



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 26 2002

Charles Kushner, Chairman
Kushner Companies
26 Columbia Turnpike
Florham Park, NJ 07932

RE: MUR 5279
Bill Bradley for President, Inc.

Dear Mr. Kushner:

On June 26, 2002, the Federal Election Commission found that there is reason to believe Kushner Companies violated several provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations. Specifically, the Commission found reason to believe Kushner Companies violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(a) by making corporate contributions; acted as a corporate conduit in violation of 11 C.F.R. § 110.6(b)(2)(ii); facilitated the making of contributions in violation of 11 C.F.R. § 114.2(f); and violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i) by making contributions in the name of another. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission also found reason to believe 135 Montgomery Associates, 836 Avenue Associates, BP Developers, L.P., Brick Building Associates, L.P., Bruckner Plaza Associates, Colfax Manor, L.P., College Park Associates, L.P., Constantine Village Associates, Dara Building Associates, L.P., East Brunswick Corporate Center, Edgewater Apartments Associates, L.P., Elmwood V. Associates, L.P., General Green Village Associates, Glen Ellen Associates, L.P., Hackettstown Square Associates, Harbor Island Realty Associates, L.P., Kent Gardens Associates, Kushner Seiden Madison 64th, L.P., LMEC Associates, L.P., Millburn Associates, L.P., Montgomery Associates, Mt. Arlington Apartments Associates, L.P., New Puck, L.P., Oakwood Garden Developers, L.P., Pheasant Hollow Associates, Pitney Farms Associates, L.P., Q.E.M. Associates, L.P., Quail Ridge Associates, L.P., Randolph Building Associates, L.P., Reike, L.P., Riverside Park Industrial Associates, L.P., Rolling Gardens Associates, Seven S.L.P. Associates, L.P., Sixty Six West Associates, Sod Farms Associates, L.P., Sparta Building Associates, L.P., Township Associates, Wallkill Apartments Associates, L.P., West Brook Associates, L.P. and Westminster Sales & Marketing, L.P. violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iii) by knowingly assisting in making contributions in the name of another.

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. In addition, please submit the answers and documents requested by the enclosed subpoena within 30 days. 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

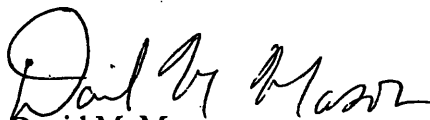
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Albert Veldhuyzen or Michelle E. Abellera, the attorneys assigned to this matter, at (202) 694-1650.

Sincerely,


David M. Mason
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Subpoena

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS:

MUR: 5279

Kushner Companies
135 Montgomery Associates
836 Avenue Associates
BP Developers, L.P.
Brick Building Associates, L.P.
Bruckner Plaza Associates
Colfax Manor, L.P.
College Park Associates, L.P.
Constantine Village Associates
Dara Building Associates, L.P.
East Brunswick Corporate Center
Edgewater Apartments Associates, L.P.
Elmwood V. Associates, L.P.
General Green Village Associates
Glen Ellen Associates, L.P.
Hackettstown Square Associates
Harbor Island Realty Associates, L.P.
Kent Gardens Associates
Kushner Seiden Madison 64th, L.P.
LMEC Associates, L.P.
Millburn Associates, L.P.
Montgomery Associates
Mt. Arlington Apartments Associates, L.P.
New Puck, L.P.
Oakwood Garden Developers, L.P.
Pheasant Hollow Associates
Pitney Farms Associates, L.P.
Q.E.M. Associates, L.P.
Quail Ridge Associates, L.P.
Randolph Building Associates, L.P.
Reike, L.P.
Riverside Park Industrial Associates, L.P.
Rolling Gardens Associates
Seven S.L.P. Associates, L.P.
Sixty Six West Associates
Sod Farms Associates, L.P.
Sparta Building Associates, L.P.
Township Associates
Wallkill Apartments Associates, L.P.
West Brook Associates, L.P.
Westminster Sales & Marketing, L.P.

1
2 **I. GENERATION OF MATTER**

3 This matter was generated by an audit of Bradley for President, Inc. ("Committee") and
4 Theodore V. Wells, as treasurer, undertaken in accordance with 26 U.S.C. § 9038(a).

