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November 12, 2002

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VIA FACSIMILE & FEDERAL EXPRESS

Lawrence H. Norton, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5304
Our File No. CHE2338.002

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2002 NOV 13 P 12:31

Dear Mr. Horton:

We are responding to your October 2, 2002 letter referencing the above matter on behalf of the Andrei Cherny for State Assembly Committee ("Committee") and myself, as Treasurer.

We understand that your inquiry was prompted by a complaint filed by the National Republican Congressional Committee ("NRCC") on September 25, 2002, alleging that the Committee made illegal contributions to the Cardoza for Congress Committee. To be clear, both the Committee and I (as Treasurer) adamantly deny the allegations set forth in the NRCC's complaint. The complaint appears to be nothing more than a campaign tactic designed to disrupt Assembly Member Cardoza's campaign and harass other Democratic candidates in the State of California who supported Mr. Cardoza.

Dennis Cardoza is a prominent Assembly Member in the State of California, who successfully sought the Democratic nomination for the 18th Congressional District of California in a highly visible race to unseat incumbent Congressman Gary Condit. In the course of his campaign, Mr. Cardoza raised money from thousands of donors in the State of California. One such person was Andrei Cherny, himself a candidate for State Assembly in the March 5, 2002 election at the same time that Mr. Cardoza was seeking the Democratic nomination for his congressional seat. As centrist Democrats, Mr. Cardoza and Mr. Cherny share many of the same positions on issues of concern to the State of California and have many common supporters.

Wanting to support Mr. Cardoza's congressional effort, Mr. Cherny made a contribution through his Committee to Mr. Cardoza's campaign on February 4, 2002. A copy of the contribution check is enclosed. The Committee subsequently received a \$3,000 contribution from Friends of Dennis Cardoza, Mr. Cardoza's state campaign committee, on February 15, 2002. As is plainly

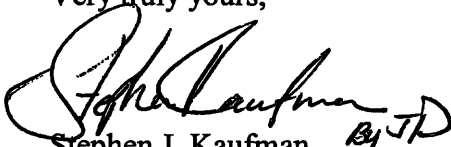
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November 12, 2002
Page 2

evident from these facts, the Cherny Committee's contribution to Cardoza for Congress *pre-dated* Mr. Cardoza's contribution to Mr. Cherny, severely undermining the NRCC's assertions. Furthermore, despite the insinuations running throughout the NRCC's complaint, neither Mr. Cherny, his campaign treasurer, nor anyone else associated with his campaign had any conversations or communications with Mr. Cardoza or any agents of Mr. Cardoza's campaign prior to making the contribution. Rather, Mr. Cherny made the contribution in response to a general solicitation in order to support a like-minded candidate running for the United States Congress.

In short, the NRCC complaint is baseless. There is no truth to any of the allegations in the Complaint asserted against the Committee and myself, as Treasurer, and the allegations therein are based on pure conjecture and innuendo. Therefore, we request that you take no further action with respect to this matter against the Andrei Cherny for State Assembly Committee and its Treasurer. We would appreciate you providing us with a letter confirming that this matter has been dismissed.

Please contact the undersigned if you require any additional information.

Very truly yours,


Stephen J. Kaufman *SJ*

SJK:jd
Enclosure

cc: Andrei Cherny (via Facsimile)
Jeff S. Jordan (via Facsimile)

1100

ANDREI CHERNY FOR STATE ASSEMBLY
c/o SMITH KAUFMAN LLP
601 SOUTH FIGUEROA 41st FLOOR
LOS ANGELES, CA 90017
(213) 623-9704

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L.A. N. Office
550 S. Hope Street
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02/04/2002

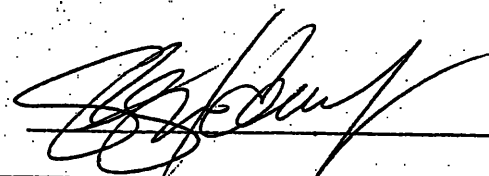
PAY TO THE ORDER OF Cardoza for Congress - C00369850

****1,000.00

One Thousand and XX/100 * * * * *

DOLLARS

Cardoza for Congress - C00369850
2724 Winton Way
Atwater, CA 95301



MEMO

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

ANDREI CHERNY FOR STATE ASSEMBLY c/o Smith Kaufman LLP

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Check No: 1100
Date: 02/04/2002
Amount: ****1,000.00

Payee:

I.D. Number: 1234054

Cardoza for Congress - C00369850
2724 Winton Way
Atwater, CA 95301

Memo:
Description: Contribution

ANDREI CHERNY FOR STATE ASSEMBLY c/o Smith Kaufman LLP

1100

Check No: 1100
Date: 02/04/2002
Amount: ****1,000.00
Expenditure Code:
I.D. Number: 1234054

Payee:

Cardoza for Congress - C00369850
2724 Winton Way
Atwater, CA 95301

Memo:
Description: Contribution