

Perry Vais
2660 East 28th Street
Brooklyn, NY 11235

March 22, 2000

APR 5 10 26 AM '00

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MUR 4995

Chairman Scott Thomas
Federal Election Commission
Washington, D.C. 20463

Dear Chairman Thomas,

I am writing to bring to your attention several violations of law in the 1998 campaign of Congressman Tony Weiner (9th District, New York).

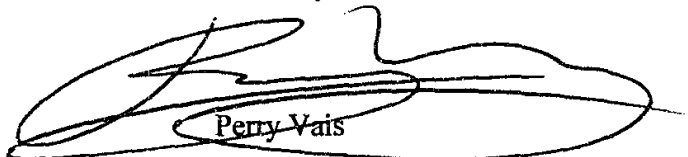
Mr. Weiner reported a debt of \$3300.00 to M & R Management, P.O. Box 867, Lynbrook, New York for office rent. Mr. Weiner's campaign headquarters was located on an extremely busy street in Brooklyn. The *monthly* rents in this area approach the \$3300.00 that Mr. Weiner filed for a reporting period. Clearly, this rental is below market value. Additionally, I am unaware if Mr. Weiner repaid this debt. If not, the debt should be considered a contribution. If it is a contribution, it violates the rule prohibiting corporate contributions and exceeds the contribution limit.

It would not be the first time Mr. Weiner accepted corporate money. He accepted a corporate check for \$250.00 from United Snacks, Inc. He is either guilty of poor compliance or worse, a lack of regard for FEC regulations.

I have also enclosed an audit recently released by the New York City Campaign Finance Board, which regulates municipal elections in New York City. As a member of the City Council, Mr. Weiner was guilty of various violations of the city rules. Mr. Weiner also used non-federal campaign funds to assist his congressional campaign. He donated funds to several Queens political campaign committees (*see Exhibit II of Campaign Finance Board audit*), specifically Friends of Addabbo and Friends of Koslowitz. Addabbo and Koslowitz are both Queens county candidates for office. Mr. Weiner's Council district did not come close, geographically, to either candidate's area. Mr. Weiner's congressional district however, includes parts of each area. Mr. Weiner used his non-federal council political committee to assist his congressional effort in 1998. This is a gross violation of FEC regulations.

Mr. Weiner's track record with the New York City Campaign Finance regulatory agency leads me to question the honesty of his federal filings.

Sincerely,



Perry Vais

SWORN TO BEFORE

ME THIS 25 DAY OF March 2000



ARACELI BRYAN
NOTARY PUBLIC, State of New York
No. 24-4918254

Qualified in Kings County
Commission Expires 04/01/2000

04/23/2004 10:03

February 4, 2000

**CAMPAIGN FINANCE BOARD
FINAL AUDIT REPORT OF THE
COMMITTEE TO ELECT WEINER**

BACKGROUND

Among the purposes of the Campaign Finance Act (the "Act") are to diminish the role of private money in New York City elections, to increase the information available to the public about elections and candidates' campaign finances, and to promote meaningful competition among candidates. To achieve these ends, the Campaign Finance Board (the "Board") was created to administer the voluntary Campaign Finance Program, which provides public matching funds to candidates who agree to abide by the Act's contribution limits, expenditure limits, and comprehensive public disclosure provisions.

The table below provides detailed information about the candidate:

Name: Anthony D. Weiner

Office: City Council

ID: BB

District: 48

Certification Date: 3/28/97

Contribution Limit: \$3,550

2 For 1 Matching:

Expenditure Limit:

Primary: No

1996 (if applicable) \$40,000

General: No

Primary: \$124,000

General: \$124,000

Principal Committee: Committee to Elect Weiner

Other Committees: None

Party :

Ballot Status: PR/GE

Democrat

PR

Democrat

GE

REVIEW SCOPE AND OBJECTIVES

Board staff performed a review of the books and records of the Committee. The review covered the information disclosed in the Committee's financial disclosure statements seven through seventeen, covering the period from January 21, 1994 through January 11, 1998. Appendix #1 of this report provides a detailed breakdown of receipts and disbursements reported by the Committee and recorded on the Board's Campaign Finance Information System ("CFIS"), including a summary of public funds payments.

The objectives of the Board's review were to ensure that (1) the contribution and expenditure limits were adhered to; (2) financial transactions were accurately reported and documented; (3) adequate books and records were maintained by the Committee to demonstrate compliance with the Act and Campaign Finance Board Rules; and (4) the correct amount of public funds was received by the Committee and was disbursed in accordance with the Act's requirements.