5 **II. FACTUAL AND LEGAL ANALYSIS**

6 **A. Prohibited Contributions by Kushner Companies and Associated**
7 **Partnerships**

8
9 **1. Background**

10 During the course of the audit of the Committee, the Audit Division identified 40
11 business checks totaling \$40,000 made payable to the Committee. The checks were written on
12 the accounts of 40 different business entities and attributed to 39 individuals. A contribution
13 schedule provided by the Committee listed all the contributors as partners in various
14 "partnerships;" the schedule listed the names of the partnerships, the contributing partner and the
15 address of the partnership.¹ All of the partnerships have the same address.² This address, 26
16 Columbia Turnpike, Florham Park, NJ, is the corporate headquarters of Kushner Companies, a
17 business owned and chaired by Charles Kushner.

18

¹ It is unclear whether these business entities are partnerships, limited liability companies, or corporations. At least four of the listed entities are registered as limited liability companies with the Secretary of State of New Jersey. They include 135 Montgomery Associates LLC, Sixty-Six West Associates LLC, Hackettstown Square Associates and Constantine Village Associates. The New Jersey Secretary of State has registration entries for Hackettstown Square and Constantine Village as both a "LLC" and "LP." Contribution checks did not indicate whether the accounts belonged to LLCs or partnerships.

² Of the 40 contributing partnerships, 13 have been identified as managing residential properties held by Kushner Companies. Furthermore, Mr. Kushner has been identified as an officer or director of 12 other partnerships. It appears that, at a minimum, the majority of the contributing partnerships are managed, controlled, or owned by Kushner Companies or Mr. Kushner.

1 **2. Corporate Contribution**

2 The Act states that it is unlawful for any corporation to make a contribution or
3 expenditure in connection with a federal election, or for a candidate or political committee to
4 knowingly accept such a contribution. It is also unlawful for any corporate officer or director to
5 consent to any such contribution. This broad prohibition extends to “anything of value” given to
6 a federal candidate or campaign. 2 U.S.C. § 441b(b)(2).

7 Committee records indicate the contributions were received from Kushner Companies on
8 June 22, 1999 and deposited on June 25, 1999. Furthermore, processing codes indicate the
9 contributions may have been solicited by Mr. Kushner and were related to a New Jersey
10 fundraising event held on March 4, 1999.³ All 40 checks were made payable to the Committee,
11 “care of Betty Sapoch,” a Committee fundraiser, and were dated on or around June 16, 1999.⁴

12 The circumstances surrounding the making and delivery of the checks raise the possibility
13 of corporate contributions. An examination of the checks indicates that they were mass-
14 produced and originated from a single source. The accountholder’s name, bank routing numbers
15 and other notations all appear to be printed in the same type as the payee and amount
16 information. The Audit Staff noted that all but three checks contained the same typographical
17 error. The fundraiser’s surname, Sapoch, was spelled incorrectly in the payee line (“Japoch”).
18 All of the checks were drawn on accounts held at two different banks, Norcrown Bank and
19 Valley National Bank. The Audit staff noted that Norcrown Bank is part of the Kushner group of

³ The Committee provided Audit staff with copies of the checks, which included contributor and campaign coding information. All 40 checks were designated “Event Code: NJ 3/4/99” and “Solicitor Code: Charles Kushner.”

⁴ With the exception of one check, the checks were all dated June 16, 1999. Check #3396, drawn on the account of College Park Associates, L.P. was dated June 17, 1999.

1 businesses. Lastly, the checks listed 40 different corporate names above the signature line and all
2 of the checks appear to have been signed by the same person. Although not legible, the
3 signatures on the checks appear very consistent.⁵

4 These facts tend to support the notion that Kushner Companies, and Mr. Charles
5 Kushner, specifically, made the contributions, rather than 40 different business entities or
6 partners. Our regulations state that, "absent evidence to the contrary, any contribution made by
7 check, money order, or other written instrument shall be reported as a contribution by the last
8 person signing the instrument prior to delivery to the candidate or committee." 11 C.F.R.
9 § 104.8(c). Since Mr. Kushner appears to have signed all the checks, they are attributable to him
10 or Kushner Companies, "absent evidence to the contrary."

