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OFFICE OF GENERAL COUNSEL  
2003 DEC 16 PM 3:20  
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December 16, 2003

Larry Norton, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

**RE: MUR 5393 Respondent Carden for Congress, Miriam Mitchell as Treasurer**

Dear Mr. Norton:

On behalf of Carden for Congress and Miriam Mitchell, as treasurer, (collectively "Carden for Congress") this letter is submitted in response to a complaint filed with the Federal Election Commission by Dorothy Burger in her capacity as an officer of the Summit City Republican Committee ("Summit City Republicans").

Carden for Congress did not receive or solicit an earmarked contribution and based on its knowledge, information, and belief is certain that neither Mr. Jordan Glatt or Magla Products, LLC, made any contributions to any party committees that were earmarked for Carden for Congress. It appears that in October 2003 the Summit City Republicans simply abused the Federal Election Commission complaint process for the purpose of muddying the waters of a local New Jersey election in which Mr. Glatt was a mayoral candidate in November 2003. Unfortunately, Carden for Congress, which lost in November 2002, must incur the costs of responding to their baseless politically-motivated allegations.

For the reasons set forth below, the Commission should find no reason to believe that Carden for Congress violated the Federal Election Campaign Act of 1971, as amended, ("FECA") or the Commission's regulations.

**1. Carden for Congress did not receive an earmarked contribution made by Jordan Glatt or Magla Products, LLC through the Union County Democratic Committee**

Mr. Jordan Glatt is a resident of Union County, New Jersey and he owns Magla Products, LLC. On October 7, 2002, Magla Products, LLC contributed \$15,000 to the Union County Democratic Committee. One month later, on Election Day, November 5, 2002, Carden for Congress received a \$750 contribution from the Union County Democratic Committee. One

year later, in the middle of a 2003 local election, the Summit City Republicans claim that the November 5 contribution was earmarked for Carden for Congress by mayoral candidate Jordan Glatt through his company, Magla Products, LLC. There is no reason to believe this assertion is true.

A person makes an earmarked contribution if he instructs an intermediary to take his funds for the purpose of making a contribution to a candidate's authorized committee. 2 U.S.C. §441a(a)(8); 11 C.F.R. §110.6. Given the facts in this matter, there is no reason to believe that Mr. Glatt instructed the Union County Democratic Committee to use Magla Products, LLC's contribution to make a contribution to Carden for Congress or that he placed any conditions on the use of these funds.

First, Carden for Congress did not solicit an earmarked contribution from Mr. Glatt or Magla Products, LLC and it has no information, knowledge, or belief that such a contribution was made to the county party.

Second, the time period between the Magla Products LLC contribution to the county party and the county party's contribution to Carden for Congress is so long that the only reasonable conclusion can be that the funds were not earmarked and that they were used for some other permissible purpose. Magla Products, LLC contributed \$15,000 on October 7<sup>th</sup> and the county party did not make its \$750 contribution to Carden for Congress until one month later, on Election Day, November 5<sup>th</sup>. Between October 7 and November 4, 2002, the county party made disbursements that far exceeded the Magla Products, LLC contribution amount for such purposes as direct mail, administrative expenses, and contributions to local candidates. Moreover, if a person made a contribution at the beginning of October that was earmarked for a candidate's committee, he would certainly direct them to use the funds to make their contribution in a much more timely manner, most likely as soon as possible and certainly well before Election Day.

Based on these facts, there is no reason to believe that the Magla Products, LLC contribution to the Union County Democratic Committee was earmarked for Carden for Congress.

**2. The Union County Democratic Committee did not make any expenditures on behalf of Carden for Congress with funds contributed by Jordan Glatt or Magla Products, LLC.**

Carden for Congress is not aware of any expenditures made on its behalf by the Union County Democratic Committee in the fall of 2002. In fact, not one piece of literature paid for by the county party made any reference to Carden for Congress or their opponent.

The Union County Democratic Committee made several disbursements to a vendor, Message and Media, for direct mail pieces and to the local postmaster for postage on October 8, 9 and 10, 2002 totaling \$82,765. The Summit City Republicans assert that Magla Products, LLC's \$15,000 contribution to the Union County Democratic Committee made on October 7,

2002, Mr. Glatt's \$500 contribution made on October 9, 2002 and his \$100 contribution made on October 24, 2002, two weeks after the disbursements, were used, pursuant to Mr. Glatt's direction by the county party to pay for these literature pieces sent on "behalf of the Carden for Congress Committee."

