



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

September 17, 2004

Thay Humes, Owner
Humes McCoy Aviation
470 Briscoe Boulevard
Lawrenceville, GA 30045

Re: ADR 189 (MUR 5441)
Clark for President

Dear Mr. Humes:

On April 16, 2004 the Federal Election Commission ("Commission") received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents Clark for President, Inc. and Dorian Vanessa Weaver, Treasurer. In its memorandum to the Commission, dated September 10, 2004, this office stated:

ADR 189/MUR 5441: Complainant alleges he supplied an aircraft and crew on January 30, 2004 to Respondents Clark for President, Inc. and Dorian Vanessa Weaver, Treasurer ("Respondents") to fly from Columbia, South Carolina to Tulsa, Oklahoma. He asserts he invoiced the Clark for President campaign \$67,230.50. Respondents paid \$49,000. Complainant further alleges that the campaign committee informed him, in response to his query about payment of the balance, that the \$18,230.50 should be considered an in-kind donation, or he should discount the cost of the services provided.

Respondents contend that Complainant was requested to provide an aircraft and crew for a multi-stop campaign flight on January 30-31, 2004, and failed to provide service beyond the first stop in Tulsa, Oklahoma. Respondents paid for the aircraft and crew, and further contend they requested Complainant send an invoice for his fee and out of pocket expenses which he failed to do.

September 17, 2004

Accordingly, the Commission closed its file in this matter on September 16, 2004.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and this office, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office