

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202 662 6000
FAX 202 662 6291
WWW COV COM

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2004 SEP 17 P 3: 01

ROBERT K KELNER
TEL 202 662 5503
FAX 202 778 5503
RKELNER@COV.COM

September 17, 2004

BY HAND

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

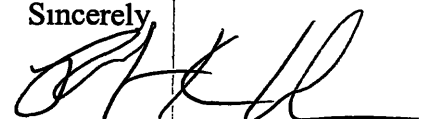
Re: Charles Kushner and 40 Associated Partnerships

Dear Mr. Norton:

In an August 19, 2004 letter to our client, Friends of Giuliani Exploratory Committee ("FOG"), the Commission notified FOG of a recent enforcement action against Charles Kushner and 40 Associated Partnerships. Pursuant to 11 C.F.R. § 103.3(b)(2), FOG has now reviewed materials released by the Commission in connection with MUR 5279. Based on newly available information obtained from the Commission's August 19 letter, the conciliation agreement entered into by Mr. Kushner and the 40 Associated Partnerships, and other documents released by the Commission, FOG concludes that the \$48,000 in contributions received from various persons listed in the attachment to the Commission's letter may not have been lawfully made. Accordingly, in an abundance of caution, FOG is hereby disgorging the full \$48,000 amount.

Please find enclosed a check in the amount of \$48,000 made payable to the United States Treasury. We appreciate your bringing the Commission's action in this matter to FOG's attention. If you or your staff have any questions or require additional information, please do feel free to contact us. Thank you.

Sincerely,



Robert K. Kelner

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COUNSEL

2004 SEP 21 A 11: 10

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Lawrence H. Norton, Esq.

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Page 2

Enclosure

cc: Kathleen Dutt, Esq. (w/o enclosure)

34-014409-2326