

October 22, 2014

Jeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E. Street NW
Washington, DC 20463

Dear Mr. Jordan:

The undersigned is the Executive Director of the Connecticut Working Families Party. Please consider this letter as a formal complaint to report possible violations of the Federal Election Campaign Act by Mark Greenberg and his campaign committee. Mr. Greenberg is the Republican nominee for House of Representatives for the 5th Congressional District of Connecticut.

Based upon the information provided below, it appears that the following potential violations of federal election laws may have occurred: Mr. Greenberg is not paying fair market value for his campaign office's rent and has failed to report this as an in-kind contribution, nor has he reported payment for his office rent as an obligation of the committee.

A *Hartford Courant* article on Oct. 9, 2014, found similar irregularities and consistent underpayments in rent without disclosure.¹

The complaints are based on the following information and belief:

1. Since May 2014, Mr. Greenberg's campaign headquarters has been listed as 680 Main St, Suite 300, Watertown, CT. Mr. Greenberg appears to own this property through Watertown Main Street, LLC (A copy of the organization papers for this LLC is attached as Exhibit A). On the property management website², the rent for the suite is listed at \$5,500 per month.

- According to Mr. Greenberg's amended July Quarterly FEC filing (filed on 10/9/14), Mr. Greenberg reports an incurred debt to Watertown Main Street, LLC, for rent from May, June, and July in the amount of \$6,400. At fair market value, the total rent paid should have been \$16,500.

¹ <http://www.courant.com/news/connecticut/hc-greenberg-office-rent-1010-20141009-story.html>

² <http://www.mgrect.com/Watertown-680Main.html>

- According to Mr. Greenberg's October Quarterly FEC filing (filed on 10/15/14), he paid \$3,750 in rent paid to Watertown Main Street, LLC, for July, August, and September. At fair market value, the total rent paid should have been \$16,500.
- A copy of the rent listing and the appropriate pages from Mr. Greenberg's FEC filings are attached as Exhibit B

2. From October 2013 to March 2014, Mr. Greenberg's campaign office was listed as 686 Main St, Suite 4, Watertown, CT. Again, it is believed that Mr. Greenberg owns this property through Ellenville Associates, LLC (A copy of the organizational filings for this LLC are attached as Exhibit C). On the property management website³, the rent for Suite 4 is listed at \$1,500 per month.

- According to his FEC reports, he made three \$1,500 payments to Ellenville Associates, LLC for rent on July 1, 2013, October 4, 2013, and January 3, 2014, for a total of \$4,500. At fair market value, the rent for October-March should have been \$9000.
- A copy of the rental listing and the appropriate pages from Mr. Greenberg's FEC reports are attached as Exhibit D.

3. From at least June 2013 to September 2013, Mr. Greenberg's campaign office was located at Union Square, 385 Main Street South, Suite 501, Southbury, CT. Again, it is believed that Mr. Greenberg owns this property through Union Square Southbury, LLC (A copy of the organizational filings for this LLC are attached as Exhibit E). On the property management website⁴, the rent for Suite 501 is \$5,208 per month.

- According to his FEC reports, Mr. Greenberg reported paying Union Square Southbury, LLC \$2,500 for rent on July 1, 2013. At fair market value, the rent for three months would be \$15,624.
- A copy of the rental listing and the appropriate pages from Mr. Greenberg's FEC reports are attached as Exhibit F.

4. In total, Mr. Greenberg paid \$10,750 in rent and incurred \$6,400 in debt for rent over fifteen months. Paying at a fair market value price for the offices listed above would mean paying \$57,624 in total rent. Mr. Greenberg failed to report \$40,474 in in-kind contributions to cover the fair market value of his rent.

