



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 04 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Bauer, Esq.
Rebecca Gordon, Esq.
Perkins Coie LLP
607 Fourteenth Street NW
Washington, D.C. 20005

RE: MUR 5279

Dear Mr. Bauer and Ms. Gordon:

Pursuant to its investigation of this matter, the Commission has issued the attached subpoenas requiring Melvin Gebroe, Morris Hammer, Dara Kushner, Joshua Kushner, Nicole Kushner, Rae Kushner, Linda Laulicht, Pamela Laulicht, Mel Scheinerman, Steven Silverman, John Sims, and Alex Tarapchak to appear and give sworn testimony which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code.¹ These depositions have been noticed for February 18-20, 2004. However, as discussed in Mr. Blumberg's January 29, 2004 letter to Ms. Gordon, we intend to waive the appearance and corresponding document requests for each individual that submits, by February 9, 2004, an acceptable statement addressing the issue of their knowledge about the contributions at the time the contributions were made.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40, plus mileage. Subsequent to the deposition, your client will be sent a check for the witness fee and mileage.

¹ On July 12, 2002, your clients, Melvin Gebroe, Morris Hammer, Dara Kushner, Joshua Kushner, Nicole Kushner, Rae Kushner, Linda Laulicht, Pamela Laulicht, Mel Scheinerman, Steven Silverman, John Sims, and Alex Tarapchak, were notified that the Federal Election Commission had found reason to believe that each violated certain provisions of the Federal Election Campaign Act of 1971, as amended. On November 21, 2003, the Commission offered to enter into pre-probable cause conciliation.

Robert Bauer, Esq.
Rebecca Gordon, Esq.
Page 2

Within two days of your receipt of this notification, please confirm the scheduled appearance with me at (202) 694-1650.

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

Sincerely,



Kathleen Dutt
Attorney

Enclosures
Subpoenas
Requests for Documents

24-04-23

1
2 **BEFORE THE FEDERAL ELECTION COMMISSION**
3

4 In the Matter of)

5) MUR 5279
6)
7

8 **SUBPOENA**
9

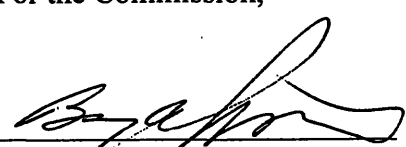
10 TO: Pamela Laulicht
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
15

16 Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the
17 above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for
18 deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on
19 February 19, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building,
20 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 10:00am and
21 continuing each day thereafter as necessary.
22

23 Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the
24 documents listed on the attachment to this subpoena. Legible copies which, where applicable,
25 show both sides of the documents, may be substituted for originals. The documents must be
26 submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street,
27 N.W., Washington, D.C. 20463, by February 13, 2004.
28

29 WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
30 hand in Washington, D.C., on this 3rd day of February, 2004.
31

32 For the Commission,
33
34

35 
36 _____
37 Bradley A. Smith
38 Chairman

39 ATTEST:
40

41 
42 _____
43 Mary W. Dove
44 Secretary of the Commission
45

46 Attachment
47 Document Requests (4 pages)

ATTACHMENT TO SUBPOENA

This Subpoena to Produce Documents 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 with an original affidavit signed by the appropriate official attesting that you provided all responsive documents. The affidavit must be sworn and notarized.

INSTRUCTIONS

In answering these requests for production of documents, furnish all documents that are in your possession, custody or control, or otherwise known or available to you, including documents appearing in your records.

If you cannot answer the 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 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 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, 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 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained, including data stored on electronic or magnetic media. Each draft or non-identical paper or electronic copy is a separate document within the meaning of this term.

1 "Bank" shall mean any and all financial institutions where you held or exchanged money,
2 obtained a loan, line of credit, or any and all other debt or investment interests during the period
3 of January 1, 1998 to the present.

4
5 "Identify" with respect to a document shall mean state the nature or type of document
6 (e.g. letter, memorandum, bank statement, Certificate of Deposit, billing statement), the date, if
7 any, appearing thereon, the date on which the document was prepared, the title of the document,
8 the general subject matter of the document, the location of the document, the number of pages
9 comprising the document. "Identify" with respect to a document shall also mean the
10 identification of each person who wrote, dictated, or otherwise participated or initialed the
11 document, each person who received the document or reviewed it, and each person having
12 custody of the document or a copy of the document. "Identify" with respect to a bank account or
13 Certificate of Deposit shall also mean the identification of the name and account number.
14 Identification of a document includes identifying all originals or copies of that document known
15 or believed to exist.

