

FAULKNER, MUSKOVITZ & PHILLIPS, LLP RECEIVED
FEC MAIL ROOM

ATTORNEYS AT LAW

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2005 JAN 10 A 10:01

E-Mail: Petroff@fmplaw.com

D. JAMES PETROFF

January 4, 2005

VIA FAX 202.219.3496 AND U.S. MAIL,
CERTIFIED RETURN RECEIPT REQUESTED (No. 7004 1350 0002 0657 8499)

Kristine Adams
Campaign Finance Analyst, Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington D.C. 20463

RE: Ohio D.R.I.V.E.; Teamsters JC # 41
FEC Notice on Quarterly Report (7/1/04-9/30/04) ID No. C00008078

Dear Ms. Adams:

As you know, we are in receipt of your December 3, 2004 letter from the Federal Election Commission concerning our client, Ohio D.R.I.V.E. in connection with a contribution which you state was received by our client from a political action committee or entity that is not registered with the Commission; to wit: a check for \$14,000.00 from Truck Drivers Chauffeurs and Helpers Local 100 Drive Fund issued on August 9, 2004. By your letter, you have requested that we respond by January 5, 2004. Heretofore you have communicated with our client's accountant, Arlene B. Steuer. From this we have learned the following.

Said December 3, 2004 notice from the FEC Reports Analysis Division asserts that Ohio D.R.I.V.E. received a contribution by check from the Truck Drivers, Chauffeurs and Helpers Local 100 D.R.I.V.E. Fund in the amount of \$14,000.00 on or about August 9, 2004, a copy of which is attached as Exhibit A. The FEC notice further asserts that this check was from an organization not registered with the FEC and thus, was a prohibited contribution. As indicated on the check, it appears that the Local 100 Drive Fund was an Ohio state-registered PAC, Reg. No. OH-426. As stated in the FEC notice, under 2 U.S.C. 441(b) receipt of a contribution from an organization unregistered with the FEC such as the Local 100 Drive fund is not permitted.

As I indicated in my telephone conversation with you on January 3, 2005 whereby you returned my call and message of December 23, 2004, our advice to our client is to refund the entire contribution to the Local 100 Drive Fund immediately. We have indeed attempted to investigate the source and nature of this contribution which appears to have been made in good faith and with the intent to fully comply with the federal election laws. However, due to the holiday season we have been unable to secure all of the necessary facts to substantiate a basis for simply retaining the contribution from a "collecting agent" or otherwise. Accordingly, we have

FAULKNER, MUSKOVITZ & PHILLIPS, LLP

Kristine Adams
January 4, 2004
Page 2 of 2

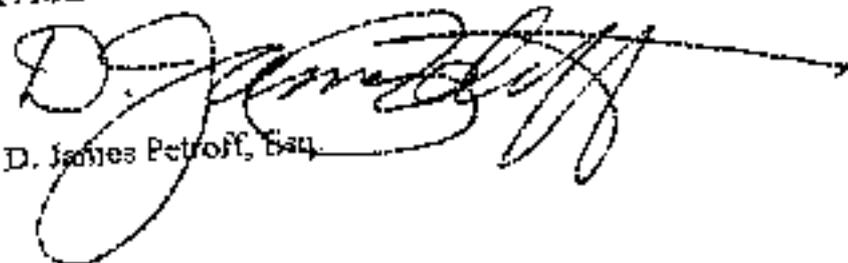
advised our client conservatively and instructed a refund of the contribution to your satisfaction. Enclosed as Exhibit B and C you will find photostatic copies of the Ohio D.R.I.V.E. letter to the contributor and the corresponding copy of the refund check which you indicated would suffice. I have redacted check account numbers as you suggested because these are public record. You also indicated that sending this information by certified mail on or before January 5, 2005 would constitute compliance with your filing requirements. However, if you need better copies or any other information, please do not hesitate to call me.

Pursuant to Ms. Steuer's telephone conversation with you today, this refund will be included in the quarterly report that includes January, 2005 activities. She will forward a copy of the report to you for your files.

We trust that this will close this matter. Thank you for assistance.

Very truly yours,

FAULKNER, MUSKOVITZ & PHILLIPS, LLP, by



D. James Petroff, Esq.

DJP:mp

Encl. as indicated.

cc: Roger Insprucker, President, Ohio D.R.I.V.E.
Nick Nardi, Treasurer, Ohio D.R.I.V.E.
George Faulkner, Esq.
Joseph C. Hoffman, Jr., Esq.
Arlene Steuer, CPA

JAN-04-2005 14:17

TEAMSTERS JOINT COUNCIL 41

4402438324

P. 02/03



TEAMSTERS OHIO DRIVE

6511 Eastland Road, Suite 140 • Brook Park, Ohio 44142
Tel.: (440) 243-3189 • Fax: 243-6524

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PRESIDENT

NICK "SONNY" NARDI
SECRETARY-TREASURER

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Trustee

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Trustee

January 4, 2005

Truck Drivers, Chauffeurs & Helpers
Local # 100 D.R.I.V.E. Fund
2100 Oak Road
Cincinnati, Ohio 45241

RE: Refund of Transfer of Funds

Gentlemen:

We have been advised, by the Department of Labor that as a Federal PAC, we cannot accept the Transfer of funds made by you to this Fund on August 9, 2004. We are, therefore, refunding your funds and are attaching our check in the sum of \$14,000.00. Should you have any questions, please feel free to call.

Fraternally yours:

Nick Sonny Nardi
Nick Sonny Nardi
Secretary-Treasurer

NSN/am
Encl

cc: Kristine Adams - Federal Commission
James Petroff



Democrat Republican Independent Voter Education
The Political Voice of the Teamsters

JAN-24-2005 14:17
OHIO DRIVE C00008078
8611 EASTLAND ROAD, SUITE 140
BROOK PARK, OHIO 44112

TEAMSTERS JOINT COUNCIL 41
CLEVELAND, OHIO
415
410

4422439524 P. 03/03
001632

1/4/2005

PAY TO THE
ORDER OF

TEAMSTERS LOCAL UNION NO. 100 DRIVE FUND

\$ **14,000.00

Fourteen Thousand and 00/100

DOLLARS

TEAMSTERS LOCAL UNION NO. 100 DRIVE
2100 OAK ROAD
CINCINNATI, OHIO 45241



[Handwritten Signature]
VOID AFTER 60 DAYS

OHIO DRIVE C00008078

TEAMSTERS LOCAL UNION NO. 100 DRIVE FUND
RETURN OF CONTRIBUTION

1/4/2005

001632

14,000.00

Checking - Huntingt

14,000.00

OHIO DRIVE C00008078

TEAMSTERS LOCAL UNION NO. 100 DRIVE FUND
RETURN OF CONTRIBUTION

1/4/2005

001632

14,000.00

Checking - Huntingt



14,000.00

TOTAL P. 63

Federal Election Commission
**ENVELOPE REPLACEMENT PAGE
 FOR INCOMING DOCUMENTS**

The FEC added this page to the end of this filing to indicate how it was received.

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| <input type="checkbox"/> Postmark Illegible | Postmarked |
| <input type="checkbox"/> No Postmark | Shipping Date |
| <input type="checkbox"/> Overnight Delivery Service (Specify): | Date of Receipt |
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| <input type="checkbox"/> Received from Senate Public Records Office | Date of Receipt |
| <input type="checkbox"/> Received from Electronic Filing Office | Date of Receipt or Postmarked |
| <input type="checkbox"/> Other (Specify): | |
|  PREPARER (5/2004) | 1/10/05 DATE PREPARED |