.S.C. § 441b(a) by facilitating, and consenting to the
 3 facilitation, respectively, of \$28,000 in corporate contributions to the Gormley for Senate
 4 Primary Election Fund ("Gormley Committee"), William L. Gormley's principal
 5 authorized committee for his unsuccessful Senate primary race in New Jersey in 2000.

6 The facilitation occurred in connection with a Mirage fundraiser for Mr. Gormley held in
 7 Las Vegas.²

8 The Commission also found reason to believe that Harrah's Entertainment, Inc.
 9 ("Harrah's"), Atlantic City Showboat, Inc. ("Showboat"), and Marina Associates
 10 ("Marina") violated 2 U.S.C. § 441b(a) by facilitating, and executives David Jonas and
 11 Herbert Wolfe violated 2 U.S.C. § 441b(a) by consenting to the facilitation of, \$36,275 in
 12 corporate contributions to the Gormley Committee. Finally, the Commission found
 13 reason to believe that the Gormley Committee violated 2 U.S.C. § 441b(a) by knowingly
 14 accepting the facilitated contributions; violated 2 U.S.C. §§ 434(b) and 441a(f) in
 15 connection with an unreported excessive contribution in the form of a plane ticket to the
 16 Las Vegas event purchased for the candidate by a friend and contributor who had already
 17 contributed the maximum allowable amount to Gormley's campaign, and violated
 18 2 U.S.C. § 434(b) by failing to report an in-kind contribution from the candidate, who
 19 personally paid for his hotel room in Las Vegas.

¹ The reason to believe finding in this matter and provisions in the conciliation agreement approved by the Commission mistakenly named Mirage Casino Resorts, Inc., instead of Mirage Resorts, Inc ("Mirage"). Except for the recitation of the reason to believe findings, the respondent's correct name appears in the conciliation agreement

² Two of the respondents have provided only modest tolling that expires on March 9, 2005, the Harrah's respondents have provided tolling expiring in May.

1 **II. DISCUSSION**

2 **A. The Mirage Conciliation Agreement**

3 On November 18, 2004, the Commission determined to enter into pre-probable
4 cause conciliation with Mirage and approved a conciliation agreement

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25 We recommend that the Commission accept the attached conciliation agreement at

26 Attachment 1, take no further action against Punam Mathur and send her an

27 admonishment letter.

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B. The Showboat/Marina/Jonas/Wolfe Conciliation Agreement

2025.03.24.14.37.13

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Accordingly, this Office

13 recommends that the Commission accept the conciliation agreement at Attachment 2 with

14 Atlantic City Showboat, Inc, Marina Associates, David Jonas and Herbert Wolfe, and

15 take no further action against Harrah's Entertainment, Inc

16 **C. The Gormley Committee Conciliation Agreement**

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CS-04-010-0001

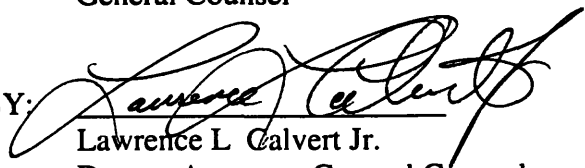
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3 **III. RECOMMENDATIONS**

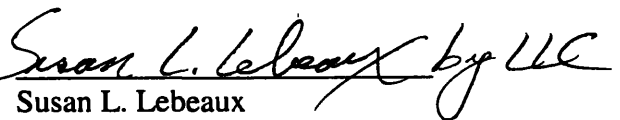
- 4 1. Accept the attached conciliation agreement with Mirage Resorts, Inc.,
5 containing a provision agreed to by Punam Mathur, and close the file as to
6 Mirage Resorts, Inc. and Mirage Casino Resorts, Inc.
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8 2. Accept the attached conciliation agreement with Atlantic City Showboat, Inc.,
9 Marina Associates, David Jonas and Herbert Wolfe, take no further action
10 against Harrah's Entertainment, Inc. and close the file as to all these
11 respondents.
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13 3. Accept the attached conciliation agreement with Gormley for Senate Primary
14 Election Fund and Alan C. Staller, as treasurer, and close the file as to them.
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16 4. Take no further action against Punam Mathur, send an admonishment letter,
17 and close the file as to her.
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19 5. Close the file in MUR 5020.
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21 6. Approve the appropriate letters.
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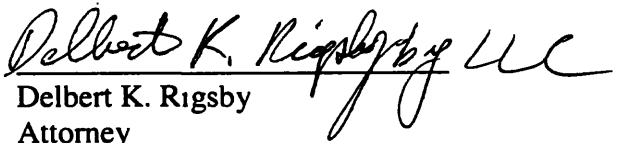
23 Lawrence H. Norton
24 General Counsel
25

26 2/3/05
27 Date

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31 
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33 Assistant General Counsel
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35 
36 Delbert K. Rigsby
37 Attorney
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1 **Attachments**

- 2 1. **Conciliation Agreement with Mirage Resorts, Inc.**
3 2. **Conciliation Agreement with Atlantic City Showboat, Inc., Marina Associates,**
4 **David Jonas and Herbert Wolfe.**
5 3. **Conciliation Agreement with Gormley for Senate Primary Election Fund and**
6 **Alan C. Staller, as treasurer.**
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