11 Although the Committee received notification that Kushner Companies wished to
12 attribute the contributions to individual partners of various Kushner business entities, it is not
13 clear when such notification occurred. In response to questions raised by the Audit staff, Peter
14 Nichols, Assistant Treasurer of the Committee, contacted Scott Zecher, Chief Operating Officer
15 of Kushner Companies. Mr. Zecher assured the Committee that the checks represented funds
16 from individual partners of partnerships that were affiliated with the Kushner Companies. On
17 February 22, 2001, Mr. Zecher provided the Committee with a letter, dated June 17, 1999.⁶ It

⁵ A comparison of the check signatures with Mr. Kushner's signature as displayed on the Kushner Companies' website suggests that the signatures may have originated from the same person.

⁶ The letter, dated June 17, 1999, corresponding to the day the contributions were given to the Committee, was not included in the original documents submitted to Audit staff for review. Kushner Companies faxed the letter to the Committee on February 22, 2001. A paragraph from this same letter was sent by Kushner Companies to Mr. Nichols on February 13, 2001 in response to his questions about the corporate entities noted on the face of most of the checks.

1 appears the letter was intended to be a cover letter for the contributions,⁷ which explained that
2 the corporate name above the signature line on the checks represented managing partners of the
3 various partnerships and that the funds were to be allocated to individual partners.

4 Aside from the attribution schedule provided by Kushner Companies, there is no
5 indication that any of the 38 individuals are partners or that their individual partnership accounts
6 were charged for the contributions. A preliminary review of the names of the contributors, which
7 reveals that at least half of the contributors are relatives of Mr. Kushner and at least three are
8 Kushner Companies executives or employees, also casts doubt as to whether these were bona
9 fide partners. Given the likelihood that the checks were signed by Mr. Kushner and originated
10 from Kushner Companies and given the absence of evidence that the partners of the various
11 partnerships intended to make contributions, the Commission believes that Kushner Companies
12 and/or Mr. Kushner may well have been the genuine source of the contributions.

13 In verifying the status of these purported partnerships through Dun and Bradstreet
14 business research service, the Audit Division obtained relevant information concerning the
15 number and identity of partners of some of the partnerships. For instance, Dun and Bradstreet
16 lists the number of employees of New Puck, L.P. as "two which includes partners." However,
17 seven individuals have made contributions to various committees as partners of New Puck, L.P.
18 Likewise, although reports list the number of employees of Sixty Six West Associates as
19 "1 which includes partners," two individuals have made contributions as partners. Other entities
20 with individuals making contributions that appear to exceed the reported number of members

⁷ The letter reads, "I enclose 41 checks in the total amount of \$40,000 made payable to the Bill Bradley for President, Inc. along with an allocation schedule."

1 include Elmwood V. Associates L.P. and Pheasant Hollow Associates. In addition, Dun and
2 Bradstreet reports indicate that Oakwood Gardens is a for-profit corporation, incorporated since
3 June 12, 1962. Nonetheless, one of the contributions was attributed to an individual as a partner
4 of Oakwood Gardens.

5 The above discrepancies between the reported number of partners and persons
6 contributing through Kushner partnerships suggest that the partnerships may have been used to
7 funnel contributions to political committees. In order to verify the legitimacy of these
8 contributions, it is necessary to determine that the contributors were in fact bona fide partners;
9 that they agreed to make political contributions through the partnerships; and that partner profits
10 were proportionately reduced. 11 C.F.R. § 110.1(e).

11 In addition, some of the business entities involved in these transactions may be limited
12 liability companies ("LLC").⁸ According to the regulations, LLCs are treated consistent with the
13 tax treatment they select under the Internal Revenue Code. 11 C.F.R. § 110.1(g). Thus, a
14 contribution by an LLC is permissible, and is treated like a partnership contribution, unless the
15 LLC elects tax treatment as a corporation. See 11 C.F.R. § 110.1(g)(2). However, the
16 contributions at issue were made on June 16 and 17, 1999, approximately one month before the
17 new regulations governing LLCs went into effect.⁹ Therefore, whether contributions from these
18 LLCs are permitted depends upon the Commission rules in effect at the time the contributions to
19 the Committee were made.

⁸ See *infra* note 1.

⁹ The final LLC regulations were transmitted to Congress on July 12, 1999.