Carden for Congress has no knowledge, information or belief that Mr. Glatt made such a request or designation regarding the funds he contributed and there is no reason to believe that he did. The literature pieces cited as evidence that the county party made expenditures "on behalf of Carden for Congress" made no reference to Mr. Carden or his opponent. These mailings were sent by the Union County Democratic Committee on behalf of local and county candidates to residents throughout the county, only a portion of which even lies within the 7<sup>th</sup> Congressional District in which Mr. Carden was campaigning. For example, these pieces were sent to voters in the cities of Elizabeth, Rahway and Plainfield along with the towns of Hillside, Roselle and most of Union Township which are all in Union County but outside the boundaries of the 7<sup>th</sup> Congressional District. A copy of the literature pieces are enclosed for your review.

Given the facts in this case, there is no reason to believe that Carden for Congress received earmarked contributions or the benefit of expenditures made on its behalf by the county party pursuant to a donor's designation, instruction or encumbrance.

**3. Funds contributed by Jordan Glatt to the New Jersey Democratic State Committee were not used to make 441a(d) coordinated expenditures on behalf of Carden for Congress**

The New Jersey Democratic State Committee used funds transferred from the Democratic Congressional Campaign Committee to make 441a(d) coordinated expenditures on behalf of Carden for Congress. According to reports filed with the Commission, the New Jersey Democratic State Committee made \$61,858.32 in 441a(d) coordinated expenditures on behalf of Carden for Congress. The DCCC transferred \$61,858.00 to the state party for such expenditures.

Jordan Glatt contributed \$5,000 to the New Jersey Democratic State Committee on September 11, 2002. Carden for Congress has no information, knowledge, or belief that Mr. Glatt's contribution was earmarked for any purpose. Carden for Congress believes that Mr. Glatt is an active member of the state Democratic Party and that he has historically made contributions in support of their efforts.

Given the fact that all but 32 cents of the funds transferred from the DCCC to the state party covered the cost of the 441a(d) coordinated expenditures there is no reason to believe that Mr. Glatt's contribution was earmarked for that purpose.

December 16, 2003

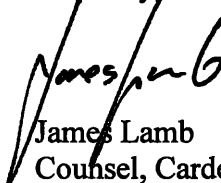
Page Four

**Conclusion**

The facts in this matter demonstrate that there is no evidence or reason to believe that Mr. Jordan Glatt or Magla Products, LLC made contributions to the Union County Democratic Committee or the New Jersey Democratic State Committee earmarked for Carden for Congress. Carden for Congress did not solicit earmarked contributions and it does not have any information, knowledge, or belief that any such contributions were made for its benefit.

We respectfully request that the Commission find no reason to believe that a violation of FECA occurred and that this matter be closed as it pertains to Carden for Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "James Lamb", with a stylized flourish at the end.

James Lamb  
Counsel, Carden for Congress Committee

Enclosures

2003-12-16-0393

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**Rick Proctor**

**Angel Estrada**

**Nick Scutari**

© R. F. E. H. O. J. M. A.

**Our Leaders.  
Our County.  
Our Future.**

VOTER REGISTRATION

COLUMBIA

NOVEMBER 5

9 AM - 8 PM

to people.

This year in Union County, it all adds up

**In Union County,  
the numbers tell the story...**

Paid for by UCDC  
J. Bodek, Treasurer  
65 King Street  
Hillside, NJ 07205

GUC02-P01

PRST STD  
U.S. Postage  
PAID  
Permit No. 859  
Elizabeth, NJ

# In Union County, the numbers tell the story...



**5,500 Senior "Scholars"**

SOURCE: Union County Department of Education



**Crime Rate Down 18%**

SOURCE: New Jersey State Police Union County Report



**\$4 Billion in Economic Development**

SOURCE: Union County Department of Economic Development



**2,500 Trained and Placed in New Jobs**

SOURCE: Union County Department of Workforce Development



**40 Miles of Newly Paved Roads**

SOURCE: Union County Department of Transportation



**Park Improvements in All 21 Towns**

SOURCE: Union County Department of Parks & Recreation

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J Bodek, Treasurer  
65 King Street  
Hillside, NJ 07205

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Elizabeth, NJ

**Nick Scutari**  
**Angel Estrada**  
**Rick Proctor**

VOTE DEMOCRATIC  
COLUMN B 6 NOV 65  
Polls Open 6 AM - 8 PM

**Nick Scurati, Angelastro and Rick Proctor**

[illegible]



25.04.14.05.55



**PREVENTED**  
the County's largest tract of pristine, undeveloped open space (63 acres) and the County's largest farm (13 acres) from being sold and developed.

