

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION
COMMISSION
SECRETARIAT

In the Matter of)

Bill Bradley for President, Inc.
and its treasurer)

MUR 5279

2004 JUN 17 A 11:11

SENSITIVE

GENERAL COUNSEL'S REPORT #5

I. ACTIONS RECOMMENDED

Accept the attached Conciliation Agreement with Bill Bradley for President and its treasurer; and close the file.

II. DISCUSSION

The factual background of this matter is discussed in detail in General Counsel's Report #4, which was circulated to the Commission on June 16, 2004.¹ The attached Conciliation Agreement relates to Bill Bradley for President, Inc.'s ("the Bradley Committee") knowing acceptance of 41 contribution checks totaling \$40,000 received from 40 different partnerships controlled by Charles Kushner ("Kushner Associated Partnerships") in June of 1999. Of these contributions, \$6,000 were later refunded. See First GCR and GCR #2. This Office recommends that the Commission accept a conciliation agreement with the Bradley Committee

Acceptance of this conciliation agreement will allow the Commission to close the file in this matter.

¹ Although this Office intended to include the conciliation agreement discussed below in GCR #4, the executed agreement was not received from the Bradley Committee until late in the afternoon of June 16, 2004.

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1 In July and August of 1999, after it had deposited the contributions from the 40
2 Associated Partnerships, the Bradley Committee attempted to obtain from each individual
3 partner whose name appeared on the attribution list that accompanied the contributions, a
4 statement affirming the contribution. The requests for these statements were sent to the Kushner
5 Companies. Despite multiple attempts, the Bradley Committee was able to obtain signed
6 statements from only four of the individual partners. During the course of these attempts,
7 Respondents became aware that it was Charles Kushner, as managing partner of each
8 partnership, who unilaterally determined the individual partners to which specific contributions
9 were attributed. Notwithstanding information that the individual partners had not agreed to
10 100% non pro rata attribution of each specific partnership contribution, Respondents decided not
11 to refund the Kushner Associated Partnership contributions pursuant to 11 C.F.R. § 103.3(b).²
12 The Bradley Committee violated 2 U.S.C. 441a(f) by accepting contributions that were not
13 properly attributed through an agreement of the individual partners pursuant to 11 C.F.R. §
14 110.1(e)(2).

² 11 C.F.R. § 103.3(b) provides that, Contributions that present genuine questions as to their legality may be, within ten days of the treasurer's receipt, either deposited into a campaign depository under 11 C.F.R. § 103.3(a) or returned to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. 11 C.F.R. § 103.3(b)(1). "If the treasurer determined that at the time a contribution was received and deposited, it did not appear to be illegal, but later discovers that it is illegal based on new evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund the contribution within thirty days of the date on which the illegality is discovered." 11 C.F.R. § 103.3(b)(2).

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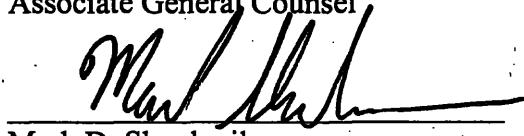
III. RECOMMENDATIONS

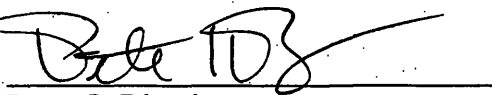
1. Approve the attached conciliation agreement with Bill Bradley for President, Inc. and its treasurer.
2. Approve the appropriate letters.
3. Close the file.

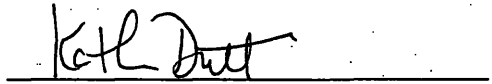
6/17/04
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