24 04 403 2220

1 Prior to the adoption of the LLC regulations, the Commission determined that as long as
2 state law did not classify LLCs as corporations, they were to be treated as “persons” under the
3 Act pursuant to 2 U.S.C. § 431(11). *See* AOs 1998-15, 1997-17, 1997-4. New Jersey state law
4 provides that an LLC of two or more members “shall be classified as a partnership unless
5 classified otherwise for federal income tax purposes, in which case the limited liability company
6 shall be classified in the same manner as it is classified for federal income tax purposes.” N.J.
7 Stat. Ann. § 42:2B-69 (West 2001). Thus, New Jersey state law follows the same guidelines as
8 the Commission’s new regulations and relies upon an LLC’s election under the federal tax laws.

9 Barring an election of corporate status, these LLCs could make contributions within the
10 limits of the Act and without dual attribution of the amounts to the LLC’s members. *See*
11 2 U.S.C. §§ 413(11) and 441a(a)(1)(A); 11 C.F.R. §§ 100.10 and 110.1(e). However, the
12 Commission’s allowance for contributions by LLCs was premised on the assumption that none of
13 the individual members of the LLCs were entities prohibited by the Act from contributing. *See*
14 2 U.S.C. §§ 441b, 441c and 441e. Thus, the participation of even one corporation, federal
15 contractor, or foreign national as an LLC member would taint all LLC contributions as unlawful.
16 *See* AOs 1998-15, 1997-17, 1997-4. In the present instance, it appears that 38 of the 40
17 contributing entities have corporate managing partners. In addition, research has revealed a
18 majority of the contributing entities are managed, controlled or owned by Kushner Companies or
19 Mr. Kushner.

20 Accordingly, the Commission found reason to believe that Kushner Companies violated
21 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(a) by making a corporate contribution.

22

1 **3. Corporate Conduit and Corporate Facilitation**

2 Corporations are explicitly forbidden from acting as conduits for contributions and from
3 using corporate resources to engage in fundraising activities. 11 C.F.R. § 110.6(b)(2); 11 C.F.R.
4 § 114.2(f). When a corporation facilitates the making of a contribution by a person to a political
5 committee, that action is in itself a contribution by the corporation to that same political
6 committee. Examples of facilitation include directing subordinates to plan, organize, or carry out
7 a fundraising project as a part of their work responsibilities using corporate resources and
8 providing materials for the purpose of transmitting or delivering contributions, such as stamps,
9 envelopes or other similar items. 11 C.F.R. § 114.2(f)(2).

10 It appears that Kushner Companies and Mr. Kushner assisted employees and business
11 associates with making federal campaign contributions, and that corporate subordinates were
12 involved in collecting and forwarding those contributions. Committee records indicate Mr.
13 Kushner may have obtained these contributions in connection with a March 1999 fundraising
14 event. Apparently, Mr. Kushner was assisted in his efforts by Scott Zecher, the Chief Operating
15 Officer. Mr. Zecher forwarded the checks to the Committee and was responsible thereafter for
16 all communications concerning the contributions. In addition, Mr. Zecher sent a letter, signed in
17 his official capacity and printed on corporate letterhead, to accompany the contributions.¹⁰ See
18 MUR 5020 (the actual collecting and forwarding of contributions represents corporate
19 facilitation).

¹⁰ As noted previously, the checks were printed by the same equipment, signed by the same person, drawn from accounts held by a Kushner Companies bank, and delivered in one bundle by Kushner Companies.

Accordingly, the Commission found reason to believe that Kushner Companies violated 2 U.S.C. § 441b(a) and 11 C.F.R. §§ 114.2(f) and 110.6(b)(2)(ii) by facilitating the making of prohibited corporate contributions.

4. Contribution in the Name of Another

Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. 11 C.F.R. § 110.4(b)(1). A person who gives anything of value which was provided by another person without disclosing the source to the recipient candidate or who makes a contribution and attributes the source as someone else, when in fact the contributor is the source, has made a contribution in the name of another. 11 C.F.R. § 110.4(b)(2).

The contributions to the Committee were attributed to 39 individual “partners” of 40 different business entities affiliated with Kushner Companies. However, there is no evidence to confirm that these 39 people are partners in the partnerships, that they actually authorized the contributions, or that their individual partnership accounts were charged. The Audit Staff attempted to verify the status of these partnerships through Dun and Bradstreet and the Secretary of the State of New Jersey. The Audit staff was unable to verify that the named contributors were partners in these businesses. However, research by this Office revealed that a large portion of the contributors were either Kushner employees or family relatives.

Given Kushner Companies and Mr. Kushner’s control over the contributing partnerships and/or LLCs, Mr. Kushner’s relation to the named contributors, and the fact that the contributions appear to be signed by the same individual, were written for the same amount, and

delivered on the same day, it is likely that contributions were made in the name of another.

