



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20461

THIS IS THE END OF TMR # 1303

Date Filmed 7-30-81 Camera No. --- 2

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FEDERAL ELEC

IC Report  
Council Against

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|---|--|
| <u>      </u> (1) Classified Information                                | <u>      </u> (6) Personal privacy                             |
| <u>✓</u> (2) Internal rules and practices                               | <u>      </u> (7) Investigatory files                          |
| <u>      </u> (3) Exempted by other statute                             | <u>      </u> (8) Banking Information                          |
| <u>      </u> (4) Trade secrets and commercial or financial information | <u>      </u> (9) Well Information (geographic or geophysical) |
| (5) Internal Documents  |  |

date

FEC 9-21-77



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 29, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Allen Ravin, Esquire  
RAVIN, DAVIS & SWEET  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

Re: MUR 1303

Dear Mr. Ravin:

This is to advise you that after an investigation was conducted, the Commission decided on June 23, 1981, to close the file in this matter. This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record please do so within 10 days.

If you have any questions, contact Duane A. Brown at (202) 523-4057.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles N. Steele", is written over the typed name.

Charles N. Steele  
General Counsel

31710200775



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Allen Ravin, Esquire  
RAVIN, DAVIS & SWEET  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

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If you have any questions, contact Duane A. Brown at (202) 523-4057.

Sincerely,

*CSM*  
*6/26*

Charles N. Steele  
General Counsel

31010200776



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 29, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Philip Koester  
Skytop Gardens  
Building 12, Apartment 22  
Parlin, New Jersey 08859

Re: MUR 1303

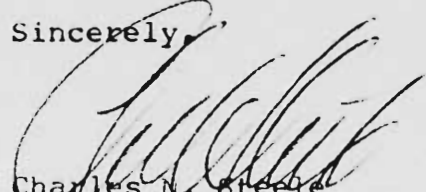
Dear Mr. Koester:

This is in reference to the complaint you filed with the Commission on September 26, 1980, concerning the Dwyer for Congress Committee.

Based on your complaint, the Commission determined there was reason to believe that Allen Ravin and Theodore Simkin violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended and instituted an investigation on this matter. After an investigation was conducted and briefs of the General Counsel and the respondent were considered, the Commission concluded on June 23, 1981, that the file on this matter should be closed. This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. The Federal Election Campaign Act allows a Complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4057.

Sincerely,

  
Charles N. Steele  
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Philip Koester  
Skytop Gardens  
Building 12, Apartment 22  
Parlin, New Jersey 08859

Re: MUR 1303

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This is in reference to the complaint you filed with the Commission on September 26, 1980, concerning the Dwyer for Congress Committee.

Based on your complaint, the Commission determined there was reason to believe that Allen Ravin and Theodore Simkin violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended and instituted an investigation on this matter. After an investigation was conducted and briefs of the General Counsel and the respondent were considered, the Commission concluded on June 23, 1981, that the file on this matter should be closed. This matter will become part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. The Federal Election Campaign Act allows a Complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Duane A. Brown, the attorney assigned this matter, at (202)523-4057.

Sincerely,

*Jan 6/26*

Charles N. Steele  
General Counsel

31007777

**MUR 1303**

## CERTIFICATION

Commissioners Aikens, Harris, McGarry, Reiche, and Thomson voted affirmatively for the decision. Commissioner Tiernan was not present at the time of the vote.

June 23, 1981

*Marjorie W. Emmons*  
Marjorie W. Emmons  
Secretary of the Commission

June 15, 1981

MEMORANDUM TO: Majjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1303

Please have the attached General Counsel's Report distributed to the Commission for the agenda of June 23, 1981. It should be distributed by June 17, 1981. Thank you.

31040200737



# ATTACHMENT I

## BEFORE THE FEDERAL ELECTION COMMISSION

March 10, 1981

In the Matter of  
Theodore T. Simkin  
Allen Ravin

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)  
)  
)

MUR 1303

### GENERAL COUNSEL'S BRIEF

#### Statement of the Case

Philip Koester, in a complaint, alleged that a sign, "Dwyer for Congress", which appeared on a water tower in New Jersey did not include a notice stating who had paid for the advertisement and whether or not it was authorized by the candidate as required by 2 U.S.C. § 441d(a)(2). On January 6, 1981, the Commission found reason to believe that Mr. Ravin and Mr. Simkin violated 2 U.S.C. § 441d(a) for not including a proper disclaimer on the water tower.

#### FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441d requires that any person who makes an expenditure to finance a communication through an outdoor advertising facility which expressly advocates the election or defeat of a federal candidate must include in the communication the name of the person paying for the communication and the name of any committee which authorizes the communication. A copy of the complaint was sent to the Dwyer for Congress Committee. The Committee's response indicated that Mr. Allen Ravin and Mr. Theodore Simkin paid for the painting of the sign. The

31702731

Committee authorized the advertisement and reported it as an in-kind contribution.

The Office of General Counsel sent copies of the complaint to Mr. Ravin and Mr. Simkin. Mr. Ravin submitted a response on behalf of Mr. Simkin and himself. In his letter, Mr. Ravin stated that he does not feel a notice is appropriate on a water tower 100 feet tall. He cited skywriting as another example of an advertising form on which placing a notice "seems particularly inappropriate." Mr. Ravin also stated that a typed notice was placed on the southwest leg of the water tower.

It is the opinion of the Office of General Counsel that an advertisement on a water tower is a form of outdoor advertisement similar to a billboard, and, therefore, in accordance with 2 U.S.C. § 441d(a), would require a notice. Also, § 110.11 of the regulations states that any outdoor advertising which expressly advocates the election or defeat of a clearly identified candidate must include a clear and conspicuous disclaimer which gives notice to the reader the name of the person or committee who paid for the communication, authorized the communication, or both. It is the opinion of the Office of General Counsel that the typewritten notice which was placed on the leg of the water tower does not meet the "clear and conspicuous" criterion. ✓ The notice should have been placed on the face of the tower along with the advertisement so that both would have been visible to a reader.

**ATTACHMENT II**  
**BEFORE THE FEDERAL ELECTION COMMISSION**

*D Brown*

April 14, 1981

In the Matter of  
Theodore T. Simkin  
Allen Ravin

)  
)  
)  
)

MUR 1303

RESPONDENT'S REPLY BRIEF

Statement of the Case

The complaint alleges that a "Dwyer for Congress" sign on a water tower, which is 130 feet high, did not include a notice stating who paid for the advertisement and whether or not it was authorized by the candidate. Both items were contained in a notice which was affixed to a leg of the water tower. The height of the water tower would make any sign indicating attribution unreadable from the vehicles passing by. No significant pedestrian traffic is involved at the particular location.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441d, does not apply to a water tower. The water tower in question is not used as an outdoor advertising facility and, had it not been for the particular election, would have remained as a blank water tower as it has for many years.

Secondly, the particular sign was of a nature that "clear and conspicuous" notice could not have physically been accomplished. The 130 foot tower is a large, round unit and to have included the names and the authority of the persons involved, using any size paint that would approach that of the "Dwyer for Congress" letters, would have circumnavigated the entire sign, rendering it


310000733

absolutely impossible for motorists on either Route 287 (running east and west) or the New Jersey Turnpike (running north and south) to read.

Regardless of the contention contained in the General Counsel's brief, factually there is no conceivable way that an attribution and authority notice could have been imposed on the face of the water tower in any manner which would have permitted any member of the public to have notice within the purposes of the Federal Election Campaign act.

Lastly, neither respondent is engaged in politics nor does either respondent have any involvement on a regular basis with any political party or candidate. There is no showing and respondents affirm by means of this reply brief (and by affidavit, if necessary), that they had no knowledge of the requirements of the Federal Election Campaign Act.

April 14, 1981

  
\_\_\_\_\_  
Ravin, Davis & Sweet  
Attorneys for Respondents

31772734

Brown  
ATTACHMENT III

ccc  
3274

RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

ALLEN RAVIN  
ALAN E. DAVIS  
THOMAS W. SWEET  
VICTOR A. DEUTCH  
DONALD KATZ

JAMES T. GIBBONS  
ROBERT J. WOEHLING  
JAY J. RICE

30 NOV 7 12:30

EXECUTIVE PLAZA  
10 PARSONAGE ROAD  
EDISON, NEW JERSEY 08817  
(201) 494-1900

HAROLD N. GAST  
COUNSEL

November 5, 1980

Federal Election Commission  
Washington D.C. 20463

Att: Michele D. Brown

Re: MUR 1303

Dear Ms. Brown:

Please be advised that this response to the above complaint is being made on my own behalf and on behalf of Theodore T. Simkin.

Mr. Simkin and I had the subject sign painted on the water tower on behalf of Candidate Bernard Dwyer. As is evident in the photograph, the water tower must be at least one hundred feet tall.

It would make no sense or further the purposes of the Federal Election Campaign Act of 1971 to place an attribution sign on the water tower. There are certain circumstances where an attribution sign seems particularly inappropriate. Skywriting would be another example.

Nevertheless, the enclosed notice of attribution was affixed to the southwest leg of the water tower and, unless removed by vandals or Mr. Koester, it should still be in place.

