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October 31, 1998

Federal Election Commission  
Office of General Counsel  
999 E. Street, NW  
Washington, DC 20463  
Att: F. Andrew Turley, Supervisory Attorney

Re: MUR 4815

Dear Mr. Turley:

This letter will confirm that this office has been retained by the Friends of John LaFalce ("Committee") and Roger A. Marchione, as Treasurer, relative to a complaint filed against Friends of John LaFalce and Roger A. Marchione, as Treasurer, under MUR # 4815, and your letter Dated October 16, 1998 granting an extension to respond on or before November 4, 1998.

Enclosed herewith please find my client's answer to the complaint. It is respectfully submitted that the answer sets forth reasons why the Commission should take no action on complaint-generated matters (2 U.S.C. 437g(a)(1)).

Very truly yours,

  
Mark Matthew Jasen

enclosure

cc: Roger A. Marchione, Treasurer  
Hon. John LaFalce

FEDERAL ELECTIONS COMMISSION

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**In the matter of the Complaint of  
Ralph M. Mohr**

**ANSWER**

vs.

Mur No.4815

**Friends of John LaFalce and  
Roger A. Marchione, Jr. as Treasurer**

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Respondent **Friends of John LaFalce and Roger A. Marchione, Jr. as Treasurer**, by their attorney **Mark Matthew Jasen, Esq.** as and for the Answer to the Complaint, herein alleges:

1. **Roger A. Marchione, as Treasurer** denies each and every allegation in Complaint of **Ralph M. Mohr**, wherein it is alleged that a September 2, 1998 letter signed by candidate John J. LaFalce constitutes (1) violation- Failure to include best efforts language and (2) violation- Failure to include Mandatory Disclaimer Language.
2. That as treasure I have always exercised and made best efforts to obtain, maintain, and report the information required by law with respect to itemized receipts and disbursements.
3. That the subject letter was not intended to be a solicitation for financial contribution and the text body of the letter does not request a financial contribution.
4. That as treasurer, for record keeping purposes, I attempt to maintain the same identifying information as contributions exceeding \$50.00, namely the name, date of receipt and donor's address. The enclosed card clearly identified "Friends of John LaFalce", which paid for the letter and mailing. The enclosed card clearly requested the appropriate information, for purposes of contributions of \$50.00 or exceeding \$50.00. The requested

solicitation was for non-monetary volunteer campaign support- signs, phone calls, envelope stuffing, etc. .

5. Based upon the return envelopes, and review of the Financial Reports filed, any financial contributions generated by the subject letter card response were reported and all contributions in excess of \$100.00 were separately listed on the Reports, although not required by federal law, together with aggregate year to date.
6. That in solicitations requests for direct financial contributions to the "Friends of John LaFalce", the required statement "FEDERAL LAW REQUIRES POLITICAL COMMITTEES TO REPORT THE NAME, MAILING ADDRESS, OCCUPATION, AND NAME OF EMPLOYER FOR EACH INDIVIDUAL WHOSE CONTRIBUTIONS AGGREGATE IN EXCESS OF \$200 IN A CALENDAR YEAR" always appears.
7. Both the October 15, 1998 and "12 Day Pre-Election" Reports of Receipts and Disbursements were timely filed, and accurately reflect all the receipts and "aggregate Year to date" amount for each contributor.

**WHEREFORE, Respondent Friends of John LaFalce and Roger A.**

**Marchione, Jr. as Treasurer** respectfully request that the complaint of Ralph M. Mohr is without merit, and that no action should be taken by the Commission in response to the Complaint.

DATED: BUFFALO, NEW YORK  
October 30, 1998

Yours, etc.,

**MARK MATTHEW JASEN, ESQ.**  
Attorney for Respondents  
**Friends of John LaFalce and**  
**Roger A. Marchione, Jr. as Treasurer**  
Office & PO Address  
620 Gateway Executive Park  
Buffalo, New York 14219  
(716)826-2600

VERIFICATION

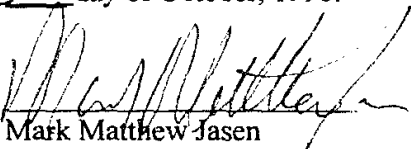
STATE OF NEW YORK)  
COUNTY OF ERIE )ss:

I, the undersigned, **Roger A. Marichone, JR.**, being duly sworn, depose  
and says:

That I am the RESPONDENT in the foregoing proceeding and that I have  
read the ANSWER annexed herein and know the contents thereof, and the same are  
true to my knowledge, except as to those matters stated therein to be alleged upon  
information and belief, and as to those matters, I believe them to be true. My belief  
as to those matters therein not stated upon knowledge is based upon my examination  
of documents filed with the Federal Elections Commission, or copies thereof.