16
17 "Identify" with respect to a person shall mean state the full name, the most recent
18 business and residence addresses and the telephone numbers, the present occupation or position
19 of such person and any position ever held with the named respondent, including any
20 responsibility exercised in connection with the named respondent's geographic regions, and the
21 nature of the connection or association that person has to any party in this proceeding. If the
22 person to be identified is not a natural person, provide the legal and trade names, the address and
23 telephone number, and the full names of both the chief executive officer and the agent designated
24 to receive service of process for such person.

25
26 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to
27 bring within the scope of these interrogatories and request for the production of documents any
28 documents and materials which may otherwise be construed to be out of their scope.

29
30 "You," "your," and "their" shall mean the named person or entity to whom these requests
31 are directed, including all officers, employees, agents, volunteers and attorneys thereof, as well
32 as any other person.

33
34 Except where the discovery request states otherwise, any reference to the singular shall
35 be construed as including the plural, any reference to the plural shall be construed as including
36 the singular.

37
38 The Commission incorporates by reference the full text of definitions of other terms set
39 forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

24 "04" 408 2737

REQUEST FOR PRODUCTION OF DOCUMENTS

1
2
3 1. Produce all documents relating, or in any way pertaining to political contributions made
4 by you, or made on your behalf by Kushner Companies or any its associated partnerships, from
5 1999 through 2000, including all documents relating to how these contributions affected your
6 share of the profits and losses of the partnership during that year.

7
8 2. Produce all documents relating, or in any way pertaining to, any payments,
9 disbursements, bonuses, and/or reimbursements you received from Kushner Companies or any of
10 its associated partnerships, from 1999 through 2000.

11
12 3. Produce all documents showing activity in your partnership account for each of Kushner
13 Companies' associates partnerships in which you hold an interest, including, but not limited to,
14 bank records, bank statements, capital account records and other partnership account statements.

15
16 4. Produce all Federal Schedule K-1s (Form 1065) from your federal income tax returns for
17 the years 1999 through 2002.
18

EX-103-044

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5279

SUBPOENA


TO: Melvin Greboe
c/o Robert Bauer, Esq.
Perkins Coie LLP
607 Fourteenth Street NW
Washington, DC 20005

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on February 18, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building, 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 10:00am and continuing each day thereafter as necessary.

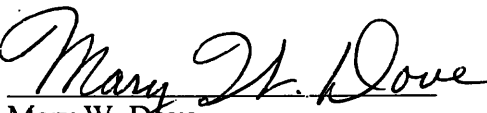
Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, by February 13, 2004.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 3rd day of February, 2004.

For the Commission,


Bradley A. Smith
Chairman

ATTEST:


Mary W. Dove
Secretary of the Commission

Attachment
Document Requests (4 pages)

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2 **BEFORE THE FEDERAL ELECTION COMMISSION**

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4 In the Matter of)