Very truly yours,

  
Allen Ravin

cc: Theodore T. Simkin  
Congressman Bernard J. Dwyer

31002200783

The above sign was paid for  
by Allen Ravin and Theodore  
Sirkin, 10 Parsonage Road,  
Edison, N.J. 03317 with  
notice to Candidate Dwyer



April 14, 1981

**MUR 1303**


Secondly, the particular sign was of a nature that "clear and conspicuous" notice could not have physically been accomplished. The 130 foot tower is a large, round unit and to have included the names and the authority of the persons involved, using any size paint that would approach that of the "Dwyer for Congress" letters, would have circumnavigated the entire sign, rendering it

absolutely impossible for motorists on either Route 287 (running east and west) or the New Jersey Turnpike (running north and south) to read.

Regardless of the contention contained in the General Counsel's brief, factually there is no conceivable way that an attribution and authority notice could have been imposed on the face of the water tower in any manner which would have permitted any member of the public to have notice within the purposes of the Federal Election Campaign act.

Lastly, neither respondent is engaged in politics nor does either respondent have any involvement on a regular basis with any political party or candidate. There is no showing and respondents affirm by means of this reply brief (and by affidavit, if necessary), that they had no knowledge of the requirements of the Federal Election Campaign Act.

April 14, 1981

  
\_\_\_\_\_  
Ravin, Davis & Sweet  
Attorneys for Respondents

310000738



RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION

PARKWAY TOWERS

485 U.S. 1 SOUTH

P.O. BOX 219

WOODBIDGE, N. J. 07095



Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

CERTIFIED

P17

2105749

MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Roy T. Heggland, Esquire  
RAVIN, DAVIS & SWEET  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

Re: MUR 1303

Dear Mr. Heggland:


This is to acknowledge receipt of your letter dated April 2, 1981, in which you on behalf of Allen Ravin requested an extension of time to respond to the General Counsel's Brief which you received on March 26, 1981.

The Commission has decided to grant your request and extend the time to respond to the Brief until April 25, 1981. It is imperative that Mr. Ravin respond in a timely manner, otherwise the Commission will proceed to a vote on probable cause pursuant to 2 U.S.C. § 437g(4)(A)(i).

If you have any questions, feel free to telephone Duane A. Brown at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

  
Kenneth A. Gross  
Associate General Counsel

31000001013

4-10-81

Form 3611, Jan 1978

**SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)  
☐ Show to whom and date delivered.....  
☐ Show to whom, date and address of delivery.....  
☐ RESTRICTED DELIVERY  
 Show to whom and date delivered.....  
☐ RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery.....  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Ray T. Heggland*

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 197566

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE ☐ Addressee ☐ Authorized agent  
*Earl Heggland*

4. DATE OF DELIVERY  
 1981

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

1303 *OBrown* ☆GPO : 1979-288-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

31040290772

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Roy T. Heggland, Esquire  
RAVIN, DAVIS & SWEET  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

Re: MUR 1303

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If you have any questions, feel free to telephone Duane A. Brown at (202)523-4057.

Sincerely,

Charles M. Steele  
General Counsel



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore J. Simkin  
Consultant  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

Re: MUR 1303

Dear Mr. Simkin:

This is to acknowledge receipt of your letter dated April 2, 1981, in which you requested an extension of time to respond to the General Counsel's Brief in order that you can be represented by your attorney, Allen Ravin, who is out of the country.

The Commission has decided to grant your request and extended the time to respond until April 25, 1981. It is imperative, therefore, that Mr. Ravin respond in a timely manner otherwise the Commission will proceed to a vote on probable cause pursuant to 2 U.S.C. § 437g(4)(A)(i).

If you have any questions, feel free to contact Duane A. Brown at (202)523-4057.

Sincerely,

Charles N. Steele  
General Counsel

Kenneth A. Gross  
Associate General Counsel

3171729073

**RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL**

4-10-81

● **SENDER:** Complete Items 1, 2, and 3.  
Add your address in the "RETURN TO" section.

1. The following service is requested (check one.)

☐ Show to whom and date delivered.....☐ Show to whom, date and address of delivery...☐ **RESTRICTED DELIVERY**

Show to whom and date delivered.....

☐ **RESTRICTED DELIVERY.**

Show to whom, date, and address of delivery, \$\_\_\_\_\_

**(CONSULT POSTMASTER FOR FEES)**

2. ARTICLE ADDRESSED TO:

THEODORE J. SEMBKE

### 3. ARTICLE DESCRIPTION:

REGISTERED NO.

**CERTIFIED NO.**

08966b

(Always obtain signature of addressee)

**I have received the article described above.**

SIGNATURE [Signature] ☐ Addressee ☒ Authorized agent

4. DATE OF DELIVERY

B. ADDRESS (Complete only if requested)

**6. UNABLE TO DELIVER BECAUSE:**

11

1303 D Brown

☆GPO : 1970-250-041

31740290775

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore J. Sinkin  
Consultant  
Parkway Towers  
485 U.S. 1 South  
P.O. Box 219  
Woodbridge, New Jersey 07095

Re: MUR 1303

Dear Mr. Sinkin:

This is to acknowledge receipt of your letter dated April 2, 1981, in which you requested an extension of time to respond to the General Counsel's Brief in order that you can be represented by your attorney, Allen Pavin, who is out of the country.

The Commission has decided to grant your request and extended the time to respond until April 25, 1981. It is imperative, therefore, that Mr. Pavin respond in a timely manner otherwise the Commission will proceed to a vote on probable cause pursuant to 2 U.S.C. § 437g(4)(A)(i).

If you have any questions, feel free to contact Duane A. Brown at (202)523-4057.

Sincerely,

Charles H. Steele  
General Counsel

100051

RECEIVED

GCT 4417

81 APR 6 4:41

## RAVIN, DAVIS &amp; SWEET

A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAWALLEN RAVIN  
ALAN E. DAVIS  
THOMAS W. SWEET  
VICTOR A. DEUTCH  
DONALD KATZJAMES T. GIBBONS  
ROBERT J. WOHLING  
JAY I. RICE  
ROY T. HEGGLANDPARKWAY TOWERS  
485 U.S. 1 SOUTH  
P.O. BOX 219  
WOODBIDGE, N. J. 07095  
(201) 750-0100  
HAROLD N. GAST  
COUNSEL

April 2, 1981

Federal Election Commission  
Washington, D.C. 20463

Attention: Mr. Duane A. Brown

Re: In The Matter of Theodore T. Simkin  
and Allen Ravin - MUR 1303

Dear Mr. Brown:

Pursuant to our telephone conversations of March 31, 1981 and April 1, 1981, I hereby respectfully request an extension of time on behalf of Mr. Simkin and Mr. Ravin within which they may file with the Secretary of the Federal Election Commission a brief stating their position on the issues in the above referenced matter in reply to the brief of the General Counsel.

Mr. Ravin left the country on a tour of the Mid-East on March 24, 1981. He is expected back in the country on April 10, 1981 and in this office on April 13, 1981. The General Counsel's brief was received in our office on March 26, 1981. Mr. Ravin has, therefore, not seen the brief and will have no opportunity whatsoever to review the same until after April 10, 1981.

As you may know, Mr. Ravin is an attorney and is acting as counsel for both Mr. Simkin and himself in this matter. Accordingly, I extend this request to also include Mr. Simkin since no brief can be filed on his behalf until after the return of Mr. Ravin. In this regard, please see the attached letter to you from Mr. Simkin designating Mr. Ravin as his legal counsel in this matter and requesting an extension.

81 APR 6 9 33 AM

-continued-



RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION

Federal Election Commission  
April 2, 1981  
Page 2

I am making this request as an associate of the firm in which Allen Ravin is a partner and respectfully request that you extend the time for filing a brief with the Secretary of the Federal Election Commission by Mr. Simkin and Mr. Ravin for a reasonable amount of time after April 10, 1981 so that the issues involved in this matter may be fully developed.

Sincerely,

RAVIN, DAVIS & SWEET

  
ROY T. HEGGLAND

RTH:smz

cc: Allen Ravin, Esq.  
Mr. Theodore T. Simkin

910102290777

RECEIVED

21 APR 81 10:12

THEODORE T. SIMKIN  
CONSULTANT  
PARKWAY TOWERS  
485 U.S. 1 SOUTH  
P.O. BOX 219  
WOODBIDGE, NEW JERSEY 07095

CONSTRUCTION  
REAL ESTATE  
MANAGEMENT

(201) 750-0616

April 2, 1981

Federal Election Commission  
Washington, D.C. 20463

Attention: Mr. Duane A. Brown

Re: In The Matter of Theodore T. Simkin  
and Allen Ravin - MUR 1303

Dear Mr. Brown:

This letter will confirm that Allen Ravin, Esq., has been and is acting as my legal counsel with regard to the above referenced matter. As explained in the letter from Roy Heggland, of Mr. Ravin's office, of even date herewith, Mr. Ravin has not yet personally received the General Counsel's brief and will have no opportunity to review it and prepare an answering brief until after his return from the Mid-East on April 10, 1981.

I would, therefore, respectfully request that the Commission extend the time for me to answer in the above referenced matter, until a reasonable time after April 10, 1981.

