



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA FACSIMILE
AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 13, 2004

Jan Witold Baran
Lee Goodman
Wiley, Rein & Fielding
1776 K St., N.W.
Washington, D.C. 20006

RE: MUR 5279

Dear Mr. Baran and Mr. Goodman:

Pursuant to its investigation of this matter, the Commission has issued the attached subpoenas and orders requiring your clients, the Kushner Companies and its 40 Associated Partnerships and Westminster Management LLC to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, U.S. Code. For the same purposes, the Commission has issued a subpoena requiring a designated representative to appear and give sworn testimony on topics described in an attachment to the deposition subpoena.

The questions posed in the subpoenas memorialize some of the topics that we have raised with you during telephone conversations and in our meetings, including our most recent meeting of February 11, 2004. We appreciate your participation in a dialogue and the written submissions you have made to date. We had indicated that we may send you our questions in a letter, but given the pending expiration of the statute of limitations, the unexpected delays in the submission of your prior response, your reluctance to toll the statute of limitations, and your stated ambivalence over whether informal cooperation is worthwhile in light of the pending depositions of Charles Kushner and other Kushner Companies employees, we decided that a formal request was more appropriate.

Jan Witold Baran, Esq.
Lee Goodman, Esq.
Page 2

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40, plus mileage. Subsequent to the deposition, your client will be sent a check for the witness fee and mileage.

Within two days of your receipt of this notification, please confirm the scheduled appearance with me at (202) 694-1650.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Kathleen Dutt
Attorney

Enclosures

Subpoenas

Requests for Documents

24 04 403 2753

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5279


DEPOSITION SUBPOENA

TO: Kushner Companies and its 40 Associated Partnerships; and
Westminster Management LLC
c/o Jan Baran, Esq.
Wiley, Rein & Fielding
1776 K Street NW
Washington, DC 20006

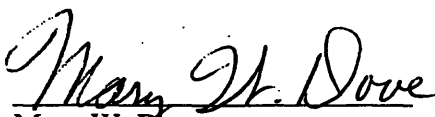
Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to produce a designated representative for deposition in a manner akin to Federal Rule of Civil Procedure 30(b)(6), to address the topics identified in the attached addendum, with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on March 9, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building, 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 10:00 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 13th day of February, 2004.

For the Commission,


Bradley A. Smith
Chairman

ATTEST:


Mary W. Dove
Secretary of the Commission

MUR 5279
Addendum
Kushner Companies and its Associated Partnerships
Westminster Management, LLC

ADDENDUM TO SUBPOENA

The topics to be addressed at the deposition include:

- (1) the accounting procedures and policies of Kushner Companies and its Associated Partnerships regarding the making of political contributions from partnership funds, including, the tracking of political contributions and the debiting the capital accounts of individual partners to which such political contributions are attributed;
- (2) the accounting procedures referenced in the January 14 and February 6, 2004 correspondence from your counsel at Wiley, Rein & Fielding to the Federal Election Commission in MUR 5279, and the basis for your assertion that such procedures satisfy the requirement of 2 U.S.C. § 110.1(e)(2)(ii);
- (3) the policies and procedures of Kushner Companies and its Associated Partnerships regarding the making of distributions to partners and the maintenance of capital accounts.

24-04-403-2760

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5279

SUBPOENA

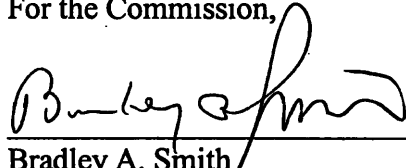
TO: Kushner Companies and its 40 Associated Partnerships; and
Westminster Management LLC
c/o Jan Baran, Esq.
Wiley, Rein & Fielding
1776 K Street NW
Washington, DC 20006

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Attached to this Subpoena are instructions and definitions that you must follow in responding to this Subpoena and Order. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Notice is given that written answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, on February 23, 2004. The documents must be submitted to the Office of the General Counsel, at the same address by February 23, 2004.


WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 13th day of February, 2004.

For the Commission,



Bradley A. Smith
Chairman

ATTEST:



Mary W. Dove
Secretary to the Commission

Attachment
Questions and Document Requests

ATTACHMENT TO SUBPOENA

This Subpoena to Produce Documents has been issued by the Federal Election Commission under the authority of 2 U.S.C. § 437d(a)(1) and (3).