CONCLUSION

The Board staff's review revealed the following items:

- The Committee claimed and received public funds for contributions deemed invalid for matching purposes (see Finding #1).
- The Committee did not adequately disclose required contributor *employment information* to the Board (see Finding #2).
- The Committee failed to file, by the deadline date, a financial disclosure statement required by the Board (see Finding #3).
- The Committee may not have disclosed payments made by consultants to subcontractors on its disclosure statements. No action will be taken by the Board at this time other than to make this a part of the candidates record with the Board.

FINDINGS AND RECOMMENDATIONS

1. INVALID CLAIMS - Overpayment of Public Funds

New York City Administrative Code §3-703(1)(d) and §3-703(1)(g) and Campaign Finance Board Rule 4-01 require each committee to maintain and provide to the Board records which demonstrate compliance with the Act. In addition, New York City Administrative Code §3-710(2)(a) and Campaign Finance Board Rule 5-03(f)(2) require committees to repay public funds promptly upon any determination made by the Board that a repayment is required pursuant to the Act and this rule. Rule 5-01(n) states that transfers to political committees not involved in the election and payments to other candidates or other political party committees, made on or after January 12, 1996 that are not reimbursed within 30 days, would be presumed to consist entirely of contributions claimed to be matchable and therefore shall be deducted from the amount of public funds the participant is otherwise eligible to receive.

The Committee claimed \$41,054 in matchable contributions, of which \$14,860 was invalidated by the Board. Additionally, pursuant to Board Rule 5-01(n), \$2,220 must be deducted for contributions the Committee made to other political committees (see Exhibit II), leaving \$23,974 in total valid matchable contributions. The Committee received \$33,611 in public funds which exceeds its total valid matchable contributions by \$9,637.

Recommendation #1

Pursuant to New York City Administrative Code §3-710(2)(a), the Committee must repay \$9,637 to the Fund or provide documentation to the Board to validate the matchable contributions deemed invalid. In the absence of a satisfactory response, this matter may be referred to the Board's legal unit for appropriate action.

Committee's Response

The Committee validated \$1,890 in additional matching claims.

Board's Response

The Committee must return \$7,747 to the Board (See Exhibit I).

2. DISCLOSURE - Missing Employment Information

New York City Administrative Code §3-703(6) and Campaign Finance Board Rule 3-03(c)(6) require that the contributor's occupation, employer, and business address be reported for each contribution accepted over \$99, to the best of the campaign's knowledge. Board Rule 4-02(b) requires that participants maintain a record of all good faith efforts made to ascertain missing employment information. The Committee did not report all of the required employment information for 158 of 188 reported contributions in excess of \$99, or 84% of reported contributions.

Recommendation #2

The Committee must provide the Board with all of the required employment information or document the Committee's good faith efforts to obtain the missing employment information. In the absence of a satisfactory response, this matter may be referred to the Board's legal unit for appropriate action.

Committee's Response

The Committee did not provide any additional information.

Board's Response

The Board assessed a \$150 penalty for this violation.

3. DISCLOSURE STATEMENTS - Failure to File/Late Filings

New York City Administrative Code §3-703(6) and §3-708(8), and Campaign Finance Board Rules 1-09(a)(3) and 3-02 require committees to file disclosure statements on scheduled dates.

The Committee filed the following statement after the deadline date:

<u>Statement #</u>	<u>Due Date</u>	<u>Date Filed</u>	<u># Days Late</u>
17	1/15/98	1/20/98	5 days

Recommendation #3

The Committee must include in any response an explanation as to why the above finding does not constitute a violation. In the absence of a satisfactory response, this matter may be referred to the Board's legal unit for appropriate action.

Committee's Response

The Committee did not respond to this finding.

Board's Response

The Board did not assess a penalty for this violation.

EO 14176-2756

APPENDIX 1
New York City Campaign Finance Board
Campaign Finance Information System
Appendix: Transaction Summary Report

Candidate: Weiner, Anthony D (ID:BB)
 Office: 5 (City Council)
 Election: 1997

1. Opening cash balance (All committees)		\$0
2. Total itemized monetary contributions (Sch ABC)		\$133,608
3. Total unitemized monetary contributions		\$0
4. Total in-kind contributions (Sch D)		\$1,218
5. Total other receipts (Sch E - excluding CFB payments)		\$1,678
6. Total itemized expenditures (Sch F)		\$160,458
7. Total unitemized expenditures		\$0
8. Total transfers-in (Sch G)		\$0
Type 1	\$0	
Type 2	\$0	
9. Total transfers-out (Sch H)		\$0
Type 1	\$0	
Type 2	\$0	
10. Total loans received (Sch I)		\$0
11. Total loan repayments (Sch J)		\$0
12. Total loans forgiven (Sch K)		\$0
13. Total liabilities forgiven (Sch K)		\$0
14. Total expenditures refunded (Sch L)		\$378
15. Total receipts adjustment (Sch M - excluding CFB repayments)		\$11,917
16. Total outstanding bills (Sch N - last statement submitted)		\$0
17. Total advanced amount (Sch X)		\$5,458
18. Net public fund payments from CFB		\$33,811
19. Total Valid Matchable Claims		\$28,084
20. Total Invalid Matchable Amount		\$12,970
21. Total Amount of Penalties Assessed		N/A
22. Total Amount of Penalty Payments		N/A
23. Total Amount of Penalties Withheld		N/A