Very truly yours,

Theodore T. Simkin

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RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION

PARKWAY TOWERS

485 U.S. 1 SOUTH

P.O. BOX 219

WOODBIDGE, N. J. 07095

RECEIVED

81 APR 6 49:42

Federal Election Commission  
Washington, D.C. 20463

Attention: Mr. Duane A. Brown



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 20, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore T. Simkin  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Simkin:

Based on a complaint filed with the Commission on October 6, 1980, and information supplied by you, the Commission determined on January 6, 1981 that there was reason to believe that you had violated 2 U.S.C. § 441d(a)(2), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude

Theodore T. Simkin  
Page Two

settlement of this matter through conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Duane A. Brown at (202)523-4057.

Sincerely,



Charles N. Steele  
General Counsel

31710290371

U.S. MAIL

Complete Items 1, 2, and 3.  
Add your address in the "RETURN TO" box.

1. The following service is requested (check one):

☐ Show to whom and date delivered.....

☐ Show to whom, date and address of delivery.....

☐ RESTRICTED DELIVERY

☐ Show to whom and date delivered.....

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 3.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:


Theodore T. Simkin


3. ARTICLE DESCRIPTION:

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
|                | 1305666       |             |

(Always obtain signature of addressee or agent)

I have received the article described above:

SIGNATURE:  ADDRESS: CHANGED: YES

DATE OF DELIVERY: 

4. UNABLE TO DELIVER BECAUSE:

1305666

RECEIVED

APR 2 1981

U.S. MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 20, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Allen Ravin, Esquire  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Ravin:

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After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude

3171010373

Should you have any questions, please contact Duane A. Brown at (202)523-4057.

incidentally,

*Chas. H. ...*

Charles N. Steele  
General Counsel

**RECEIVED**

**1. The following information is required:**

☐ Show to whom, date and address of delivery.....

☐ **RESTRICTED DELIVERY**  
Show to whom and date delivered.....

☐ **RESTRICTED DELIVERY**  
Show to whom, date, and address of delivery.....

**(CONSULT POSTMASTER FOR FEES)**

**2. ARTICLE ADDRESS TO:**

*Alben Fanni*

**3. ARTICLE DESCRIPTION:**

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
| <i>215616</i>  |               |             |

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE ☐ ADDRESS ☐ CERTIFIED MAIL

*[Signature]*

**4. ADDRESS (Complete only if different from above)**

**5. UNABLE TO DELIVER BECAUSE:**

*1503 D. Brown*

U.S. POSTAL SERVICE

March 20, 1981

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1303

Please have the attached Memo and Brief distributed  
to the Commission on an informational basis. Thank you.

31010200301





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSIONARY

81 MAR 20 P 3: 54

March 20, 1981

MEMORANDUM TO: The Commission  
FROM: Charles N. Steele *CNS*  
General Counsel  
SUBJECT: MUR 1303

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on March 20, 1981. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letters to Respondents

BEFORE THE FEDERAL ELECTION COMMISSION

March 10, 1981

In the Matter of  
Theodore T. Simkin  
Allen Ravin

)  
)  
)  
)

MUR 1303

GENERAL COUNSEL'S BRIEF

Statement of the Case

Philip Koester, in a complaint, alleged that a sign, "Dwyer for Congress", which appeared on a water tower in New Jersey did not include a notice stating who had paid for the advertisement and whether or not it was authorized by the candidate as required by 2 U.S.C. § 441d(a)(2). On January 6, 1981, the Commission found reason to believe that Mr. Ravin and Mr. Simkin violated 2 U.S.C. § 441d(a) for not including a proper disclaimer on the water tower.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441d requires that any person who makes an expenditure to finance a communication through an outdoor advertising facility which expressly advocates the election or defeat of a federal candidate must include in the communication the name of the person paying for the communication and the name of any committee which authorizes the communication. A copy of the complaint was sent to the Dwyer for Congress Committee. The Committee's response indicated that Mr. Allen Ravin and Mr. Theodore Simkin paid for the painting of the sign. The

Committee authorized the advertisement and reported it as an in-kind contribution.

The Office of General Counsel sent copies of the complaint to Mr. Ravin and Mr. Simkin. Mr. Ravin submitted a response on behalf of Mr. Simkin and himself. In his letter, Mr. Ravin stated that he does not feel a notice is appropriate on a water tower 100 feet tall. He cited skywriting as another example of an advertising form on which placing a notice "seems particularly inappropriate." Mr. Ravin also stated that a typed notice was placed on the southwest leg of the water tower.

It is the opinion of the Office of General Counsel that an advertisement on a water tower is a form of outdoor advertisement similar to a billboard, and, therefore, in accordance with 2 U.S.C. § 441d(a), would require a notice. Also, § 110.11 of the regulations states that any outdoor advertising which expressly advocates the election or defeat of a clearly identified candidate must include a clear and conspicuous disclaimer which gives notice to the reader the name of the person or committee who paid for the communication, authorized the communication, or both. It is the opinion of the Office of General Counsel that the typewritten notice which was placed on the leg of the water tower does not meet the "clear and conspicuous" criterion. The notice should have been placed on the face of the tower along with the advertisement so that both would have been visible to a reader.

3104000307

RECOMMENDATION

The Office of General Counsel recommends that the Commission find probable cause to believe Allen Ravin and Theodore Simkin violated 2 U.S.C. § 441(a).

20 March 1981  
Date

  
Charles N. Steele  
General Counsel

317740200373



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 20, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore T. Simkin  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Simkin:

Based on a complaint filed with the Commission on October 6, 1980, and information supplied by you, the Commission determined on January 6, 1981 that there was reason to believe that you had violated 2 U.S.C. § 441d(a)(2), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

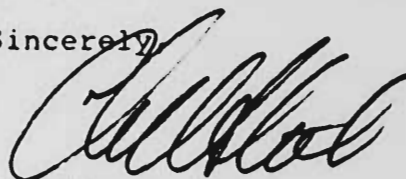
A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude

Theodore T. Simkin  
Page Two

settlement of this matter through conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Duane A. Brown at (202)523-4057.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Steele", written in a cursive style.

Charles N. Steele  
General Counsel

31040200310



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

O

46

March 20, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ED

Allen Ravin, Esquire  
Ten Parsonage Road  
Edison, New Jersey 08817

8

Re: MUR 1303

Dear Mr. Ravin:

Based on a complaint filed with the Commission on October 6, 1980, and information supplied by you, the Commission determined on January 6, 1981 that there was reason to believe that you had violated 2 U.S.C. § 441d(a)(2), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude

Allen Ravin, Esquire  
Page Two

settlement of this matter through conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact Duane A. Brown at (202)523-4057.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles N. Steele".

Charles N. Steele  
General Counsel

3100402200312







FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William Vowteras, Treasurer  
Dwyer for Congress  
940 Amboy Avenue  
Edison, New Jersey 08817

Dear Mr. Vowteras:

On October 7, 1980, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on January 6, 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that Dwyer for Congress has violated any statute within the Commission's jurisdiction.

Sincerely,

Charles N. Steele  
General Counsel

188.

31000290314



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 9, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore T. Simkin  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Simkin:

The Federal Election Commission notified you on November 3, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on January 6, 1981, determined that there is reason to believe that you have violated 2 U.S.C. § 441d(a). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

We acknowledge receipt of Mr. Ravin's explanation of this matter on your behalf which was dated November 5, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Gary L. Johansen, at (202)523-4143.

Sincerely,

John Warren McGarry  
Chairman

3100290315

PS Form 3811 Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

|  |  |                                    |
|--|--|------------------------------------|
| ● SENDER: Complete items 1, 2, and 3<br>Add your address in the "RETURN TO" space on reverse   |  |                                    |
| 1 The following service is requested (check one).<br><input type="checkbox"/> Show to whom and date delivered .....<br><input type="checkbox"/> Show to whom, date, and address of delivery .....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered .....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom, date, and address of delivery .....<br>(CONSULT POSTMASTER FOR FEES) |  |                                    |
| 2 ARTICLE ADDRESSED TO:<br><i>Charles T Linkin</i>   |  |                                    |
| 3 ARTICLE DESCRIPTION:<br>REGISTERED NO. CERTIFIED NO. INSURED NO.<br><i>917825</i>  |  |                                    |
| (Always obtain signature of addressee or agent)  |  |                                    |
| I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent<br><i>X U. S. Seal</i>   |  |                                    |
| 4 DATE OF DELIVERY<br><i>1-15-81</i>   |  | POSTMARK<br><i>ST. LOUIS MO 15</i> |
| 5 ADDRESS (Complete only if requested)   |  |                                    |
| 6 UNABLE TO DELIVER BECAUSE:<br><i>75:210 6100</i>   |  | CLERK'S INITIALS                   |

☆GPO 1977-0-248-588

1303

M. Brown

51306001013



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 9, 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Allen Ravin  
Attorney at Law  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Ravin:

The Federal Election Commission notified you on November 3, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on January 6, 1981, determined that there is reason to believe that you have violated 2 U.S.C. § 441d(a). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

We acknowledge receipt of Mr. Ravin's explanation of this matter on your behalf which was dated November 5, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Gary L. Johansen, at (202)523-4143.

Sincerely,

A handwritten signature in dark ink, reading "John Warren McGarry".

