



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4520

DATE FILMED 9-28-97 CAMERA NO. 4

CAMERAMAN Jim H

97043034280



October 17, 1996

OCT 18 10 30 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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

MUR 4520

Dear Sirs:

By this letter, I am writing to request an investigation of the Lerner for Congress Committee (NJ-7) for possible systematic violations of the limit on individual contributions of \$1,000 per election.

Specifically, the Lerner for Congress Committee has designated \$5,750 in contributions received after the June 4th primary to its primary election campaign from individuals whose contributions would, if properly attributed to the general election, exceed the \$1,000 general election limit. Lerner for Congress Committee's June 30th quarterly report shows a cash on hand of \$259,061 and debts in a lower amount (\$251,519), so it is exceedingly unlikely that the Committee had a legitimate primary election debt.

The contributions in question are as follows:

Date of Report	Sch and Page	Contributor Name	Contrib Date	Primary elect. Amount
6/30	A-1	Joel E. Rome	6/25/96	\$1,000
6/30	A-9	Associates Constance Village	6/10/96	\$1,000
6/30	A-9	Q.E.M. Associates	6/10/96	\$1,000
9/30	A-4	Bernard Gimbel	8/5/96	\$ 750
9/30	A-6	Nikki Brown	9/20/96	\$1,000
9/30	A-8	David Brown	9/20/96	\$1,000
<b>TOTAL</b>				<b>\$5,750</b>

Thank you.

Sworn and subscribed before me a Notary Public of the State of New Jersey this 17th day of October, 1996 in Fanwood, New Jersey.

Notary Public

DENNIS G. SMITH  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires June 29, 1997  
1997

Sincerely,

Charlie Smith  
Campaign Manager



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 25, 1996

Charles Smith, Campaign Manager  
Franks for Congress  
313 South Avenue, Suite 204  
Fanwood, NJ 07023

RE: MUR 4520

Dear Mr. Smith:

This letter acknowledges receipt on October 18, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4520. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over the typed name.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

97043034282



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

October 25, 1996

Beverly Lerner, Treasurer  
Lerner for Congress  
2020 Morris Avenue  
Union, NJ 07090

**RE: MUR 4520**

Dear Ms. Lerner:

The Federal Election Commission received a complaint which indicates that Lerner for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. Please refer to this number in all future correspondence.

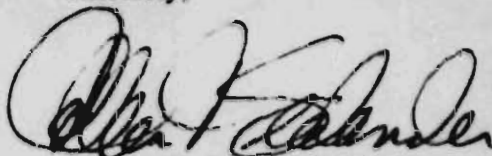
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.



If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with the first name "Colleen" being more prominent.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Lawrence Irwin Lerner

97043634284



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

October 25, 1996

David Brown  
363 Maple Street  
Englewood, NJ 07631

RE: MUR 4520

Dear Mr. Brown:


The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. 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 you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043634286



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

October 25, 1996

Nikki Brown  
363 Maple Street  
Englewood, NJ 07631

RE: MUR 4520

Dear Ms. Brown:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. 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 you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043034288



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 25, 1996

Bernard Gimbel  
PO Box 87  
Saddle River, NJ 07458

RE: MUR 4520

Dear Mr. Gimbel:

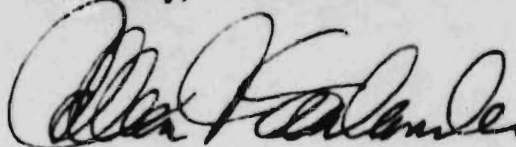
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

9704334290



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 25, 1996

Joel E. Rome  
ARA Tower  
1101 Market Street, Suite 1220  
Philadelphia, PA 19107

RE: MUR 4520

Dear Mr. Rome:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. 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 you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Seaiander". The signature is fluid and cursive, with a large initial "C" and "S".

Colleen T. Seaiander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043634292



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 25, 1996

President  
Associates Constante Village  
26 Columbia Turnpike  
Florham Park, NJ 07932

RE: MUR 4520

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Associates Constante Village may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. 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 Associates Constante Village in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043334294



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 25, 1996

President  
Q.E.M. Associates  
26 Columbia Turnpike  
Florham Park, NJ 07932

RE: MUR 4520

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Q.E.M. Associates may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. Please refer to this number in all future correspondence.

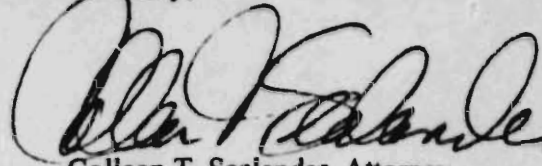
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Q.E.M. Associates in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.



If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043634296

# Larry Lerner

## FOR CONGRESS

2020 MORRIS AVENUE, UNION, N.J. 07083  
Tel. (908) 810-1996 / Fax (908) 810-7522

October 25, 1996

### SEVENTH DISTRICT

#### **ESSEX COUNTY**

Maplewood  
Millburn

#### **MIDDLESEX COUNTY**

Edison  
Middlesex  
South Plainfield  
Woodbridge

#### **SOMERSET COUNTY**

Bound Brook  
Bridgewater  
Franklin  
Green Brook  
Hillsborough  
Manville  
Millstone  
North Plainfield  
South Bound Brook  
Warren  
Watchung

#### **UNION COUNTY**

Berkeley Heights  
Clark  
Cranford  
Fairwood  
Garwood  
Kentworth  
Linden  
Mountainside  
New Providence  
Plainfield  
Rosette Park  
Scotch Plains  
Springfield  
Summit  
Union  
Westfield  
Winfield

Ms. Colleen Sealander  
Office of General Counsel  
Federal Elections Committee  
999 E Street, NW  
Washington, DC 20463

MUR4520

Dear Ms. Sealander,

The attorney for the Lerner For Congress campaign is Charles Kennedy, Esq., whose address is 600 South Avenue, Westfield, New Jersey 07090. His phone number is 908-654-5000. His fax number is 908-654-7866.

