

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4) MUR 6054
5 Representative Vernon G. Buchanan)
6 Vern Buchanan for Congress and Joseph R. Gruters,)
7 in his official capacity as treasurer)
8

9 **GENERAL COUNSEL'S REPORT #2**

10
11 **I. ACTIONS RECOMMENDED**

12 Find reason to believe that Vernon G. Buchanan and Vern Buchanan for Congress
13 and Joseph R. Gruters,¹ in his official capacity as treasurer, knowingly and willfully
14 violated 2 U.S.C. §§ 441f and 441a(f).
15

16 **II. INTRODUCTION**

17 This matter concerns at least \$70,000 in campaign contributions received by Vern
18 Buchanan for Congress ("VBFC" or "Committee") during the 2006 and 2008 election
19 cycles that were reimbursed with the funds of car dealerships in which Representative
20 Vern Buchanan ("Buchanan") currently holds, or previously held, a majority ownership
21 interest. On June 23, 2009, the Commission found reason to believe that two of the car
22 dealerships, 11-2091 LLC d/b/a Hyundai of North Jacksonville ("HNJ") and 1099 L.C.
23 d/b/a Vauxice Nissan Dodge ("VND"), as well as certain officers, knowingly and willfully
24 violated 2 U.S.C. § 441f, 441b(a), and 441a(a), and authorized an investigation. The
25 ensuing investigation into the reimbursed contributions has thus far uncovered evidence
26 suggesting that Buchanan and his Committee were aware at the time of the contributions
27 made by employees of HNJ that the funds used to make the contributions came from HNJ
28 through undisclosed reimbursements to the individual contributors.

¹ Vern Buchanan for Congress amended its statement of organization on March 3, 2009, naming Joseph R. Gruters as treasurer.

More specifically, there is evidence that:

- Buchanan pressured his minor partners in car dealerships he controlled to contribute to his political campaigns and to raise contributions to VBFC.
- During his campaigns in the 2006 and 2008 election cycles, Buchanan told Sam Kazran ("Kazran"), his partner at HNJ, to reimburse contributions to VBFC with HNJ funds.
- In October 2008, Buchanan presented Kazran with a false affidavit stating that Buchanan was unaware of reimbursed contributions at HNJ and pressured him to sign it.
- As early as 2003, Buchanan authorized the reimbursement of federal contributions, despite being told that it was illegal to do so.

Based upon this evidence, described more fully below, we recommend that the Commission find reason to believe that Representative Vernon G. Buchanan and Vern Buchanan for Congress and Joseph R. Gruters, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. § 441f by knowingly accepting contributions made in the name of another and § 441a(f) by knowingly accepting excessive contributions in violation of applicable law.²

² Prior to making any recommendations as to whether there is reason to believe that the Committee and Vernon Buchanan may have violated the Act, we notified them that the Commission had ascertained information in the normal course of carrying out its supervisory responsibilities indicating that they may have knowingly accepted contributions that were made by one person in the name of another person in violation of 2 U.S.C. §§ 441a(f) and 441f. See letters from Ann Marie Terzaken to the Committee and Vernon Buchanan dated December 31, 2009. After a further exchange of correspondence, on January 21, 2010, the Committee filed with the Commission a Motion that "the Commission instruct [OGC] to provide VBFC with the additional information it is withholding in connection with contributions concerning whether to recommend reason to believe against VBFC in [MUR 6054 and PIR-MUR 479]." The Committee further moved that "the Commission instruct OGC to provide VBFC with a written explanation concerning why the sua sponte submission was merged with MUR 6054 without notifying VBFC and a description of the steps taken by the OGC in connection with these matters." See *id.* This Office addressed those Motions in Memorandum to the Commission and the Commission approved a letter responding to the

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III. RESULTS OF THE INVESTIGATION

The investigation thus far has included informal interviews, document requests, and five depositions. The circumstances of the fundraising for VBFC undertaken by Buchanan's business partners and managers at the Buchanan dealerships they operated tend to support the particular testimony and documentary evidence indicating that there is reason to believe that Buchanan and VBFC violated the Act.

A. PRESSURE TO RAISE CONTRIBUTIONS

According to witness testimony, Buchanan pressured his minor partners in the car dealerships he controlled to contribute to his campaigns and raise contributions from dealership managers, employees, vendors, and customers. This testimony came principally during our investigation of Sam Kazran and his role in the reimbursements at HNJ and was corroborated in some respects by the testimony of David Long, Buchanan's partner and the general manager of another car dealership, Sarasota Ford, during the 2005-2006 election cycle. During his deposition, Kazran testified that (1) Buchanan asked his partners during partnership meetings and phone calls to fundraise for his campaign; (2) pressure to raise funds intensified as the campaign progressed, and (3) the expectation was that the partners needed to contribute and raise contributions from others.

Committee. See MUR 6054 Memorandum to the Commission, Motions to Instruct OGC to Provide Additional Information and Explain Case Merger Made by Vern Buchanan for Congress, dated January 29, 2010. On February 5, 2010, we sent the letter approved by the Commission to VBFC, and invited the Committee to file any information it deemed relevant by February 11, 2010. To date, the Committee has not provided any additional information. We sent a similar letter to counsel for Vernon G. Buchanan on February 5, 2010, who has not provided any additional information to date.

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1 At the relevant times, Buchanan was the majority owner of approximately fifteen
2 to seventeen car dealerships, primarily located in Florida.³ House of Representatives
3 Financial Disclosure Reports for Vernon Buchanan (May 11, 2006). Each dealership was
4 typically structured as a limited liability company owned by a company that Buchanan
5 fully owned and a business partner who was responsible for the daily operation of the
6 dealership. Dennis Slater Depo at 12-16. All of the Buchanan companies that held
7 Buchanan's controlling ownership share of the dealerships were run from a single
8 corporate office by a common set of managers. Slater Depo at 12-15. The common
9 executives who managed Buchanan's controlling interest in the dealerships included John
10 Tosch as Chief Executive Officer and Dennis Slater as Corporate Controller and, later,
11 Chief Operating Officer. Slater Depo at 7-8.⁴ All of the operating partners as well as
12 Buchanan and his corporate managers (John Tosch, Dennis Slater, and others) attended
13 monthly partner meetings. Long Depo at 50.