Return the original Subpoena with an original affidavit signed by the appropriate official attesting that you provided all responsive documents and submitted written answers under oath. The affidavit must be sworn and notarized.

INSTRUCTIONS

In answering the request for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, custody or control, or otherwise known or available to you, including documents and information appearing in your records.

If you cannot answer the requests for production of documents in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege or other objection with respect to any documents, communications, or other items about which information is requested by the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim or objection. Each claim of privilege must specify in detail all the grounds on which it rests. No part of this request shall be left unanswered solely because an objection is interposed to another part of this request.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this audit if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

24-04-405-2762

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

“Commission” shall mean the Federal Election Commission.

“Kushner Companies” shall mean the named respondent in this action to whom these discovery requests are addressed, including its subsidiaries and affiliates, and all officers, employees, agents or attorneys thereof.

“Associated partnerships” shall include the following partnerships as well as any other entities with a connection to “Kushner Companies” or Charles Kushner: 135 Montgomery Associates; 836 Avenue Associates; BP Developers, L.P.; Brick Building Associates, L.P.; Bruckner Plaza Associates; Colfax Manor, L.P.; College Park Associates, L.P.; Constantine Village Associates; Dara Building Associates, L.P.; East Brunswick Corporate Center; Edgewater Apartments Associates, L.P.; Elmwood V. Associates, L.P.; General Greene Village Associates; Glen Ellen Associates, L.P.; Hackettstown Square Associates; Harbor Island Realty Associates, L.P.; Kent Gardens Associates; Kushner Seiden Madison 64th, L.P.; LMEC Associates, L.P.; Millburn Associates, L.P.; Montgomery Associates; Mt. Arlington Apartments Associates, L.P.; New Puck, L.P.; Oakwood Garden Developers, L.P.; Pheasant Hollow Associates; Pitney Farms Associates, L.P.; QEM Associates, L.P.; Quail Ridge Associates, L.P.; Randolph Building Associates, L.P.; Reike, L.P.; Riverside Park Industrial Associates, L.P.; Rolling Gardens Associates; Seven S.L.P. Associates, L.P.; Sixty Six West Associates; Sod Farms Associates, L.P.; Sparta Building Associates, L.P.; Township Associates; Wallkill Apartments Associates, L.P.; West Brook Associates, L.P.; Westminster Sales & Marketing, L.P.

“Persons” shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

“Personnel” shall be deemed to include both singular and plural, and shall mean any director, officer, manager, supervisor or other employee of the named respondent and/or its subsidiaries and affiliates, as well as any partner, agent, or other individual authorized to act on behalf of the named respondent and/or its subsidiaries and affiliates.

“Document” shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained, including

data stored on electronic or magnetic media. Each draft or non-identical paper or electronic copy is a separate document within the meaning of this term.

"Bank" shall mean any and all financial institutions where Kushner Companies and associated partnerships held or exchanged money, obtained a loan, line of credit, or any and all other debt or investment interests during the period of January 1, 1998 to the present.

"Identify" with respect to a document shall mean state the nature or type of document (e.g. letter, memorandum, bank statement, Certificate of Deposit, billing statement), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document. "Identify" with respect to a document shall also mean the identification of each person who wrote, dictated, or otherwise participated or initialed the document, each person who received the document or reviewed it, and each person having custody of the document or a copy of the document. "Identify" with respect to a bank account or Certificate of Deposit shall also mean the identification of the name and account number. Identification of a document includes identifying all originals or copies of that document known or believed to exist.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person and any position ever held with the named respondent, including any responsibility exercised in connection with the named respondent's geographic regions, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"You," "your," and "their" shall mean the named person or entity to whom these requests are directed, including all officers, employees, agents, volunteers and attorneys thereof, as well as any other person.

Except where the discovery request states otherwise, any reference to the singular shall be construed as including the plural, any reference to the plural shall be construed as including the singular.