Accordingly, the Commission found reason to believe that Kushner Companies violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i).

Furthermore, because the partnerships and LLCs appear to be corporate instruments, whose members may have acquiesced in Mr. Kushner's activities, the Commission found reason to believe that 135 Montgomery Associates, 836 Avenue Associates, BP Developers, L.P., Brick Building Associates, L.P., Bruckner Plaza Associates, Colfax Manor, L.P., College Park Associates, L.P., Constantine Village Associates, Dara Building Associates, L.P., East Brunswick Corporate Center, Edgewater Apartments Associates, L.P., Elmwood V. Associates, L.P., General Green Village Associates, Glen Ellen Associates, L.P., Hackettstown Square Associates, Harbor Island Realty Associates, L.P., Kent Gardens Associates, Kushner Seiden Madison 64th, L.P., LMEC Associates, L.P., Millburn Associates, L.P., Montgomery Associates, Mt. Arlington Apartments Associates, L.P., New Puck, L.P., Oakwood Garden Developers, L.P., Pheasant Hollow Associates, Pitney Farms Associates, L.P., Q.E.M. Associates, L.P., Quail Ridge Associates, L.P., Randolph Building Associates, L.P., Reike, L.P., Riverside Park Industrial Associates, L.P., Rolling Gardens Associates, Seven S.L.P. Associates, L.P., Sixty Six West Associates, Sod Farms Associates, L.P., Sparta Building Associates, L.P., Township Associates, Wallkill Apartments Associates, L.P., West Brook Associates, L.P. and Westminster Sales & Marketing, L.P. knowingly assisted in making contributions in the name of another in violation of 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iii).

1
2 **BEFORE THE FEDERAL ELECTION COMMISSION**

3
4 In the Matter of Bill Bradley for President, Inc.)
5) MUR 5279
6)
7

8 **SUBPOENA TO PRODUCE DOCUMENTS**
9 **ORDER TO SUBMIT WRITTEN ANSWERS**

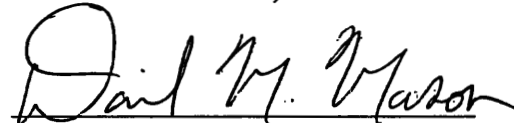
10
11 TO: Kushner Companies
12 26 Columbia Turnpike
13 Florham Park, NJ 07932
14

15 Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the
16 above-captioned matter, the Federal Election Commission hereby orders you to submit written
17 answers to the questions attached to this Order and subpoenas you to produce the documents
18 requested on the attachment to this Subpoena. Attached to this Subpoena are instructions and
19 definitions that you must follow in responding to this Subpoena and Order. Legible copies
20 which, where applicable, show both sides of the documents may be substituted for originals.
21

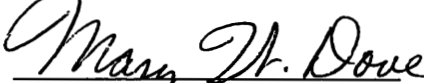
22 Notice is given that written answers must be submitted under oath and must be forwarded
23 to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W.,
24 Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this
25 Order and Subpoena.
26

27 WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
28 hand in Washington, D.C. on this 26th day of July, 2002.
29

30 For the Commission,

31 
32
33 David M. Mason
34 Chairman
35
36

37 ATTEST:

38 
39
40 Mary W. Dove
41 Secretary to the Commission
42

43 Attachments
44 Interrogatories and Document Requests

24.04.408.224

ATTACHMENT TO SUBPOENA

This Subpoena to Produce Documents and Order to Submit Written Answers has been issued by the Federal Election Commission under the authority of 2 U.S.C. § 437d(a)(1) and (3).

Return the original Subpoena and Order with an original affidavit signed by the appropriate official attesting that you provided all responsive documents and submitted written answers under oath. The affidavit must be sworn and notarized.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, custody or control, or otherwise known or available to you, including documents and information appearing in your records.

If you cannot answer the interrogatories or requests for production of documents 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 or other objection with respect to any documents, communications, or other items about which information is requested by the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim or objection. Each claim of privilege must specify in detail all the grounds on which it rests. No part of this request shall be left unanswered solely because an objection is interposed to another part of this request.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this audit 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.

DEFINITIONS

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

"Commission" shall mean the Federal Election Commission.

