

CONGRESSIONAL EXPLORATORY COMMITTEE

October 22, 2007

The Honorable Robert Lenhard, Chairman  
Federal Election Commission  
999 E Street, NW  
Washington DC 20463

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**Re: MUR #5945: Frivolous and Erroneous Allegations of FECA Violation  
Against the Kieran Michael Loral 2008 Congressional Exploratory  
Committee.**

Dear Chairman Lenhard

This letter responds to Mr Anthony Scannapieco's Complaint against The Kieran Michael Loral 2008 Exploratory Committee dated October 2, 2007 As shown below, the Complaint is entirely meritless and wholly unsupported by any facts Indeed, the facts belie each of Mr Scannapieco's claims and merely demonstrate the frivolous nature of the Complaint No action should be taken against the Kieran Michael Loral 2008 Exploratory Committee

**Introduction**

The Kieran Michael Loral 2008 Exploratory Committee (the "Committee") has been exceptionally clear and forthcoming that it is a "testing-the waters" committee At least two areas on every page of the Committee's website prominently include the phrase, "Congressional Exploratory Committee" Moreover, all correspondence sent by the Committee prominently includes the phrase "Congressional Exploratory Committee" in the letterhead Moreover, no person authorized to speak on behalf of the Committee has made any statement that would trigger filing requirements

Every reporter covering New York's 19<sup>th</sup> Congressional District with whom the Committee has communicated has been made aware that Kieran Michael Loral is not a declared candidate<sup>1</sup> Indeed, each of the news stories cited in the Complaint includes at least one clear reference to the exploratory nature of the Committee<sup>2</sup> Mr Scannapieco cannot even allege facts

<sup>1</sup> Attached are the names of reporters known to be covering New York's 19<sup>th</sup> Congressional District and their contact information You may confirm with them the declared exploratory nature of the Committee See August 13, 2007 time stamped email from Gannett reporter Brian Tumulty and the Exploratory Committee's response to a query about whether or not the Committee was in the exploratory phase (attached as Exhibit "A" hereto)

<sup>2</sup> See Martin Wilbur, "First Potential Hall Challenger Steps Forward" North County News, available at [http://km2008.com/North\\_County\\_News\\_411.htm](http://km2008.com/North_County_News_411.htm) (visited October 19, 2007) (attached as Exhibit "B")

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to the contrary In sum, the Committee's website, as well as all correspondence and communications from the Committee—as reflected by the media coverage—have been perfectly clear and upfront that Kieran Michael Lalor is "testing-the-waters," and is in fact not a declared candidate<sup>3</sup>

**Count I: Failure to File Declaration of Candidacy with the FEC.**

The first count of the Complaint claims that a Declaration of Candidacy must be filed with the Federal Election Commission ("FEC") because the Committee has raised more than \$5,000 The Complaint is wrong

FECA is explicit on this point "Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions"<sup>4</sup> As the FEC's compliance brochure explains, "An individual who spends money only to test the waters (but not to campaign for office) does not have to register as a candidate under the election law"<sup>5</sup>

The purported support for allegations made in Count I consists of an advertisement the Committee placed in a program for a New York State Conservative Party dinner<sup>6</sup> But the Complaint misleadingly omits any mention of the fact that the phrase "Congressional Exploratory Committee" appears prominently in both the header and the footer of the advertisement Further, the phrase "exploring a run" explicitly appears in the body of the ad No reasonable reader of the ad, which was limited in distribution to the attendees of the dinner, could construe it as anything other than an exploration of the feasibility of becoming a candidate

In sum, as to Count I, the Complaint sets forth no facts to support the claim that reporting requirements were triggered The claim is simply false Neither a Declaration of Candidacy nor any reporting are required by FECA

**Count II: "Failure to File a Statement of Organization and Quarterly Disclosures"**

The second count of the Complaint alleges that the Committee uses a disclaimer to explain contribution limits and restrictions on its website, and thereby "appears to indicate to the public that Lalor has authorized a political committee as his principle campaign committee" Again, the Complaint misstates the law FECA rules on disclaimers are clear that funds to test

