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January 17, 2003

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**VIA FACSIMILE & U.S. MAIL**

April J. Sands  
Federal Election Commission  
Office of the General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **MUR 5187**  
Our File No. BOX2119.001

Dear Ms. Sands:

I am writing on behalf of Friends of Boxer ("FOBB") in follow-up to our recent telephone conversation regarding the above matter.

As I mentioned to you in our telephone conversation, FOBB received a letter dated December 18, 2002 from David Schindler of Latham & Watkins notifying the Committee that contributions previously received by the Committee from Alan Schwartz and Fermin Cuza were improperly reimbursed using Mattel funds. Mr. Schindler's letter enclosed a letter from the FEC suggesting that committees which received illegal contributions from these individuals should disgorge those funds to the U.S. Treasury.

FOBB acknowledges receiving a total of \$2,000 in contributions from Mr. Cuza, and another \$1,400 in contributions from Mr. Schwartz during the 1998 election cycle. At the time these contributions were received, FOBB had no reason to believe that any of the contributions were illegal.

Nonetheless, as I advised you in our telephone conversation, FOBB previously returned \$2,000 to Mr. Cuza and \$1,400 to Mr. Schwartz upon becoming aware of this matter in March 2001. While it had not been determined at the time that these contributions were, in fact, illegal, FOBB returned these contributions to the contributors in an abundance of caution to remove any doubt about the nature of funds received by the Committee from these individuals. Enclosed is a copy of a letter which we previously sent to Jeff S. Jordan of your office in response to his inquiry regarding this matter. I am also enclosing copies of the refund checks and certified letters accompanying those refund checks to the contributors.

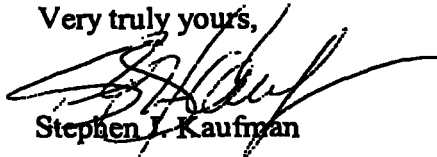
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In light of the fact that FOBB previously refunded these contributions to the donors upon learning of the potential illegality of these contributions, we urge you to determine that FOBB has complied with the requirements of 11 C.F.R. Section 103.3(b)(2), and that no further disgorgement is required. Please contact the undersigned upon reviewing this matter to advise us of your determination.

Very truly yours,



Stephen J. Kaufman

SJK:jd  
Enclosures

RECEIVED JAN 21 2003