John Warren McGarry  
Chairman

31010230317

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

|   |  |                         |
|---|--|-------------------------|
| <b>SENDER</b> Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse   |  |                         |
| 1. The following service is requested (check one)<br><input checked="" type="checkbox"/> Show to whom and date delivered .....<br><input type="checkbox"/> Show to whom, date, and address of delivery .....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered .....<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom, date, and address of delivery .....<br>(CONSULT POSTMASTER FOR FEES) |  |                         |
| 2. ARTICLE ADDRESSED TO<br><i>allen panini</i>  |  |                         |
| 3. ARTICLE DESCRIPTION<br>REGISTERED NO. CERTIFIED NO. INSURED NO.<br><i>947026</i>   |  |                         |
| (Always obtain signature of addressee or agent)   |  |                         |
| I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br><i>X Nancy McCarty</i>  |  |                         |
| 4. DATE OF DELIVERY<br><i>1-15-81</i>   |  | POSTMARK<br><i>1981</i> |
| 5. ADDRESS (Complete only if requested)<br><i>1303 M 12th</i>   |  |                         |
| 6. UNABLE TO DELIVER BECAUSE:   |  | CLERK'S INITIALS        |

☆GPO: 1977-0-248-586



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
                          )  
Dwyer for Congress)  
Theodore T. Simkin)  
Allen Ravin            )

MUR 1303

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on January 6, 1981, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1303:

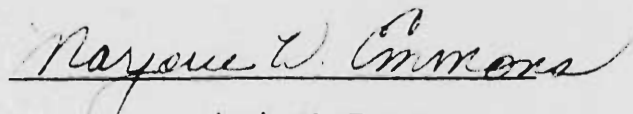
1. Find no reason to believe Dwyer for Congress violated 2 U.S.C. §441d(a).
2. Find reason to believe Allen Ravin and Theodore Simkin violated 2 U.S.C. §441d(a);
3. Approve and authorize the sending of the letters attached to the General Counsel's December 12, 1980 report.

Commissioners Aikens, Harris, McGarry, Thomson, and Tiernan voted affirmatively for the decision; Commissioner Reiche abstained in the vote.

Attest:

1/8/81

Date

  
Marjorie W. Emmons  
Secretary of the Commission



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*

DATE: DECEMBER 17, 1980

SUBJECT: OBJECTION - MUR 1303 - First General Counsel's  
Report dated 12-12-80; Received in OCS 12-12-80,  
3:09

The above-named document was circulated on a 48  
hour vote basis at 11:00, December 15, 1980.

Commissioner Reiche submitted an objection at 1:34,  
December 17, 1980. A copy of his vote sheet is attached.

This matter will be placed on the Executive Session  
Agenda for the next scheduled meeting.

ATTACHMENT:  
Copy of Vote Sheet





## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Date and Time Transmitted: DECEMBER 15, 1980 11:00

Commissioner FRIEDERSDORF, AIKEN, TIERNAN, MCGARRY, REICHE, FARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: DECEMBER 17, 1980 at 11:00

MUR No. 1303

- ( ) I approve the recommendation  
(☒) I object to the recommendation

COMMENTS: *I have problems with the recommendation re the Committee and also question our consistency re the second recommendation.*

Date: 12/17/80 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED AND ALL SHEETS SIGNED AND DATED.  
PLEASE RETURN ONLY THE VOTE SHEETS TO THE OFFICE OF THE  
COMMISSION SECRETARY NO LATER THAN THE DATE AND TIME SHOWN  
ABOVE.



December 12, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1303

Please have the attached First GC Report distributed  
to the Commission on a 48 hour tally basis. Thank you.

3100000302

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

80 DEC 12 P3:09

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION: 12-12-80

MUR 1303  
DATE COMPLAINT RECEIVED  
BY OGC: October 6, 1980

STAFF MEMBER:  
Michele D. Brown

COMPLAINANT'S NAME: Philip Koester

RESPONDENTS' NAMES: Dwyer for Congress  
Theodore T. Simkin  
Allen Ravin

RELEVANT STATUTE: 2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: Dwyer for Congress

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Philip Koester, in his complaint, alleged that a sign, "Dwyer for Congress", which appeared on a water tower in New Jersey did not include a notice stating who had paid for the advertisement and whether or not it was authorized by the candidate as required by 2 U.S.C. § 441d(a). A copy of the complaint is included as Attachment I. The pictures of the the sign attached to the complaint do not show a notice.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441d requires that any person who makes an expenditure to finance a communication through an outdoor advertising facility which expressly advocates the election or defeat of a federal candidate must include in the communication the name of the person paying for the communication and the name of any committee which authorizes the communication. A copy of the complaint was sent to the Dwyer for Congress Committee. The Committee's response states that Mr. Allen Ravin

and Mr. Theodore Simkin paid for the painting of the sign. The Committee authorized the advertisement and reported it as an in-kind contribution. Because the Committee was not the entity which made the expenditure, the Office of General Counsel recommends that the Commission find no reason to believe the Dwyer for Congress Committee violated 2 U.S.C. § 441d(a).

The Office of General Counsel sent copies of the complaint to Mr. Ravin and Mr. Simkin. Mr. Ravin submitted a response on behalf of Mr. Simkin and himself. In his letter, Mr. Ravin states that he does not feel a notice is appropriate on a water tower 100 feet tall. He cites skywriting as another example of an advertising form on which placing a notice "seems particularly inappropriate." Mr. Ravin's letter is included as Attachment II. A typed notice was placed on the southwest leg of the water tower. Included as Attachment III is a copy of the notice.

It is the opinion of the Office of General Counsel that an advertisement on a water tower is a form of outdoor advertisement similar to a billboard, and, therefore, in accordance with 2 U.S.C. § 441d(a), would require a notice. Also, §110.11 of the regulations states that any outdoor advertising which expressly advocates the election or defeat of a clearly identified candidate must include a clear and conspicuous disclaimer which gives notice to the reader the name of the person or committee who paid for the communication, authorized the communication, or both. It is the opinion of the Office of General Counsel that the typewritten notice which was placed on the leg of the water tower does not meet the "clear and conspicuous" criterion. The notice should have been placed on the face of the tower along with the advertisement so that both would have been visible to a reader.

#### RECOMMENDATION

The Office of General Counsel recommends that the Commission:

1. find no reason to believe Dwyer for Congress violated 2 U.S.C. § 441d(a);
2. find reason to believe Allen Ravin and Theodore Simkin violated 2 U.S.C. § 441d(a); and,
3. approve and authorize the sending of the attached letters.

#### Attachments

- I. Copy of the Complaint
- II. Letter from Allen Ravin
- III. Copy of Notice
- IV. Letter from William G. Vowter, Treasurer,  
Dwyer for Congress
- V. Letters to Mr. Ravin, Mr. Simkin, and Mr. Vowter

91043

RECEIVED  
#2884

80 OCT 6 P1:52

Philip Koester  
Skytop Gardens, Bldg. 12, Apt. 22  
Parlin, N.J. 08859  
Sept. 26, 1980

Charles Steele  
Federal Election Commission  
1325 K St., N.W.  
Washington, D.C. 20463

Dear Sir:

I am writing you to complain about a sign that is painted on a watertower in Edison, New Jersey.

Enclosed are photographs of the watertower with the lettering, "Dwyer for Congress." I noticed in examining the tower that it does not have a disclaimer anywhere on it. The watertower is located on a piece of property which is surrounded by businesses. It is hard to determine who the owner is.

In my opinion, it is the same as a billboard and should have a "paid for" sign somewhere on it. It can be seen from two major highways.

The tower is located just off the corner of Gibian and Jackson Avenues in Edison.

I am available at 201-727-0421 to answer any questions.