According to Advisory Opinion 1995-08 issued by this Commission, candidates can rent non-residential property they own for their campaign office. However, the candidate must pay fair market value for the rent and, according to the opinion, "The undercharging for rent would constitute something of value to the committee and would thus be an in-kind contribution." To be sure, Advisory Opinion 1995-08 assumes that the candidate owned the rental space personally. Here, it is clear that the owner of the rental space is not Mr. Greenberg personally. Therefore, it appears that the unreported contributions will result in an excessive

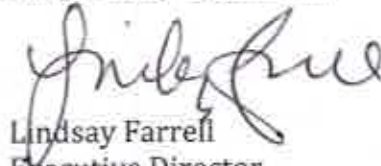
³ <http://www.mgrect.com/Watertown-686Main.html>

⁴ <http://www.mgrect.com/Southbury-UnionSq-385MainStSo.html>

contribution from the applicable LLC's, and, in the case of Ellenville Associates, LLC, may have resulted in an impermissible corporate in-kind contribution.

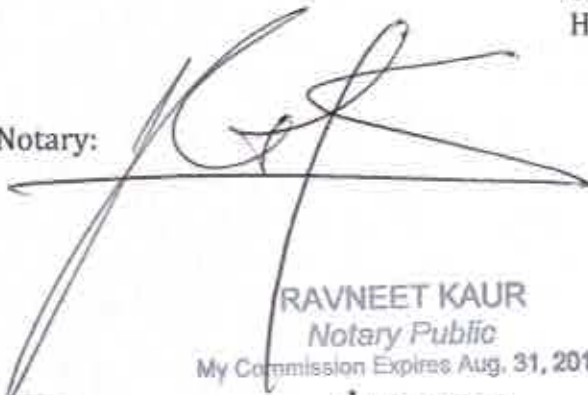
We request that the Commission conduct an expeditious and thorough investigation of these allegations.

Respectfully submitted,



Lindsay Farrell
Executive Director
Connecticut Working Families Party
30 Arbor St.
Hartford, CT

Notary:



RAVNEET KAUR
Notary Public
My Commission Expires Aug, 31, 2015

Notary 142629



EXHIBIT A

SECRETARY OF THE STATE OF CONNECTICUT
Document Review
30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470

FILING #0005131571 PG 1 OF 2
VOL B-01953 PAGE 0350
FILED 06/24/2014 10:29 AM
SECRETARY OF THE STATE OF CONNECTICUT

1. Name of Limited Liability Company:

WATERTOWN MAIN STREET, LLC

2. Business ID:

0666291

3. Report due in the month of:

July, 2014

4. This Limited Liability Company is:

DOMESTIC

Fee is:

\$20.00

Business Name:

WATERTOWN MAIN STREET, LLC

5. Mailing Address:

PO BOX 28
WATERTOWN, CT 06795

Changes:

6. Principal Office Address (Domestic Limited Liability Company):

C/O MARK GREENBERG
184 FERN AVENUE
LITCHFIELD, CT 06759

Changes:

7. Address Required in State of Formation (Foreign Limited Liability Company):

Changes:

8. Date:

06/24/2014

9. Email Address:

mgre666@yahoo.com

10. I hereby certify and state, under penalties of false statement, that all of the information set forth on this annual report is true. I hereby electronically sign this report.

Print Capacity:

MEMBER OF MEMBER

11. Signature:

MARK GREENBERG

Report Officers/Directors

Business ID : 0656291

FILING # 0005131571 PG 2 OF 2
VOL B-01953 PAGE 0351
FILED 06/24/2014 10:29 AM
SECRETARY OF THE STATE OF CONNECTICUT

1. Full Legal Name:

INFINITY II, LLC

Title(s):

MEMBER

Residence Addr:

NONE

Business Addr:

184 FERN AVE
LITCHFIELD,CT 06759

Res Changes:

Bus Changes:

2. Full Legal Name:

MARK GREENBERG & ASSOCIATES, INC.

Title(s):

MEMBER

Residence Addr:

Business Addr:

184 FERN AVE
LITCHFIELD,CT 06759

Res Changes:

Bus Changes:

EXHIBIT B



680 Main Street Watertown, CT

Watertown Professional Center

Professional building located off Main Street behind Post Office
Ample parking & bathrooms. Elevator service.