The Commission incorporates by reference the full text of definitions of other terms set forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

QUESTIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. Identify any individual partner, other than Charles Kushner, who had knowledge as to both the identity of the recipient and specific amount of any contribution made to a federal political committee with funds of any of the Associated Partnerships that were being attributed to them under 11 C.F.R. § 110.1(e)(2) during the calendar year in which the contribution was made; and for each such contribution itemize: the date of the contribution, the committee to which the contribution was made, the amount of the contribution, the partnership through which the contribution was attributed, and the manner and date which the partner acquired contemporaneous knowledge about the contribution. Please indicate if no partner other than Charles Kushner had such knowledge as to political contributions.
2. Explain the basis for your assertion that a debit or charge to a capital account of a partner of an Associated Partnership, as reflected on the partner's IRS form K-1, is the equivalent to decreasing profits or increasing losses under 11 C.F.R. 110.1(e)(2) and produce all documents used to support this belief, including any analysis performed by the Associated Partnership, the Kushner Companies, any officer, employee or partner of the Associated Partnership or the Kushner Companies, an outside accounting firm, or an outside law firm (whether contemporaneous or not) regarding this issue.
3. Identify each event that allows a partner of an Associated Partnership to receive cash payment of all or part of their capital account balance.
4. Explain how a reduction in a capital account pursuant to the attribution of a political contribution results in a permanent and irrevocable decrease in profits or increase in losses for the respective partner, given provisions of the Associated Partnership Agreements which adjusts or eliminates deficit balances from capital accounts upon the occurrence of certain events (*see e.g.* Article X, Section 10.2 regarding Gain from Capital Transaction, Constantine Village Associates, LLC Partnership Agreement).
5. Identify each instance where a partner of the Associated Partnerships received a distribution (compared to partners with similar ownership interests) upon liquidation of the Associated Partnership, death of the partner of the Associated Partnership, or withdrawal of the partner of the Associated Partnership that can be specifically documented as having been reduced as a consequence of political contributions attributed to that partner. For each instance identified, provide the name(s) of the partner and the Associated Partnership.

6. Identify each instance where the share of profits or losses as reported on the IRS form K-1, line J, box c, of any partner in any Associated Partnership was decreased or increased (compared to partners with similar interests) as the result of political contributions made in that partner's name.
7. Identify each instance where the share of net cash flows, as reported on the IRS form K-1, line J, box d, of any partner in any Associated Partnership was decreased (compared to partners with similar interests) as the result of political contributions made in that partner's name.
8. Identify each instance where the ownership share of the partnership of any partner in any Associated Partnership was decreased (compared to partners with similar interests) as the result of political contributions made in that partner's name.
9. Referring to the Constantine Village Associates, LLC example cited in a January 14, 2004 letter from your counsel of record to the Federal Election Commission and the accompanying attachments, explain the calculation of Net Cash Flows distributed to partners of the Associated Partnerships. The General Ledger printout reflects \$254,300 distributed, the Tax Return at Schedule K line 22, Schedule M-2 line 6, reflects \$280,300 distributed, and all members except Linda Laulich and Charles Kushner received their proportional share of \$240,000. If the net cash flow was calculated to be \$240,000, where in the Partnership Agreement for Constantine Village Associates, LLC does it provide for additional amounts to be distributed to specific partners and under what conditions? How do the distributions meet the provisions of the Partnership Agreement for Constantine Village Associates, LLC. If the net cash flow was calculated to be either \$254,300 or \$280,300, where in the Partnership Agreement for Constantine Village Associates, LLC does it provide for a distribution in percentages other than a percentage based on the partners' ownership share? How do these distributions meet the provisions of the Constantine Village Associates, LLC partnership agreement.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce all documents relied upon in answering the above questions.
2. Produce all documents relating, or in any way pertaining to, any political contributions made with funds controlled by Kushner Companies or any of its Associated Partnerships or any other partnership that is associated with or managed by Charles Kushner, the Kushner Companies, or Westminster Management LLC, that were attributed to individual partners of these entities.
3. Produce all documents reflecting communications between Kushner Companies or any of its Associated Partnerships or any other partnership that is associated with or managed by Charles Kushner, the Kushner Companies, or Westminster Management LLC, and any federal political committee which received contributions from partnership funds regarding those contributions.
4. Produce all documents relating, or in any way pertaining to, any and all efforts by you to obtain written or oral consent from partners in any Associated Partnership, to any political contributions made with funds controlled by Kushner Companies or any of its Associated Partnerships and attributed to them, whether such efforts were made prior to, or subsequent to, the making of the contributions.
5. Produce all documents relating, or in any way pertaining to, the procedures and/or policies of Kushner Companies or any of its Associated Partnerships, regarding the making of political contributions, including, but not limited to the following:
 - (a) the process for selecting which partners will have contributions attributed to them;
 - (b) the process for obtaining consent of individual partners to political contributions attributed to them;
 - (c) the bookkeeping process and/or accounting entries involved in the making of political contributions, including the tracking of political contributions, the debiting of capital accounts, and the increase in losses or decrease in profits of individual partners who make political contributions.
6. Produce all documents relating, or in any way pertaining to, the procedures and/or policies of Kushner Companies or any of its Associated Partnerships, regarding the process for making distributions to partners.