Sincerely,

*Philip Koester*  
Philip Koester

ARTHUR MILLER  
764 WESTFIELD AVE.  
EDISON, N.J. 08859

*Arthur Miller*

NOTARY PUBLIC, NEW JERSEY  
My Commission Expires April 20, 1982

ATTEST THIS  
26<sup>TH</sup> DAY OF SEPT.  
1980

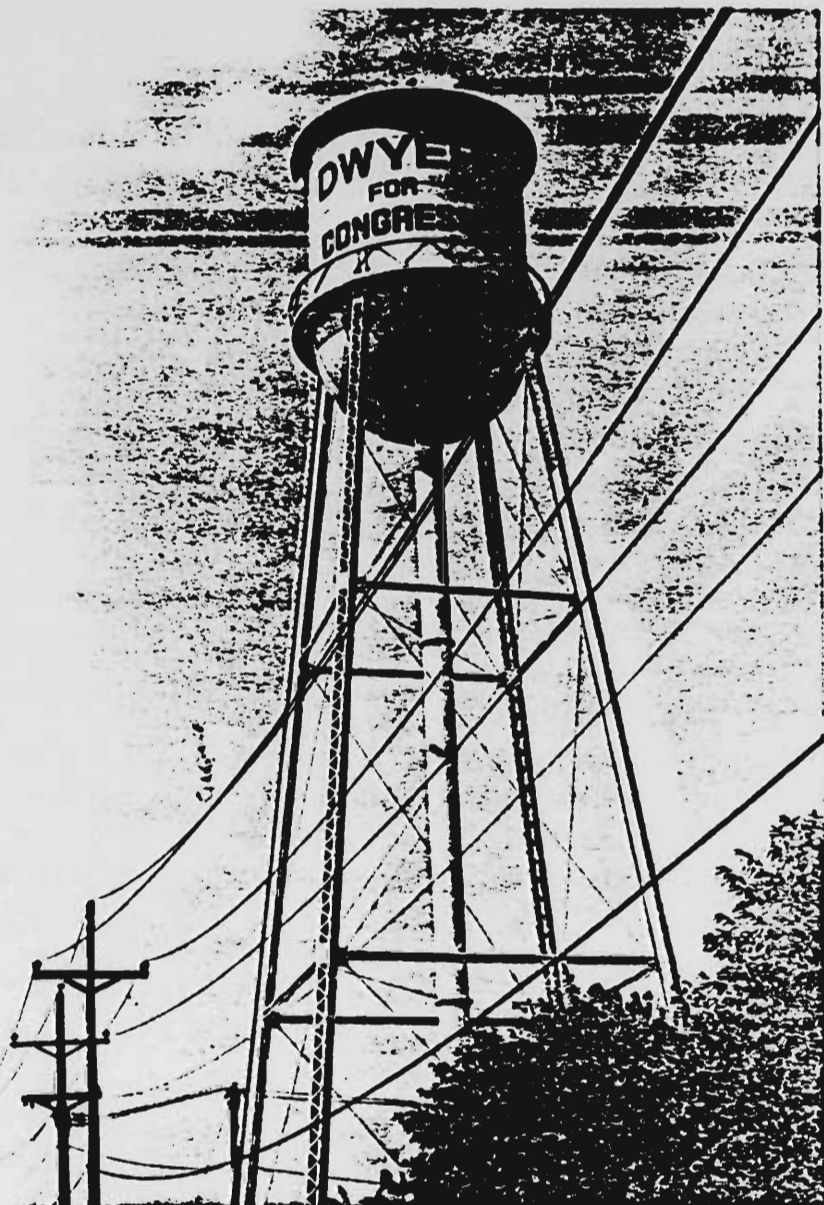
IN MIDDLESEX COUNTY  
NEW JERSEY

9:28 9 100 01

31040290326

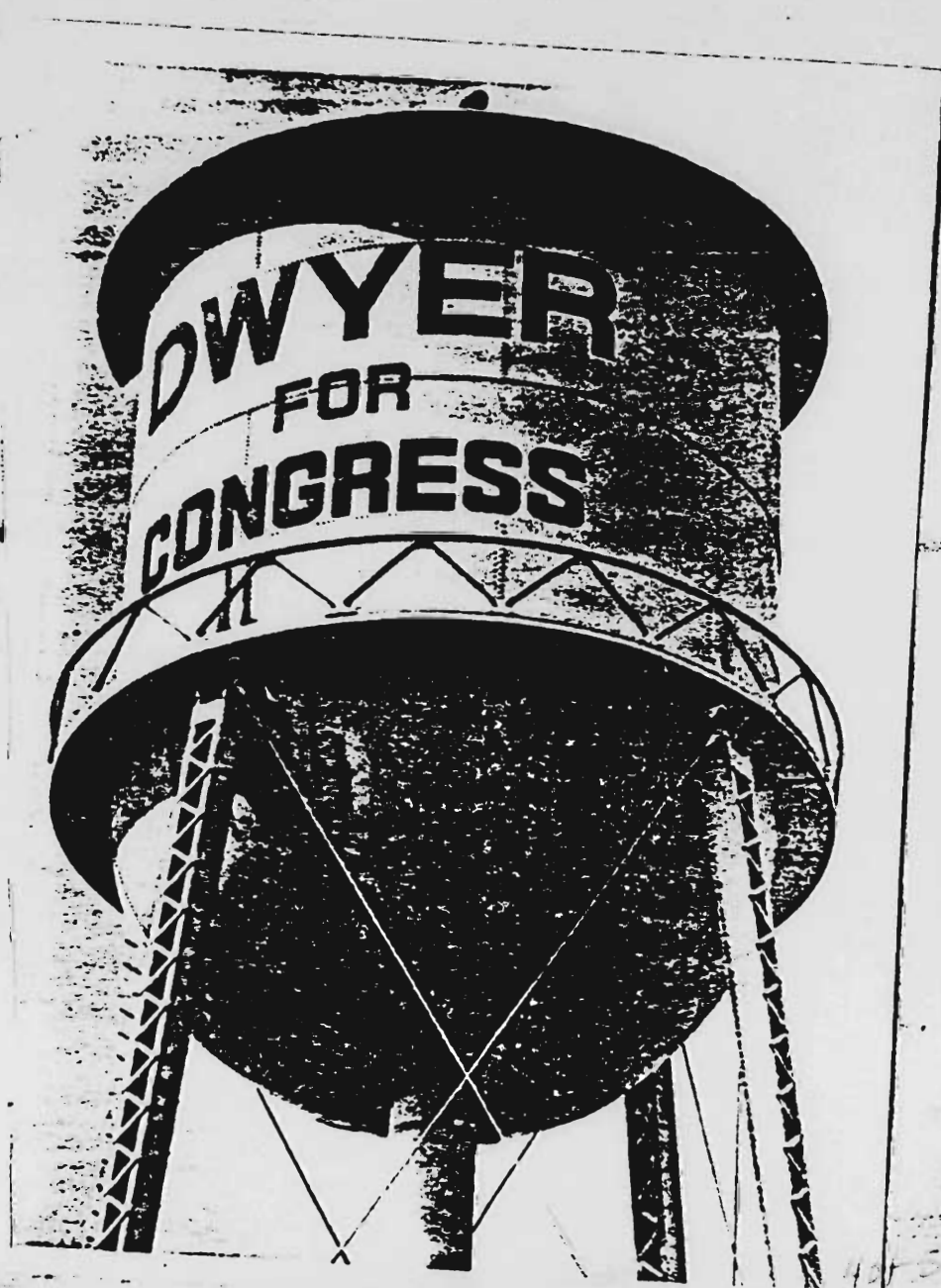


31010290327



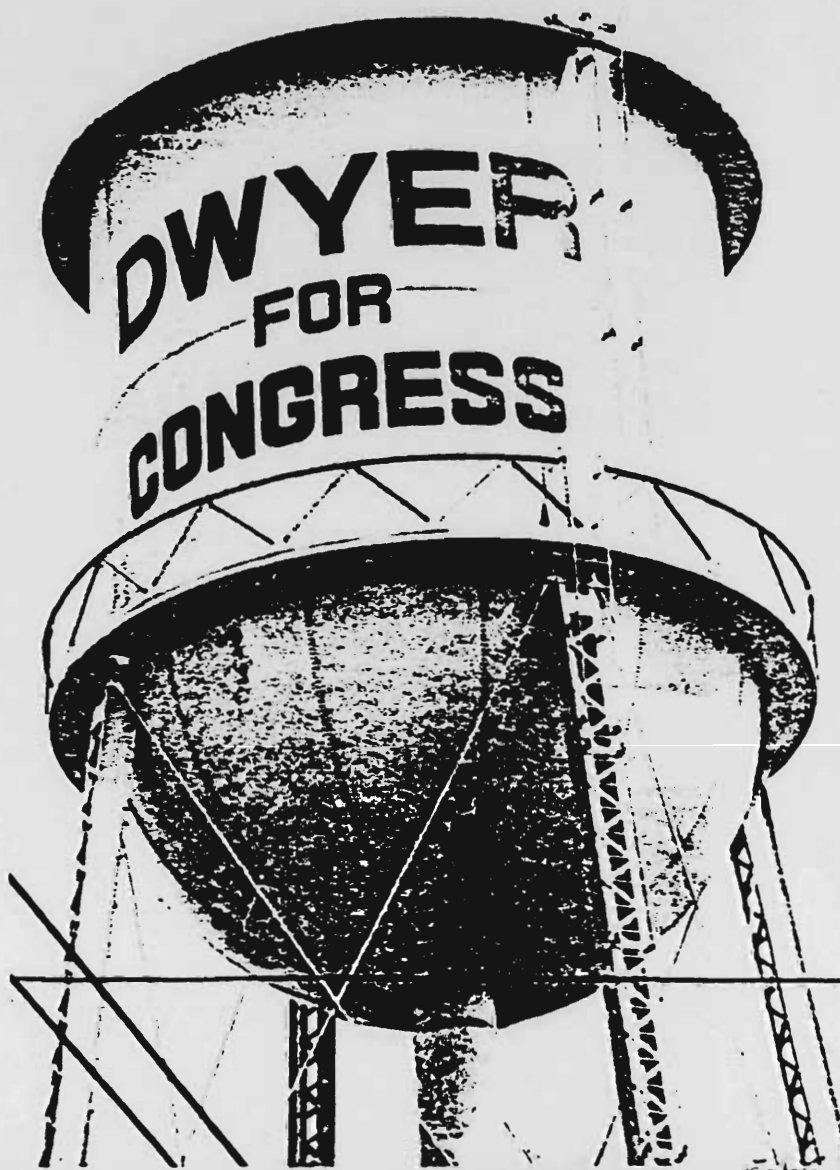


341010290328





1000290312



*M. Brown*

*911139*

*acc 7*  
*3274*

RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

ALLEN RAVIN  
ALAN E. DAVIS  
THOMAS W. SWEET  
VICTOR A. DEUTCH  
DONALD KATZ

JAMES T. GIBBONS  
ROBERT J. WOHLING  
JAY J. RICE

30 NOV 7 12:36

EXECUTIVE PLAZA  
10 PARSONAGE ROAD  
EDISON, NEW JERSEY 08817

(201) 494-1900

HAROLD N. GAST  
COUNSEL

November 5, 1980

Federal Election Commission  
Washington D.C. 20463

Att: Michele D. Brown

Re: MUR 1303

Dear Ms. Brown:

Please be advised that this response to the above complaint is being made on my own behalf and on behalf of Theodore T. Simkin.