**PASSED**  
the County's first-ever 20-year Open Space, Recreation and Historic Preservation Trust Fund in November 2000.

**PROTECTING**  
our drinking water, precious wetlands, and wildlife habitats (that may include endangered species) from being harmed by over-development.

**our open spaces...**

**UPGRADED**  
and improved Pocket Parks in every Union County town with over \$6 million in grants.

**HELPING**  
our towns acquire and improve their athletic fields with a \$2.1 million investment from the County's new "Fields of Dreams" program.

**PROVIDED**  
our young people with safer, better places to play by upgrading and replacing every single county playground in our entire County parks system.



**our parks and playgrounds...**



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5500

Union County senior  
"scholars" have already  
gone back to school.

Union County Freeholders  
**Nick Scutari,  
Angel Estrada,  
& Rick Proctor.**



**They never stop  
working,  
because you...**



**Never Stop**

## **5,500 SENIOR SCHOLARS**

Since Union County's Freeholders created the senior scholars program, 5,500 seniors have registered for courses free of charge.

## **RUNNELLS SPECIALIZED HOSPITAL OF UNION COUNTY**

From short-term physical rehabilitation to 24-hour medical and nursing care, Union County's Runnells Hospital is among New Jersey's finest and most affordable.

## **OPERATION RECOGNITION**

Union County residents who served and sacrificed in the armed forces have been honored with medal ceremonies, and diplomas for those who left school to serve their nation.

**Doing.**



**Never Stop**

**Learning.**

**FOR FREEHOLDERS**

**Nick Scutari, Angel Estrada  
and Rick Proctor providing  
quality services to Union County's  
seniors is a full-time job.**

## SENIOR FOCUS GRANTS

Union County's Freeholders have awarded every town grants up to \$250,000 to build, repair and expand our county's senior centers.

## SENIORS IN MOTION VAN

The county now provides 14 new vans that transport seniors to shopping, medical appointments and more.

This is on top of the Para-Transit System that has provided 22,000 rides to those with disabilities.

## HEART GRANTS

Providing county artists, musicians and scholars with over \$100,000 in grants to promote excellence, education and diversity in the arts.

# Never Stop



# Living

25 04 11 0000



FOR FREEHOLDER

Nick **Scutari**

Angel **Estrada**

Rick **Proctor**

**VOTE DEMOCRATIC**  
**COLUMN B • NOVEMBER 5**  
**Polls Open 6 AM – 8 PM**

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# In Union County

IT'S ALL ABOUT

Creating Opportunities...





So when Union County  
teenholders

Nick Scutari,  
Angel Estrada,  
& Rick Proctor  
go to work.





**Opportunity means**

**2500**  
**trained & placed**  
**in new jobs**

**RETAIL SKILLS  
CENTER AT  
JERSEY GARDENS**

Union County's Freeholders helped create the highly successful Retail Skills Center that has trained and placed thousands of county residents in new jobs.

**THE STAR  
OPPORTUNITY  
CENTER**

Families who lost their jobs after last year's terrorist attacks now have new hope thanks to retraining and placement offered at Union County's new Star Opportunity Center.

**4 BILLION IN  
ECONOMIC  
DEVELOPMENT**

While other regions are struggling, Union County's economy remains robust. Union County's Freeholders are helping new businesses thrive, creating new jobs and promise for the future.



It's all about  
creating  
opportunities  
for our future.



**Opportunity means**

**2 free years  
of college**

**FREEHOLDER  
SCHOLARS  
PROGRAM**

**HELPING WORKING  
FAMILIES AFFORD  
COLLEGE**

**PREPARING OUR  
YOUNG PEOPLE  
FOR CAREERS**

Our Leaders. Our County. Our Future.

FOR FREEHOLDER

Nick **Scutari**

Angel **Estrada**

Rick **Proctor**

NOVEMBER 5

VOTE DEMOCRATIC  
COLUMN B

Polls Open 6 AM - 8 PM



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