7. Produce the names of all the partners in every partnership associated with or connected in any way to Charles Kushner and/or Kushner Companies, including, but not limited to, those partnerships listed in Attachment 1, and for each listed partner, itemize all political contributions to federal political committees made using partnership funds that were attributed to them under 11 C.F.R. 110.1(e)(2).

24 04 408 27 63

1. Denville Building Associates LLC
2. East Village Realty Associates, LLC
3. Eatontown Building Associates LLC
4. Edgewater Apartment Associates LP
5. Eight Quail Ridge Associates
6. Elmwood V. Associates, LP
7. F.P. Building Associates, II, LLC
8. FP Building Associate, LLC
9. Franklin Farms Associates, LLC
10. Franklin Lakes Building Associates, LLC
11. General Green Associates
12. General Greene Associates, LP
13. General Village Associates, LLC
14. Glen Ellen Associates LP
15. Hamburg Building Associates LLC
16. Hampton Building Associates LLC
17. Hanover Hills Building Associates LP
18. Harbor Island Realty Associates LLC (LP)
19. Hardyston Building Associates LLC
20. Heichel Shlomo Limited Partnership
21. Hoboken Building Associates LLC
22. Holiday Associates LLC
23. Journal Square Associates LLC
24. 570 West Mt. Pleasant Associate, LLC
25. 715 Park Associates LP
26. 75 Montgomery Associates LLC
27. 836 Avenue Associates
28. 836 Bloomfield Associates LP
29. Alton Place Associates LLC
30. Asbury Park Building Associates LLC
31. Astor House Associates LLC
32. BP Developers LP
33. Brick Building Associates LLC (LP)
34. Brookside Building Associates LLC
35. Bruckner Plaza Associates LP
36. Canfield Building Associates LP
37. Carmel Building Associates LLC
38. Clinton Building Associates LLC
39. Clinton Five Building Associates LLC
40. College Park Associates LP
41. Colts Neck Building Associates LLC
42. Columbia Corporate Center Development Associates LLC
43. Columbus Avenue Associates LLC
44. Constantine Village Associates LLC
45. Cranbury Building Associates LLC
46. Crown Associates LLC

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47. Dara Building Associates LLC
 48. Daytona Investment Properties Associates LP
 49. Jumping Brook Associates LLC
 50. K&F Clinton Associates LLC
 51. K-Mart Canada Associates LLC
 52. K&N Building Associates LLC
 53. Kent Gardens Associates LP
 54. Leonardine Associates LLC
 55. Little Egg Harbor Associates LLC (DP)
 56. Livingston Building Associates LLC
 57. Long Brook Associates LLC
 58. Madison/64th Properties LLC
 59. Manalapan Building Associates LLC
 60. Marine Gardens Associates LLC
 61. Marlton Building Associates LLC
 62. Monmouth Beach Apartments LLC
 63. Mt. Arlington Apartments Associates LP
 64. Mt Olive Estate(s) Associates LLC
 65. New Puck LP (Corp. Dp)
 66. Nine Quail Ridge Associates
 67. North Caldwell Building Associates LLC
 68. Oakwood Apartments LLC
 69. Ocean Terrace Apartments LLC
 70. PH Developers LP
 71. Pheasant Hollow Associates
 72. QEM Associates LLC
 73. Quail Ridge LP (LLC)
 74. Reike Partnership LP (Corp.)
 75. River Club Associates LLC
 76. Riverside Park Industrial Associates LLC
 77. Rolling Gardens Associates LLC
 78. Rustic Woods Associates LLC
 79. Sayreville Building Associates
 80. Six Atlantic Realty(no realty) Associates LLC
 81. South Brunswick Building Associates LLC
 82. SR 61st Holdings LLC
 83. Stonehenge Holdings LP (LLC)
 84. Ten Quail Ridge Associates
 85. Town Oaks-South Boundbrook LLC
 86. Walkill Apartment Associates LP
 87. Washington Township Mercer Building LLC
 88. Wayne Building Associates LLC
 89. West Windsor Associates LLC (LP)
 90. West Windsors Associates LP
 91. Westbrook Associates LLC
 92. Westgate Building Associates LLC

