



Federal Election Commission
Washington, DC 20463

October 13, 2004

Don Beyer, Jr., Treasurer
Dean for America
P.O. Box 5385
Burlington, VT 05402

Re: ADR 193 (MUR 5494)

Dear Mr. Beyer:

On August 4, 2004, the Federal Election Commission ("Commission") attempted to notify the Dean for America of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with the notification. The notification, having been sent to the P.O. Box 1228 address, was returned by the U.S. Postal Service as "Attempted - Not Known." A copy of the original notification is enclosed for your convenience.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and to take no action against the Respondents, Dean for American and Don Beyer, Jr., Treasurer. In its memorandum to the Commission, dated September 24, 2004, this office stated:

ADR 193/MUR 5494: Complainant states that he made two donations to the presidential campaign of Howard Dean totaling \$200 in the fall of 2003. Complainant alleges that Dean for America and Don Beyer, Treasurer violated federal law when they failed to itemize the contributions to the Commission. The FECA requires authorized committees to itemize an individual's contributions if the contributions aggregate *in excess* of \$200 for the election cycle.

Accordingly, the Commission closed its file in this matter on September 30, 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, if any, 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.

204-219-025-3734

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1665.

Sincerely,

Lynn M. Fraser
Assistant Director, ADR Office

CC: Howard Dean (w/o attachments)
153 Elm Street
Montpelier, VT 05602

202.19.025.3735