



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 2, 1999

Arthur Bramwell
c/o Kings County Republican Committee
32 Court Street, #10
Brooklyn, New York 11202-4404

RE: MUR 4648

Dear Mr. Bramwell:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on December 8, 1997, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 432(h)(1) by distributing cash in amounts over \$100 on behalf of the New York Republican Federal Campaign Committee and instituted an investigation in this matter.

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

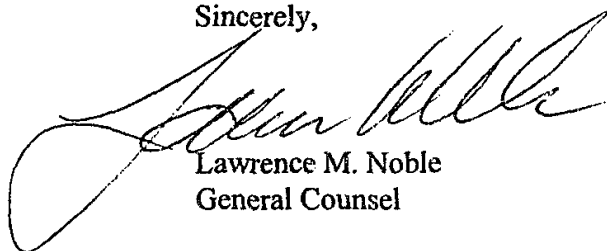
The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of

the General Counsel ordinarily will not give extensions beyond 20 days. A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Tony Buckley, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure
Brief

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Arthur Bramwell

)
)
) MUR 4648

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was commenced by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. On December 8, 1997, the Commission found reason to believe that Arthur Bramwell violated 2 U.S.C. § 432(h)(1) by distributing cash in amounts over \$100 on behalf of the New York Republican Federal Campaign Committee ("the Committee").

II. ANALYSIS

A. Applicable Law

Pursuant to 2 U.S.C. § 432(h)(1), no disbursement may be made by a political committee in any form other than by check drawn on the committee's account at its designated campaign depository, except for disbursements of \$100 or less from a petty cash fund. The treasurer of a committee and other persons may each be held liable for disbursing cash in excess of \$100 on behalf of a committee.

B. Facts

On November 7, 1994, the Committee issued a check for \$5,000 to the Kings County Republican Committee, of which Arthur Bramwell is Chairman. Mr. Bramwell cashed this check and disbursed the funds therefrom. In response to questions from the Commission, Mr. Bramwell stated that he "bought food which we made and distributed to our volunteers and other election officials on Election Day as they worked the polls or our turnout efforts. We did

this for both coffee and donuts in the morning and fried chicken box lunches later in the day. We fed at least 200 people. . . ." Mr. Bramwell goes on to describe other uses for the money. He states that he did not give any individual \$100 or more.

C. Analysis

Mr. Bramwell did not provide documentation to prove to whom he disbursed cash and in what amounts. However, Mr. Bramwell's description of the meals provided, providing food to at least 200 people in the morning and afternoon, strongly suggests that more than \$100 was expended on the food that he bought. The possibility that such food could be provided at a cost of less than 50 cents per person is simply not credible. Thus, in paying for the food, Mr. Bramwell must have disbursed cash in excess of \$100 on behalf of the Committee.

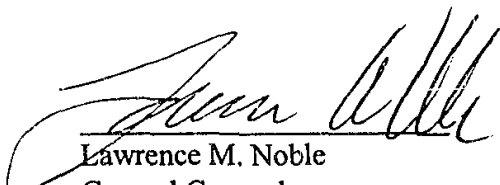
Therefore, there is probable cause to believe that Arthur Bramwell violated 2 U.S.C. § 432(h)(1) by disbursing cash in amounts in excess of \$100.

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that Arthur Bramwell violated 2 U.S.C. § 432(h)(1).

Date

9/2/99


Lawrence M. Noble
General Counsel