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Statements: 7 - 17

Candidate: Weiner, Anthony D (ID:BB)
 Office: 5 (City Council)
 Election: 1997

1. Opening cash balance (All committees)	\$0	
2. Total itemized monetary contributions (Sch ABC)	\$133,600	
3. Total unitemized monetary contributions	\$0	
4. Total other receipts (Sch E - not from CFB)	\$1,078	
5. Total expenditures refunded (Sch L)	\$378	
6. Total loans received (Sch I)	\$0	
7. Total transfers-in (Sch G - type 1)	\$0	
8. Net public fund payments from CFB	\$33,811	
9. Adjustment to Receipts	(\$900) ¹	
10. Subtotal: Line 1 through 9.....		\$168,378
11. Total itemized expenditures (Sch F)	\$157,183	
12. Total receipts adjustment (Sch M - not CFB)	\$11,822	
13. Total outstanding bills (Sch N - All committees)	\$0	
14. Total unitemized expenditures	\$0	
15. Total loan repayments (Sch J)	\$0	
16. Total loans forgiven (Sch K)	\$0	
17. Total outstanding loans (Sch I-(J+K))	\$0	
18. Total transfers-out (Sch H - type 1)	\$0	
19. Adjustment to Disbursements	\$3,308 ¹	
20. Subtotal: Line 11 through 19.....		\$172,311
Total unspent campaign funds (line 10 - line 20):		(\$3,936) Deficit

¹ See Insert 1.

INSERT I
Committee to Elect Weiner

Adjustment to Unspent Campaign Funds Calculation

RECEIPT:

Duplicated Contributions (see Finding #2) (\$ 900)

DISBURSEMENTS:

Disclosure statement #17 expenditures \$3,306

RECEIVED BY: [illegible]

New York City Campaign Finance Board
 Campaign Finance Information System
 Detail Payment Report for 1997 General Election

Run: 14 Payment Date:

Candidate: Weiner, Anthony D (ID: 88)

Office: City Council

District: 48

	Statement Date	Claimed Matchable	Invalid Claims	Gross Matchable	Payment
<u>Detail</u>					
	7 (06/02/1997)	34,115	11,845	22,270	
	8 (07/15/1997)	8,939	1,125	5,814	
	12 (09/19/1997)	0	0	0	
	13 (10/03/1997)	0	0	0	
	Total:	<u>41,054</u>	<u>12,970</u>	<u>28,084</u>	
		41,054	12,970	28,084	
Primary Matchable Adjustment:				33,611	
Net Matchable. (Threshold Met)				(5,527)	
Matching Factor			x	1	
EXTENDED NET MATCHABLE: (Office Limit: 40,000)				(5,527)	(5,527)
Withholding:					2,220
Total Previous Payments and Adjustments:					0
AMOUNT ELIGIBLE:					(7,747)
Amount Payable:					0
Reimbursed Funds					0
Penalty Deduction:					0
PAYMENT DUE:					0
<hr/>					
Total Assessed Penalties:		0			
Total Candidate Penalty Payments:		0			
Total Penalty Deductions:		0			
Outstanding Penalties:		0			
Note: Withholding For 5-01 (n)					

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EXHIBIT II
(See Finding #1)
Committee to Elect Weiner

Payment Reduction (Rule 5-01(n))

<u>Date Paid</u>	<u>Payee Name</u>	<u>Stmt / Sch / Pg / Seq</u>	<u>Amount Paid</u>
10/20/97	Comm. To Elect J. Seminara	14 / F / 1 / 3	\$ 250
8/7/97	Friends of Addabbo	10 / F / 1 / 6	250
5/15/97	Friends of Jacob Gold	8 / F / 2 / 9	50
9/26/97	Friends of Karen Koslowitz	13 / F / 1 / 1	250
8/27/97	Friends of Mark Portnow	12 / F / 3 / 5	295
6/24/96	Friends Mike Geller	7 / F / 8 / 6	125
12/4/96	Liberal Party of NYS	7 / F / 11 / 9	500
9/12/97	Friends of Addabbo	12 / F / 3 / 3	<u>500</u>
	Total		<u>\$2,220</u>