Sincerely,

*Beverly Lerner*

Beverly Lerner

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

05  
1 44 PM '96



NOV 1 3 05 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

October 29, 1996

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

Dear Sirs:

By this letter, I am writing to provide additional information pertaining to your investigation (MUR 4520) of the Lerner for Congress Committee (NJ-7, C00311845) for violations of the limit on individual contributions of \$1,000 per election.

Specifically, the Lerner for Congress Committee's 12 day pre-election report designates a \$2,000 donation from Agnes Varis (President of Agvar Chemicals) on October 16, 1996 (contribution E on page 2 for line number 11(a)(i)) to the general election in clear violation of the law.

Thank you.

Sworn and subscribed before me a Notary Public  
of the State of New Jersey this 29th day of  
October, 1996 in Fanwood, New Jersey.

Sincerely,

Charlie Smith  
Campaign Manager

Notary Public

DOUGLAS W. HENNE  
A Notary Public of New Jersey  
My Commission Expires 2/28/2001



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 6, 1996

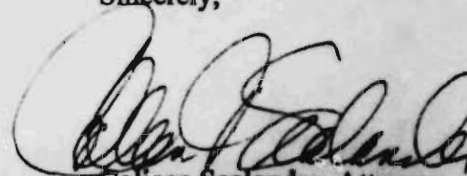
Charlie Smith, Campaign Manager  
Bob Franks for Congress  
313 South Avenue, Suite 204  
Fanwood, New Jersey 07023

RE: MUR 4520

Dear Mr. Smith:

This letter acknowledges receipt on November 1, 1996, of the amendment to the complaint you filed on October 18, 1996. The respondents will be sent copies of the amendment. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

  
Colleen Sealander, Attorney  
Central Enforcement Docket

9704334299





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 6, 1996

Agnes Varis, President  
Agvar Chemicals  
34 Hidden Ledge Lane  
Englewood, New Jersey 07631

RE: MUR 4520  
Agnes Varis

Dear Ms. Varis:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4520. 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 you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(e)(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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen Sealander, Attorney  
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

9704334301



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 6, 1996

Charles P. Kennedy, Esquire  
600 South Avenue  
Westfield, New Jersey 07090

RE: MUR 4520  
Lerner for Congress and  
Beverly Lerner, as treasurer

Dear Mr. Kennedy:

On October 25, 1996, you were notified that the Federal Election Commission received a complaint from Franks for Congress alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 1, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact me at (202) 219-3400

Sincerely,

Colleen Sealander, Attorney  
Central Enforcement Docket

Enclosure

97043634302

# Larry Lerner

## FOR CONGRESS

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
Nov 7 11 58 AM '96

2020 MORRIS AVENUE, UNION, N.J. 07083  
Tel. (908) 810-1996 / Fax (908) 810-7522

November 1, 1996

### SEVENTH DISTRICT

#### ESSEX COUNTY

Maplewood  
Millburn

#### MIDDLESEX COUNTY

Edison  
Middlesex  
South Plainfield  
Woodbridge

#### SOMERSET COUNTY

Bound Brook  
Bridgewater  
Franklin  
Green Brook  
Hillsborough  
Manville  
Millstone  
North Plainfield  
South Bound Brook  
Warren  
Watchung

#### UNION COUNTY

Berkeley Heights  
Clark  
Cranford  
Fanwood  
Garwood  
Kentworth  
Linden  
Mountainside  
New Providence  
Plainfield  
Roselle Park  
Scotch Plains  
Springfield  
Summit  
Union  
Westfield  
Winfield

FAX (202) 219-3923  
(Original by mail)

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

Dear Sir:

By this letter, I am writing to request an investigation of the Franks for Congress Committee (NJ-7) and Charlie Smith, its Campaign Manager, for a violation by filing a complaint containing knowingly false statements under oath.

In the complaint dated October 16, 1996 for MUR-4520, Charlie Smith, Campaign Manager for Franks for Congress, stated under oath: "the Lerner for Congress Committee has designated \$5,750 in contributions received after the June 4, primary for its general election campaign from individuals whose contributions, would, if properly attributed to the general election, exceed the \$1,000 general election limit." Two of the contributions which Mr. Smith made his sworn statement about are:

Date of Report	Sch and Page	Contributor Name	Contrib Date	Primary elect Amount
9/30	A-6	Nikki Brown	9/20/96	\$1,000
9/30	A-8	David Brown	9/20/96	\$1,000

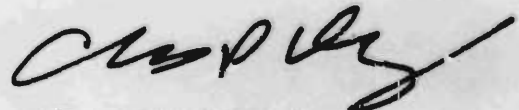


Office of the General Counsel  
November 1, 1996  
Page 2

Mr. Smith's statement under oath, without which the complaint would have been rejected out of hand, was knowingly false.

We have attached to this complaint copies of pages A-6 and A-8 of the September 30, 1996 report by Lerner for Congress. Nikki Brown and David Brown each contributed \$1,000 for the primary election, but they had made no contribution for the general election. As Mr. Smith knew from the report, had these contributions been attributed to the general election, they would not exceed the \$1,000 general election limit. Mr. Smith's sworn statement to the contrary was and is knowingly false.

Respectfully submitted,



Charles P. Kennedy  
Counsel for Lerner for Congress

CPK/js

Sworn and subscribed to  
before me a Notary Public  
of the State of New Jersey,  
this 1st day of November, 1996,  
in Westfield, New Jersey.



F:\SS\DOCS\9.J\708115.DOC

**DENISE CHILTON**  
Notary Public of New Jersey  
My Commission Expires December 28, 1996

97043034304

## SCHEDULE A

## ITEMIZED RECEIPTS

6 of 14

Contributions from Individuals/Persons

line number: 11(a)(i)

Any info. copied from Reports or Statements may not be sold or used by any person for purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from comm.

