

THOMAS J. SPARGO  
ATTORNEY AT LAW  
363 JOSLYN SCHOOL ROAD  
EAST BERNE, NEW YORK 12059  
TEL. 518-872-2145

November 4, 1998

F. Andrew Turley, Esq.  
Federal Election Commission  
Supervisory Attorney  
999 E. Street, NW  
Washington, D.C. 20463

Re: MUR 4810

Dear Mr. Turley:

I am attaching the affidavit of Thomas Golisano, the Treasurer of the Independence Party of New York Committee (ID No. C00275842), an inactive federal committee registered with your office.

In connection with the disputed mailing which is the subject of MUR 4810, Mr. Golisano indicates that he personally, and as treasurer of the Independence Party of New York Committee, had no knowledge of or involvement in the publication or distribution of the disputed letter.

I understand that the Friends of John LaFalce Committee is filing with you its response to MUR 4810 which will provide an explanation of the campaign piece.

I trust that the LaFalce reply will be sufficient to answer any questions that the Commission has with regard to this matter, and that you will agree that Mr. Golisano and that the above Independence Party of New York Committee had no responsibility or liability for the disputed mailing in connection with MUR 4810.

If any further information is needed please do not hesitate to contact me.

Sincerely,



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FEDERAL ELECTION COMMISSION

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In the Matter of the Complaint of RALPH M.  
MOHR

against

AFFIDAVIT

JOHN LaFALCE FOR CONGRESS COMMITTEE  
and INDEPENDENCE PARTY OF NEW YORK,

MUR# 4810

Respondents.

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STATE OF NEW YORK)

COUNTY OF MONROE)

Thomas Golisano, being duly sworn deposes and says:

1. That my office address is 911 Panorama Trail South in Rochester, New York 14625, and I am the treasurer of a committee that registered with the Federal Election Commission named the Independence Party of New York (ID No. C00275842), which committee is no longer an active federal committee.

2. The Independence Party of New York is a permanent political party created under the Elections Laws of New York State, and I am not an officer of the state party, although I am currently the candidate of that party for Governor of New York State in the November 3<sup>rd</sup>, general election and I was elected to serve as a member of the State Committee of the Independence Party from Ontario County in the September 15, Primary Election.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

3. The above complaint has been made because a campaign mailing was apparently sent to enrolled Independence Party voters in the 29<sup>th</sup> Congressional District for the September 15, 1998 Primary Election to select the congressional candidate of the Independence Party in the 29<sup>th</sup> Congressional District in New York State for the November 3, 1998 general election. (A copy of the letter is attached hereto)

4. I was not a signatory to the disputed letter dated September 8, 1998, although there are five officers of the party who apparently signed the letter addressed to enrolled party voters.


5. I did not make any personal financial contribution to support the publishing or distribution of the September 8, letter and to my knowledge no funds of the Independence Party of New York Committee of which I served as Treasurer were spent, promised, or committed to publishing or distributing the disputed September 8, letter.

6. I did not participate personally or as Treasurer of the Independence Party of New York Committee in any way in the drafting or distribution of the disputed letter, nor was I personally aware of, nor did I personally authorize the drafting or distribution of that letter.

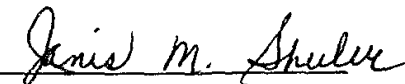
7. Although the letterhead is captioned "Independence Party of New York", the use of that letterhead was not a part of any activity of the federal registered committee of which I served as Treasurer, nor did I have a discussion with or authorize any person to use that letterhead or committee name in connection with any federal campaign activity in the 1998 election cycle, more particularly in the Primary Election for the 29<sup>th</sup>

Congressional District.

8. I am making this affidavit to answer the complaint which has been designated MUR 4810 and I have authorized Thomas J. Spargo to appear as my attorney in connection with any further filings that are required in connection with this inquiry.

  
THOMAS GOLISANO

Sworn to before me this *10th*  
day of November, 1998



Notary Public

JANIS M. SHULER  
Notary Public, State of New York  
No. 4988683  
Qualified in Monroe County  
Commission Expires Nov. 12, *1999*



# INDEPENDENCE PARTY OF NEW YORK

295 Main Street, Ellicott Square Building, Suite 525; Buffalo, New York 14202

September 8, 1998

Dear Independence Party Voter:

On Tuesday, September 15, there will be a Primary contest for the office of U.S. Representative in the 29<sup>th</sup> Congressional District. The New York State Independence Party has endorsed REP. JOHN J. LaFALCE as our choice for that seat, and we strongly urge you to vote for John.

John LaFalce has served us with integrity, excellence, and a truly independent spirit. This has been recognized universally by the Western New York media. The Buffalo News, Niagara Gazette, Tonawanda News, Union Sun & Journal, Medina Journal Register and Rochester Democrat and Chronicle have all acclaimed John's independence and record—especially on issues our Party has taken a strong stand on, such as fair trade and campaign finance reform. Also of great import to us, John LaFalce has lived his entire life, and voted his entire life in the 29<sup>th</sup> District.

On the other hand, his Primary opponent has NEVER LIVED and NEVER VOTED from the district. We believe, like Abraham Lincoln, that government should, at the very least, be "of the people". Quite simply, JOHN LaFALCE is "one of us" and his opponent does not meet even that minimum qualification.

Of equal import, John's opponent has attempted to fool you and our Party. He had his supporters sign a document purporting to say our party authorized his candidacy. That was totally FALSE AND FRAUDULENT. We had to go to Court to prove those so-called authorizations were totally FALSE AND FRAUDULENT. But we did so! At various stages, SIX JUDGES agreed with us. We urge you to support the integrity of our Independence Party, and not support someone who SIX JUDGES repudiated.

ON SEPTEMBER 15, WE URGE YOU TO SUPPORT THE ONLY CANDIDATE WE HAVE ENDORSED IN THE 29<sup>th</sup> CONGRESSIONAL DISTRICT— JOHN J. LaFALCE.

Thank you

Jack R. Essenberg  
State Independence Party Chairman

Tom Pecoraro  
State Independence Party Vice Chairman

Harvey Albond  
Chairman, Niagara County  
Independence Party

John B. Horan  
Chairman, Erie County  
Independence Party

David Stockmeister  
Chairman, Monroe County  
Independence Party

FEDERAL ELECTION COMMISSION

In the Matter of the Complaint  
of RALPH M. MOHR

v.

JOHN STANLEY FOR CONGRESS  
COMMITTEE AND INDEPENDENCE  
PARTY OF NEW YORK

AFFIDAVIT OF THOMAS GOLISANO

THOMAS J. SPARGO, ESQ.  
363 Joselyn School Road  
East Berne, New York 12059