14 Dennis Slater testified during his deposition that although Buchanan's campaign
15 was not on the "agenda" for the partner meetings, he was "sure" that Buchanan discussed
16 his campaign's fundraising needs with his partners. Slater Depo at 47, 50-51. Slater
17 testified that that Buchanan "probably" made comments to him and John Tosch,
18 Buchanan's CEO, about his quarterly fundraising goals. Slater Depo at 60. Slater's
19 testimony is consistent with Kazran's testimony that Buchanan informed the partners that
20 he would be running for Congress and would like their help in raising money. Kazran

³ The partners during the 2005-2006 election cycle included, among others, David Long (Sarasota Ford), Shelby Cutsinger (Vauxhall Nissan Dodge), and Sam Kazran (Hyundai of Jacksonville). Long Depo at 50-52 and 75; Kazran Depo at 18.

⁴ The Buchanan corporate offices were initially located on the site of the Sarasota Ford dealership but at some point between 2004 and 2006 (witnesses differed in their recollection) they moved off-site to a downtown Sarasota location. Long Depo at 17-18; Slater Depo at 9-10.

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1 Depo at 8-9, 17. Kazran testified that Buchanan repeatedly asked for contributions,
2 noting that "it's the end of the quarter, we need to have money," i.e., near the end of FEC
3 reporting periods. Kazran Depo at 8, 46. As time went along, Buchanan's "intensity . . .
4 with raising funds gr[ew]." Kazran Depo at 10, 46. As the level of Buchanan's requests
5 for contributions intensified, it "got to a point where the partners were just joking around,
6 we would walk into a meeting and partners would talk about it, 'Well, How much did he
7 hit you for? I'm not going to make any money this month so I won't be able to provide
8 any money.'" Kazran Depo at 12-13, 46.

9 According to Kazran, when a partner asked Buchanan why he did not use his own
10 money for his campaign, Buchanan explained that doing so would not look as impressive
11 as if the money was raised from others. Kazran Depo at 17-18, 43-44. "And he always
12 talked about how he needed to raise 3 million, then it went to 4 million, then it went to 5
13 million when the campaign got closer to the actual election date." Kazran Depo at 18.⁵

14 Kazran thought that the partners considered their efforts for Buchanan's campaign
15 to be a favor for Buchanan at first, but "after a while everybody was just kind of fed up
16 with it." Kazran Depo at 46-47.⁶ Kazran also testified that he and Buchanan's other

⁵ According to the VBFC disclosure reports filed with the Commission, Buchanan's campaign raised approximately \$3 million by August 26, 2006 (the end of the pre-primary reporting period), \$3.8 million by September 30, 2006 (the end of the October quarterly reporting period), \$5 million by October 18, 2006 (the end of the pre-general reporting period), and \$6.9 million by November 27, 2006 (the end of the post-general reporting period).

⁶ Long corroborates Kazran's testimony. Although Long initially raised contributions for VBFC because he wanted to make Mr. Buchanan proud, to show his appreciation, and because he wanted Buchanan's approval, recognition, acceptance, and appreciation, he eventually became "resentful" about raising funds for Mr. Buchanan because he thought his "time would be better appropriated selling cars." Long Depo at 60, 62-63, 94-95. "It became more of a pain in the ass" as he put more time into it and started receiving calls, letters, and visitors critical of Buchanan's politics from people indicating that they would not buy cars at Sarasota Ford. Long Depo at 95. Long stated that when he agreed to be Buchanan's partner, "being in politics was never part of our conversation." Long Depo at 92-93.

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1 partners discussed how much money Buchanan needed to collect from them. Kazran
2 Depo at 15. "So Buchanan spoke more freely, if you will, with the partners, and then that
3 trickled down to the dealerships." Kazran Depo at 15. "Typically, what would normally
4 happen is . . . general managers or partners who would go to their lower level managers
5 and ask them to write a check for \$500 or a thousand dollars, and then they would just
6 reimburse them with cash." Kazran Depo at 15-16. "Buchanan directly was mostly
7 involved with partners. And the general managers and lower level managers were
8 contacted for much smaller portions, with salespeople, financial managers, et cetera."
9 Kazran Depo at 16.⁷

10 Kazran's testimony regarding the discussion of campaign fundraising at the
11 partner meetings and the pressure felt by Buchanan's partners to raise funds is consistent
12 with the testimony of David Long, Buchanan's partner and the general manager at
13 Sarasota Ford during the 2005-2006 election cycle. Long testified that Buchanan
14 discussed his campaign at the partner meetings, and Long "vaguely remembered" that
15 Buchanan "talk[ed] about the money that needed to be raised and wanted to be raised or
16 was hopefully being raised," and that "he [Buchanan] needed to raise money." Long
17 Depo at 57-58. Long testified that he felt that it was "expected that I contribute . . . that's
18 where I felt compelled . . . I remember the overriding feeling was that I've got to

⁷ While Kazran testified that he discussed fundraising with Buchanan "every single time," Buchanan was not the only person connected to the campaign that Kazran worked with on fundraising. According to Kazran, a woman working for Buchanan in his corporate headquarters who helped with the campaign and eventually became the campaign's spokesperson sometimes called Kazran to ask him to change the amount on the contribution checks, follow-up when a contribution did not arrive on time, or otherwise "apply serious pressure" to send the money. Kazran Depo at 12, 24, 47. He may have been speaking of Sally Tibbets, who is identified in news articles as Buchanan's spokesperson.

1 contribute." Long Depo at 59-60.⁸ Long could not remember whether it was John Tosch,
2 the Buchanan corporate CEO, or Buchanan himself that asked him to contribute to
3 VBFC. Long Depo at 58.

4 Long initially testified that he could not remember whether anyone asked him to
5 raise funds from others but he later testified during the same deposition that he thought
6 Buchanan asked him to do so:

7 I can't really remember. I have a tendency to change facts in my mind
8 for some reason. What I remember I just don't recall. I don't recall if
9 somebody looked at me at a partner meeting and said, "Your quota is
10 40,000. Go to work." ... I have a vague recollection of, "It sure would
11 be helpful" - I'm paraphrasing - "for us to get the people that we have
12 given so much business to" - "get those people to contribute." ...
13 Most of my stuff is qualified just from lack of recollection. But I think
14 it was Vern that asked me to ask the people that we had done business
15 with in the past to step up. I'm using my words, not his.

16
17 Long Depo at 59, 61-62; see also Long Depo at 112 (Long claimed that he did not have a
18 quota of contributions to raise). Long testified that Mr. Buchanan told him the above
19 during a partners meeting and possibly again one-on-one during a break. Long Depo
20 at 62.