<sup>3</sup> The Committee has routinely consulted FECA, the FEC's "Campaign Guide for Congressional Candidates and Committees," and the FEC's information/compliance department directly via telephone It will continue to do so

<sup>4</sup> 11 CFR § 100.72

<sup>5</sup> See FEC Candidate Registration Brochure, available at <http://www.fec.gov/pages/brochures/candidates.shtml> (visited October 19, 2007)

<sup>6</sup> Attached as Exhibit C

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the waters must be "permissible under the Act"<sup>7</sup> Thus, to ensure compliance with FECA's contribution limitations, the disclaimer is both necessary and appropriate

The use of the disclaimer was not a violation of FECA and was, in fact, included on the Committee's website to comply with FECA's requirement that funds received to test the waters comply with contribution limits Count II of the Complaint is thus unfounded

**Conclusion**

As demonstrated above, Mr Scannapieco's politically motivated Complaint entirely lacks merit The frivolous nature of Mr Scannapieco's allegations suggests the Complaint is an attempt to use FECA and the FEC to intimidate the Committee and impugn my character No actions should be taken against the Committee

It bears noting that Mr Scannapieco is the Chair of both the Putnam County Republican Party and the Carmel Republican Committee, both of which recently accepted significant contributions from Andrew M Saul, a declared Republican candidate for Congress in the 19<sup>th</sup> Congressional District—the same office I am considering seeking<sup>8</sup> After Mr Saul made his contributions to Mr Scannapieco's organizations, but more than a year before the September 2008 primary, Mr Scannapieco became the first and only party officer in the district to make an endorsement for this seat, stating his enthusiastic support for Mr Saul

Further, the Complaint is obviously political retaliation against the Committee It was filed just days after the Committee issued a press release discussing criminal charges filed against Mr Scannapieco<sup>9</sup>

The lack of any factual support and misapprehension of applicable law, coupled with Mr Scannapieco's documented and potentially criminal history of attempting to silence critics,<sup>10</sup>

<sup>7</sup> 11 CFR § 100.131

<sup>8</sup> See New York Board of Elections, available at [http://www.elections.state.ny.us/plac\\_browser/CONTRIBUTORS\\_COUNTY?NAME\\_IN=msl&position\\_IN=ANYWHERE&date\\_from=07%2F01%2F2007&date\\_to=10%2F1%2F2007&CATEGORY\\_IN=ALL&office\\_IN=ALL&county\\_IN=ALL&amount\\_from=&amount\\_to=&ZIP1=&ZIP2=&ORDERBY\\_IN=N](http://www.elections.state.ny.us/plac_browser/CONTRIBUTORS_COUNTY?NAME_IN=msl&position_IN=ANYWHERE&date_from=07%2F01%2F2007&date_to=10%2F1%2F2007&CATEGORY_IN=ALL&office_IN=ALL&county_IN=ALL&amount_from=&amount_to=&ZIP1=&ZIP2=&ORDERBY_IN=N) (visited October 19, 2007)

<sup>9</sup> The release said, "After Putnam County Republican Party boss Anthony Scannapieco, Jr endorsed Saul, Saul proudly displayed the endorsement on his campaign's website – until it was revealed that Scannapieco was arraigned on harassment charges and had reportedly threatened a female reporter if she wrote about Scannapieco's legal troubles Not only did Saul refuse to defend his friend, but Saul's campaign has now tried to conceal the relationship by deleting any mention of Scannapieco from the site" See "Andrew Saul's Loyalty Gap," Kieran Michael Lator Exploratory Committee, September 17, 2007, available at [http://kmi2008.com/PR\\_Saul\\_loyalty\\_gap.htm](http://kmi2008.com/PR_Saul_loyalty_gap.htm) (Visited October, 19, 2007)

<sup>10</sup> See "Silence is not Golden" Editorial Page, Journal News September 13, 2007 available at <http://www.thejournalnews.com/apps/pbcs.dll/article?AID=/20070913/OPINION/709120454/1015/OPINION01> (Visited October 19, 2007)

