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LAURENCE E. GOLD  
ALEXANDER W. DEMOTS  
Of Counsel

September 21, 2009

**By Hand Delivery**

Thomasina Duncan, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2009 SEP 21 PM 3:47  
OFFICE OF GENERAL  
COUNSEL

Re: Matter Under Review 6208

Dear Ms. Duncan:

I am writing on behalf of the Laborers' International Union of North America ("LIUNA"), the National Postal Mail Handlers Union – Division of Laborers' Int'l Union of North America (Committee ID: C00345306) (the "Committee"), and Armand Sabitoni, as treasurer of the Committee, in response to the complaint filed by Philip C. Wakeman and the National Right to Work Legal Defense and Education Foundation, Inc. The respondents received notice of the complaint on August 6, 2009. An extension until September 21, 2009 to file this response was granted by the Office of General Counsel on August 12, 2009.

The facts relating to this matter are straightforward and demonstrate that none of the respondents has violated any provision of the Federal Election Campaign Act.

In 2006 Wakeman prepared a check in the amount of \$429.00 payable to "NPMHU" with a memo entry indicating that the check was for the purpose of "Union Dues". At the time, \$429.00 represented the annual dues for membership in the National Postal Mail Handlers Union. Wakeman's check was deposited into the general treasury account of Local 301, Mail Handlers Union and Wakeman was enrolled as a member of the union.

Under the union's procedures in effect in 2006, Local 301 should have transmitted \$152.10 from its general treasury account to NPMHU as a per capita payment reflecting Wakeman's dues; the remainder of the dues (\$276.90) should have been retained by Local 301. However, Local 301 transmitted the full amount of Wakeman's dues (\$429.00) to NPMHU. (Exhibit A)

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Thomasina Duncan, Esq.

September 21, 2009

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NPMHU incorrectly deposited the check representing Wakeman's dues into the Committee's political account, rather than into the national union's general treasury account. (Exhibit B) This receipt was reported by the Committee on Schedule A of its monthly report as a contribution of \$429.00 from Wakeman. (Exhibit C)

The error with respect to the Wakeman dues payment was subsequently discovered during a routine reconciliation of accounts. NPMHU immediately refunded to Local 301 from its general treasury account the portion of the dues (\$276.90) to which the local union was entitled. (Exhibit D)

Although steps were also taken to obtain a refund from the Committee to NPMHU, this transaction did not take place immediately due to an administrative error. After it was realized that the refund had not taken place, further efforts were made and, by check dated November 1, 2007, the Committee refunded the full amount of the erroneous deposit (\$429.00) to NPMHU (Exhibit E), which deposited the refund into its general treasury account. (Exhibit F). The Committee reported the refund as a disbursement on line 29 of its monthly report. (Exhibit G).

While a technical error may have been made when Wakeman's check for his annual dues was deposited into the Committee's political account, respondents made every effort to correct this error when it was discovered. The error was in fact voluntarily corrected more than a year and half before the filing of the complaint in this matter. The Commission should therefore find no reason to believe that a violation occurred or, in view of the small amount involved and the corrective action already taken, exercise its discretion to take no further action with respect to the complaint.

Designation's of Counsel authorizing the undersigned to represent each of respondents are also enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Trister", written over a horizontal line.

Michael B. Trister

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FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20483

**STATEMENT OF DESIGNATION OF COUNSEL**  
**Please use one form for each Respondent/Client**  
**FAX (202) 219-9928**

MUR # 6208

NAME OF COUNSEL: Michael B. Trister

FIRM: Lichtman, Trister & Ross

ADDRESS: 1666 Connecticut Avenue, NW Suite 500

Washington, DC 20009

TELEPHONE- OFFICE (202 ) 328-1666

FAX (202 ) 328-9162

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

Date

[Signature]  
Respondent/Client Signature

Title

RESPONDENT/CLIENT Armand E. Sabatoni, Treasurer  
(Please Print)

MAILING  
ADDRESS: 905 16th Street, NW

Washington, DC 20006

TELEPHONE- HOME ( )

BUSINESS (202 ) 737-8320

Information is being sought as part of an investigation being conducted by the Federal Election  
Commission and the confidentiality provisions of 5 U.S.C. § 437(g)(1)(D) apply. This section  
prohibits making public any investigation conducted by the Federal Election Commission without  
the express written consent of the person under investigation

FORM 7000

10044263413



**FEDERAL ELECTION COMMISSION**

**999 E Street, NW  
Washington, DC 20463**

**STATEMENT OF DESIGNATION OF COUNSEL**  
**Please use one form for each Respondent/Client**  
**FAX (202) 219-9923**

**MUR # 6208**

**NAME OF COUNSEL: Michael B. Trister**

**FIRM: Lichtman, Trister & Ross**

**ADDRESS: 1666 Connecticut Avenue, NW Suite 500**

**Washington, DC 20002**

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**FAX ( 202 ) 328-9162**

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

**Date**

**Respondent/Client Signature**

**Title**

**RESPONDENT/CLIENT Laborers' International Union of North America**  
**(Please Print)**

**MAILING**

**ADDRESS: 905 16th Street, NW**

**Washington, DC 20006**

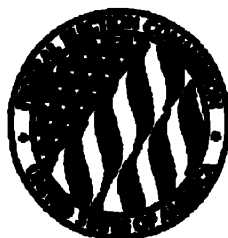
**TELEPHONE- HOME ( )**

**BUSINESS ( 202 ) 737-8320**

Information is being sought as part of an investigation being conducted by the Federal Election  
Commission and the confidentiality provisions of 2 U.S.C. § 437j(a)(2)(A) apply. This section  
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the express written consent of the person under investigation

# Exhibit C

1004426544 -



# SCHEDULE A

## ITEMIZED RECEIPTS All Listed Line Numbers

**Committee: NATIONAL POSTAL MAIL HANDLERS UNION -  
DIVISION OF LABORERS' INT'L UNION OF NORTH  
AMERICA**

Contributor's Name Contributor's Address	Employer	Date	Amount (\$)
	Occupation	Memo	Aggregate (\$)
	Memo/Description	Text	Limits
Mr. Robert P. Lodi 54 Milton Avenue Hyde Park, Massachusetts 021363617	NPMHU Local No. 301	01/29/2007	500.00
	President		500.00
Mr. Philip C. Wakeman 138 Brickline Avenue Manchester, New Hampshire 031045719		01/05/2007	429.00
			429.00

Total Donation Amount (Non-Memo)	
Total Memo Amount	
Number of Transactions (Non-Memo)	2
Number of Transactions (Memo)	0

# Exhibit G

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## SCHEDULE B

### ITEMIZED DISBURSEMENTS

Line #: 29

**Committee: NATIONAL POSTAL MAIL HANDLERS UNION -  
DIVISION OF LABORERS' INT'L UNION OF NORTH  
AMERICA**

Disbursement To Address	Election Type	Date of Disbursement
	Extra Description	Amount This Period
	Text	Memo
NPMHU 1101 Connecticut Avenue NW Washington, DC 20036		11/01/2007
	Refund for Administrative Error of depo	429.00

Total Disbursement Amount (Non-Memo)	
Total Memo Amount	
Number of Transactions (Non-Memo)	1
Number of Transactions (Memo)	0



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