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1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
SUITE 6200
MCLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

October 28, 2002

2002 OCT 28 P 5:00

Jan Witold Baran
202.719.7330
jbaran@wrf.com

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

VIA HAND DELIVERY

Attention: Albert R. Veldhuyzen, Esq.

Re: MUR 5279/Mr. Charles Kushner & Mr. Richard Stadtmauer

Dear Mr. Norton:

On behalf of Mr. Charles Kushner and Mr. Richard Stadtmauer, I am supplementing Respondents' Consolidated Response, dated September 23, 2002, by submitting this additional information in response to the Commission's findings that it has "reason to believe" Mr. Kushner and Mr. Stadtmauer may have violated 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b) by exceeding an annual contribution limit of \$25,000 in 2000.¹ For the reasons stated below, Mr. Kushner and Mr. Stadtmauer did not exceed their annual limits and complied with the Federal Election Campaign Act.

¹ This response is submitted by way of supplementing the information previously provided to the Commission on September 23, 2002, as well as in response to Mr. Veldhuyzen's letter dated October 3, 2002, requesting additional information as well as the Commission's revised findings received on September 19, 2002. To the extent the Commission alleges either Mr. Kushner or Mr. Stadtmauer made contributions by virtue of serving as a "conduit," those allegations are addressed more fully in the Respondents' Consolidated Response submitted under separate cover.

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Mr. Richard Stadtmauer

The Commission's "reason to believe" notification dated July 26, 2002, asserted (at 8) the following:

"Based on a review of the campaign disclosure database, it appears that Richard Stadtmauer made contributions totaling \$36,000 in 2000."

By letter dated September 19, 2002, Mr. Albert R. Veldhuyzen revised Mr. Stadtmauer's total contributions for 2000 to \$23,000 and concluded: "Therefore, as documented in Attachment B, it appears that this particular violation is no longer relevant to Mr. Stadtmauer." See Attachment 1. Accordingly, we will consider the allegation regarding Mr. Stadtmauer to have been dismissed.

Mr. Charles Kushner

The Commission's "reason to believe" notice to Mr. Kushner (at 8) stated:

"Based on a review of the campaign disclosure database, it appears that Charles Kushner made contributions totaling \$43,000 in 2000."

By letter dated September 19, the Commission's staff revised Mr. Kushner's annual contribution figure to \$35,000, based upon a list of Mr. Kushner's

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contributions. *See* Attachment 1. Included on that list, however, are several contributions that should not be counted toward Mr. Kushner's annual limit in 2000.

The revised list includes the following contributions:

Friends of Schumer, 4/18/00 -- \$1,000
Friends of Schumer, 4/18/00 -- \$1,000

Pursuant to 11 C.F.R. § 110.5(c), the Schumer contributions should not count toward Mr. Kushner's annual limit for 2000 because Senator Schumer did not stand for election in 2000 (it was a "non-election year" for Senator Schumer). It should be applied, instead, to 2004 when Senator Schumer stands for re-election. Therefore, \$2,000 should be subtracted from the Commission's revised total of \$35,000, reducing the total to \$33,000.

The revised list also includes the following contributions to the Senn 2000 Committee:

Senn 2000, 5/16/00 -- \$1,000
Senn 2000, 5/16/00 -- \$1,000
Senn 2000, 11/14/00 -- \$1,000

According to data reported at www.fecinfo.com, Mr. Kushner made two contributions of \$1,000 each on May 16, 2000, and was refunded \$1,000 by the

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Senn Committee on November 14, 2000. *See* Attachment 2 (Data Reported by www.fecinfo.com). Accordingly, instead of having contributed \$3,000 to the Senn Committee, Mr. Kushner contributed only \$1,000 to the Senn Committee in 2000. Accounting for this adjustment, the Commission's list should be reduced by an additional \$2,000, to \$31,000.