Full Name of Committee: Lerner for Congress C00311845

A. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Michael Shanker			
1560 Broadway	Shanker & Associates	09/11/96	\$400.00
Suite 711	Attorney	09/11/96	\$100.00
New York, NY 10036			
Receipt for: G	Aggregate ytd >		\$500.00

B. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Barry Mandelbaum			
8 Byron Road	Mandelbaum, Salsburg,	08/07/96	\$500.00
North Caldwell, NJ 07006	Attorney		
Receipt for: G	Aggregate ytd >		\$500.00

C. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Bernard Sterling			
16 Cumming Circle	Sterling, Nappen,	09/26/96	\$1000.00
West Orange, NJ 07052	Certified Public		
Receipt for: G	Aggregate ytd >		\$1000.00

D. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Robert Shepherd			
14 Honeymen St.	Mathews Woodbridge & C	07/31/96	\$100.00
Princeton Township, NJ 08540	Attorney		
Receipt for: G	Aggregate ytd >		\$600.00

E. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Nikki Brown			
363 Maple Street	Soloman Schechter Day	09/20/96	\$1000.00
Englewood, NJ 07631	Teacher		
Receipt for: P	Aggregate ytd >		\$1000.00

F. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
Peter Pearlman			
9 Harvey Drive	Cohn Liland Perlman	07/10/96	\$250.00
Short Hills, NJ 07078	attorney		
Receipt for: G	Aggregate ytd >		\$250.00

SUBTOTAL of Receipts This Page .....	\$3350.00
TOTAL This Period .....	\$17630.00

97043305

SCHEDULE A  
ITEMIZED RECEIPTS  
Contributions from Individuals/Persons

Page 8 of 14  
line number: 11(a)(i)

Any info. copied from Reports or Statements may not be sold or used by any person for purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from comm.

Full Name of Committee: Lerner for Congress C00311845

A. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
--------------------------------	---------------------	------	--------

David Brown 363 Maple Street Englewood, NJ 07631	Penobscot Corp. President/Manager	09/20/96	\$1000.00
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Receipt for: P	Aggregate ytd >	\$1000.00	
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B. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
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Michael Rappeport 79 Laurel Road Princeton, NJ 08540	RL Associates Survey Research	09/26/96	\$250.00
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Receipt for: G	Aggregate ytd >	\$250.00	
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C. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
--------------------------------	---------------------	------	--------

Brian Lerner 2402 Timber Oaks Road Edison, NJ 08820	Mylroy/Mycalex Ceramics Engineer	09/16/96	\$1000.00
---	-------------------------------------	----------	-----------

Receipt for: G	Aggregate ytd >	\$2000.00	
----------------	-----------------	-----------	--

D. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
--------------------------------	---------------------	------	--------

Sharla Kotler 3209 Clint Moore Rd. Apt 106 Boca Raton, FL 33496-3352	Axellood secretary	08/14/96	\$500.00
--	-----------------------	----------	----------

Receipt for: G	Aggregate ytd >	\$500.00	
----------------	-----------------	----------	--

E. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
--------------------------------	---------------------	------	--------

David Grossman 2112 Millburn Avenue Maplewood, NJ 07040	self-employed Physician	07/29/96	\$500.00
---	----------------------------	----------	----------

Receipt for: G	Aggregate ytd >	\$500.00	
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F. Full Name, Address, Zipcode	Employer/Occupation	Date	Amount
--------------------------------	---------------------	------	--------

Michael Marinaccio 2 Monterey Court Old Bridge, NJ 08857	Joseph Stevens Stock Broker	07/31/96	\$200.00
--	--------------------------------	----------	----------

Receipt for: G	Aggregate ytd >	\$700.00	
----------------	-----------------	----------	--

SUBTOTAL of Receipts This Page .....	\$3450.00
TOTAL This Period .....	\$23880.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 7, 1996

Mr. Charles P. Kennedy, Esquire  
600 South Avenue  
Westfield, NJ 07090

RE: MUR 4520

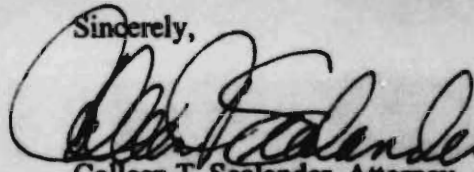
Dear Mr. Kennedy:

This letter is in response to your correspondence dated November 1, 1996 in which you request that the Federal Election Commission investigate the Franks for Congress Committee and its campaign manager, Charlie Smith, in connection with Mr. Smith's complaint in MUR 4520 against your client, Lerner for Congress.

The Federal Election Commission ("Commission") has jurisdiction over the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. After careful review of your letter, we have determined that it does not state any acts which appear to constitute a violation within the Commission's jurisdiction. We have assumed, however, that you also wish the letter to be considered a response to the complaint filed in MUR 4520. Please advise us if this conclusion is incorrect.