93. Westminster Alton Associate(S) LLC
94. Westminster Development Associates II LP
95. Westminster Development Associates LP
96. Westminster Fairways (Associates) LLC
97. Westminster Sales & Marketing LP
98. Westminster/Bellemead Development Associates I LLC
99. Westminster/Delaware Associates LLC
100. Westwood Building Associates LLC
101. Norcrown Trust
102. 30 Florham Associates LLC
103. 520 West Mount Pleasant Associates
104. 520 Broad (Street) Associates LLC

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5279

SUBPOENA


TO: Scott Zecher
c/o Bruce Goldstein, Esq.
Saiber Schlesinger Satz & Goldstein, LLC
One Gateway Center
13th Floor
Newark, New Jersey 07101

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on March 2, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building, 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 2:00 p.m. and continuing each day thereafter as necessary.

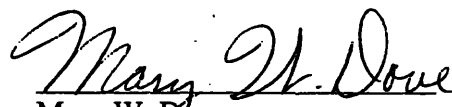
Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, by February 26, 2004.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 10th day of February, 2004.

For the Commission,


Bradley A. Smith
Chairman

ATTEST:


Mary W. Dove
Secretary of the Commission

Attachment

Document Requests (4 pages)

24.04.408.2772

ATTACHMENT TO SUBPOENA

This Subpoena to Produce Documents has been issued by the Federal Election Commission under the authority of 2 U.S.C. § 437d(a)(1) and (3).

Return the original Subpoena with an original affidavit signed by the appropriate official attesting that you provided all responsive documents. The affidavit must be sworn and notarized.

INSTRUCTIONS

In answering these requests for production of documents, furnish all documents that are in your possession, custody or control, or otherwise known or available to you, including documents appearing in your records.

If you cannot answer the requests for production of documents in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege or other objection with respect to any documents, communications, or other items about which information is requested by the following requests for production of documents, describe such items in sufficient detail to provide justification for the claim or objection. Each claim of privilege must specify in detail all the grounds on which it rests. No part of this request shall be left unanswered solely because an objection is interposed to another part of this request.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this audit if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Commission" shall mean the Federal Election Commission.

"Kushner Companies" shall mean the named respondent in this action, including its subsidiaries and affiliates, and all officers, employees, agents or attorneys thereof.

"Associated partnerships" shall include the following partnerships as well as any other entities with a connection to "Kushner Companies" or Charles Kushner: 135 Montgomery Associates; 836 Avenue Associates; BP Developers, L.P.; Brick Building Associates, L.P.; Bruckner Plaza Associates; Colfax Manor, L.P.; College Park Associates, L.P.; Constantine Village Associates; Dara Building Associates, L.P.; East Brunswick Corporate Center; Edgewater Apartments Associates, L.P.; Elmwood V. Associates, L.P.; General Greene Village Associates; Glen Ellen Associates, L.P.; Hackettstown Square Associates; Harbor Island Realty Associates, L.P.; Kent Gardens Associates; Kushner Seiden Madison 64th, L.P.; LMEC Associates, L.P.; Millburn Associates, L.P.; Montgomery Associates; Mt. Arlington Apartments Associates, L.P.; New Puck, L.P.; Oakwood Garden Developers, L.P.; Pheasant Hollow Associates; Pitney Farms Associates, L.P.; QEM Associates, L.P.; Quail Ridge Associates, L.P.; Randolph Building Associates, L.P.; Reike, L.P.; Riverside Park Industrial Associates, L.P.; Rolling Gardens Associates; Seven S.L.P. Associates, L.P.; Sixty Six West Associates; Sod Farms Associates, L.P.; Sparta Building Associates, L.P.; Township Associates; Wallkill Apartments Associates, L.P.; West Brook Associates, L.P.; Westminster Sales & Marketing, L.P.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Personnel" shall be deemed to include both singular and plural, and shall mean any director, officer, manager, supervisor or other employee of the named respondent and/or its subsidiaries and affiliates, as well as any partner, agent, or other individual authorized to act on behalf of the named respondent and/or its subsidiaries and affiliates.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained, including data stored on electronic or magnetic media. Each draft or non-identical paper or electronic copy is a separate document within the meaning of this term.