"Kushner Companies" shall mean the named respondent in this action to whom these discovery requests are addressed, including its subsidiaries and affiliates, and all officers, employees, agents or attorneys thereof.

"Associated partnerships" shall include the following partnerships as well as any other entities with a connection to "Kushner Companies" or Charles Kushner: 135 Montgomery Associates; 836 Avenue Associates; BP Developers, L.P.; Brick Building Associates, L.P.; Bruckner Plaza Associates; Colfax Manor, L.P.; College Park Associates, L.P.; Constantine Village Associates; Dara Building Associates, L.P.; East Brunswick Corporate Center; Edgewater Apartments Associates, L.P.; Elmwood V. Associates, L.P.; General Greene Village Associates; Glen Ellen Associates, L.P.; Hackettstown Square Associates; Harbor Island Realty Associates, L.P.; Kent Gardens Associates; Kushner Seiden Madison 64th, L.P.; LMEC Associates, L.P.; Millburn Associates, L.P.; Montgomery Associates; Mt. Arlington Apartments Associates, L.P.; New Puck, L.P.; Oakwood Garden Developers, L.P.; Pheasant Hollow Associates; Pitney Farms Associates, L.P.; QEM Associates, L.P.; Quail Ridge Associates, L.P.; Randolph Building Associates, L.P.; Reike, L.P.; Riverside Park Industrial Associates, L.P.; Rolling Gardens Associates; Seven S.L.P. Associates, L.P.; Sixty Six West Associates; Sod Farms Associates, L.P.; Sparta Building Associates, L.P.; Township Associates; Wallkill Apartments Associates, L.P.; West Brook Associates, L.P.; Westminster Sales & Marketing, L.P.

"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.

"Personnel" shall be deemed to include both singular and plural, and shall mean any director, officer, manager, supervisor or other employee of the named respondent and/or its subsidiaries and affiliates, as well as any partner, agent, or other individual authorized to act on behalf of the named respondent and/or its subsidiaries and affiliates.

"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, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video

1 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all
2 other writings and other data compilations from which information can be obtained, including
3 data stored on electronic or magnetic media. Each draft or non-identical paper or electronic copy
4 is a separate document within the meaning of this term.

5
6 "Bank" shall mean any and all financial institutions where Kushner Companies and
7 associated partnerships held or exchanged money, obtained a loan, line of credit, or any and all
8 other debt or investment interests during the period of January 1, 1998 to the present.

9
10 "Identify" with respect to a document shall mean state the nature or type of document
11 (e.g. letter, memorandum, bank statement, Certificate of Deposit, billing statement), the date, if
12 any, appearing thereon, the date on which the document was prepared, the title of the document,
13 the general subject matter of the document, the location of the document, the number of pages
14 comprising the document. "Identify" with respect to a document shall also mean the
15 identification of each person who wrote, dictated, or otherwise participated or initialed the
16 document, each person who received the document or reviewed it, and each person having
17 custody of the document or a copy of the document. "Identify" with respect to a bank account or
18 Certificate of Deposit shall also mean the identification of the name and account number.
19 Identification of a document includes identifying all originals or copies of that document known
20 or believed to exist.

21
22 "Identify" with respect to a person shall mean state the full name, the most recent
23 business and residence addresses and the telephone numbers, the present occupation or position
24 of such person and any position ever held with the named respondent, including any
25 responsibility exercised in connection with the named respondent's geographic regions, and the
26 nature of the connection or association that person has to any party in this proceeding. If the
27 person to be identified is not a natural person, provide the legal and trade names, the address and
28 telephone number, and the full names of both the chief executive officer and the agent designated
29 to receive service of process for such person.

30
31 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to
32 bring within the scope of these interrogatories and request for the production of documents any
33 documents and materials which may otherwise be construed to be out of their scope.

34
35 "You," "your," and "their" shall mean the named person or entity to whom these requests
36 are directed, including all officers, employees, agents, volunteers and attorneys thereof, as well as
37 any other person.

38
39 "Raising of contributions" shall include requesting, suggesting or soliciting, making,
40 collecting, and forwarding of contributions. It shall also include, but not be limited to, meetings,
41 functions, and events incident to and/or concerning such activity, such as events attended by a
42 candidate.

1 "Fundraising Activity" shall mean soliciting contributions, including suggesting or
2 requesting that a contribution be made. It shall also mean making, collecting and forwarding
3 contributions. This includes but is not limited to any meetings, discussions, and functions, or any
4 other events incident to or concerning the soliciting, making, collecting and forwarding of
5 contributions.