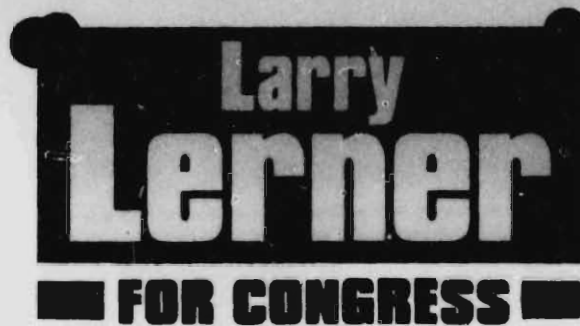
If you feel your complaint does constitute a violation of the Act or Chapters 95 or 96 of Title 26, United States Code, the Commission will be glad to review the matter again. If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Colleen T. Sealander, Attorney  
Central Enforcement Docket

97043834307





RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Nov 19 2 43 PM '96

2020 MORRIS AVENUE, UNION, N.J. 07083  
Tel. (908) 810-1996 / Fax (908) 810-7522

November 11, 1996

**SEVENTH DISTRICT**

**ESSEX COUNTY**

Maplewood  
Millburn

**MIDDLESEX COUNTY**

Edison  
Middlesex  
South Plainfield  
Woodbridge

**SOMERSET COUNTY**

Bound Brook  
Bridgewater  
Franklin  
Green Brook  
Hillsborough  
Manville  
Millstone  
North Plainfield  
South Bound Brook  
Warren  
Watchung

**UNION COUNTY**

Berkeley Heights  
Clark  
Cranford  
Fairwood  
Garwood  
Kenilworth  
Linden  
Mountainside  
New Providence  
Plainfield  
Roselle Park  
Scotch Plains  
Springfield  
Summit  
Union  
Westfield  
Winfield

**FAX (202) 219-3923**

(Original via mail)

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

Re: MUR 4520

Dear Sir or Madam:

I am writing to respond to the complaint and to demonstrate that there has been no conceivable violation and no action should be taken against the Lerner for Congress Committee.

All of the contributions in question taken after the primary election were designated for the primary to retire net debts from the primary. None of these contributions were in violation of the limit on individual contributions of \$1,000 per election as applied to the primary. These contributions were in compliance with 11 CFR §110.1.

Under 11 CFR § 110.1(b)(3)(i), a contribution designated in writing for a particular election, but made after that election, should be made only to the extent that the contribution does not exceed net debts outstanding from such election. All of the contributions in questions made after the primary of June 4, 1996, were designated for the primary and did not exceed debts outstanding from the primary.

In accordance with 11 CFR § 110.1(b)(3), based on the reports filed by Lerner for Congress, which is the same information which Mr. Smith, the complainant, should have relied on, we have computed the primary debt as of June 4, 1996, as follows:

(Paid for by LARRY LERNER FOR CONGRESS, Beverly Lerner, Treasurer)

Office of the General Counsel  
November 6, 1996  
Page 2

Outstanding balance on loans	\$246,000.00
Other unpaid debts and obligations	<u>3,881.09</u>
TOTAL	\$249,881.09
Cash on hand and receivables (excluding preprimary contributions designated for the general election)	\$240,422.15

Thus, as of June 4, 1996, Lerner for Congress had primary debts in the amount of \$9,458.94.

The reason why Mr. Smith's assumptions regarding the amount of debt are wrong is that he used the reported "cash on hand" of \$259,061 without excluding preprimary contributions for the general election. The rules and regulations for computing cash on hand specifically say that "cash on hand need not include preprimary contributions that are specifically designated for the general election." See Federal Register, volume 52, No. 6, p. 762. We suggest that Mr. Smith knew this, but consciously ignored it in order to make an unfair and unfounded complaint.

We have set forth all contributions received after the primary by Lerner for Congress which were designated to retire primary debt:

Date of Report	Sch and Page	Contributor Name	Contrib Date	Primary elect Amount
6/30	A-1	*Joel E. Rome	6/25/96	\$1,000
6/30	A-9	James Reisman	6/7/96	\$ 125
6/30	A-9	*Associates		
		Constance Village	6/10/96	\$1,000
6/30	A-9	*Q.E.M. Associates	6/10/96	\$1,000
9/30	A-4	*Bernard Gimbel	8/5/96	\$ 750
9/30	A-6	*Nikki Brown	9/20/96	\$1,000
9/30	A-8	*David Brown	9/20/96	<u>\$1,000</u>
		Total		\$5,875

Office of the General Counsel  
November 11, 1996  
Page 3

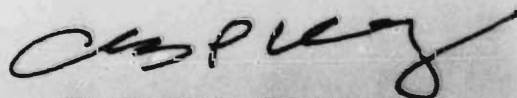
We have put an asterisks next to the six contributions which are questioned in the complaint. It should be apparent from this chart that the contributions taken to retire debt from the primary were not taken in excess of primary debt. I fact, there still exists a debt of \$3,583.94 from the primary. These contributions also were not in excess of the individual contribution limit of \$1,000 for the primary.

All of this information which shows that there was no possible violation on the limit on individual contributions comes from the reports filed with the Federal Election Commission by Lerner for Congress. If any further information is needed, please contact me.

We have also enclosed a copy of the Statement of Designation of Counsel.

Based on this submission, we request that the Federal Election Committee immediately notify us that it has determined that no action should be taken based on the frivolous complaint by Charlie Smith, Campaign Manager for Franks for Congress.

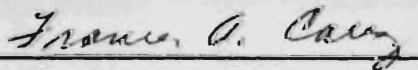
Sincerely yours,



CHARLES P. KENNEDY  
Counsel for Lerner for Congress

CPK/js

Sworn and subscribed to  
before me a Notary Public  
of the State of New Jersey  
this 11th day of November, 1996,  
in Westfield, New Jersey.