Kieran Michael  
**LALOR 2008**

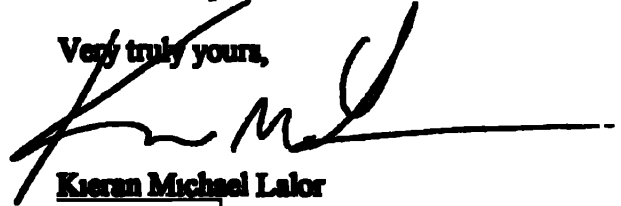
*A Fighter and a Patriot*

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proves that the Complaint is nothing more than a pathetic attempt to intimidate me and the Committee As a former United States Marine and infantryman in Iraq, I am not intimidated I am, however, shocked and disappointed that Mr Scannapieco—a public employee serving on the county Board of Elections—would employ such unseemly and unethical measures

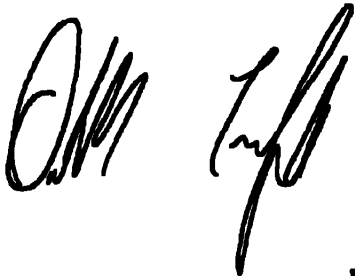
The Complaint should obviously be dismissed Please let me know if you require any additional information in connection with your investigation of the Complaint

Very truly yours,



Kieran Michael Lalor

Peekskill, NY 10566



DEBORAH CUNIFF  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN WESTERCHESLER COUNTY  
REG NO 01CU6130823  
MY COMM EXPIRES JULY 25 - 2009

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**EXHIBIT A**

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The campaign is presently established as an exploratory committee and in compliance with the FEC.

Mr. Lalor has not declared his candidacy for several reasons:

1. Mr. Lalor is going to make sure he can win before he gets in. Unprincipled politicians can jump right in because they will bend and shape and co-opt their so-called beliefs. Visit Andrew Saul's website (Andrewsaul.com). I challenge you to find out one thing Saul stands for. Then compare Saul's lack of convictions with Mr. Lalor who proudly stands up and fights for what he believes while providing thoughtful and innovative solutions to problems. Mr. Lalor's Marine Corps infantry training taught him to lead from the front.

Mr. Lalor is unwavering in his beliefs and wants to make sure his message is resonating with voters in the 19th CD before he makes it official. That said, the campaign has received enormous support from rank and file Republicans in the district disgusted with the elites in the establishment who have drifted so far from the legacy of Reagan with their self-dealing, corruption and refusal to stand up for conservatism. Moreover, many Democrats have expressed support for Mr. Lalor's stances on illegal immigration and his belief that American workers and industry are being sold out by short sighted fat cats only concerned with today's bottom line.

2. Mr. Lalor is working hard on local 2007 elections. He is a member of the Peekskill, NY GOP and a district leader. The 2007 elections are important and the outcome will have an immediate effect on Mr. Lalor's friends and neighbors. Thus, the 2007 campaign takes precedence over 2008.

3. People in the community don't want non-stop election cycles.

As far as whether he will officially get in the race: Mr. Lalor said in a recent interview, "unless the second coming of Ronald Reagan pops up in the 19th, I'm here to stay."

Mr. Lalor raised \$20,000 in March. Then he returned to his legal studies which have stretched over 6 years because he was twice activated for military service while in law school. According to Mr. Lalor he "needed to keep his eye on the ball and wrap up his legal studies from April through July." Now that Mr. Lalor has graduated and taken the bar he is

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## **EXHIBIT A**

poised to begin his campaign and fundraising in earnest this month

The KML2008 Congressional Exploratory Committee has received a great deal of attention in the local and national media including the two Gannett papers in the District. We've also been covered by The Hill newspaper, Congressional Quarterly and by a number of online news sources. Mr. Lalor will be appearing on the Steve Malzberg show on WOR Radio 710 in New York at 9:30 PM on Wednesday August 15th.

Contact us at your earliest convenience to schedule an interview (845) 616-3509.

