



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bert Ghavami
19-15 Kipp St.
Fairlawn, NJ 07410

JUL 12 2002

RE: MUR 5279
Bill Bradley for President, Inc.

Dear Mr. Ghavami:

On June 26, 2002, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. In addition, please complete and return the enclosed questionnaire within 15 days. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

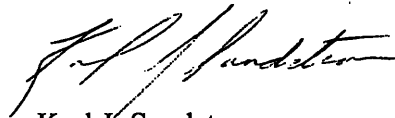
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Albert Veldhuyzen or Michelle E. Abellera, the attorneys assigned to this matter, at (202) 694-1650.

Sincerely,



Karl J. Sandstrom
Vice Chairman

Enclosures

Factual and Legal Analysis

Procedures

Designation of Counsel Form

Questionnaire

1
2 **FEDERAL ELECTION COMMISSION**
3 **FACTUAL AND LEGAL ANALYSIS**
4
5

6 **RESPONDENT:** Bert Ghavami

MUR: 5279

7
8 **I. GENERATION OF MATTER**

9 This matter was generated by an audit of Bradley for President, Inc. ("Committee") and
10 Theodore V. Wells, as treasurer, undertaken in accordance with 26 U.S.C. § 9038(a).

11 **II. FACTUAL AND LEGAL ANALYSIS**

12 **A. Law**

13 The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no
14 person shall make a contribution in the name of another person or knowingly permit his name to
15 be used to effect such a contribution, and no person shall knowingly accept a contribution made
16 by one person in the name of another. 2 U.S.C. § 441f. *See also* 11 C.F.R. § 110.4(b)(1).

17 **B. Contribution in the Name of Another**

18 The Committee received 40 business checks totaling \$40,000 on June 22, 1999. The
19 checks were written on the accounts of 40 different business entities and attributed to 39
20 individuals. A contribution schedule provided by the Committee listed all the contributors as
21 partners in various "partnerships;" the schedule listed the names of the partnerships, the
22 contributing partner and the address of the partnership. All of the partnerships have the same
23 address: 26 Columbia Turnpike, Florham Park, NJ. This address is the corporate headquarters of
24 Kushner Companies, a business owned and chaired by Charles Kushner.¹

¹ Dun and Bradstreet reports indicate that Kushner Companies is involved in approximately 100 locations. These properties appear to be managed by partnerships or limited liability companies in which Kushner Companies is the general partner.

24-04-408-1663

24-04-403-1664

1 One of the contributions (check #5587 written for \$1,000) was attributed to Bert Ghavami
2 as a partner of Pitney Farms Associates. However, there is no evidence to confirm that Mr.
3 Ghavami is a partner in Pitney Farms Associates or that Mr. Ghavami's individual partnership
4 account was charged.² The Commission attempted to verify the status of Pitney Farms
5 Associates through Dun and Bradstreet and the New Jersey Secretary of State. There was no
6 evidence that Mr. Ghavami was a "partner" of Pitney Farms Associates.

7 An examination of all 40 contribution checks indicates that they were mass-produced and
8 originated from a single corporate source. The accountholder's name, bank routing numbers and
9 other notations all appear to be printed in the same type as the payee and amount information.
10 All but three checks contained the same typographical error. The fundraiser's name, Sapoch, was
11 spelled incorrectly in the payee line ("Japoch"). All of the checks were drawn on accounts held
12 at two different banks, Norcrown Bank and Valley National Bank. Norcrown Bank is part of the
13 Kushner group of businesses. Lastly, all the checks appear to have been signed by the same
14 person. Although not legible, the signatures on the checks appear very consistent.³ Given the
15 likelihood that the checks were signed by Mr. Kushner and originated from Kushner Companies
16 and given the absence of evidence that the partners of the various partnerships intended to make
17 contributions, the Office of General Counsel believes that Kushner Companies and/or Mr.
18 Kushner were the true source of the contributions.

19 Given Kushner Companies and Mr. Kushner's control over other contributing
20 partnerships, Mr. Kushner's relation to other named contributors, and the fact that the

² The Committee sent follow-up letters to determine the eligibility of the contributions for matching funds. Only 4 of the 39 contributors replied to the Committee's request for verification. Mr. Ghavami did not reply.