  
**Roger A. Marichone, JR.**

Sworn to before me this  
31<sup>st</sup> day of October, 1998.

  
Mark Matthew Jasen

Notary Public

Qualified in Erie County

My Commission Expires 6/30/98

FEDERAL ELECTIONS COMMISSION

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**In the matter of the Complaint of  
Ralph M. Mohr**

**ATTACHMENTS TO ANSWER**

vs.

Mur No.4815

**Friends of John LaFalce and  
Roger A. Marichone, Jr. as Treasurer**

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1. John J. LaFalce, letter dated September 2, 1998
2. Card enclosed in John J. LaFalce, letter dated September 2, 1998
3. Letter of extension, dated October 16, 1998

# John J. LaFalce

3600 Delaware Avenue • Kenmore, N.Y. 14217 • Phone: (716) 447-1323 • FAX: (716) 447-9085



September 2, 1998

Dear Friend:

I have been honored to serve the residents of the 29th Congressional District in the United States House of Representatives, and have appreciated the support you and others have given me. Without your good will and guidance, I never would have been able to work as I have for our mutual interests.

This election year, my opponent is a very wealthy individual who lives outside our district. He has established "a one million dollar budget to wage the most competitive challenge John LaFalce has ever faced." It is only with your help that I will be able to continue to give Western New York dedicated, honest and effective leadership in the House. Your support is critical to the success of my re-election campaign.

I have always fought for what you and I believe in, and have worked hard to best represent the diverse needs of our constituency as a whole. You know me, you know my record, you know I will continue to work on the many issues that concern us. These, of course, include: fair access and fundamental patients' rights in our health care system; the preservation of social security; fair funding toward quality education for our children; protection of the environment; the fostering of a healthy economy that provides good jobs and protections for our workers during a time of complex international pressures; and the strong support of crime prevention and law enforcement initiatives. Agriculture, transportation, campaign finance reform, consumer protections and child care initiatives are equally important. As you can see, we have our work cut out for us. As an experienced Member of Congress with important seniority, I know how to get the job done.

I have already begun working on a November 3rd victory, and very much hope that you will join me. I would greatly appreciate any help you would be able to provide. Thank you for filling out and returning the enclosed card. Please feel free to stop in at my Campaign Headquarters just north of Sheridan Drive at 3600 Delaware Avenue

Sincerely,

JOHN J. LaFALCE  
Member of Congress

**YES, I will help John!**

Name \_\_\_\_\_

Address \_\_\_\_\_

Day

Phone \_\_\_\_\_

Evening

Phone \_\_\_\_\_

**COUNT ON ME TO:**

\_\_\_\_\_ TAKE A LAWN SIGN

\_\_\_\_\_ STUFF ENVELOPES

\_\_\_\_\_ DISTRIBUTE LITERATURE

\_\_\_\_\_ PROVIDE FINANCIAL HELP. Enclosed is my check for \$ \_\_\_\_\_

\_\_\_\_\_ HOST A PARTY

\_\_\_\_\_ VOLUNTEER AT HEADQUARTERS

\_\_\_\_\_ MAKE PHONE CALLS

Checks payable to: Friends of John LaFalce. Use the enclosed envelope and return to  
FRIENDS OF JOHN LaFALCE

Post Office Box 383 • Niagara Falls, New York 14302

Contributions to Friends of John LaFalce are not deductible for income tax purposes

**John J. Larabee**  
Post Office Box 393  
Niagara Falls, N.Y. 14302

[illegible]

10-22-34 1305

[illegible]

Friends of John LaFalce  
Post Office Box 383  
Niagara Falls, New York 14302

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