F:\SS\DOCS\9.0\70840.DOC

FRANCES A. CALIZ  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 12, 1997

97043634310

# LERNER FOR CONGRESS

## CALCUALTION OF PRIMARY ELECTION DEBT - JUNE 4, 1996

PER FEC REPORT PERIOD ENDED MAY 15, 1996 (NONE  
PAID DURING PERIOD MAY 15 TO JUNE 4, 1996)

LOANS OUTSTANDING - FROM PRIMARY	\$246,000.00
OTHER DEBTS - FROM PRIMARY	<u>3,881.09</u>
TOTAL	249,881.09
 CASH ON HAND - JUNE 4, 1996	 262,547.15
LESS CONTRIBUTRIONS RECEIVED PRIOR TO PRIMARY DESIGNATED FOR GENERAL ELECTION	<u>22,125.00</u>
CASH AVAILABLE FROM PRIMARY	<u>240,422.15</u>
PRIMARY DEBT OUTSTANDING - JUNE 4, 1996	9,458.94
CONTRIBUTIONS RECEIVED AFTER PRIMARY DESIGNATED FOR PRIMARY	<u>5,875.00</u>
PRIMARY DEBT STILL OUTSTANDING - OCTOBER 15, 1996	<u><u>\$3,583.94</u></u>

97043034311



# LERNER FOR CONGRESS

CONTRIBUTIONS RECEIVED PRIOR TO PRIMARY (JUNE 4, 1996)  
DESIGNATED FOR GENERAL ELECTION PER FEC FILING

NAME	LINE 11(a)(i) PAGE #	DATE 1996	AMOUNT
REPORT PERIOD ENDING 3/31/96			
ROBERTA KRUMHOLZ	1	02/28/96	\$1,000.00
MARTIN FOX	1	03/07/96	125.00
ARTHUR OBERMAYER	2	03/07/96	125.00
LEWIS POLK	2	03/29/96	250.00
DAVID FRISCHMAN	3	03/21/96	250.00
WILLIAM MENTLIK	3	03/21/96	1,000.00
JOHN NELSON	4	03/05/96	1,000.00
GILBERT BUCHALTER	4	03/07/96	500.00
SHELLY WEPNER	4	03/15/96	1,000.00
POLLY NELSON	5	03/05/96	1,000.00
DONALD LAN	5	03/22/96	125.00
RALPH LOWENBACH	6	02/22/96	500.00
GEORGE VRADENBURG	6	03/08/00	125.00
DAVID KAUFMAN	7	02/22/96	125.00
HAROLD BRAFF	8	03/27/96	1,000.00
FRANK CINQUINA	8	03/25/96	250.00
MARK MAZZA	8	02/29/96	250.00
IRA DRUKIER	9	03/12/96	1,000.00
ROY WEPNER	9	03/11/96	1,000.00
ARNOLD DAMPIERI	9	02/12/96	250.00
ELWOOD LERMAN	10	02/29/96	250.00
JOSEPH LITTEMBERG	10	03/05/96	1,000.00
ROBERT SLASS	10	03/12/96	500.00
JEFFREY SIEGEL	10	03/21/96	250.00
SIDNEY DAVID	11	03/13/96	1,000.00
STEPHEN ZISKIND	11	02/12/96	1,000.00
ARNOLD KRUMHOLZ	11	02/28/96	1,000.00
MAXIM WALDBAUM	11	02/29/96	250.00
COROLE LITTEMBERG	12	03/05/96	1,000.00
JUDITH DAVID	12	03/13/96	1,000.00

16,125.00

## REPORT PERIOD ENDING 5/15/96

HERBERT KLEIN	1	04/04/96	250.00
ANTHONY KURTZ	1	04/12/96	500.00
GARY ELBAUM	2	04/17/96	1,000.00
DARRELL MORROW	2	04/02/96	250.00
DAVID LERNER	4	04/04/96	1,000.00
MELISA LERNER	4	04/04/96	1,000.00

4,000.00

\$22,125.00



# LERNER FOR CONGRESS

CASH ON HAND JUNE 4, 1996 (PRIMARY ELECTION)

CASH ON HAND MARCH 31, 1996, PER FEC REPORT

\$259,081.79

## DEPOSITS

05/21/96	9,850.00	
05/24/96	2,730.00	
06/04/96	<u>3,275.00</u>	<u>15,855.00</u>

274,916.79

## DISBURSEMENTS

05/16/96	3,000.00	
05/16/96	232.92	
06/01/96	29.37	
06/01/96	16.25	
05/28/96	5,548.25	
05/28/96	30.60	
06/01/96	2,000.00	
06/01/96	12.25	
06/01/96	<u>1,500.00</u>	<u>12,369.64</u>

CASH BALANCE ON HAND - JUNE 4, 1996

\$262,547.15

97043034313

# LERNER FOR CONGRESS

CONTRIBUTIONS RECEIVED AFTER PRIMARY (JUNE 4, 1996)  
DESIGNATED FOR PRIMARY ELECTION PER FEC FILING

<u>NAME</u>	<u>LINE 11(a)(i)</u> <u>PAGE #</u>	<u>DATE</u> <u>1996</u>	<u>AMOUNT</u>
<b>REPORT PERIOD ENDING 6/30/96</b>			
JOEL E ROME	1	06/25/96	\$1,000.00
JAMES REISMAN	9	06/07/96	125.00
ASSOCIATES CONSTANCE VILLAGE	9	06/10/96	1,000.00
Q. E. M. ASSOCIATES	9	06/10/96	1,000.00
<b>REPORT PERIOD ENDING 9/30/96</b>			
BERNARD GIMBEL	4	08/05/96	750.00
NIKKI BROWN	6	09/20/96	1,000.00
DAVID BROWN	8	09/20/96	<u>1,000.00</u>
			<u><u>\$5,875.00</u></u>

9704334314



STATEMENT OF DESIGNATION OF COUNSEL

NOV 19 2 43 PM '96

MUR 4520

NAME OF COUNSEL: Charles P. Kennedy, Esq.

FIRM: Lerner, David, Littenberg, Krumholz & Mentlik

ADDRESS: 600 South Avenue West

Westfield, NJ 07090

TELEPHONE: ( 908 ) 654-5000

FAX: ( 908 ) 654-7866

The above-named individual 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.

Nov. 9, 1996  
Date

Beverly Lerner  
Signature

RESPONDENT'S NAME: Beverly Lerner, Treasurer

ADDRESS: 2020 Morris Avenue

Union, NJ 07090

TELEPHONE: HOME ( )

BUSINESS ( 908 ) 810-1996

Law Offices

Rome & Glaberson, P.C.