1 contributions appear to be signed by the same individual, were written for the same amount, and
2 delivered on the same day, it is likely that contributions were made in the name of another.
3 Furthermore, Mr. Ghavami made contributions to other federal campaign committees under
4 similar circumstances. The presence of this bundling pattern of contributions suggests that Mr.
5 Ghavami may have allowed his name to be used to effect contributions in the name of another.
6 Accordingly, the Commission found reason to believe that Bert Ghavami violated 2 U.S.C.
7 § 441f and 11 C.F.R. § 110.4(b)(1)(iv).

³ A comparison of the check signatures with Mr. Kushner's signature as displayed on the Kushner Companies' website suggests that the signatures may have originated from the same person.



Questionnaire in Matter Under Review 5279
Bert Ghavami

Questionnaire Instructions

Pursuant to 2 U.S.C. § 437g, the Federal Election Commission is investigating contributions to the Bill Bradley for President, Inc. ("Bradley Committee") during the 2000 presidential primary election campaign. The Commission has obtained documents that appear to show that you made a \$1,000 partnership contribution to the Bradley Committee on June 16, 1999 by check number 5587. A copy of check number 5587 is attached for your review.

Please answer the following questions by checking the appropriate boxes or filling in the blank lines. Please review your answers to ensure they are accurate and complete. **For all questions that call for a description or explanation, attach additional sheets if necessary.** Please submit the questionnaire to the General Counsel's Office within 15 days of receipt.

1. What is your occupation?

2. Please provide your employer's address.

3. Did you make a \$1,000 partnership contribution to the Bradley Committee with check number 5587?

☐ Yes ☐ No

4. Did you consent to the \$1,000 partnership contribution?

☐ Yes ☐ No

5. a. When did you consent to the \$1,000 partnership contribution?

- b. How did you consent to the \$1,000 partnership contribution?

c. Who did you communicate your consent to?

d. Did anyone acknowledge your consent? Please name the individual(s).

e. When was your consent acknowledged?

6. Are you a partner of Pitney Farms Associates?

☐

Yes

☐

No

7. What is your partnership status? Are you a limited partner or a general partner of Pitney Farms Associates?

☐

Limited Partner

☐

General Partner

8. Please describe the structure and status of Pitney Farms Associates:

a. How many limited partners does Pitney Farms Associates have?

b. Please list the limited partners of Pitney Farms Associates.

c. Please list the general partners of Pitney Farms Associates.

d. When was Pitney Farms Associates created?

e. What is the relationship between Pitney Farms Associates and Kushner Companies?

9. Please describe your involvement and participation in Pitney Farms Associates:

a. When did you become a partner of Pitney Farms Associates?

b. What was the percentage of your ownership interest when you joined Pitney Farms Associates?

c. What was the percentage of your ownership interest in Pitney Farms Associates on June 16, 1999?

d. What is the percentage of your current ownership interest in Pitney Farms Associates?

e. Please list any limitation or restrictions on your use of funds in the Pitney Farms Associates account.

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f. Are you employed by Pitney Farms Associates?

☐ Yes

☐ No

g. Are you an officer of Pitney Farms Associates?

☐ Yes

☐ No

h. Please describe your job title(s) and responsibilities as an employee or officer of Pitney Farms Associates?

10. How did you submit your \$1,000 contribution with check number 5587 to the Bradley Committee?

11. Did you authorize the \$1,000 contribution with check number 5587 to the Bradley Committee?

☐ Yes

☐ No

12. Did funds for the \$1,000 contribution with check number 5587 originate from a bank account that you control?

☐ Yes

☐ No

13. Did funds for the \$1,000 contribution with check number 5587 originate from a personal partnership interest that you control?

☐ Yes

☐ No

14. Please attach documentation showing that your bank account was debited or your personal partnership interest was charged.

15. a. Does Pitney Farms Associates organize a political contribution plan for its members?

☐ Yes

☐ No

b. Please describe the contribution plan.

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16. Please list all other persons involved in the making of your contribution to the Bradley Committee.

17. Please describe in full each person's involvement in the making of your contribution to the Bradley Committee.

18. a. Did anyone associated with Pitney Farms Associates encourage you to make a contribution to the Bradley Committee?

