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NEW JERSEY AS A CIVIL TRIAL ATTORNEY

May 16, 2008

VIA CERTIFIED MAIL, EMAIL AND FACSIMILE

LaVerne Lee - FOIA Officer
Office of Tax & Revenue
John A. Wilson Building
1350 Pennsylvania Avenue NW - Suite 200
Washington, D.C. 20004

Re: FOIA Request

Dear Ms. Lee:

Please allow this letter to serve as a formal request pursuant to the District of Columbia Freedom of Information Act, D.C. Code 1978 Supp., § 1-1521 et seq. We are requesting any and all Homestead Deduction applications completed by or on behalf of United States Senator Frank Lautenberg for the years of 2003 – present. We are further requesting any and all tax records indicating that Mr. Lautenberg either reimbursed the District of Columbia or owes the District of Columbia back taxes as a consequence of being improperly granted the Homestead Deduction from 2003-2005.

We have been advised by the District of Columbia, Office of Tax and Revenue that it is and has been impossible to receive the Homestead Deduction unless an application is completed.

BROWN & CONNERY

LLP

MAY 16, 2008

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See Exhibit 1.¹ That is to say, affirmative action must be taken by or on behalf of the property owner in order to qualify for and receive the Homestead Deduction. Mr. Lautenberg has acknowledged receiving the Homestead Deduction from the years 2003-2005, and yet he has denied completing the application required to receive it.

Based upon our review of the readily available public record, in order to receive the Homestead Deduction, an applicant must check YES indicating that the District of Columbia is his primary residency. See Exhibit 1 at Part I. Additionally, the applicant must also sign an affidavit attesting to the truth of the answers given on the application and acknowledging that making false statements on the application is punishable by criminal penalties. See Exhibit 1 at Part IV. Certainly, the interested public has a right to know if in fact the Homestead Deduction has been properly administered.

We firmly believe the requested documents are public records and as such you are obligated comply with our request in accordance with the District of Columbia Freedom of Information Act, D.C. Code 1978 Supp., § 1-1521 et seq. In addition, this request is extremely time sensitive inasmuch as the information contained therein may directly bear on the constitutional right of New Jersey citizens to be represented in the United States Senate by a person who is "an Inhabitant of that State for which he shall be chosen." U.S. Const. Art. I § 3, Clause 3. Further, this request has direct bearing on both State constitutional and statutory requirements that only those persons actually residing in New Jersey, and not elsewhere, have the right to vote in the upcoming June 3, 2008 New Jersey Primary Election. Therefore, we request that you provide a response to our request no later than close of business, Monday, May 19, 2008. If you deny our request, please state your basis for that denial.

Thank you for your attention to this matter.

Respectfully submitted,

BROWN & CONNERY, LLP



William M. Tambussi

WMT/mmd

¹ Although the attached application was revised in March of 2006, we have been advised by the District of Columbia, Office of Tax and Revenue that there was a predecessor to this application. We are requesting any application completed by or on behalf of Mr. Lautenberg whether it is the current or former application.



Government of the District of Columbia
 Office of Tax and Revenue
 Real Property Tax Administration
 941 North Capitol Street, NE
 Washington, DC 20002

HOMESTEAD DEDUCTION, AND SENIOR CITIZEN OR DISABLED PROPERTY OWNER APPLICATION

Owner(s): _____ Application Reconfirmation

Square	Suffix	Lot	Property Address

You may not receive a benefit under this application on more than one home. If you move to a new home, you cannot transfer a benefit from the old home to the new home. If you buy a new home, you may not use the previous owner's benefit; you must apply for the benefit for the *new* home.

PART I – Homestead Deduction

To apply for the Homestead Deduction, you must: 1) be domiciled in the District of Columbia; 2) answer all the questions in *PART I*; 3) sign and date the application in *PART IV*; and, 4) file this application with the Office of Tax and Revenue.