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Nov 21 2 22 PM '96

SUITE 3901  
MILLON BANK CENTER  
1735 MARKET STREET  
PHILADELPHIA, PA 19103

(215) 751-9700

FAX (215) 751-0736

November 18, 1996

Federal Election Commission  
Washington, D.C. 20463  
ATTN: Central Enforcement Docket

RE: MUR 4520

Dear Counsel:

I have reviewed the within complaint and I am at a loss to determine any violation that I may be responsible for. If in fact I contributed \$1000 to a Primary Campaign, and if in fact the amount contributed was received after the Primary date, even assuming arguendo that I had knowledge of the Primary date, which I did not, and assuming arguendo that the Campaign Committee had no debt at that time, then the Campaign Committee would be obligated to return my \$1000.

If you disagree with my logic, please advise.

Very truly yours,

JOEL E. ROME

JER/meg  
Certified Mail RRR

970436316

Nov 21 2 22 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4520

NAME OF COUNSEL: Joel E. Rome, Esq.

FIRM: Rome & Glaberson P.C.

ADDRESS: Suite 3901, 1735 Market St.

Phila., Pa. 19103

TELEPHONE: ( 215 ) 751-9700

FAX: ( 215 ) 751-0738

The above-named individual 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.

11/18/96

Date

Signature

RESPONDENT'S NAME: Joel E. Rome, Esq.

ADDRESS: Rome & Glaberson P.C.

Suite 3901, 1735 Market St.

Phila., Pa. 19103

TELEPHONE: HOME

BUSINESS ( 215 ) 751-9700

97043834317



FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

Nov 22 9 43 AM '96

Agnes Varis  
34 Hidden Ledge Road  
Englewood, N.J. 07631

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Nov 22 12 13 PM '96

November 18, 1996

Ms. Alva E. Smith  
Federal Election Commission  
999 E. Street, NW  
Washington, D.C. 20463

Subject: MUR 4520

Dear Ms. Smith:

I confirm today's telephone conversation during which I informed you that I had received your November 6, 1996 letter on November 12, 1996. Your letter states that the FEC received a complaint of violation of limit of individual contribution of \$1000 per election for Larry Lerner who was the NJ Democratic Congressional candidate for election to the 7th District of NJ.

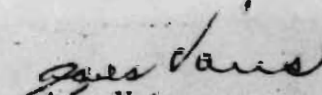
I did contribute \$2000 to the Lerner for Congress campaign. \$1000 was designated for the primary election and \$1000 was designated for the general election. I attach a copy of my canceled October 11, 1996 Check No. 1016, written to the order of Lerner for Congress, in the amount of \$2000. Please note that I have indicated on the check that it was for the primary and general campaigns.

I hope I have satisfactorily responded to your request for information and the complaint will become null and void.

I also call your attention to the fact that your letter was addressed to Agnes Varis, President, Agvar Chemicals, 34 Hidden Ledge Road, Englewood, NJ 07631. Indeed, I am the President of Agvar, but Agvar is located at 96 Route 23, Little Falls, NJ 07424. The address of 34 Hidden Ledge Road, Englewood, NJ is my private residence address. Please correct your records accordingly. Please continue to send any correspondence to my residence address but without mention of a corporate title or company name.

Thank you for your prompt attention to my request.

Cordially yours,

  
Agnes Varis

Enclosure

97043034310

97043834319

AGNES VARIS

34 HIDDEN LEADER RD.  
CINCINNATI OH 45231 Oct 11, 96

1016

88-788/312 434

PAY TO THE  
ORDER OF

James W. Cargill

\$ 2,000.00

Two Thousand

00/100

DOLLARS

**PNCBANK**

PNC Bank, N.A.  
New Jersey 080

James W. Cargill

Agnes Varis

# Larry Lerner

## FOR CONGRESS

2020 MORRIS AVENUE, UNION, N.J. 07083  
Tel. (908) 810-1996 / Fax (908) 810-7522

November 20, 1996

### SEVENTH DISTRICT

#### ESSEX COUNTY

Maplewood  
Millsburn

#### MIDDLESEX COUNTY

Edison  
Middlesex  
South Plainfield  
Woodbridge

#### SOMERSET COUNTY

Bound Brook  
Bridgewater  
Franklin  
Green Brook  
Hillsborough  
Manville  
Millstone  
North Plainfield  
South Bound Brook  
Warren  
Watchung

#### UNION COUNTY

Berkeley Heights  
Clark  
Cranford  
Fairwood  
Garwood  
Kenilworth  
Linden  
Mountainside  
New Providence  
Plainfield  
Roselle Park  
Scotch Plains  
Springfield  
Summit  
Union  
Westfield  
Winfield

**FAX (202) 219-3923**  
(Original via mail)

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

Re: MUR 4520

Dear Sir or Madam:

I am writing to respond to the additional information provided by letter of November 6, 1996 which we received on November 12, 1996.

This additional letter refers to contribution E at page 2 for line number 11(a)(i) in the Lerner for Congress Committee's 12 day pre-election report for a contribution of \$2,000 by Agnes Varis. The contribution was erroneously listed as being entirely for the general election. Agnes Varis contributed \$1,000 for the primary and \$1,000 for the general election, by a \$2,000 check which was specifically designated as being for the primary and general.

We have enclosed a copy of the check showing the designation for "primary and general." The report listed the \$2,000 check as being entirely for the general in error. We will amend the report.

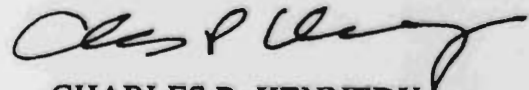
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
NOV 25 10 05 AM '96

Office of the General Counsel  
November 20, 1996  
Page 2

The contribution by Agnes Varis of \$1,000 designated for the primary on October 16, 1996 would not have exceeded the primary debt as set forth in our letter of November 11, 1996. There existed a debt of at least \$3,583.94 from the primary as of that date.