"Bank" shall mean any and all financial institutions where you held or exchanged money, obtained a loan, line of credit, or any and all other debt or investment interests during the period of January 1, 1998 to the present.

"Identify" with respect to a document shall mean state the nature or type of document (e.g. letter, memorandum, bank statement, Certificate of Deposit, billing statement), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document. "Identify" with respect to a document shall also mean the identification of each person who wrote, dictated, or otherwise participated or initialed the document, each person who received the document or reviewed it, and each person having custody of the document or a copy of the document. "Identify" with respect to a bank account or Certificate of Deposit shall also mean the identification of the name and account number. Identification of a document includes identifying all originals or copies of that document known or believed to exist.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person and any position ever held with the named respondent, including any responsibility exercised in connection with the named respondent's geographic regions, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

"You," "your," and "their" shall mean the named person or entity to whom these requests are directed, including all officers, employees, agents, volunteers and attorneys thereof, as well as any other person.

Except where the discovery request states otherwise, any reference to the singular shall be construed as including the plural, any reference to the plural shall be construed as including the singular.

The Commission incorporates by reference the full text of definitions of other terms set forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce all documents discussing your employment history with Kushner Companies or any of its Associated Partnerships, including, but not limited to, documents relating, or in any way pertaining to, the terms of your initial employment, each employment title or position you hold or have held, the dates each position was held, and a description of the responsibilities corresponding to each position.

2. Produce all documents relating, or in any way pertaining to, any political contributions made with funds controlled by Kushner Companies or any of its Associated Partnerships, that were attributed to individual partners in any Associated Partnership, including, but not limited to, all documents reflecting communications between Kushner Companies or any of its Associated Partnerships and any recipient federal political committee, such as Bradley for President, Inc.

3. Produce all documents relating, or in any way pertaining to, any and all efforts by you to obtain written or oral consent from partners in any Associated Partnership, to any political contributions made with funds controlled by Kushner Companies or any of its Associated Partnerships and attributed to them, whether such efforts were made prior to, or subsequent to, the making of the contributions, including, but not limited to, any efforts to obtain written statements regarding the attribution of contributions made to Bradley for President, Inc. in 1999.

4. Produce all documents relating, or in any way pertaining to, the procedures and/or policies of Kushner Companies or any of its Associated Partnerships, regarding the making of political contributions, including, but not limited to the following:

- (a) the process for selecting which partners will have contributions attributed to them
- (b) the process for obtaining consent of individual partners to political contributions attributed to them
- (c) the bookkeeping process and/or accounting entries involved in the making of political contributions, including the tracking of political contributions and the debiting the capital accounts of individual partners who make political contributions.

5. Produce all documents relating, or in any way pertaining to, the procedures and/or policies of Kushner Companies or any of its Associated Partnerships, regarding the process for making distributions to partners.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5279

SUBPOENA


TO: Brian Bentzlin
18 Madison Street
Gillette, NJ 07933-1802

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 5279. Notice is hereby given that the deposition is to be taken on March 2, 2004 at the offices of the United States Attorney, Peter W. Rodino Federal Building, 970 Broad Street, Seventh Floor, Newark, New Jersey 07102, beginning at 10:00 a.m. and continuing each day thereafter as necessary.


Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, by February 26, 2004.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C., on this 10th day of February, 2004.

For the Commission,


Bradley A. Smith
Chairman

ATTEST:


Mary W. Dove
Secretary of the Commission

Attachment

Document Requests (4 pages)