Mr. Simkin and I had the subject sign painted on the water tower on behalf of Candidate Bernard Dwyer. As is evident in the photograph, the water tower must be at least one hundred feet tall.

It would make no sense or further the purposes of the Federal Election Campaign Act of 1971 to place an attribution sign on the water tower. There are certain circumstances where an attribution sign seems particularly inappropriate. Skywriting would be another example.

Nevertheless, the enclosed notice of attribution was affixed to the southwest leg of the water tower and, unless removed by vandals or Mr. Koester, it should still be in place.

Very truly yours,

*Allen Ravin*  
Allen Ravin

cc: Theodore T. Simkin  
Congressman Bernard J. Dwyer

*Attachment II - Letter from Mr. Ravin*

The above sign was paid for  
by Allen Ravin and Theodore  
Sirkin, 10 Parsonage Road,  
Edison, N.J. 03317 with  
notice to Candidate Dwyer

Attachment III - Copy of Notice

M. Brown

HAND DELIVERED



FOR CONGRESS  
**BERNARD I DWYER**

940 AMBOY AVENUE, EDISON, NEW JERSEY 08817

910958

0000727 PS: 05

GCC#3132

October 24, 1980

Charles N. Steele, Esq.  
Federal Election Commission  
Washington, D.C. 20436

Re MUR 1303

Dear Mr. Steele:

I am in receipt of your letter of October 7, 1980, regarding the above-captioned matter.

The sign in question was painted by order of Messrs. Allen Ravin and Theodore Simkin. We reported it to the Commission as a contribution in kind to the Dwyer for Congress Committee. You will note that it is listed in the quarterly report dated July 7, 1980. For your further information, I have enclosed copies of the invoice and cancelled checks which were forwarded to me by those two gentlemen.

I personally have not inspected the tower which is located on private property and is several hundred feet high. Upon receipt of your letter, I telephoned Messrs. Ravin and Simkin. Mr. Simkin has been out of town; however, I did reach Mr. Ravin by telephone on October 22. He advised me then that he had placed a notice on the tower which indicates that he and Mr. Simkin paid for the sign.

I trust that this information satisfies your inquiry.

Sincerely,

William G. Vowteras

encs.  
WGV:pds

10 OCT 28 A 9:21

RECEIVED  
GENERAL COUNSEL

000CT27 P6:05

INVOICE

**ZACK PAINTING CO., INC.**

900 KING GEORGES RD. POST OFFICE BOX 170  
FORDS, N. J. 08863  
TELEPHONE 201-738-7900

Mr. Ted Simkin  
Mr. Allen Ravin  
10 Parsonage Road  
Room 101  
Edison, New Jersey 08817

TERMS: NET 30

| ORDER NO. | ZACK JOB NO. | INVOICE NO. | DATE OF INVOICE |
|-----------|--------------|-------------|-----------------|
|           | 80-05-12     | 80-05-19    | May 19, 1980    |

Re: Dwyer Sign

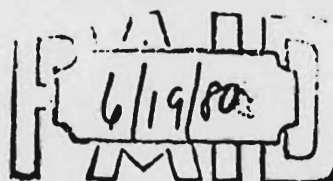
Furnishing necessary labor, material and equipment to  
paint sign on water tank - Route 287, Edison, New Jersey -  
"Dwyer for Congress".

Blank out after election. \$ 1,600.00

New Jersey Sales Tax @ 5% on Labor 76.00

TOTAL AMOUNT DUE ZACK PAINTING CO., INC. \$ 1,676.00

PAID IN FULL



OVER 50 YEARS OF SERVICE



First National State  
Bank - Edison  
Menlo Park Office  
Edison, New Jersey 08817

ALLEN RAVIN  
ATTORNEY AT LAW  
10 PARSONAGE ROAD  
EDISON, N.J. 08817

1111

PAY  
TO THE  
ORDER OF

6/16 1980 55-726  
212  
ZACK Painting Co., Inc. \$838<sup>00</sup>  
Eight hundred & thirty-eight & <sup>00</sup>/<sub>100</sub> DOLLARS

Owen for Congress

Allen Ravin

⑆02120726⑆ 503 001770 2⑈

⑈0000083800⑈

THEODORE T. SIMKIN  
TEN PARSONAGE ROAD  
EDISON, N. J. 08817

1308

55-726/212

PAY  
TO THE  
ORDER OF

062 June 16 1980  
ZACK PAINTING COMPANY Inc - \$838<sup>00</sup>  
Eight hundred & thirty-eight & <sup>00</sup>/<sub>100</sub> DOLLARS



First  
National  
State

First National State  
Bank - Edison  
Menlo Park Office  
Edison, New Jersey 08817

⑆02120726⑆ 503 001000 2⑈

⑈0000083800⑈



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Allen Ravin  
Attorney at Law  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Ravin:

The Federal Election Commission notified you on November 3, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1980, determined that there is reason to believe that you have violated 2 U.S.C. § 441d(a). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

We acknowledge receipt of your explanation of this matter which was dated November 5, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Michele D. Brown, the staff member assigned to this matter at (202)523-4175.

Sincerely,

Attachment V + Letters to Mr. Ravin, Mr. Simkin and Mr. Vowteras (3 pages)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Theodore T. Simkin  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Simkin:

The Federal Election Commission notified you on November 3, 1980, of a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1980, determined that there is reason to believe that you have violated 2 U.S.C. § 441d(a). You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter.

We acknowledge receipt of Mr. Pavin's explanation of this matter on your behalf which was dated November 5, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

The matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(P) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Michele D. Brown, the staff member assigned to this matter at (202)523-4175.

Sincerely,





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William Vowteras, Treasurer  
Dwyer for Congress  
940 Amboy Avenue  
Edison, New Jersey 08817

Dear Mr. Vowteras:

On October 7, 1980, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on \_\_\_\_\_, 1980, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that Dwyer for Congress has violated any statute within the Commission's jurisdiction.

Sincerely,

Charles N. Steele  
General Counsel

9111

acc 7  
3274

RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW

ALLEN RAVIN  
ALAN E. DAVIS  
THOMAS W. SWEET  
VICTOR A. DEUTCH  
DONALD KATZ

JAMES T. GIBBONS  
ROBERT J. WOEHLLING  
JAY J. RICE

30 NOV 7 P12:36

EXECUTIVE PLAZA  
10 PARSONAGE ROAD  
EDISON, NEW JERSEY 08817  
(201) 494-1900

HAROLD N. CAST  
COUNSEL

November 5, 1980

Federal Election Commission  
Washington D.C. 20463

Att: Michele D. Brown

Re: MUR 1303

Dear Ms. Brown:

Please be advised that this response to the above complaint is being made on my own behalf and on behalf of Theodore T. Simkin.

Mr. Simkin and I had the subject sign painted on the water tower on behalf of Candidate Bernard Dwyer. As is evident in the photograph, the water tower must be at least one hundred feet tall.

It would make no sense or further the purposes of the Federal Election Campaign Act of 1971 to place an attribution sign on the water tower. There are certain circumstances where an attribution sign seems particularly inappropriate. Skywriting would be another example.

Nevertheless, the enclosed notice of attribution was affixed to the southwest leg of the water tower and, unless removed by vandals or Mr. Koester, it should still be in place.

Very truly yours,

  
Allen Ravin

cc: Theodore T. Simkin  
Congressman Bernard J. Dwyer

The above sign was paid for  
by Allen Ravin and Theodore  
Sirkin, 10 Parsonage Road,  
Edison, N.J. 03317 with  
notice to Candidate Dwyer

31601013  
RAVIN, DAVIS & SWEET

A PROFESSIONAL CORPORATION

10 PARSONAGE ROAD

EDISON, NEW JERSEY 08817



ALWAYS USE  
ZIP CODE

Federal Election Commission  
Washington D.C. 20463

NOV

12:35

Att: Michele D. Brown

**HAND DELIVERED**



**FOR CONGRESS**

**BERNARD I. DWYER**

940 AMBOY AVENUE, EDISON, NEW JERSEY 08817

910958

0000727 P6:05

GCC#3132

October 24, 1980

Charles N. Steele, Esq.  
Federal Election Commission  
Washington, D.C. 20436

Re MUR 1303

Dear Mr. Steele:

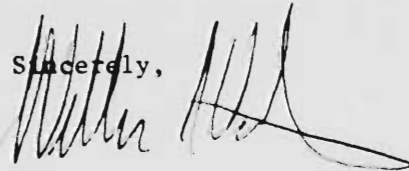
I am in receipt of your letter of October 7, 1980,  
regarding the above-captioned matter.

The sign in question was painted by order of Messrs.  
Allen Ravin and Theodore Simkin. We reported it to the  
Commission as a contribution in kind to the Dwyer for  
Congress Committee. You will note that it is listed in  
the quarterly report dated July 7, 1980. For your further  
information, I have enclosed copies of the invoice and  
cancelled checks which were forwarded to me by those two  
gentlemen.