Based on this additional information, we request that the Federal Election Committee immediately notify us that it has determined that no action should be taken.

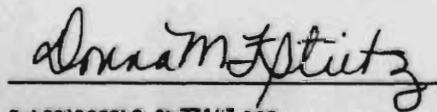
Sincerely yours,



CHARLES P. KENNEDY  
Counsel for Lerner for Congress

CPK/js

Sworn and subscribed to  
before me a Notary Public  
of the State of New Jersey  
this 20<sup>th</sup> day of November, 1996,  
in Westfield, New Jersey



F:\SS\DOCS\9.0\73143.DOC

DONNA M.F. STETTIN  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 2, 1997



970434322

AGNES VARIS

34 HIDDEN LEDGE RD.  
ENGLISHTOWN NJ 07631 Oct 11, 96

1016

88-780/312 484

PAY TO THE  
ORDER OF

Renew for Congress \$ 2000 <sup>00</sup>/<sub>100</sub>

Two Thousand <sup>00</sup>/<sub>100</sub> DOLLARS

**PNC BANK**

PNC Bank, N.A.  
New Jersey 060

FOR Treasury & General Agnes Varis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)  
)  
)

ENFORCEMENT PRIORITY

AUG 14 4 20 PM '87

**SENSITIVE**

AUG 19 1987

**EXECUTIVE SESSION  
SUBMITTED LATE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 34 cases which do not warrant further action relative to other pending matters.<sup>1</sup>

<sup>1</sup> These cases are: MUR 4470 (Ward for Congress); MUR 4478 (Citizens for Tom Reynolds); MUR 4492 (Friends of Ken Poston); MUR 4498 (Darryl Roberts for Congress); MUR 4506 (The Hon. Ted Little); MUR 4512 (Friends of Lane Evans); MUR 4517 (Unknown Respondent); MUR 4518 (Kansas for Rathbun); MUR 4520 (Larry Lerner for

97043834323

Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more distant in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of these facts, EPS also provides us with the means to identify those cases which, though earning a higher rating when received, remained unassigned due to a lack of resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

---

Congress); MUR 4522 (*Republican Party of Bexar County*); MUR 4523 (*Cong. Andrea Seastrand*); MUR 4524 (*Danny Covington Campaign Fund Committee*); MUR 4526 (*Hoeffell for Congress*); MUR 4528 (*Pete King for Congress*); MUR 4529 (*Pete King for Congress*); MUR 4532 (*Citizen's Committee for Gilman for Congress*); MUR 4535 (*Visclosky for Congress*); MUR 4537 (*Di Nicola for Congress*); MUR 4541 (*Ross Perot*); MUR 4548 (*Blagojevich for Congress*); MUR 4550 (*Friends of Wamp for Congress*); MUR 4551 (*John N. Hostettler*); MUR 4557 (*De La Rosa for Congress*); MUR 4559 (*Bill Baker for Congress*); MUR 4560 (*George Stuart Jr. for Congress*); MUR 4562 (*Wayne E. Schile*); MUR 4566 (*Al Gore*); MUR 4574 (*Danny Covington Campaign Fund Committee*); MUR 4576 (*Volunteers for Shimkus*); MUR 4579 (*New Zion Baptist Church*); MUR 4580 (*Friends of Mike Forbes*); MUR 4584 (*Bill Baker for Congress*); MUR 4588 (*Navarro for Congress*); and MUR 4613 (*Guy Kelley for Congress*).

2

The U.S. District Court for the District of Columbia, however, held in *Democratic Senatorial Campaign Committee v. FEC*, Civil Action No. 95-0349 (D.D.C. April 17, 1996) that 24 months was too long a time in which to hold a case in an inactive status.

97043034324

Twenty one cases have remained on the Central Enforcement Docket for a sufficient period of time to render them stale, all of which are recommended for closure in this Report.<sup>4</sup> This group includes four MURs that became stale several months ago, but were held pending criminal prosecution by the Department of Justice.<sup>5</sup> DOJ obtained convictions in the two criminal cases related to these four MURs (*U.S. v. Jay Kim* and *U.S. v. Dynamic Energy Resources*) based upon guilty pleas by the key defendants, who are also the principal respondents in our pending matters. Pursuit of civil enforcement action in view of the satisfactory results obtained in the criminal cases would not be the most effective use of the Commission's scarce resources at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective August 29, 1997. Closing these cases as

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<sup>4</sup> These cases are: MUR 4274 (GOPAC); MUR 4358 (*Miller for Senate*); MUR 4361 (ABC-TV); MUR 4368 (*Citizens Business Bank*); MUR 4380 (AFGE Local 2391 PAC); MUR 4385 (*Dial for Congress*); MUR 4386 (*Zimmer for Senate*); MUR 4396 (ABC); MUR 4404 (*Friends of Steve Stockman*); MUR 4410 (39th Legislative District); MUR 4417 (*Our Choice II*); MUR 4422 (*Desana for Congress Committee*); and Pre-MUR 336 (*Park National Bank & Trust*).

