

AUG -5 2002

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

7602 AUG -5 P 3:31

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

Gretchen Burke,
Kenneth Cayre,
Michael Fuchs and
Ivan Kaufman

MUR 5238

GENERAL COUNSEL'S REPORT #4

I. ACTIONS RECOMMENDED

Accept the attached conciliation agreements with Gretchen Burke, Kenneth Cayre and
Ivan Kaufman. Take no further action against Michael Fuchs.

II. BACKGROUND

On December 6, 2001, the Federal Election Commission (the "Commission") found that
there is reason to believe that Gretchen Burke ("Burke"), Kenneth Cayre ("Cayre"), Ivan
Kaufman ("Kaufman") and Michael Fuchs ("Fuchs") violated 2 U.S.C. § 441a(a)(1)(A) by
making excessive contributions to Schumer '98 (the "Committee"). The Commission approved
conciliation agreements with Burke, Cayre, Fuchs and Kaufman.

V. RESPONDENT FUCHS

In the First General Counsel's Report, this Office recommended that the Commission name Fuchs as a respondent in this matter because it appeared that he made a \$4,000 contribution to Schumer '98 and a \$5,000 contribution to Dear for Congress.

Fuchs has submitted an affidavit stating that he did not make the \$5,000 contribution to Dear for Congress. Attachment 4. Our research of the committee reports substantiates the statements Fuchs made in his affidavit. Another individual, with the same name, also living in New York, made the \$5,000 contribution to Dear for Congress. If this information had been available to this Office while it was preparing the First General Counsel's Report, we would not have recommended action against Fuchs. In light of this, this Office recommends that the Commission take no further action against Fuchs.

23-04-406-0951

VII. RECOMMENDATIONS


1. Accept the attached conciliation agreement with Gretchen Burke;
2. Accept the attached conciliation agreement with Kenneth Cayre;
3. Take no further action against Michael Fuchs;
4. Accept the attached conciliation agreement with Ivan Kaufman;
5. Close the file as to these respondents; and
6. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

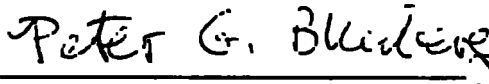
01/3/02

Date

BY:




Gregory R. Baker
Acting Associate General Counsel



Peter G. Blumberg
Acting Assistant General Counsel

by
BGP



Beth N. Mizuno
Attorney

Danita Lee
Attorney