21 Long had no uncertainty as to his extensive, and in some cases repeated,
22 solicitation of Sarasota Ford vendors, customers, and employees. Long remembered that
23 he "was trying to lead the pack and collect the most money from our vendors." *Id.*
24 Long estimated that he solicited 30-50 of Sarasota Ford's vendors for contributions to

⁸ According to the VBFC disclosure reports filed with the Commission, David and Catherine Long, Long's wife, contributed \$4,200 each VBFC on September 30, 2005. David Long previously contributed \$2,000 to Bush-Cheney '04 (Primary) Inc., on November 25, 2003. Dennis Slater also contributed \$2,000 to that committee on November 21, 2003, and testified that it was Buchanan's idea to go to a fundraiser where President Bush would be speaking and that it would cost \$2,000. Slater Depo at 97-100.

1 VBFC, and that 50% of those vendors that he solicited made contributions. Long Depo
2 at 63-64.⁹

3 Long also solicited Sarasota Ford customers for contributions. Long Depo at 76.
4 Furthermore, Long solicited nearly all of Sarasota Ford's 150 employees to contribute to
5 VBFC, although only about five employees contributed. Long Depo at 84, 108-109.

6 Long testified that he asked employees to contribute at meetings and possibly one-on-
7 one, and that he "probably" asked employees more than once because it was his "nature."
8 *Id.* at 84.

9 I know that I felt a little uncomfortable asking. I don't know that I
10 repeatedly asked somebody. I mean, I would ask them a couple times
11 because that's my nature. But somebody that wasn't making a lot of
12 money, I wouldn't beat them up . . . Well, the first time [I asked an
13 employee] I wasn't uncomfortable. The second, third, fourth time
14 would get uncomfortable. Depending on the level of money they made
15 and what my feeling was about their ability to contribute would dictate
16 really my level of discomfort . . . If a guy is making 300 a week and he
17 gives 50 bucks, that's an awful lot of money. If someone makes 30
18 grand a month and he gives \$500, its not even as significant as the guy
19 making 300 a week.

20
21 Long Depo at 108-109.

22 Long was "100 percent sure" that he told Buchanan about the contributions he
23 raised for VBFC. Long Depo at 110. Buchanan may have expressed his gratitude in his
24 (Buchanan's) office or at one of the partner meetings. Long Depo at 71.¹⁰

⁹ For example, Long solicited Jim Moran and Associates. Long Depo at 68. Long testified that he may have asked Joe Kezer, the Finance Director at Sarasota Ford, to help him solicit vendors. *Id.* at 81-82. In an informal interview, Kezer identified Jim Moran & Associates (specifically, Karin Norris and Mark Swanson) as a vendor that he heard was pressured to contribute to Buchanan's campaign. According to the FEC contribution database, Mark Swanson of Jim Moran and Associates contributed \$500 to VBFC on January 16, 2006. Additionally, a separate segregated fund called JM Family Enterprises Inc., PAC (of 100 Jim Moran Blvd. in Deerfield Beach, FL) contributed \$8,000 to VBFC between September 2005 and June 2007.

¹⁰ We have no information indicating that Long reimbursed any of the contributions he solicited and he denied doing so. Long Depo at 117-118.

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B. BUCHANAN'S ALLEGED INSTRUCTION TO KAZRAN TO REIMBURSE CONTRIBUTIONS WITH DEALERSHIP FUNDS

According to Kazran, Buchanan instructed him to have contributors make contributions from joint checking accounts to permit higher contributions from each contributor and directed him to reimburse the contributors using dealership funds.¹¹

1. Contributions Reimbursed with HNJ funds in 2005

Kazran testified that in November 2005, Buchanan told Kazran that he had to gather as much money as possible and that "I'm going to put your name on \$50,000 that you've got to raise by the end of the quarter." Kazran Depo at 11. According to Kazran, Buchanan instructed Kazran to make sure the personal checking accounts on which the contributors' checks were written had both the husband and wife's name on them. Kazran Depo at 22, 28. Kazran arranged for employees to contribute to VBFC and for their contributions to be reimbursed with HNJ funds. Kazran Depo at 21. In sum, HNJ reimbursed \$16,800 in contributions in 2005, all dated November 29, 2005.

Kazran testified that Buchanan told him to reimburse these employee contributions with HNJ funds:

"And he specifically told me get someone you trust and run it through the corporation." Kazran Depo at 21.

¹¹ Kazran testified that before he made his first contribution to VBFC, Buchanan asked if Kazran and his wife were on the same checking account, and when Kazran stated that his wife wrote the checks, Buchanan said that Kazran's contribution could be approximately \$9,000. Kazran Depo at 11. Similarly, when discussing contributions that he reimbursed that were made in the name of Vincent and Patricia Sams, Kazran explained that he thought Vincent wrote a check that had both their names on it and "That was one of the things that I was told you got to make sure there's two people on the check to get the most amount." Kazran Depo at 28.

According to the FEC disclosure database, on July 25, 2005, Kazran (also identified on disclosure reports as Sam Khazrawan) contributed \$4,200. Kazran testified that he did not reimburse himself using company funds for his first contribution to VBFC. Kazran Depo at 13. The FEC disclosure database also indicates that Sam Khazrawan and his wife, Miryam Khazrawan, each contributed \$4,600 to VBFC on September 27, 2007, for a total of \$9,200. These contributions were also not reimbursed.

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1 Kazran explained that "run it through the corporation" meant that Kazran should have
2 employees write personal checks and then give them back the money using dealership
3 funds. Kazran Depo at 14, 37, 72.

4 Joshua Farid, Kazran's business partner and brother-in-law, described to us in an
5 interview a conversation that he overheard between Kazran and Buchanan relating to
6 reimbursed contributions by HNJ employees. Farid stated that this conversation occurred
7 in 2005, just before Kazran asked him to contribute to the Buchanan campaign.¹²
8 According to Farid, he was at the HNJ dealership one day and saw Kazran walking out of
9 the "sales tower," apparently engaged in a conversation on his cell phone. When Kazran
10 saw Farid, he motioned him over to where he was standing, and Farid then followed
11 Kazran to his office. Once in the office, Kazran held the phone away from his ear so
12 Farid could hear the conversation. Farid said that he recognized the voice to be
13 Buchanan's. Farid said that Buchanan and Kazran were discussing campaign
14 contributions. Buchanan stated that he needed Kazran to raise \$50,000 in contributions.
15 Kazran told Buchanan that he had already contributed the maximum allowable
16 contribution to the campaign.¹³ Buchanan then told Kazran to have his employees
17 contribute to the campaign and then reimburse them for their contributions with HNJ
18 funds. Farid recalled that Buchanan used the term "run it through the company" when
19 instructing Kazran how to reimburse his employees.