Note: The property cannot receive the Homestead Deduction if it is held in an irrevocable trust or if the record owner is a corporation or business entity (except a partnership in which all partners occupy the property as their principal residence).

1. Do you own and occupy this residential property as your principal residence (i.e., permanent home)? Yes No
2. If YES, provide the date you moved into the property: (mmddyyyy)
3. Are you registered to vote in the District of Columbia? Yes No
 If NO, where are you currently registered to vote? _____
4. Do you have a District of Columbia driver's license? Yes No
5. Do you have a motor vehicle registered in the District of Columbia? Yes No
6. Do you file District of Columbia individual income tax returns? Yes No
7. If this is a condominium unit, do you own a parking space in the condominium? Yes No
 If YES, complete reverse side (Part III).
8. Do you own an additional lot abutting this property? Yes No
 If YES, complete reverse side (Part III).
9. Is the property recorded in the name of a revocable trust? Yes No
 If YES, attach documentation supporting that the trust is a revocable trust and that the residence remains the residence of the applicant/grantor
10. Is the property recorded in the name of a special needs trust? Yes No
 If YES, attach documentation supporting that the trust beneficiary who occupies the property is disabled (see also Part II, below).

PART II – Senior Citizen or Disabled Property Owner Tax Relief

To apply for the Senior Citizen or Disabled Property Owner Tax Relief, you must: 1) answer the questions in this Part; 2) qualify the property to receive the Homestead Deduction; 3) list the name(s) and social security number(s) of all wage earners living in the property; 4) *complete PART I, PART II, and PART IV*; and, 5) file this application with the Office of Tax and Revenue.

(CONTINUED)

- 1. Are you 65 years or older? If YES, attach a copy of your driver's license or District ID card. Or, have you been determined to be permanently and totally disabled by the Social Security Administration (SSA) or do you receive disability payments? If YES, attach a copy of the SSA certification or copies of federal, District or railroad disability payments. Yes No
- 2. Do you own 50% or more of the property? Yes No
- 3. Is the total adjusted gross income of everyone living in the house (excluding tenants under a written lease) less than \$100,000 for the prior calendar year? Yes No
- 4. Provide your date of birth in the space provided: (mmddyyyy)

List the name and social security number of each person living in the home other than you and tenants. If more than three other people live in the home, attach a sheet of paper with the same information for them as shown below.

First Name	Last Name	MI	Social Security Number

PART III – Application for Abutting Lot(s)

To be eligible for the Class 1 Property tax rate and Senior Citizen or Disabled Property Owner Tax Relief, an abutting lot must have exactly the same ownership as the parent lot (the lot of the house or unit) and be: 1) immediately adjacent to the parent lot; or, 2) a parking space in the same condominium as the parent lot. List additional lot numbers for:

Parking Space(s): Abutting Lot(s):

PART IV – Affidavit

The applicant who is an owner of record of the property or trust beneficiary must sign and date this application. **Making a false statement is punishable by criminal penalties under DC Official Code §§ 47-4106 and 22-2405. If you fail to complete Part IV, you will not be eligible for the Homestead Deduction and Senior Citizen or Disabled Property Owner Tax Relief.**

Last Name First Name MI

Social Security Number Daytime Phone

Signature: _____ Date: _____

Your Responsibility to Notify the Real Property Tax Administration: If your property no longer qualifies for the Homestead Deduction or Senior Citizen or Disabled Property Owner Tax Relief, you must notify us in writing and within 30 days at the following address: Office of Tax and Revenue, Real Property Tax Administration; 941 North Capitol Street, NE; Washington, DC 20002 -- Attn: Homestead Deduction, Senior Citizen/Disabled Property Owner Tax Relief Cancellation. If you fail to provide written and timely notification as instructed, you may have to pay a penalty of 10% of the delinquent tax and 1.5% interest on such tax for each month that the property wrongfully received the benefit(s). **NOTE:** This application and continued eligibility for these tax benefits are subject to periodic audit. Please keep all supporting documentation.