Space available

2nd floor

Suite 203 - 2,700 sq ft - \$3,600 / month*

**Heat Included*

Suite 205 - 1,356 sq ft - \$2,034 / month**

***Heat and Electric Included*

3rd floor

Suite 300 - 4,400 sq ft - \$5,500 / month***

****Available June 2013*

For Property or Rental Information:

Call Marc Katz at 860-491-1404 ext 103 or email marc@mgkatz.com

[Return to Main Page](#)

SCHEDULE D (FEC Form 3) DEBTS AND OBLIGATIONS

Excluding Loans

(Use separate schedule(s) for each numbered line)	FOR LINE NUMBER:	PAGE 106 OF 108
	(check only one)	<input type="checkbox"/> 9 <input checked="" type="checkbox"/> 10

NAME OF COMMITTEE (In Full)

Mark Greenberg for Congress

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor

Watertown Main Street LLC

Nature of Debt (Purpose):
Administrative/Salary/Overhead: Headquarters Rent

Mailing Address PO Box 26

City Watertown

State CT

Zip Code 06795-0028

Transaction ID : SD10-DEBT2986

Outstanding Balance Beginning This Period

0

Amount Incurred This Period

2500

Payment This Period

0

Outstanding Balance at Close of This Period

2500

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor
Jamesstown Associates

Nature of Debt (Purpose):
Advertising: Broadcast production advertising

Mailing Address 5 Mapleton Road

Suite 300

City Princeton

State NJ

Zip Code 08540-9646

Transaction ID : SD10-DEBT2936

Outstanding Balance Beginning This Period

5000

EXHIBIT C

SECRETARY OF THE STATE OF CONNECTICUT

Document Review

30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470

FILING #0004988628 PG 1 OF 2
VOL 8-01873 PAGE 1309
FILED 11/26/2013 02:28 PM
SECRETARY OF THE STATE OF CONNECTICUT

1. Name of Limited Liability Company:

ELLENVILLE ASSOCIATES, LLC

2. Business ID:

0575069

3. Report due in the month of:

November, 2013

4. This Limited Liability Company is:

DOMESTIC

Fee is:

\$20.00

Business Name:

ELLENVILLE ASSOCIATES, LLC

5. Mailing Address:

C/O MARK GREENBERG
184 FERN AVENUE
LITCHFIELD, CT 06759

Changes:

6. Principal Office Address (Domestic Limited Liability Company):

C/O MARK GREENBERG
184 FERN AVENUE
LITCHFIELD, CT 06759

Changes:

7. Address Required in State of Formation (Foreign Limited Liability Company):

Changes:

8. Date:

11/26/2013

9. Email Address:

mgre666@yahoo.com

10. I hereby certify and state, under penalties of false statement, that all of the information set forth on this annual report is true. I hereby electronically sign this report.

Print Capacity:

MEMBER

11. Signature:

MARK GREENBERG

Report Officers/Directors
Business ID : 0575969

FILING # 0004988628 PG 2 OF 2
VOL E-01873 PAGE 1304
FILED 11/28/2013 02:28 PM
SECRETARY OF THE STATE OF CONNECTICUT

1. Full Legal Name:
Title(s):
Residence Addr:

MARK GREENBERG
MEMBER
184 FERN AVE
LITCHFIELD,CT 06759

Business Addr:

184 FERN AVE
LITCHFIELD,CT 06759

Res Changes:

Bus Changes:

2. Full Legal Name:
Title(s):
Residence Addr:

MARK GREENBERG & ASSOCIATES, INC.
MEMBER
NONE

Business Addr:

184 FERN AVE
LITCHFIELD,CT 06759

Res Changes:

Bus Changes:

EXHIBIT D



686 Main Street Watertown, CT

Located right on the busy main street of Watertown. Plenty of parking

Space available

North Store - 2,620 sq ft - \$ 4,367 / month

Suite 1 - 1,500 sq ft - \$ 1,500 / month*

Suite 2 - 550 sq ft - \$ 550 / month*

Suite 3 - 325 sq ft - \$ 325 / month*

Suite 4 - 1,500 sq ft - \$ 1,500 / month*

Suite 5 - 425 sq ft - \$ 425 / month*

Suite 6 - 410 sq ft - \$ 410 / month*

*some utilities included

For Property or Rental Information:

Call Marc Katz at 860-491-1404 ext 103, or email marc@mgkatz.com

20a

20b

20c

21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Mark Greenberg for Congress

Full Name (Last, First, Middle Initial)

A. Cooper Communications LLC

Mailing Address 77 Ripley Hill Road

City Coventry State CT Zip Code 06238-1631

Purpose of Disbursement
public relations consultant

Candidate Name

001
Category/
Type

Date of Disbursement

07 / 03 / 2013

Amount of Each Disbursement this Period

2658.75

Transaction ID : B-E-2189

Office Sought:

House
 Senate
 President

Disbursement For: 2014

Primary
 Other (specify)

General

State:

District:

Full Name (Last, First, Middle Initial)

B. Ellenville Associates, LLC

Mailing Address 184 Fern Avenue

City Litchfield State CT Zip Code 06759-2721

Purpose of Disbursement
rent headquarters

Candidate Name

001
Category/
Type

Date of Disbursement

07 / 03 / 2013

Amount of Each Disbursement this Period

1500

Transaction ID : B-E-2189

Office Sought:

House
 Senate
 President

Disbursement For: 2014

Primary
 Other (specify)

General

State:

District:

Full Name (Last, First, Middle Initial)

Purpose of Disbursement:
marketing supplies

Candidate Name

Category/Type
001

Transaction ID : B-E-2518
02/10

Office Sought:

House
Senate
President

Disbursement For: 2014

Primary General
Other (specify) Convention 2014

State:

District:

Full Name (Last, First, Middle Initial)

c. Ellenville Associates, LLC (taxed as partnership)

Mailing Address: 184 Fern Avenue

City:

Litchfield

State:

CT

Zip Code

06759-2721

Purpose of Disbursement:
rent headquarters

Candidate Name

Category/Type
001

Date of Disbursement
01 / 03 / 2014
Amount of Each Disbursement this Period
1500
Transaction ID : B-E-2396

Office Sought:

House
Senate
President

Disbursement For: 2014

Primary General
Other (specify) Convention 2014

State:

District:

SUBTOTAL of Disbursements This Page (optional):

TOTAL This Period (last page this line number only):

1607.82

ITEMIZED DISBURSEMENTS

See chart category on line
Detailed Summary Page

X	17	18	19a	19b
	20a	20b	20c	21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Mark Greenberg for Congress

Full Name (Last, First, Middle Initial)
A. Darter Specialties, Inc.

Mailing Address PO Box 188

City Cheeshire State CT Zip Code 06410-0188

Purpose of Disbursement
campaign materials men and womens polo shirts

Candidate Name

Category/
Type
006

Office Sought: House Senate President District:

Disbursement For: 2014
 Primary General
 Other (specify) Convention 2014

Status: Full Name (Last, First, Middle Initial)

B. Ellenville Associates, LLC (taxed as partnership)

Mailing Address 184 Fern Avenue

City Litchfield State CT Zip Code 06759-2721

Purpose of Disbursement
Rent Headquarters

Candidate Name

Category/
Type
001

Office Sought: House Senate President District:

Disbursement For: 2014
 Primary General
 Other (specify) Convention 2014

Status:

Date of Disbursement

10 / 04 / 2013

Amount of Each Disbursement this Period

1487.41

Transaction ID : B-E-2382

Date of Disbursement

10 / 04 / 2013

Amount of Each Disbursement this Period

1500

Transaction ID : B-E-2284

EXHIBIT E

SECRETARY OF THE STATE OF CONNECTICUT

Document Review

30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470

FILING #0005040675 PG 1 OF 2
VOL. B-01902 PAGE 0278
FILED 02/12/2014 09:37 AM
SECRETARY OF THE STATE OF CONNECTICUT

1. Name of Limited Liability Company:

UNION SQUARE SOUTHBURY, LLC

2. Business ID:

0772462

3. Report due in the month of:

January, 2014

4. This Limited Liability Company is:

DOMESTIC

Fee is:

\$20.00

Business Name:

UNION SQUARE SOUTHBURY, LLC

5. Mailing Address:

C/O MARK GREENBERG
184 FERN AVE
LITCHFIELD, CT 06759

Changes:

6. Principal Office Address (Domestic Limited Liability Company):

184 FERN AVE
LITCHFIELD, CT 06759

Changes:

7. Address Required in State of Formation (Foreign Limited Liability Company):

Changes:

8. Date:

02/12/2014

9. Email Address:

mgre666@yahoo.com

10. I hereby certify and state, under penalties of false statement, that all of the information set forth on this annual report is true. I hereby electronically sign this report.

Print Capacity:

MEMBER

11. Signature:

MARK GREENBERG

Report Officers/Directors
Business ID : 0772462

FILING # 0005040675 PG 2 OF 2
VOL B-01902 PAGE 0279
FILED 02/12/2014 09:37 AM
SECRETARY OF THE STATE OF CONNECTICUT

1. Full Legal Name:
Title(s):
Residence Addr:

MGMK, LLC
MANAGER
NONE

Business Addr:

184 FERN AVE
LITCHFIELD, CT 06750

Res Changes:

Bus Changes:

2. Full Legal Name:
Title(s):
Residence Addr:

UNION SQUARE, LLC
MEMBER

Business Addr:

C/O BRIAN LAEGER
8515 CITYPLACE
EDGEWATER, NJ 07020

Res Changes:

Bus Changes:

EXHIBIT F



Union Square 385 Main Street South Southbury, CT

Amazing location in Southbury on Main Street South. Commercial and Retail Plaza.
Each Retail space has a bathroom. High traffic volume

Space available

Building 1, 1st floor

Space 101 - 1,000 sq ft - \$1,750 / month

Space 102/103 - 1,968 sq ft - \$4,100 / month

Space 104 - 1000 sq ft - \$2,083 / month

Building 1, Upstairs

Space 212 - 535 sq ft - \$803 / month

Space 214 - 1,000 sq ft - \$1,500 / month

Space 217 - 534 sq ft - \$800 / month

Building 4

Space 402 - 1,338 sq ft - \$2,788 / month

Building 5

Space 501 - 2,500 sq ft - \$5,208 / month

Tenant pays for electricity

Image# 13941796901

SCHEDULE B (FEC Form 3) ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 29 OF 68	
	<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
	<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Mark Greenberg for Congress

Full Name (Last, First, Middle Initial)

A. Union Square Southbury, LLC

Mailing Address PO Box 136

City Goshen State CT Zip Code 06756-0136

Purpose of Disbursement
Rent headquarters

Candidate Name

Category/
Type
001

Office Sought: House Senate President

Disbursement For: 2012
 Primary General
Other (specify)

State: District:

Date of Disbursement

07 / 01 / 2013

Amount of Each Disbursement this Period

2500

Transaction ID : B-E-1992



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 21, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1995-8

The Honorable Bart T. Stupak
Stupak for Congress, Inc.
P.O. Box 143
Menominee, MI 49858

Dear Congressman Stupak:

This responds to your letter dated March 3, 1995, as supplemented by your letter dated April 5, 1995, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the rental by Stupak for Congress, Inc. ("your committee") of office space and equipment from your wife and you.

You wish to have your committee continue to rent as its headquarters the building that contains your former law office. The building is located two miles from your residence and is owned by your wife and you. Your committee will be the only occupant of the building. It will rent the entire office and pay a rent of \$500 per month. You believe that this amount is "at or just below the fair market rental value of the building."^{1/} The building contains all of your campaign supplies and equipment. Your committee will also be responsible for all utilities, i.e., water, electricity, and gas. Your wife and you, as owners of the building, will retain responsibility for the real estate taxes, maintenance, and repair.