I personally have not inspected the tower which is  
located on private property and is several hundred feet high.  
Upon receipt of your letter, I telephoned Messrs. Ravin  
and Simkin. Mr. Simkin has been out of town; however,  
I did reach Mr. Ravin by telephone on October 22. He ad-  
vised me then that he had placed a notice on the tower which  
indicates that he and Mr. Simkin paid for the sign.

I trust that this information satisfies your inquiry.

Sincerely,

  
William G. Vowteras

encs.  
WGV:pds

00 OCT 27 P 6: 05

INVOICE

**ZACK PAINTING CO., INC.**

900 KING GEORGES RD. POST OFFICE BOX 170  
FORDS, N. J. 08863  
TELEPHONE 201-738-7900

Mr. Ted Simkin  
Mr. Allen Ravin  
10 Parsonage Road  
Room 101  
Edison, New Jersey 08817

TERMS: NET 30

| ORDER NO. | ZACK JOB NO. | INVOICE NO. | DATE OF INVOICE |
|-----------|--------------|-------------|-----------------|
|           | 80-05-12     | 80-05-19    | May 19, 1980    |

Re: Dwyer Sign

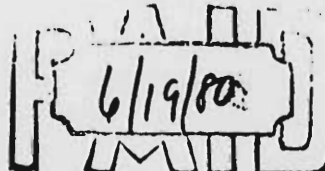
Furnishing necessary labor, material and equipment to  
paint sign on water tank - Route 287, Edison, New Jersey -  
"Dwyer for Congress".

Blank out after election. \$ 1,600.00

New Jersey Sales Tax @ 5% on Labor 76.00

TOTAL AMOUNT DUE \$ 1,676.00

PAID IN FULL



OVER 50 YEARS OF SERVICE



First National State  
Bank - Edison  
Menlo Park Office  
Edison, New Jersey 08817

ALLEN RAVIN  
ATTORNEY AT LAW  
10 PARSONAGE ROAD  
EDISON, N.J. 08817

PAY  
TO THE  
ORDER OF

ZACK Painting Co., Inc.  
Eight hundred & thirty-eight &  $\frac{00}{100}$

Dwyer for Congress

Allen Ravin

⑆02120726⑆ 503 001770 2⑈

⑈00000083800⑈

1111

6/16 1980 55-726  
212

\$838.00

DOLLARS

THEODORE T. SIMKIN  
TEN PARSONAGE ROAD  
EDISON, N. J. 08817

PAY  
TO THE  
ORDER OF

ZACK PAINTING COMPANY Inc - \$838.00  
Eight Hundred & Thirty-eight &  $\frac{00}{100}$  DOLLARS



First  
National  
State

First National State  
Bank - Edison  
Menlo Park Office  
Edison, New Jersey 08817

⑆02120726⑆ 503 010001 2⑈

⑈00000083800⑈

1306

55-726/212

0620 June 16 1980

\$838.00

DOLLARS

31340290314

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



POSTAGE AND FEES PAID



**HAND DELIVERED**

Federal Election Commission  
1325 K Street, Northwest  
Washington, D.C. 20463

**SPECIAL DELIVERY**

20

NOV 17 2 56:05





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 3, 1980

SPECIAL DELIVERY  
RETURN RECEIPT REQUESTED

Allen Ravin  
Attorney at Law  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Ravin:

This letter is to notify you that on October 6, 1980, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1303. Please refer to this number in all future correspondence.

The Commission has adopted special procedures to expedite compliance matters during the pre-General Election period. A summary of these procedures is enclosed.

Under the Act, you have the opportunity to demonstrate, in writing, that no further action should be taken against you in connection with this matter. If the Commission does not receive a response from you within 15 days after your receipt of this letter, it may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

3170020315

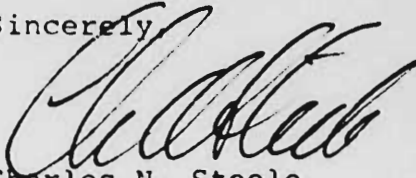
Allen Ravin  
Page Two

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michele D. Brown, the staff member assigned to this matter at (202)523-4175.

Sincerely,



Charles N. Steele  
General Counsel

Enclosures

Complaint  
Procedures  
Envelope

|   |                            |
|---|----------------------------|
| ● SENDER: Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.  |                            |
| 1. The following service is requested (check one).<br><input type="checkbox"/> Show to whom and date delivered<br><input type="checkbox"/> Show to whom, date, and address of delivery<br><input type="checkbox"/> RESTRICTED DELIVERY<br><input type="checkbox"/> Show to whom and date delivered<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom, date, and address of delivery \$<br>(CONSULT POSTMASTER FOR FEES) |                            |
| 2. ARTICLE ADDRESSED TO:<br><i>allen ravin</i>  |                            |
| 3. ARTICLE DESCRIPTION:<br>REGISTERED NO. <i>551166</i>   | INSURED NO.                |
| (Always obtain signature of addressee or agent)   |                            |
| I have received the article described above.<br>SIGNATURE <i>Valerie Steele</i> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent  |                            |
| 4. DATE OF DELIVERY <i>NOV 03</i>   | POSTMARK <i>NOV 4 1980</i> |
| 5. ADDRESS (Complete only if requested)   |                            |
| 6. UNABLE TO DELIVER BECAUSE:   |                            |

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

3 1 7 1 0 2 9 0 3 1 5



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 3, 1980

SPECIAL DELIVERY  
RETURN RECEIPT REQUESTED

Theodore T. Simkin  
Ten Parsonage Road  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Simkin:

This letter is to notify you that on October 6, 1980, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1303. Please refer to this number in all future correspondence.

The Commission has adopted special procedures to expedite compliance matters during the pre-General Election period. A summary of these procedures is enclosed.

Under the Act, you have the opportunity to demonstrate, in writing, that no further action should be taken against you in connection with this matter. If the Commission does not receive a response from you within 15 days after your receipt of this letter, it may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

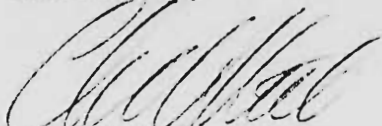
Theodore T. Simkin  
Page Two

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michele D. Brown, the staff member assigned to this matter at (202)523-4175.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosures

Complaint  
Procedures  
Envelope

|  |             |
|--|-------------|
| SENDER: Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.   |             |
| 1. The following service is requested (check one).<br><input type="checkbox"/> Show to whom and date delivered.<br><input type="checkbox"/> Show to whom, date, and address of delivery.<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered.<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom, date, and address of delivery. \$<br>(CONSULT POSTMASTER FOR FEES) |             |
| 2. ARTICLE ADDRESSED TO:<br><i>Theodore T. Simkin</i>  |             |
| 3. ARTICLE DESCRIPTION:<br>REGISTERED NO. <i>947152</i>  | INSURED NO. |
| (Always obtain signature of addressee or agent)  |             |
| I have received the article described above.<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br><i>Valerie Caputo</i>  |             |
| DATE OF DELIVERY<br><i>NOV 4 1980</i>  |             |
| 5. ADDRESS (Complete only if requested)  |             |
| 6. UNABLE TO DELIVER BECAUSE:  |             |
| CLERK'S INITIALS   |             |

1302 M Brown



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 7, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

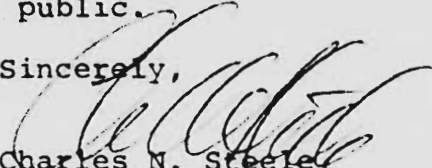
Philip Koester  
Skytop Gardens  
Building 12, Apartment 22  
Parlin, New Jersey 08859

Dear Mr. Koester:

This letter is to acknowledge receipt of your complaint of September 26, 1980, against Dwyer for Congress which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 24 hours and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless the respondent notifies the Commission in writing that they wish the matter to be made public.

Sincerely,

  
Charles N. Steele  
General Counsel

Enclosure

1170020319

PS Form 3811, Aug. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER. Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
☐ Show to whom and date delivered  
☐ Show to whom, date, and address of delivery  
☐ RESTRICTED DELIVERY  
Show to whom and date delivered  
☐ RESTRICTED DELIVERY  
Show to whom, date, and address of delivery  
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Philip Koester*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
*9476208*  
(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☐ Addressee ☒ Authorized agent  
*X Philip H. Koester*

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
*[Signature]*

POSTMARK  
*1980*

1203 M. Brown





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 7, 1980

SPECIAL DELIVERY  
RETURN RECEIPT REQUESTED

William G. Vowteras  
Treasurer  
Dwyer for Congress  
940 Amboy Avenue  
Edison, New Jersey 08817

Re: MUR 1303

Dear Mr. Vowteras:

This letter is to notify you that on October 6, 1980, the Federal Election Commission received a complaint which alleges that your committee has violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1303. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your committee in connection with this matter. You may respond to the allegations made against you within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, your committee will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage-paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.



Letter to: William Vowteras  
Page Two

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Michelle Brown, the staff member assigned to this matter at (202) 523-4175.