6
7 Except where the discovery request states otherwise, any reference to the singular shall be
8 construed as including the plural, any reference to the plural shall be construed as including the
9 singular.

10
11 The Commission incorporates by reference the full text of definitions of other terms set
12 forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

13
14 **QUESTIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS**

15
16 1. Identify all fundraising activities involving Kushner Companies and associated
17 partnerships, their facilities, equipment and personnel on behalf of the political committees
18 identified below:

- 19 a. Bradley for President, Inc.
20 b. Committee for Working Families
21 c. Corzine 2000
22 d. Democratic National Committee Services Corporation
23 e. Friends of Giuliani
24 f. Friends of Schumer
25 g. Gore 2000
26 h. Clinton for U.S. Senate
27 i. Lautenberg 2000 Committee
28 j. Lautenberg for US Senate
29 k. Susan Bass Levin for Congress
30 l. Mendendez for Congress
31 m. Schumer '98
32 n. Torricelli for U.S. Senate

33
34 2. Identify all fundraising activities involving Kushner Companies and associated partnerships,
35 their facilities, equipment and personnel on behalf of any federal candidates or political
36 committees other than those identified in question 1 above.

37
38 3. Provide a detailed estimate of the fair market value of the use of personnel time, facilities,
39 including space, furniture, utilities, and direct expenses, such as postage and telephone, involved
40 in the fundraising activities identified in your response to questions 1 and 2 above.
41

- 1 4. Provide a detailed estimate of all increased overhead and operating costs incurred by Kushner
2 Companies and associated partnerships for the fundraising activities identified in your response
3 to questions 1 and 2 above.
4
- 5 5. Identify all Kushner Companies personnel and all personnel of associated partnerships
6 involved in the fundraising activities described in your response to questions 1 and 2 above.
7 Include the person's title(s), responsibilities and supervisor(s) at the time of the fundraising
8 activity. If the person is no longer employed by or associated with Kushner
9 Companies/associated partnerships, state his/her last day of employment/association and his/her
10 last known address.
11
- 12 6. Identify all other persons who were involved in the fundraising activities described in your
13 response to questions 1 and 2 above. Describe in full each person's involvement in each
14 fundraising activity identified in your response to questions 1 and 2 above.
15
- 16 7. Identify any payments made by Kushner Companies and associated partnerships to persons
17 involved in the fundraising activities described in your response to questions 1 and 2 above.
18 Describe in full the purpose of each payment made to such persons in order to facilitate the
19 described fundraising activities.
20
- 21 8. Describe in full the type(s) of bank account(s) from which the checks referenced in
22 Attachment B were drawn. Identify any limitations or restrictions governing the use of funds in
23 the account(s), including whether reimbursement was required for funds drawn from the
24 account(s).
25
- 26 9. Identify all entities and personnel having a partnership interest in the associated partnerships.
27 Identify their roles and whether they are managing partners. Also, identify the percentage of
28 ownership of each entity and person.
29
- 30 10. Describe in full the ownership interest of each of the individuals listed in Attachment B.
31 Provide any and all documents showing partnership status and equity ownership as well as any
32 evidence of voluntary consent to the debit of personal accounts for political fundraising purposes.
33
- 34 11. State whether Kushner Companies and associated partnerships have had any written policies
35 or guidelines concerning political fundraising activities by personnel. If so, produce copies of all
36 such policies or guidelines in effect at any time from January 1, 1998 to the present.
37
- 38 12. State whether Kushner Companies and associated partnerships have had any unwritten
39 policies and/or practices concerning political fundraising activities by personnel. If so, describe
40 in full the terms of all such policies and/or practices in effect at any time from January 1, 1998 to
41 the present including the dates that each policy and/or practice was in effect.
42

1 13. State whether Kushner Companies and associated partnerships have had any written policies
2 or guidelines concerning reimbursement for personnel expenses. If so, produce copies of all such
3 policies or guidelines in effect at any time from January 1, 1998 to the present.

4
5 14. State whether Kushner Companies and associated partnerships have had any unwritten
6 policies and/or practices concerning reimbursement for personnel expenses. If so, describe in
7 full the terms of all such policies and/or practices in effect at any time from January 1, 1998 to
8 the present including the dates that each policy and/or practice was in effect.