☐

Yes

☐

No

- b. Please list the individuals and describe the circumstances.

19. a. Did anyone associated with Kushner Companies encourage you to make a contribution to the Bradley Committee?

☐

Yes

☐

No

- b. Please list the individuals and describe the circumstances.

20. Are you a member of any other partnerships?

☐

Yes

☐

No (If you answered "no,"
please proceed to
question 34.)

21. Please list all the partnerships, other than Pitney Farms Associates, to which you belong.

24-04-408-1670

22. How long have you been a member of those partnerships?

23. What is your ownership interest in each partnership?

24. What is the relationship between those other partnerships to which you belong and Kushner Companies?

25. Have you made contributions to federal committees as a partner of these other partnerships?

☐

Yes

☐

No

(If you answered "no,"
please proceed to
question 34.)

26. On a separate sheet, please list the contributions you made as a partner of other partnerships. Please follow the format shown below.

Committee: _____

Partnership: _____ Date: _____ Amount: _____

27. a. Do the partnerships organize political contribution plans for its members?

☐

Yes

☐

No

(If you answered "no,"
please proceed to
question 30.)

b. Please describe the contribution plan.

28. As a partner, did you agree to make political contributions through a plan?

☐ Yes

☐ No (If you answered "no,"
please proceed to
question 30.)

29. When did you agree to participate in such a plan?

30. For each of the above contributions, please indicate how you submitted the contributions to the respective committees.

31. Please list all other persons involved in your making contributions to other federal committees. Please include committee personnel who received your contribution.

32. a. Did anyone associated with the partnerships encourage you to make contributions to the federal committees?

☐ Yes

☐ No

b. Please list the individuals and describe the circumstances.

33. a. Did anyone associated with Kushner Companies encourage you to make contributions to the federal committees?

☐ Yes

☐ No

b. Please list the individuals and describe the circumstances.

24-04-408-1672

34. a. Did anyone associated with Kushner Companies provide you with any payments, bonuses, reimbursements or favors as a consequence of your contributions to or fundraising activities on behalf of political committees?

☐

Yes

☐

No

- b. Please list the individuals and describe the circumstances.

35. What is your relationship to Kushner Companies?

36. Have you ever been employed by Kushner Companies?

☐

Yes

☐

No

37. Please provide the length of your employment or association with Kushner Companies.

38. Please describe any other fundraising activity in which you have participated involving Kushner Companies and associated partnerships. "Fundraising activity" includes soliciting contributions; suggesting or requesting that a contribution be made; making, collecting and forwarding contributions. "Fundraising activity" also includes meetings, discussions and functions related to other events involving the soliciting, making, collecting and forwarding of contributions.

24.04.408.1673

Pursuant to 28 U.S.C. § 1746, I, Bert Ghavami, declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at _____ on the _____ day of _____, 2002.

Signature: _____

Date: _____

We may wish to speak with you by telephone. Please fill in your telephone number and tell us the best time during normal business hours for us to call.

Telephone Number: _____

Please call between: _____

Mail to all federal agencies in Washington, DC is irradiated against anthrax and other biological hazards. This has resulted in substantial delays in delivery. For this reason, we ask that you also fax a copy of your response to us at (202) 219-1043 or scan it and email it to Albert Veldhuyzen at aveldhuyzen@fec.gov.

If you have any questions, you may call the FEC attorneys assigned to this matter, Albert Veldhuyzen and Michelle Abellera, at (202) 694-1650 or (800) 424-9530.

THANK YOU FOR YOUR ASSISTANCE.

24.04.408.1675

PITNEY FARM ASSOCIATES
26 COLUMBIA TURNPIKE
FLORHAM PARK NJ 07932

VALLEY NATIONAL BANK
73 S. LIVINGSTON AVE
LIVINGSTON, NJ 07039

55-138/212
CHECK NO. 5587

DATE 06/16/99

AMOUNT \$*****1,000.00

PAY EXACTLY ONE THOUSAND DOLLARS AND NO CENTS

PAY
TO
THE
ORDER
OF

BILL BRADLEY PRES EXPL COMMITT
C/O BETTY W. JAPOCH
4 HAWTHORNE AVENUE
PRINCETON NJ 08540

CKMS PROPERTIES INC.



AUTHORIZED SIGNATURE