20 With the exception of Kazran's own first contribution to VBFC, all of the
21 employee contributions he arranged in 2005 were reimbursed using company funds.

¹² Farid and his wife contributed \$8,400 to VBFC on March 31, 2006, according to the VBFC disclosure reports in the Commission's disclosure database.

¹³ According to the FEC database, Sam Kazran contributed \$1,200 to VBFC on July 25, 2005.

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1 Kazran Depo at 27, 33, 53. Kazran contacted his office manager, Diana Smith, and his
2 controller, Gail Lephart. He instructed them to write a personal check to VBFC and then
3 to reimburse themselves. Kazran Depo at 21. As controller, Lephart is the dealership
4 executive who could issue checks. Kazran Depo at 21. The first time Kazran told
5 Lephart to use dealership checks to reimburse contributions, he told her that they would
6 be getting money back from Buchanan. Kazran Depo at 22. "I said, ['I] don't know
7 when, he just asked me to do it.[']" Kazran Depo at 22.

8 Lephart stated during an interview that just before she made a contribution to
9 VBFC on November 29, 2005, Kazran walked into her office talking on his cell phone.
10 Lephart recalled Kazran stating something close to "Vern, I'll handle it now," and
11 Lephart assumed he was talking to Buchanan.

12 According to Lephart, immediately after ending the call, Kazran told Lephart that
13 he needed her to make a contribution to VBFC. Lephart stated that Kazran also specified
14 the amount she needed to contribute, which was greater than \$7,000, using a personal
15 check. Kazran also said that she should reimburse herself for the full amount of the
16 contribution using HNJ funds. Further, Kazran asked Lephart to find other HNJ
17 employees to make similar contributions and to reimburse those contributions, as well as
18 her own, through the HNJ payroll account.¹⁴ Kazran instructed Lephart to send the
19 contributions by overnight delivery to Diane Mitchell at VBFC. She did not recall
20 whether Kazran told her that Buchanan instructed him to reimburse employee
21 contributions to VBFC.

¹⁴ Lephart stated that she created entries in the HNJ payroll account listing the reimbursements as salary payments, which included income tax withholding.

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1 Lephart contributed in her own name and her husband's name without telling her
2 husband about it. Lephart recalled creating the reimbursement check for Diana Smith.
3 According to VBFC's disclosure reports, the following HNJ employees made
4 contributions to the Committee in 2005 using HNJ funds:

Lephart, Ernest C.	11/29/2005	\$2,100.00
Lephart, Ernest C.	11/29/2005	\$2,100.00
Lephart, Gayle	11/29/2005	\$2,100.00
Lephart, Gayle	11/29/2005	\$2,100.00
Smith, Diana M.	11/29/2005	\$2,100.00
Smith, Diana M.	11/29/2005	\$2,100.00
Smith, Gary W.	11/29/2005	\$2,100.00
Smith, Gary W.	11/29/2005	\$2,100.00

5
6 According to Kazran, HNJ gave employees the reimbursements on the same day
7 as their contributions because they did not have enough money in their accounts to cover
8 the contributions. Kazran Depo at 27-28.

9 **2. Contributions Reimbursed with HNJ funds in 2006**

10 Kazran reimbursed another \$16,800 in contributions made to VBFC with HNJ
11 funds in June 2006, reimbursements that he testified he made at the direction of
12 Buchanan.¹⁵ Kazran also testified that he reimbursed contributions made by Vincent
13 Sams, and disclosure reports suggest that the contributions were made in the names of
14 Sams and his wife totaling \$7,500 in January 2006. Kazran Depo at 22, 27-28.

15 Farid stated during his interview that Kazran advised him that Buchanan was
16 "pressing him" to raise funds for Buchanan's congressional campaign and that Farid and

¹⁵ The Committee's disclosure reports indicate that individuals affiliated with Buchanan dealerships contributed an additional \$7,500 to the campaign on the same day. We do not have any information at this time to determine whether these additional contributions were reimbursed.

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1 his wife responded by contributing a total of \$8,400 on March 31, 2006. According to
2 Farid, a short time afterwards, HNJ employee Gail Lephart gave Farid an HNJ check
3 reimbursing Farid and his wife for the total amount of their contributions.¹⁶ Kazran also
4 testified that he reimbursed contributions made by Vincent Sams, and disclosure reports
5 suggest that the contributions were made in the names of Sams and his wife totaling
6 \$7,500 in January 2006. Kazran Depo at 22, 27-28.

7 In sum, it appears that HNJ reimbursed \$12,700 in contributions in 2006, as set
8 forth in the chart below.

Sams, Vincent G.	1/02/2006	\$2,100.00
Sams, Vincent G.	1/02/2006	\$2,100.00
Sams, Patricia G.	1/02/2006	\$2,100.00
Sams, Patricia G.	1/02/2006	\$1,200.00
Farid, Atefah K.	3/31/2006	\$2,100.00
Farid, Atefah K.	3/31/2006	\$2,100.00
Farid, Joshua	3/31/2006	\$2,100.00
Farid, Joshua	3/31/2006	\$2,100.00
Cutaia, Doreen A.	6/28/2006	\$2,100.00
Cutaia, Doreen A.	6/28/2006	\$2,100.00
Cutaia, Joseph P.	6/28/2006	\$2,100.00
Cutaia, Joseph P.	6/28/2006	\$2,100.00
Khazravan, Eric	6/28/2006	\$2,100.00
Khazravan, Eric	6/28/2006	\$2,100.00
Khazravan, Heidi	6/28/2006	\$2,100.00
Khazravan, Heidi	6/28/2006	\$2,100.00

9
10 Kazran testified that there was a connection between the \$16,800 in contributions
11 made by HNJ employees and their relatives in June 2006 and a transaction he was
12 negotiating with Buchanan at that time. Kazran Depo at 34-36. Dodge had awarded a
13 new dealership to Kazran at a location called Gwinnett Place, but under his partnership

¹⁶ Lephart stated that she did not recall how the 2006 contributions were reimbursed by HNJ, including those of the Farids.

