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Federal Election Commission  
Washington, DC 20463


**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon   
Staff Director

FROM: Allan D. Silberman   
Director, ADR Office

BY: Lynn M. Fraser   
Assistant Director, ADR Office

SUBJECT: Recommendation to Close the File on ADR 142

DATE: September 30, 2003

In accordance with the revisions to the ADR program procedures approved by the Commission on March 3, 2003, ADR 142/MUR 5332 is attached for the Commission's review. The case was forwarded to the ADR Office (ADRO) by OGC on September 12, 2002 to review and determine its appropriateness for ADR processing. Following the new ADR procedures referenced above, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel (OGC) concurs in the description of this matter, and also concurs that it will not be returned to OGC for further action.

**ADR 142/MUR 5303:** Complainant alleges that Respondents displayed yard signs without the required disclaimer. As evidence, complainant attached a copy printed from Respondents' website which the complainant claims is identical to the yard signs except for colors. There is no disclaimer on the copy enclosed with the complaint. Respondents contend that the yard signs did have the appropriate disclaimer on them and attached to the response two photographs of signs; one with the disclaimer printed on the sign and the second with the disclaimer added by use of a sticker with the required language. Respondents state the vendor forgot to print the disclaimer on the first batch of signs, so a sticker with the required language was attached to those signs. Respondents further contend that while the website graphic printed as part of the complaint did not have the disclaimer, the website itself did contain the disclaimer.

Attached for the Commission's review is the ADR *Case Analysis Report* (CAR) on ADR 142, along with copies of the EPS Rating and ADR Rating reports.

Recommendation: We recommend that ADR 142/MUR 5332 be closed and the appropriate letters sent.

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**Related FEC Experience/Guidance:** Based on the visual evidence presented by both sides, it is not clear if a violation of the FECA occurred. If some signs were displayed for a period of time before stickers with the required disclaimer were applied, the violation would be of a *de minimis* nature, and Commission resources can be better expended on other matters.

**ADR Recommendation: Dismiss**

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