5) MUR 5279
6)
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8 **SUBPOENA**
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10 TO: Morris Hammer
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
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19 February 20, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building,
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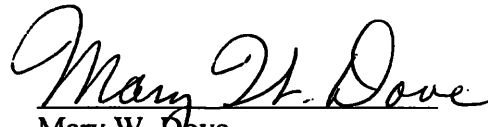
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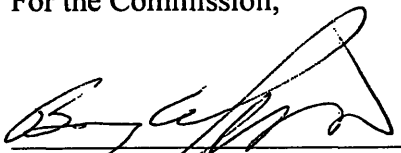
10 TO: Dara Kushner
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
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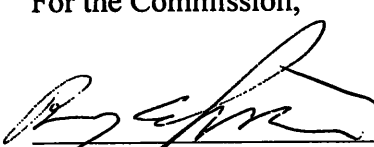
10 TO: Joshua Kushner
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
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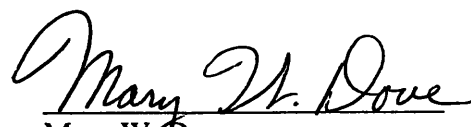
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10 TO: Nicole Kushner
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
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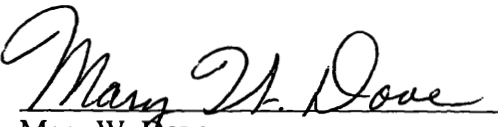
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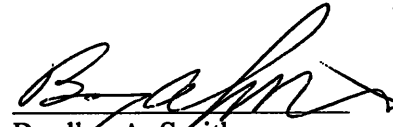
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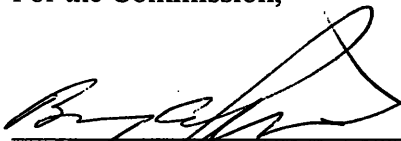
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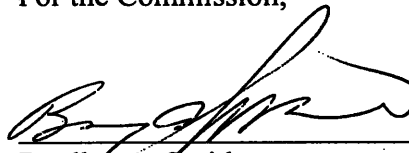
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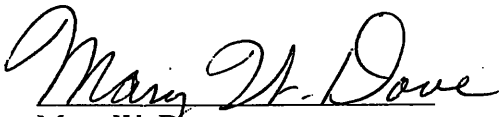
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11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
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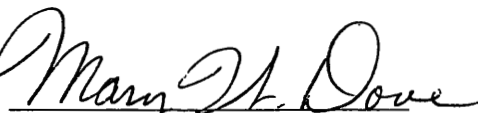
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26 submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street,
27 N.W., Washington, D.C. 20463, by February 13, 2004.
28

29 WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
30 hand in Washington, D.C., on this 3rd day of February, 2004.
31

32 For the Commission,
33
34

35 
36 _____
37 Bradley A. Smith
38 Chairman

39 ATTEST:
40

41 
42 _____
43 Mary W. Dove
44 Secretary of the Commission
45

46 Attachment
47 Document Requests (4 pages)
48

1
2 **BEFORE THE FEDERAL ELECTION COMMISSION**
3

4 In the Matter of)
5)
6)

MUR 5279

7
8 **SUBPOENA**
9

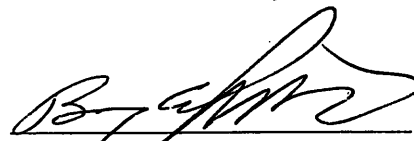
10 TO: John Sims
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
15

16 Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the
17 above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for
18 deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on
19 February 19, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building,
20 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 4:00pm and
21 continuing each day thereafter as necessary.
22

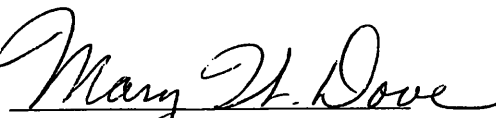
23 Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the
24 documents listed on the attachment to this subpoena. Legible copies which, where applicable,
25 show both sides of the documents, may be substituted for originals. The documents must be
26 submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street,
27 N.W., Washington, D.C. 20463, by February 13, 2004.
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37 Bradley A. Smith
38 Chairman

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43 Mary W. Dove
44 Secretary of the Commission
45

46 Attachment
47 Document Requests (4 pages)

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4 In the Matter of)
5) MUR 5279
6)
7

8 **SUBPOENA**
9

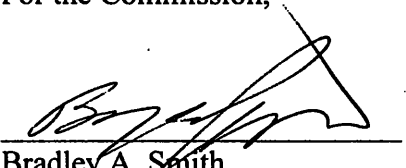
10 TO: Alex Tarapchak
11 c/o Robert Bauer, Esq.
12 Perkins Coie LLP
13 607 Fourteenth Street NW
14 Washington, DC 20005
15

16 Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the
17 above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for
18 deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on
19 February 20, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building,
20 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 10:00am and
21 continuing each day thereafter as necessary.
22

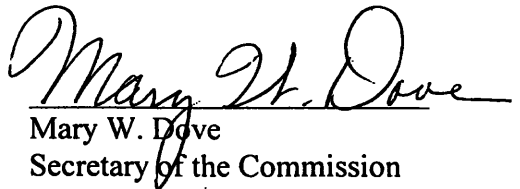
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Chairman

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44 Mary W. Dove
45 Secretary of the Commission

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47 Document Requests (4 pages)