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1 agreement, Buchanan had the right of first refusal. Kazran Depo at 53. According to
2 Kazran, Buchanan used that right to force Kazran to give Buchanan 51% ownership in
3 Gwinnett Dodge. Kazran Depo at 53. When Kazran later offered to purchase
4 Buchanan's share of Gwinnett Dodge, Buchanan told Kazran that he would have to pay
5 \$1,000,000 to Buchanan. Kazran wanted to pay a lower amount, and he wanted to pay in
6 installments because he did not have the money. Kazran Depo at 13, 35. In exchange for
7 agreeing to allow Kazran to purchase Buchanan's share in installments, Buchanan wanted
8 Kazran to commit money to VBFC. Kazran Depo at 53.¹⁷ Buchanan told Kazran, "by
9 Friday [June 30, 2006] I want you to raise [\$25,000 or \$50,000]." Kazran Depo at 13.

10 That's when he told me, he said - in fact, that Tuesday before the end of
11 the month in June, I bet you its one of the close of time, because he told,
12 he said, Friday is the end and I need you to raise - - I don't remember if
13 it was \$25,000 or \$50,000. And he said, If you do that, then I'm going
14 to take care of that payment. So instead of paying him all at once, he
15 agreed to let me make payments on his buyout portion, but I had to raise
16 that money.¹⁸

17
18 Kazran Depo at 35; *see also id.* at 13.

19 According to Kazran, when he explained that he did not have the money
20 Buchanan wanted, Buchanan replied, "Well, don't you have somebody at the dealership
21 you can trust? Just run it through the corporation." Kazran Depo at 16; *see also id.* at 13.

22 According to the VBFC *substantive* submission, two HNJ employees and their spouses

¹⁷ According to Buchanan's disclosure reports filed with the House of Representatives, Buchanan purchased his share of Gwinnett, L.L.C. on January 12, 2006. *Vern Buchanan House of Representatives Financial Disclosure Reports* dated May 14, 2007. Kazran and Buchanan concluded their agreement for Kazran to purchase Buchanan's share on June 26, 2006. Kazran Depo at 34-35; *Vern Buchanan House of Representatives Financial Disclosure Reports* dated May 14, 2007.

¹⁸ The Tuesday before the end of the month of June in 2006 was June 27, 2006, and the close of the reporting period that was included in the July 2006 Quarterly Reports to the Commission was Friday, June 30, 2006.

1 each contributed \$4,200 to VBFC on June 28, 2006, for a total of \$16,800, contributions
2 that were reimbursed by HNJ. *Sua Sponte* Submission at 1-2.

3 In an interview, Joshua Farid largely corroborated Kazran's account of this
4 discussion with Buchanan. Farid stated that he witnessed a conversation between Kazran
5 and Buchanan regarding political contributions to Buchanan's congressional campaign
6 and ongoing negotiations between Buchanan and Kazran regarding \$300,000 that Kazran
7 needed to pay Buchanan for a Dodge dealership. Farid stated that in exchange for
8 Kazran being permitted to pay by installment rather than one lump sum payment,
9 Buchanan asked Kazran to provide VBFC with either \$25,000 or \$50,000. Farid stated
10 that based on his conversation with Kazran, he understood that Buchanan wanted Kazran
11 to again solicit employees to contribute to his campaign and reimburse them for their
12 contributions through the company. Farid told Kazran that he thought that what
13 Buchanan asked him to do was improper.

14 3. Contributions Reimbursed with HNJ funds in 2007

15 HNJ funds were again used to reimburse contributions in 2007, totaling \$18,400.
16 According to Kazran, Buchanan always told Kazran that he was counting on him as the
17 only person who could "raise this kind of money." Kazran Depo at 53.

18 According to Gail Lephart, Sam Kazran approached her again in 2007 and
19 explained that employees needed to contribute to VBFC and be reimbursed through the
20 company. Lephart told Kazran that she was concerned about company funds being used
21 to reimburse contributions, but he only responded with a shrug. Kazran corroborated
22 Lephart's statement. Kazran Depo at 22.

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1 Lephart asked HNJ employee Stephanie Champ to contribute more than \$8,400,
2 assuming that Champ would contribute jointly with another person as Lephart had done
3 with her husband. According to Lephart, someone at VBFC later advised her that Champ
4 could not contribute more than \$2,300 (per election). Consequently, Lephart approached
5 HNJ employee Joe Cutaia, who agreed to contribute to VBFC and be reimbursed.
6 Champ gave the reimbursement she received from Lephart to Cutaia. The following HNJ
7 employees and family members made contributions with HNJ funds on December 31,
8 2007:¹⁹

Cutaia, Doreen A.	12/31/2007	\$2,300.00
Cutaia, Doreen A.	12/31/2007	\$2,300.00
Champ, Stephanie K.	12/31/2007	\$2,300.00
Champ, Stephanie K.	12/31/2007	\$2,300.00
Lephart, Ernest C.	12/31/2007	\$2,300.00
Lephart, Ernest C.	12/31/2007	\$2,300.00
Lephart, Gayle	12/31/2007	\$2,300.00
Lephart, Gayle	12/31/2007	\$2,300.00

9
10 Lephart stated that the HNJ funds used for the reimbursement of these contributions came
11 from the dealership's operating account.²⁰

¹⁹ The VBFC *sua sponte* indicates that the date of the contributions made in the names of Gayle and Ernest Lephart as well as Stephanie Champ was November 31, 2007. VBFC *Sua Sponte* at 2. However, the VBFC 2007 Year End disclosure report filed by VBFC, the relevant pages of which are attached as Exhibit A to the VBFC *Sua Sponte*, states that these contributions were received by VBFC on December 31, 2007.

²⁰ On another occasion, Kazran told Buchanan that he had raised \$25,000 or \$30,000. Buchanan said that he needed more and instructed Kazran to charge a \$10,000 contribution to VERNPAC, Buchanan's Leadership PAC, on the HNJ company credit card. Kazran Depo at 22-23. The contribution to VERNPAC using the HNJ credit card was the \$4,600 contribution disclosed by VERNPAC as being made by Kazran himself on September 2, 2007. Kazran Depo at 23.