The Commission's list reflects two \$1,000 contributions to the Lautenberg 2000 Committee:

Lautenberg 2000 Committee, 12/5/97 -- \$1,000
Lautenberg 2000 Committee, 12/5/97 -- \$1,000

Because Senator Lautenberg did not become a candidate in the 2000 general election, it is not clear how the Lautenberg 2000 Committee accounted for the general election contribution. Mr. Kushner's staff is in the process of gathering further information from the Lautenberg 2000 Committee to determine whether the contribution was re-designated to a past Lautenberg campaign to retire campaign debt. As part of our continuing response, we will apprise the Commission of our findings. A re-designation of the general election contribution to a prior campaign would reduce the Commission's total to \$30,000.

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Mr. Kushner exercised due diligence and all times sought to comply with the limits established by the Federal Election Campaign Act and Commission regulations. However, it was only in response to the Commission's reason to believe letter that Mr. Kushner had cause to search the Commission's database, whereupon he learned an accounting mistake had been made in the way a \$9,000 contribution to the Democratic National Committee was designated and accounted for on his behalf. The contribution is included on the Commission's list as follows:

DNC Services Corporation/
Democratic National Committee, 7/20/00 -- \$9,000

At the time of the contribution, Mr. Kushner fully intended to stay within his annual contribution limits, but, as the Commission's own accounting errors in this matter attest, ensuring proper designations and accounting of each contribution over a three-year period is prone to inadvertent errors. Mr. Kushner's contribution should have been designated to the DNC's *non-federal* account. Having discovered the accounting error in connection with this matter, Mr. Kushner has alerted the DNC that, due to the accounting error, the \$9,000 contribution should properly have been designated to its non-federal account and he has requested a refund. *See* Attachment 3. Mr. Kushner also has updated his accounting procedures to ensure

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that all contributions are properly designated in the future. Once this adjustment is complete, the Commission's total should be reduced to \$21,000.

Conclusion

Accordingly, on behalf of Mr. Charles Kushner and Mr. Richard Stadtmauer, I respectfully request that the Commission at the appropriate time find no basis for the alleged violations of 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b).

Sincerely,



Jan Witold Baran

Attachments 1, 2 and 3

2024.03.04.14:03.2539

ATTACHMENT 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 19, 2002

VIA FACSIMILE

Mr. Jan Baran
Attorney at Law
Wiley, Rein & Fielding, LLP
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 5279

Dear Mr. Baran:

I am responding to your query regarding the reason to believe findings that Charles Kushner and Richard Stadtmayer exceeded their annual \$25,000 contribution limitations. See 2 U.S.C. § 441a(a)(3) & 11 C.F.R. § 110.5(b).

A listing of the contributions used to calculate the amount of the violations is attached for both Mr. Kushner (Attachment A) and Mr. Stadtmayer (Attachment B). Regarding Mr. Kushner, you will notice that we have revised the amount of total contributions from \$43,000 to \$35,000 because contributions to unauthorized committees in non-election years were erroneously included. Therefore, the amount of Mr. Kushner's violation for his direct contributions is \$10,000. However, this figure does not take into account the contributions over which Mr. Kushner acted as a conduit. This figure could increase depending on the number of contributions, attributed to third parties, over which Mr. Kushner exercised direction and control. Contributions to unauthorized committees in non-election years were also erroneously included in Mr. Stadtmayer's total. Therefore, as documented in Attachment B, it appears that this particular violation is no longer relevant to Mr. Stadtmayer.