Sincerely,

*Charles N. Steele*  
Charles N. Steele  
General Counsel

Enclosures

1. Complaint
2. Procedures
3. Envelope

31040200332

|   |                                |
|---|--------------------------------|
| <b>NOTE:</b> Complete items 1, 2, and 3.<br>Add your address in the "RETURN TO" space on reverse.   |                                |
| 1. The following service is requested (check one).<br><input type="checkbox"/> Show to whom and date delivered.<br><input type="checkbox"/> Show to whom, date, and address of delivery.<br><input type="checkbox"/> RESTRICTED DELIVERY<br><input type="checkbox"/> Show to whom and date delivered.<br><input type="checkbox"/> RESTRICTED DELIVERY<br><input type="checkbox"/> Show to whom, date, and address of delivery.<br>(CONSULT POSTMASTER FOR FEES) |                                |
| 2. ARTICLE ADDRESSED TO:<br><i>William Vowteras</i>   |                                |
| 3. ARTICLE DESCRIPTION:<br>REGISTERED NO. <i>945267</i>   | INSURED NO.                    |
| I have received the article described above.<br>SIGNATURE <i>[Signature]</i> AUTHORIZED AGENT   |                                |
| 4. DATE OF DELIVERY<br><i>10-9-80</i>   | POSTMARK<br><i>PROSSER, NY</i> |
| 5. ADDRESS (Complete only if requesting return receipt)   |                                |
| 6. UNABLE TO DELIVER BECAUSE:   |                                |

1303 m. Brown

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

910439

RECEIVED  
Doc # 2884

80 OCT 6 P 1: 52

Philip Koester  
Skytop Gardens, Bldg. 12, Apt. 22  
Parlin, N.J. 08859  
Sept. 26, 1980

Charles Steele  
Federal Election Commission  
1325 K St., N.W.  
Washington, D.C. 20463

Dear Sir:

I am writing you to complain about a sign that is painted on a watertower in Edison, New Jersey.

Enclosed are photographs of the watertower with the lettering, "Dwyer for Congress." I noticed in examining the tower that it does not have a disclaimer anywhere on it. The watertower is located on a piece of property which is surrounded by businesses. It is hard to determine who the owner is.

In my opinion, it is the same as a billboard and should have a "paid for" sign somewhere on it. It can be seen from two major highways.

The tower is located just off the corner of Gibian and Jackson Avenues in Edison.

I am available at 201-727-0421 to answer any questions.

Sincerely,

*Philip Koester*  
Philip Koester

ARTHUR MILLER  
764 WEST 21ST AVE  
EUGENE, OR 97403

*Arthur Miller*

Attest: I, Clerk of the County of Middlesex, New Jersey,  
do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on September 26, 1980.

ATTEST THIS  
26TH DAY OF SEPT.  
1980

IN MIDDLESEX COUNTY  
NEW JERSEY

910439 910000

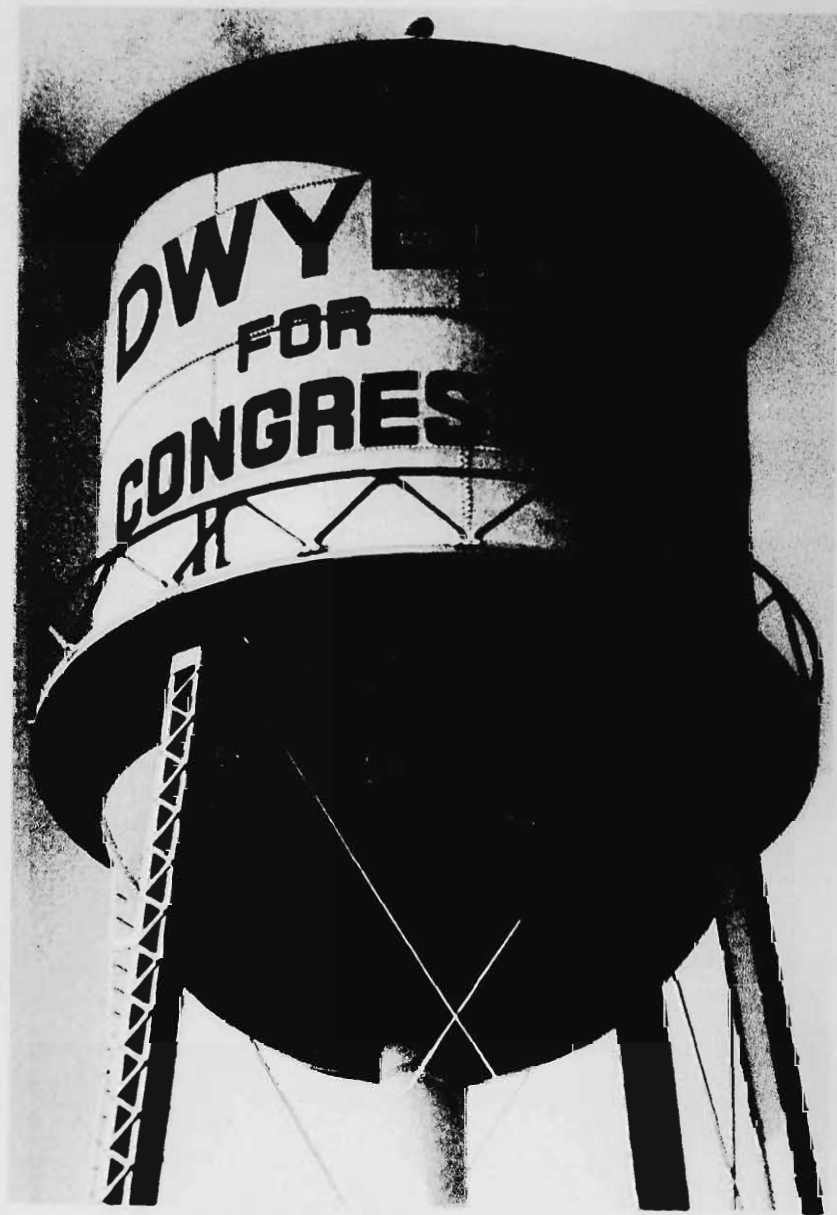
31010220954

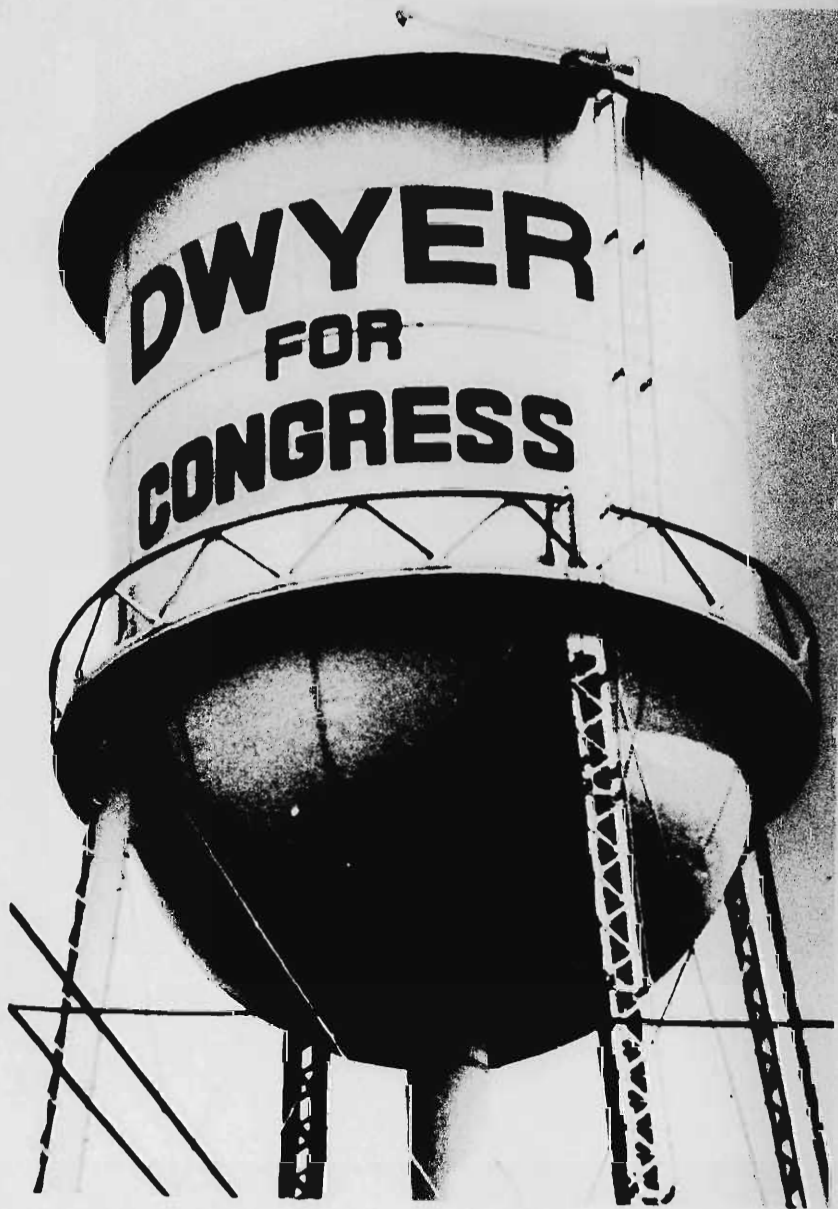




31040270853

31740200836





31040230337

Philip Koester  
Skytop Gardens, Bldg. 12, Apt. 22  
Parlin, N.J. 08859



Charles S. *Charles S. Coates*  
Federal Election Commission  
1325 K St., N.W.  
Washington, D.C. 20463

PHOTOS - DO NOT SEND

CERTIFIED

P27 0007114

MAIL





FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1303

Date Filmed 7-30-81 Camera No. --- 2

Cameraman GPC

31010200359