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4. Total Reimbursements at HNJ

Although VBFC disclosed in its *sua sponte* that it was aware of \$52,000 in reimbursed contributions from HNJ employees, VBFC *Sua Sponte* at 2, Kazran believed that the total value of all reimbursements using HNJ funds was very close to or over \$100,000. Kazran Depo at 48-49. Although the investigation is ongoing, we currently calculate that the total amount of reimbursed contributions to VBFC using HNJ funds was approximately \$67,900: \$16,800 in 2005, \$32,700 in 2006, and 18,400 in 2007.²¹ This \$67,900 figure is based on Kazran's testimony about the reimbursed contributions, which corresponds closely with Kazran's estimate in an email that he sent to John Tosch on October 5, 2008, in which Kazran estimated that the amount of reimbursed contributions, minus unspecified credit card contributions, was \$70,000. See Email from Sam Kazran to John Tosch, Buchanan's corporate CEO, dated October 5, 2008 at FEC000001.

²¹ The contributions to VBFC reimbursed using HNJ funds that we have identified that were not included in VBFC's *sua sponte* are the contributions of Joshua Farid and his wife, made on March 31, 2006, totaling \$8,400, as well as contributions of Vincent Sams and his wife, made on January 2, 2006, totaling \$7,500.

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5 There is also evidence that at least one other Buchanan dealership, VND, used its
6 funds to reimburse contributions to VBFC, but, _____, we
7 have less specific information at this time about the extent of Buchanan's involvement.
8 The Commission previously found reason to believe that VND and its general manager,
9 Donald M. Caldwell, knowingly and willfully violated 2 U.S.C. § 441f in connection
10 with VND's apparent reimbursement of five employees' \$1,000 contributions to VBFC,
11 we are continuing to investigate this activity. During his deposition, Kazran testified that
12 Buchanan's business partner at VND, Shelby Curtsinger, had, in effect, admitted to
13 reimbursements at VND by complaining to him that he was "done with" reimbursing
14 contributions because of cash flow problems at the dealership. Kazran Depo at 45-6.

15 So, you know, in that particular instance there was a problem because
16 they were too open about it. I can't quite recall, but I think that's when
17 one of the senior managers had gone to a meeting and said, We're
18 raising money for Vern and write me a check. And he was reimbursing
19 them right there and then. And this type of thing was happening pretty
20 often.

21
22 Kazran Depo at 43.

23 We are continuing to investigate these reimbursements and have taken the
24 deposition of Caldwell. Caldwell confirmed information provided by another VND
25 manager, Carlo Bell, in the complaint and during an interview, namely that Caldwell
26 solicited contributions from VND employees to VBFC in September 2005 and gave them
27 cash "bonuses" at the time of the solicitation in the same amount as the contribution.

1 Caldwell Depo at 53-57, 71-73. Caldwell insisted, however, that the \$1,000 cash he gave
2 to these employees were legitimate bonuses. Caldwell Depo at 45-46, 52-54, 61-65, 71-
3 74, 99-100. VND payroll records and an interview of VND's controller, Christine Hires,
4 suggest that bonuses to these employees are not reflected in the company's payroll
5 records. 7

6 C. ALLEGED FALSE AFFIDAVIT

7 Four days before VBFC filed the *sua sponte* in this matter, Buchanan presented
8 Kazran with an affidavit stating that Buchanan was unaware of reimbursed contributions
9 at HNJ. Consistent with his sworn testimony and the other evidence described in this
10 report, Kazran testified that this affidavit was false because Buchanan told Kazran to
11 reimburse his employees' contributions to VBFC.

12 According to Kazran and Farid, HNJ was having financial difficulties by the end
13 of 2007, and they wanted Buchanan to pay back several hundred thousand dollars that
14 Buchanan had withdrawn from HNJ as well as the company funds used to reimburse
15 campaign contributions. Kazran testified that he discovered that Buchanan had
16 withdrawn a total of \$800,000 to \$900,000 from HNJ without his knowledge. Kazran
17 Depo at 54-55. Kazran explained that at this point he did not want to be partners with
18 Buchanan any further and wanted Buchanan to buy Kazran's share of a Kia dealership.
19 Kazran Depo at 55.

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1 An email made during the negotiation of their business settlement agreement
2 suggests that the repayment of the HNJ funds used to reimburse campaign contributions
3 was part of the negotiations. On October 1, 2008, Kazran wrote to an attorney
4 representing Buchanan in the business matter about the possible terms of an agreement
5 with Buchanan. See Email from Sam Kazran to Roger Gannam dated October 1, 2008 at
6 FEC0000085-86.

7 Vern had mentioned he would want to reimburse the stores a bill that he
8 and I spoke of, the total amount is \$83,500, He has copies of 52k, if he
9 likes I can get the rest or he can verify through his record. This was at
10 his request.

11
12 See *id.* at FEC0000086. This portion of an otherwise straightforward email about the
13 necessary loans, financing, and collateral for an agreement between Buchanan and
14 Kazran appears to refer to Buchanan's repayment of HNJ for the campaign contributions
15 Sam Kazran reimbursed using HNJ funds. The "52k" figure quoted above matches the
16 \$52,000 figure stated by VBFC in its *sua sponte* for the total amount of contributions to
17 VBFC reimbursed by HNJ. See VBFC *Sua Sponte* at 2. Kazran testified that he sent to
18 Buchanan's CEO, John Tosch, copies of the contribution checks that he had people write
19 to VBFC (which were reimbursed by HNJ) in order to substantiate the amounts that
20 Buchanan should repay. Kazran Depo at 67-69.

21 An email communication from Kazran to Tosch several days later suggests that as
22 part of this settlement, Buchanan and Kazran discussed a proposal by Buchanan to repay
23 HNJ for its reimbursement of contributions to VBFC. On October 5, 2008, Sam Kazran
24 emailed John Tosch stating, among other things:

25 Vern and I will talk about the last part without attorney[*sic*], I think I
26 have a suggestion that will make him happy . . . He wants to cut a check
27 for all the amount, I have about 70k tracked down the rest are credit

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cards, if he wants to verify, I have to call the campaign manager to ask her for details, if you can have someone do that I would appreciate it.

Id. at FEC000002.²⁵

Buchanan and Tosch signed a draft agreement dated October 2, 2008, offering to Kazran that they "resolve all existing claims among them with respect to all past and current business relationships." Letter from Roger K. Gannam to Sam Kazran dated October 2, 2008 ("Buchanan Offer Letter"). The Buchanan Offer Letter is dated one day after Kazran's email communication to Roger Gannam and four days before VBFC's *spontaneous* submission in Pre-MUR 479.