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

Sincerely,

Albert R. Veldhuyzen
Attorney

24-04-408-2540

Attachment A

Recipient Committee	Last Name	First Name	City	State	Zip Code	Employer	Date of Contribution	Total Contributions - 2000 cycle	
								Contribution Amount	
Lautenberg 2000 Committee	Kushner	Charles	Livingston	NJ	7039	Kushner Companies	12/5/97	\$1,000.00	
Lautenberg 2000 Committee	Kushner	Charles	Livingston	NJ	7039	Kushner Companies	12/5/97	\$1,000.00	
Torricelli for U.S. Senate, Inc.	Kushner	Charles	Florham Park	NJ	7932	Bruckner Plaza Associates	2/19/99	\$1,000.00	
Pascarelli for Congress, Inc.	Kushner	Charles	Florham Park	NJ	7932	Quail Ridge Associates	3/16/99	\$1,000.00	
Bill Bradley for President, Inc.	Kushner	Charles	Florham Park	NJ	7932	Kushner Companies	6/22/99	\$1,000.00	
Corzine 2000 Inc.	Kushner	Charles	Florham Park	NJ	7932	Kushner Companies	12/30/99	\$1,000.00	
Corzine 2000 Inc.	Kushner	Charles	Florham Park	NJ	7932	Kushner Companies	12/30/99	\$1,000.00	
Dear 2000 Inc.	Kushner	Charles	Florham Park	NJ	7932	Bruckner Plaza Associates	2/24/00	\$1,000.00	
Menendez for Congress	Kushner	Charles	Florham Park	NJ	7932	Kushner Companies	3/15/00	\$1,000.00	
Menendez for Congress	Kushner	Charles	Florham Park	NJ	7932	Kushner Companies	3/15/00	\$1,000.00	
Lapolla for Congress	Kushner	Charles	Florham Park	NJ	7932	Bruckner Plaza Associates LP	3/20/00	\$1,000.00	
Susan Bass Levin for Congress	Kushner	Charles	Florham Park	NJ	7932	Bruckner Plaza Associates	3/31/00	\$1,000.00	

Attachment A

Susan Bass Levin for Congress	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates	3/31/00	\$1,000.00
Friends of Schumer	Kushner	Charles	Florham Park	NJ	7932 Bruckner Plaza	4/18/00	\$1,000.00
Friends of Schumer	Kushner	Charles	Florham Park	NJ	7932 Bruckner Plaza	4/18/00	\$1,000.00
Committee for Working Families	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates	5/2/00	\$5,000.00
Senn 2000	Kushner	Charles	Florham Park	NJ	7932 Kushner Company	5/16/00	\$1,000.00
Senn 2000	Kushner	Charles	Florham Park	NJ	7932 Kushner Company	5/16/00	\$1,000.00
New Jersey State Democratic Committee	Kushner	Charles	Florham Park	NJ	7932 Kushner Companies	6/15/00	\$1,000.00
Hillary Rodham Clinton for U.S. Senate	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates LP	6/29/00	\$1,000.00
Hillary Rodham Clinton for U.S. Senate	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates LP	6/29/00	\$1,000.00
DNC Services Corporation/Democratic National Committee	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates LP	7/20/00	\$9,000.00
Senn 2000	Kushner	Charles	Florham Park	NJ	Bruckner Plaza 7932 Associates	11/14/00	\$1,000.00
							\$35,000.00

Attachment B

Recipient Committee	Last Name	First Name	City	State	Zip Code	Employer	Date of Contribution	Contribution Amount	Total Contributions- 2000 cycle
TORRICELLI FOR U S SENATE INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	WALLKILL APTS	2/19/99	\$1,000.00	
BILL BRADLEY FOR PRESIDENT INC	STADTMAUER	RICHARD	Florham Park	NJ	7932	Kushner Companies	6/22/99	\$1,000.00	
PASCARELL FOR CONGRESS INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	WALLKILL 7932 APARTMENTS	6/30/99	\$1,000.00	
DEAR 2000 INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	NEW PUCK LP WALLKILL	2/24/00	\$1,000.00	
CORZINE 2000 INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	ASSOC LP WALLKILL	3/6/00	\$1,000.00	
CORZINE 2000 INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	ASSOC LP WALLKILL	3/6/00	\$1,000.00	
MENENDEZ FOR CONGRESS	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	ELMWOOD V ASSOCIATES	3/15/00	\$1,000.00	
MENENDEZ FOR CONGRESS	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	ELMWOOD V ASSOCIATES	3/15/00	\$1,000.00	
LAPOLLA FOR CONGRESS INC	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	APARTMENTS ASSOCIATES	3/20/00	\$1,000.00	
FRIENDS OF SCHUMER	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	WALLKILL 7932 APARTMENTS	4/18/00	\$1,000.00	
FRIENDS OF SCHUMER	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	WALLKILL 7932 APARTMENTS	4/18/00	\$1,000.00	