<sup>5</sup> These cases are: MUR 3796 (*Jay Kim for Congress*); MUR 3798 (*Jay Kim*); MUR 4275 (*Jay Kim*); and MUR 4356 (*Dynamic Energy Resources*). In dismissing the Jay Kim cases, we also recommend closing Pre-MUR 352, which is the transmittal of the guilty plea agreement and related documentation in the criminal case against Congressman Kim forwarded by United States Attorney's office.



of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

### III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

Pre-MUR 336

Pre-MUR 352

B. Take no action, close the file effective August 29, 1997, and approve the appropriate letters in the following matters:

MUR 3796	MUR 4396	MUR 4522	MUR 4559
MUR 3798	MUR 4404	MUR 4523	MUR 4560
MUR 4274	MUR 4410	MUR 4524	MUR 4562
MUR 4275	MUR 4417	MUR 4526	MUR 4566
	MUR 4422	MUR 4528	MUR 4574
MUR 4356	MUR 4470	MUR 4529	MUR 4576
MUR 4358	MUR 4478	MUR 4532	MUR 4579
MUR 4361	MUR 4492	MUR 4535	MUR 4580
MUR 4368	MUR 4498	MUR 4537	MUR 4584
	MUR 4506	MUR 4541	MUR 4588
MUR 4380	MUR 4512	MUR 4548	MUR 4613
MUR 4385	MUR 4517	MUR 4550	
MUR 4386	MUR 4518	MUR 4551	
	MUR 4520	MUR 4557	

8/14/97  
Date

Lawrence M. Noble (712)  
Lawrence M. Noble  
General Counsel

Attachment:  
Case Summaries

9704334326

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Federal Election Commission  
Certification: Enforcement Priority  
August 19, 1997

Page 2

19. MUR 4492.	20. MUR 4498.	21. MUR 4506.
22. MUR 4512.	23. MUR 4517.	24. MUR 4518.
25. MUR 4520.	26. MUR 4522.	27. MUR 4523.
28. MUR 4524.	29. MUR 4526.	30. MUR 4528.
31. MUR 4529.	32. MUR 4532.	33. MUR 4535.
34. MUR 4537.	35. MUR 4541.	36. MUR 4548.
37. MUR 4550.	38. MUR 4551.	39. MUR 4557.
40. MUR 4559.	41. MUR 4560.	42. MUR 4562.
43. MUR 4566.	44. MUR 4574.	45. MUR 4576.
46. MUR 4579.	47. MUR 4580.	48. MUR 4584.
49. MUR 4588.	50. MUR 4613.	

Commissioners Aikens, McDonald, McGarry, and Thomas  
voted affirmatively for the decision; Commissioner Elliott  
dissented.

Attest:

8-21-97  
Date

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

97043034320



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Charles Smith, Campaign Manager  
Franks for Congress  
313 South Avenue, Suite 204  
Fanwood, NJ 07023

RE: MUR 4520

Dear Mr. Smith:

On October 18, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

9704334329



**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043303450



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

David Brown  
Nikki Brown  
363 Maple Street  
Englewood, NJ 07631

RE: MUR 4520

Dear Mr. and Ms. Brown:

On October 25, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043332



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Bernard Gimbel  
PO Box 87  
Saddle River, NJ 07458

RE: MUR 4520

Dear Mr. Gimbel:

On October 25, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley".

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative



**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

9704303434



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Joel E. Rome, Esq.  
ROME & GALBERSON  
1735 Market Street, Suite 3901  
Philadelphia, PA 19103

RE: MUR 4520

Dear Mr. Rome:

On October 25, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative:

MUR 4520

LARRY LERNER FOR CONGRESS

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

9704363336



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

President  
Associates Constante Village  
26 Columbia Turnpike  
Florham Park, NJ 07932

RE: MUR 4520

Dear Sir or Madam:

On October 25, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Associates Constante Village. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative



**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043330



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

President  
Q.E.M. Associates  
26 Columbia Turnpike  
Florham Park, NJ 07932

RE: MUR 4520

Dear Sir or Madam:

On October 25, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Q.E.M. Associates. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043034C



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Agnes Varis, President  
Agvar Chemicals  
96 Newark Pompton Tpke.  
Englewood, NJ 07424-1106

RE: MUR 4520

Dear Ms. Varis:

On November 6, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043341



**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

The Committee responds that all of the contributions in question, made after the primary of June 4, 1996, were designated for the primary election to retire debts from that election, and that the total of contributions received for this purpose did not exceed the outstanding primary debt. As of June 4, 1996, the committee had primary debts in the amount of \$9,458.94. As of mid-November 1996, the campaign still showed a primary debt of \$3,583.94. In response to the amendment to the complaint, the Committee states that the \$2,000 contribution from Agnes Varis was reported in error. Ms. Varis contributed \$1,000 for the primary election and \$1,000 for the general. The Committee amended its 12 Day Pre-Primary Report to correct the reporting error concerning Ms. Varis contribution.

Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043342



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 29, 1997

Charles P. Kennedy, Esq.  
LERNER, DAVID LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 South Avenue West  
Westfield, NJ 07090

RE: MUR 4520  
Lerner for Congress and Beverly Lerner, as treasurer

Dear Mr. Kennedy:

On October 25, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on August 29, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

9704334343

Charles P. Kennedy, Esq.  
Page 2

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

9704334344

**MUR 4520**

**LARRY LERNER FOR CONGRESS**

Charlie Smith, Campaign Manager for Robert Franks (Congressman Larry Lerner's general election opponent), alleges that Larry Lerner's campaign committee received excessive contributions. Specifically, Mr. Smith alleges that the Larry Lerner for Congress Committee ("The Committee") designated \$5,750 in contributions from individuals to the general election contribution limit when in fact they were received for the primary. Mr. Smith alleges that if the contributions were attributed properly, the individuals would have exceeded their primary election limit. In an amendment to the complaint filed on November 1, 1996, he further alleges that The Committee improperly designated a \$2,000 contribution from Agnes Varis to the general election.

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Respondent Joel Rome, a contributor, states that he had no knowledge of the primary date. Furthermore, if he had contributed \$1,000 to a primary campaign after the primary date and the committee had no debt at that time, he then assumes that the committee would be obligated to return his \$1,000 contribution.

Respondent Agnes Varis, also a contributor, states that she had designated \$1,000 each to the primary and general elections, enclosing a copy of her canceled check showing this designation in the memorandum section in support of her response.

This matter is less significant relative to other matters pending before the Commission.

97043345





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4520

DATE FILMED 9-23-97 CAMERA NO. 4

CAMERAMAN JMU

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