9
10 15. State whether Kushner Companies and associated partnerships have had any written policies
11 or guidelines concerning bonuses for personnel. If so, produce copies of all such policies or
12 guidelines in effect at any time from January 1, 1998 to the present.

13
14 16. State whether Kushner Companies and associated partnerships have had any unwritten
15 policies and/or practices concerning bonuses for personnel. If so, describe in full the terms of all
16 such policies and/or practices, including the bases and/or requirements for and calculation of
17 bonuses, in effect at any time from January 1, 1998 to the present, including the dates that each
18 policy and/or practice was in effect.

19
20 17. Identify all Kushner Companies and associated partnerships personnel who received bonuses
21 from January 1, 1998 to July 1, 2001. Include the date(s) and amount(s) of each bonus.

22
23 18. Identify each and every person who was involved with Kushner Companies and associated
24 partnerships finances during the period of January 1, 1998 to the present.

25
26 **REQUEST FOR PRODUCTION OF DOCUMENTS**

27
28 1. Produce all documents relied upon in answering the above questions.

29
30 2. Produce copies of all Kushner Companies and associated partnerships telephone directories
31 and organization charts for the years 1998 to the present.

32
33 3. Produce all literature, orientation manuals, training materials, or any other document related
34 to political fundraising activity by Kushner Companies and associated partnerships and/or its
35 personnel on behalf of any Federal candidates or political committees.

36
37 4. Produce any and all letters, envelopes, memos, external and internal correspondence, notes of
38 telephone conversations, electronic mail, records of oral and/or written communications, and all
39 other documents in the possession of Kushner Companies and associated partnerships
40 concerning, relating, or in any way pertaining to fundraising efforts.

41
42 5. Produce any and all bank records and statements reflecting debits for the making of
43 contributions listed in Attachment B.

- 1
- 2 6. Produce all documents of incorporation including by-laws of Kushner Companies.
- 3
- 4 7. Produce copies of business registrations, public records filings, all operating and management
- 5 agreements, and by-laws for all associated partnerships.
- 6
- 7 8. Produce all records, such as IRS Forms 1065 and SS-4, indicating the tax classification of
- 8 associated partnerships.
- 9

24-04-408-2231

Presidential Exploratory Committee

June 14, 1983

PARTNERSHIP	MANAGER	ADDRESS	MOBILE	OFFICIAL
3850 J. Edgar Hoover Associates	Mr. George Gellert	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
836 Avenue Associates	Mr. Alan Hammer	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Brick Building Associates, L.P.	Sheila Laulich-Douk	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Brick Building Associates, L.P.	Ralph Tawil, Jr. Trust	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Brick Building Associates, L.P.	Mr. Murray Kushner	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Brick Building Associates, L.P.	Mrs. Esther Schuler	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Brick Building Associates, L.P.	Mrs. Esther Schuler	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Colfax Manor, L.P.	Mrs. Linda Laulich	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
College Park Associates, L.P.	Mrs. Linda Laulich	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Constantine Village Associates, L.P.	Mr. Stephen Glatstone	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Deerfield Associates, L.P.	Mr. Stuart Gladstone	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
East Brunswick Corporate Center	Mr. Michael Schuler	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Edgewater Apartments Associates, L.P.	Ruth Schuler Trust	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Elmwood V. Associates, L.P.	Jessie Schuler Trust	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
General Steele Village Associates, L.P.	Mr. Mel Scheinerman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Glen Ellen Associates, L.P.	Mr. Ralph Tawil	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Hecketsville Square Associates, L.P.	Mr. Jeffrey Freidrich	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Harbor Island Realty Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Kent Gardens Associates, L.P.	Mr. Jeffrey Freidrich	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Kushner Seiden Madison 64th, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
LYME Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Milburn Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Montgomery Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Mt. Arlington Apartments Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
New Puck, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Oakwood Garden Developers, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Piney Farms Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Quail Ridge Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Randolph Building Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Reike, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Riverside Industrial Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Rolling Gardens Associates	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Sevenside Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Sixty Six West Associates	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Sixty Six West Associates	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Sod Farms Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Spartan Building Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Township Associates	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Wallace Apartments Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
West Brook Associates, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000
Westminster Sales & Marketing, L.P.	Mr. Steven Silverman	26 Columbia Turnpike, Florham Park, NJ 07932	1,000	1,000

ATTACHMENT B