—  
**KIERAN MICHAEL LALOR**  
Congressional Exploratory Committee  
PO BOX 2215  
Peekskill, NY 10566  
(845) 616 - 3509  
[www.KML2008.com](http://www.KML2008.com)  
<http://www.kml2008.com/>

- > I cover Hall in Washington for The Journal News and Poughkeepsie Journal.
- >
- > Has Lalor filed a statement of candidacy with the Federal Election Commission? Has he raised any money for a campaign?
- > Brian Fumilty
- > Gannett News Service
- > 1100 New York Ave. NW
- > Washington, D.C. 20005
- > Tel. 202-906-8133
- >

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**EXHIBIT B**

# **NORTHCOUNTYNEWS.com**

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OCT 26 11 00 AM '08

**Region**

**First potential Hall challenger steps forward**

**By Martin Wilbur**

This week marks the 100<sup>th</sup> day that Congressman John Hall has been in office but already he has at least one would-be Republican challenger for 2008

Peekskill resident and Marine reservist Kieran Lalor has formed a Congressional Exploratory Committee to test the waters and potentially take on Hall when the freshman representative is expected to run for re-election

Lalor, 31, who served in Iraq in 2003, is the first Republican to state publicly he will be seeking the 2008 GOP nomination to take on Hall

Raised in Wappingers Falls, Lalor said he was inspired to run for the seat in the 19<sup>th</sup> Congressional District immediately after Hall defeated six-term incumbent Sue Kelly in November

Even though Hall won the general election by a little more than two percent, Lalor portrayed the Dover Plains Democrat as an ultraliberal who is out of touch with most residents in the 19<sup>th</sup> District

His campaign has raised more than \$20,000, proof, he said, that there will be a clamor to return the district to a conservative Republican

"The early support for my candidacy is confirmation that voters in the district are excited to embrace a true conservative," Lalor said

"It took John Hall, someone who is so far to the left, to empower this grassroots campaign," he added

Lalor, who is expected to graduate from Pace University Law School next month, said he has already made contact with Republican chairs from all five counties that comprise the district and most have been receptive to his candidacy

**Conservative doctrine**

Winning the war in Iraq, keeping taxes low and embracing traditional values are Lalor's key objectives

Stemming the tide against illegal immigration is another issue that he plans to drumbeat on the campaign trail

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He said Kelly had trouble against Hall not because she supported the Iraq war—hawks like Peter King on Long Island and Connecticut Senator Joseph Lieberman won by big margins on Election Day—but because the former Congresswoman wavered from true conservatism

Lalor said the country needs to stay in Iraq to insure the fledgling democracy is equipped to function on its own and to protect it from the terrorists

When he returned home from Iraq, he realized that anti-war liberals like Hall were undermining the nation's efforts against terror

The former social studies teacher at Lourdes High School in Poughkeepsie before he enrolled in the Marine reserves and law school, said his policy approach is very straightforward

"Protect people from the terrorists, protect people's wallets from the government and stand up for traditional values," Lalor explained

At a Dutchess County meeting of New York Young Republicans in February, Lalor was introduced as the man who would "send John Hall back to Woodstock," an apparent reference to the singer/songwriter's stances on key issues and a derisive comment about his former career

**Hall unfazed**

At a meeting this week with *North County News* staff, Hall said he has never heard of Lalor and expected him to be joined by other Republican hopefuls during the next year

Hall said that while the district is conservative in some ways, the populace can also be centrist, progressive and liberal depending on the issue

"I'm all of those," Hall said "I'm libertarian in some ways I think there are some parts of our personal lives the government shouldn't meddle in But I also think we shouldn't drive our children and grandchildren into debt the way this Republican, totally Republican administration executive and both houses of Congress have done for the last six years "

People may believe his music background automatically qualifies him as a liberal that is inaccurate Entertainers such as Sonny Bono, Ronald Reagan, Arnold Schwarzenegger and Fred Thompson were all elected as Republicans

But Lalor, who founded the Eternal Vigilance Society, a website dedicated to winning the war on terror, ramped up the rhetoric. He said on the site that Hall's liberal stances will get him defeated in the next election

"Congressman Hall must realize that he represents a district that is home to West Point and 77,000 military veterans," Lalor is quoted as saying "If he ignores us and caters to the Hollywood liberals who got him into office, he will undoubtedly become a one-hit wonder "

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