According to Kazran, he needed the money that the proposed agreement offered, and it would have saved HNJ and the 500 employees working there. Kazran Depo at 57. Paragraph 12 of the agreement, however, required Kazran to sign an affidavit attached to the agreement. Kazran Depo at 57, 59-60; Buchanan Offer Letter at 4. Exhibit A of the Buchanan Offer Letter, titled "Affidavit of Sam Kazran a/k/a Sam Khazrwan," included the statements:

4. During the course of tense and somewhat hostile negotiations between my lawyers and me, and representatives for Buchanan, I advised a representative of Buchanan that one or more of the dealerships of which I was in operational control had reimbursed certain individuals who had contributed to the Buchanan for Congress campaign.

5. Before September, 2008, neither I nor to my knowledge, any other person who had ever advised Buchanan or any of his representatives had any information that one or both of the dealerships referred to in 1 above [HNJ] reimbursed certain

²⁵ In the same email communication, Kazran expressed to John Tosch his surprise at reports about a sworn statement by Tosch that Buchanan's opponent in the 2006 general election, Christine Jennings, had motivated Kazran to file a lawsuit and was meeting with Kazran to discuss Buchanan. Email from Sam Kazran to John Tosch dated October 5, 2008 at FEC028001. Kazran asked to see Tosch's statement, stated that he had discussed being contacted by an attorney and CREW but not Jennings, and stated a preference for staying out of "political media." *Id.* "I am sure they are going to use anything I say against Vern and I do not want to get involved." *Id.* Kazran suggested that he and Tosch call or write Jennings together to say that "Vern and I have a good relationship and that we simply have a dispute[.]" *Id.*

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1 individuals for contributions made to the Vernon G. Buchanan for Congress
2 campaign.

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4 ...

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6 7. No one has advised me that Buchanan or any representative of his knew of any
7 intention, plan or arrangement by anyone to make a reimbursement, directly or
8 indirectly, to a person in exchange for making a contribution to the Buchanan for
9 Congress campaign.

10
11 Buchanan Offer Letter at 2. According to Kazran, on October 2, 2008, Buchanan asked
12 him to come down to the Samsota Ford dealership, and once Kazran arrived, Buchanan
13 stated, "I need a favor. I need you to sign this affidavit." Kazran Depo at 60-61. Kazran
14 testified that he was initially excited to save the company but when he read the affidavit,
15 he became uncomfortable. Kazran Depo at 61. Kazran testified:

16 A. ... But this affidavit basically wanted me to say that Vern had no
17 idea about this and that I'm the one who did all of it, which is
18 absolutely incorrect.

19
20 Q. When you say "about this," what are you referring to?

21
22 A. The campaign contributions. He wanted me to say that Vern had
23 nothing to do with campaign contributions.

24
25 Kazran Depo at 60-61. According to Kazran, Buchanan "made it a condition afterwards
26 and he did - if I did not sign the affidavit, to blame everything on me, then there would
27 be no agreement and contract to purchase out the dealership and give me back the
28 money." Kazran Depo at 63.

29 Kazran testified that the statements in the affidavit that Buchanan did not know
30 about the reimbursements were incorrect and "an absolute lie," and he refused to sign the
31 agreement. Kazran Depo at 70-72. After Kazran refused, Buchanan said they would
32 discuss it and then began talking about how he was going to be governor "and I shouldn't
33 be this - - I don't want him to be against me but on my side." Kazran Depo at 62.

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1 According to Sam Kazran, by not signing the agreement, he lost his company. Kazran
2 Depo at 62, 86.

3 **D. BUCHANAN'S KNOWLEDGE OF THE LAW**

4 The earliest indication that Buchanan authorized his business partners to
5 reimburse federal contributions using company funds was in 2003, before his candidacy.
6 During an informal interview, Salvatore Rosa explained that he was a CPA who worked
7 for Buchanan from 1998 to 2003. For the first two-and-one-half years, Rosa reported
8 directly to Buchanan, and for the remainder of the time, he reported to John Tosch,
9 whom Rosa described as Vernon Buchanan's "right hand." Rosa was listed as treasurer
10 for many of Buchanan's businesses (Buchanan had approximately 52 entities when Rosa
11 worked for him) and provided a variety of services to Buchanan. Another witness
12 described Rosa as the Chief Financial Officer. Rosa was listed as an employee of
13 Sarasota 500 and Auto Central Services, Inc. ("ACS"), a "management company."⁷

14 During his interview, Rosa stated that Buchanan "forced me out" in 2003.
15 According to Rosa, Tosch explained that the hostile treatment Rosa began receiving was
16 due to Rosa "embarrassing" Buchanan by repeatedly telling him about improper activities
17 taking place in his businesses. Rosa had heard that there were coerced political
18 contributions at Sarasota Ford in 2000-2001 and that employees' political contributions
19 were reimbursed through additions to their paychecks.

20 According to Rosa, in the early 2000's, Joseph Gruters, then a Sarasota Ford or
21 ACS employee who "worked on Buchanan's political stuff," told Buchanan that it was

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1 important for Buchanan to show that he had the ability to raise political contributions so
2 that he could create a groundswell of support.²⁷ According to Rosa, Buchanan then
3 pressured employees and managers to attend a George W. Bush/Republican National
4 Committee joint fundraiser and contribute \$1,000 each.²⁸

5 According to Rosa, around this time, Buchanan called Rosa and instructed him to
6 help Don Jenkins receive a reimbursement for a political contribution he had made.
7 Rosa identified Jenkins as the President of V.B. Investments, and another witness
8 identified Jenkins as Buchanan's business partner in a car dealership that was the
9 predecessor to HNJ. Buchanan told Rosa that he wanted Jenkins to be reimbursed by
10 V.B. Investments, of which Buchanan owned 51% at the time, and that Rosa should tell
11 Jenkins how to go about using the corporation's money to reimburse Jenkins'
12 contribution. Rosa informed Buchanan that what he was asking Rosa to do was illegal.
13 Buchanan replied, "Finesse it, I gotta go" and ended the conversation. According to
14 Rosa, when he called Jenkins, Jenkins told Rosa that he had already reimbursed himself.
15 Also at this time, Shelby Curtsinger, Buchanan's partner at VND, told Rosa that he was
16 reimbursed for his contribution to the same fundraiser through a false bonus. According
17 to Rosa, he advised Buchanan on several occasions that reimbursed contributions were
18 illegal. ²⁷

²⁷ According to Rosa, Gruters eventually became Vernon Buchanan's congressional campaign manager. He is currently also serving as the VBFC treasurer.