In addition, your committee proposes to rent all of the equipment of your former law office, Bart T. Stupak, P.C. The equipment includes a copier, FAX machine, telephone system, computers, printers, desks, and "numerous" other items of office equipment. Your professional corporation would charge your committee a rent of \$200 per month for the equipment.

The Commission has previously stated that, under the Act and Commission regulations, a candidate and the candidate's campaign committee have wide discretion in making expenditures

You have suggested that the rental amount charged may be below the usual and normal charge for rental of the building. Although this avoids the payment of excessive rent and, hence, personal use of campaign funds, the undercharging for rent would constitute something of value to the committee and would thus be an in-kind contribution from your spouse and you. 2 U.S.C. 431(8)(A)(i); 11 CFR 100.7(a)(1), (a)(1)(iii)(A) and (a)(1)(iii)(B).³⁷ See Advisory Opinion 1994-8. Commission regulations provide that a candidate may make unlimited expenditures from personal funds. 11 CFR 110.10(a). An individual other than a candidate, however, is limited to contributions aggregating \$1,000 per election to a candidate and his authorized political committees. 2 U.S.C. 441a(a)(1)(A). This limitation applies to a spouse or a family member of a candidate, as well as to other individuals. Accordingly, half of the difference between the amount of rent paid by your committee and the usual and normal charge for the rent will be a contribution from your spouse. Compare Advisory Opinion 1986-28.⁴¹ The aggregate amounts will be subject to the \$1,000 per election limit.

The Commission notes that your wife and you will retain responsibility for the real estate taxes, maintenance, and repair. These are usually the normal expenses incurred by lessors of real property, and the Commission assumes they will be covered by rental payments made by your committee.

Your committee also proposes to rent office equipment, listed above, from your professional corporation. As a corporation, Bart T. Stupak, P.C., would be prohibited from making any contribution to your committee. 2 U.S.C. 441b(a); 11 CFR 114.2(b). Providing use of the equipment at less than the usual and normal rental charge for such equipment would result in a corporate contribution to your committee. 11 CFR 114.1(a)(1). See footnote 3 above (defining "contribution," "anything of value," and "usual and normal charge"). If a usual and normal charge does not exist for the rental of all the equipment as an ensemble from a single vendor, then the amounts charged by your corporation should be based on how these items are grouped in the office equipment rental market and the rental amounts for such groups. See 11 CFR 100.7(a)(1)(iii)(B).

Because 2 U.S.C. 439a prohibits the personal use of committee funds, your committee also should avoid paying your corporation more than the usual and normal charge for the equipment. Excessive payment to your corporation would "unduly augment the earnings of an asset owned by the candidate." Advisory Opinion 1994-8.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

Danny L. McDonald
Chairman

Enclosures (AO 1994-22, 1994-8, and 1986-28)

1 In your supplemental letter, you state that, when you were practicing law, your professional corporation paid rent in the amount of \$650 per month, plus utilities, to your wife and you. You further state that a survey of local realtors in 1992, the year you were first elected to Congress, indicated that the fair market rental value was \$750 per month, plus utilities.

2 The new regulations became effective on April 5, 1995. 60 Fed. Reg. 17193-4 (April 5, 1995).

3 The term "contribution" includes giving "anything of value" for the purpose of influencing an election. 2 U.S.C. 431(8)(A)(i); 11 CFR 100.7(a)(1). The term "anything of value" includes the provision of goods or services at less than the usual and normal charge. 11 CFR 100.7(a)(1)(iii)(A). The "usual and normal charge" for goods means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. 11 CFR 100.7(a)(1)(iii)(B).

4 In this 1986 opinion, the Commission acknowledged the significance of a campaign's use of real property owned jointly by a candidate and spouse. The Commission concluded that use of the residence for the campaign would not result in a contribution from the candidate or his spouse because it was being used in connection with providing their joint volunteer services to the campaign. See 11 CFR 100.7(b)(4) and 100.8(b)(5).