Attachment B

COMMITTEE FOR WORKING FAMILIES	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 QUAIL RIDGE 7932 ASSOCIATES	5/2/00	\$5,000.00
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 QUAIL RIDGE	5/16/00	\$1,000.00
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 QUAIL RIDGE	5/16/00	\$1,000.00
NEW JERSEY DEMOCRATIC STATE CO	STADTMAUER	RICHARD	FLORHAM PARK	NJ	KUSHNER 7932 COMPANIES	6/15/00	\$1,000.00
RODHAM CLINTON FOR US	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/29/00	\$1,000.00
RODHAM CLINTON FOR US	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/29/00	\$1,000.00
SUSAN BASS LEVIN FOR CONGRESS	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/30/00	\$1,000.00
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	11/15/00	\$1,000.00 \$23,000.00

Attachment B

COMMITTEE FOR WORKING FAMILIES	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 ASSOCIATES	5/2/00	\$5,000.00
					WALLKILL APARTMENTS		
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 QUAIL RIDGE	5/16/00	\$1,000.00
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 QUAIL RIDGE	5/16/00	\$1,000.00
NEW JERSEY DEMOCRATIC STATE CO	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 COMPANIES APARTMENTS ASSOCIATES	6/15/00	\$1,000.00
RODHAM CLINTON FOR US	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/29/00	\$1,000.00
RODHAM CLINTON FOR US	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/29/00	\$1,000.00
SUSAN BASS LEVIN FOR CONGRESS	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932 LP APARTMENTS ASSOCIATES	6/30/00	\$1,000.00
SENN 2000	STADTMAUER	RICHARD	FLORHAM PARK	NJ	7932	11/15/00	\$1,000.00 \$23,000.00

24.04.433.2546

ATTACHMENT 2

Charles Kushner Contributions to Senn 2000

(From www.fecinfo.com)

KUSHNER, CHARLES

5/16/00 \$1,000.00

FLORHAM PARK, NJ 07932

KUSHNER COMPANY -[Contribution]

SENN 2000

Senate Image Not Available from FEC

KUSHNER, CHARLES

5/16/00 \$1,000.00

FLORHAM PARK, NJ 07932

KUSHNER COMPANY -[Contribution]

SENN 2000

Senate Image Not Available from FEC

KUSHNER, CHARLES

11/14/00 -\$1,000.00

FLORHAM PARK, NJ 07932

-[contribution refunded to individual]

SENN 2000

Senate Image Not Available from FEC

24.04.408.2548

ATTACHMENT 3

**Bruckner Plaza Associates, LP
26 Columbia Turnpike
Florham Park, New Jersey 07932**

Via Fax & Mail

Neill P. Reiff
Deputy General Counsel
Democratic National Committee
c/o Sandler, Reiff & Young
50 E Street, S.E.
Suite 300
Washington, D.C. 20003

Re: Refund Request

Dear Mr. Reiff:

On behalf of Bruckner Plaza Associates L.P. and Mr. Charles Kushner, I write to request a refund of a contribution dated July 20, 2000, in the amount of \$9,000. Upon a review of Bruckner Plaza's records, it recently has come to my attention that, due to an accounting error, this contribution was mistakenly designated to the DNC's federal account when it was supposed to be designated to the non-federal account.

Accordingly, please refund the \$9,000 contribution to Bruckner Plaza Associates L.P., at the address below, and report the refund to Bruckner Plaza and Mr. Kushner on the DNC's next scheduled report. Your courtesy in this matter is appreciated.

**Bruckner Plaza Associates L.P.
Attn: Mr. Scott Zecher
26 Columbia Turnpike
Florham Park, New Jersey 07932**

Sincerely,



**Scott Zecher
Executive Vice President/Chief Financial Officer**

cc: Mr. Charles Kushner