²⁸ David Long previously contributed \$2,000 to Bush-Cheney '04 (Primary) Inc., on November 25, 2003. Dennis Slater also contributed \$2,000 to that committee on November 21, 2003, and testified that it was Buchanan's idea to go to a fundraiser where President Bush would be speaking and that it would cost \$2,000. Slater Depo at 97-100.

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1 **IV. ANALYSIS**

2 The Act prohibits any person from making a contribution in the name of another
3 person. 2 U.S.C. § 441f. The Act also prohibits any person from knowingly accepting a
4 contribution made by one person in the name of another person. *Id.* In addition, any
5 candidate who receives a contribution in connection with a campaign shall be considered
6 as having received the contribution as an agent of his or her authorized committee.
7 2 U.S.C. § 432(e)(2). In the 2006 election cycle, the individual contribution limit for
8 giving to candidate committees was \$2,100 per election, and in the 2008 election cycle, it
9 was \$2,300 per election. The contributions of a partnership are attributed to both the
10 partners and the partnership itself, that is, the partnership itself is subject to the
11 contribution limit in effect at the time for individuals. See 11 C.F.R. § 110.1(e).
12 Accordingly, a partnership reimbursing contributions totaling more than \$2,100 (in the
13 2006 cycle) or \$2,300 (in the 2008 cycle) per election would also constitute the making
14 of an excessive contribution. Finally, committees may not knowingly accept excessive
15 contributions 2 U.S.C. §441a(f).

16 VBFC, in its ~~sua sponte~~ submission, acknowledges that it received \$52,000 in
17 contributions made with HNJ funds in the names of others. VBFC *Sua Sponte*
18 Submission at 2. The available information establishes a reason to investigate whether
19 respondent Rep. Vernon Buchanan, the majority partner in several automobile
20 dealerships including HNJ, directed at least one of his minority partners, Sam Kazran, his
21 partner at HNJ, to use Buchanan dealership funds to contribute to Vern Buchanan for
22 Congress by reimbursing campaign contributions made by (in the name of) dealership
23 employees. Because Vern Buchanan for Congress is Buchanan's principal campaign

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1 committee and, therefore, Buchanan is an agent of the Committee, his alleged role in the
2 alleged reimbursement of Buchanan dealership employee contributions may indicate that
3 the Committee knowingly and willfully accepted contributions in the name of another
4 and that it knowingly and willfully accepted excessive contributions from HNJ.

5 An investigation into Buchanan and VBFC's knowledge of the reimbursements
6 and the law is necessary given the testimony of his former business partner, Sam Kazran,
7 that Buchanan instructed him to raise contributions to VBFC by having employees
8 contribute to VBFC and reimburse those employee (and spousal) contributions using the
9 funds of HNJ and sign an affidavit that he allegedly knew to be false. Important aspects
10 of Kazran's testimony are corroborated by or consistent with statements made by other
11 witnesses, disclosure reports filed by the Committee, and other documentary evidence.
12 Buchanan's business partner at Sarasota Ford, David Long, testified that Buchanan asked
13 him and his other partners to raise money for the campaign, and Long believed that he
14 needed to contribute. Karzan's business partner and brother-in-law, Joshua Farid,
15 described a telephone conversation during which Buchanan instructed Kazran to run
16 reimbursements "through the company." Farid also stated that it was his understanding
17 that Buchanan made the business deal to pay back funds to HNJ conditioned upon Kazran
18 signing an affidavit that Buchanan had no knowledge of reimbursements. Buchanan's
19 former accountant, Salvatore Rosa, stated that Buchanan instructed him to help another
20 employee receive a reimbursement for a contribution and that he repeatedly advised
21 Buchanan that reimbursing contributions was illegal. There is also information
22 suggesting that reimbursements were not limited to HNJ. Respondent Donald Caldwell,
23 a dealership manager, appears to have reimbursed contributions made by VND

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1 employees, _____

2 _____
3 _____ Finally, one witness
4 stated that Buchanan himself offered the use of his vacation home in exchange for that
5 witness making a contribution to VBFC.

6 While we continue to investigate the circumstances of the reimbursed
7 contributions and weigh the credibility of Kazran against other evidence, the evidence
8 thus far supports an investigation into whether Buchanan and VBFC knowingly and
9 willfully received contributions in the name of another and excessive contributions, that
10 is, contributions from Buchanan dealerships that reimbursed contributions made in the
11 name of their employees, including \$67,900 in contributions from employees of HNJ,
12 \$5,000 in contributions from employees of VND, _____

13 _____ Accordingly, we recommend that the Commission find reason to believe that
14 Vernon G. Buchanan and Vern Buchanan for Congress and Joseph R. Gruters, in his
15 official capacity as treasurer, knowingly and willfully violated 2 U.S.C. §§ 441f and
16 441a(f).

17 **V. INVESTIGATION**

18 We intend to investigate the extent of Buchanan and VBFC's knowledge at the
19 time of contributions to his campaign that the funds used to make the contributions came
20 from his car dealerships and business partners through undisclosed reimbursements to the
21 individual contributors, as well as their knowledge of the relevant law. We intend to
22 submit a request to obtain documents and the sworn testimony of Buchanan, _____
23 and the campaign worker with whom David Long and Sam Kazran communicated about

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the contributions they were raising. We expect to informally interview individuals as well, such as the then-treasurer of the Committee. We expect to expeditiously complete the investigation in this matter, and, if warranted by the evidence we will have gathered, we anticipate quickly proceeding to probable cause briefing.

VI. RECOMMENDATIONS

1. Find reason to believe that Vernon G. Buchanan knowingly and willfully violated 2 U.S.C. §§ 441f and 441a(f).
2. Find reason to believe that ~~Vern Buchanan~~ for Congress and Joseph R. Gruters, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. §§ 441f and 441a(f).
3. Approve the attached Factual and Legal Analyses.
4. Approve the appropriate letters.


Thomasenia P. Duncan
General Counsel


Date: 3/9/10

BY:


Stephen A. Gura
Deputy Associate General Counsel
for Enforcement


Mark Allen
Assistant General Counsel


Michael A. Columbo
Attorney


Jack A. Gould
Attorney

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