



**Federal Election Commission  
Washington, DC 20463**

June 8, 2005

Jennifer Lewis Smith, Treasurer  
Van Hollen for Congress  
10605 Concord Street #202  
Kensington, MD 20895

Re: ADR 229 (MUR 5477)

Dear Ms. Smith:

On July 13, 2004, the Federal Election Commission ("FEC" or "Commission") notified Van Hollen for Congress and Jennifer Lewis Smith, Treasurer ("Respondents") 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.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no action against the Respondents. In its memorandum to the Commission, dated June 1, 2005, this office stated:

Complainant alleges that Respondents Van Hollen for Congress and Jennifer Lewis Smith, Treasurer ("Respondents") violated the FECA by using his congressional staff and the federal government email system for campaign purposes. Respondents state that the activities involved in Complainant's allegations, an official Community Office Hours gathering for the Congressman, were congressional activities and not campaign activities. Based on the allegations and responses in this matter, there appears to be no violation of the FECA.

Accordingly, the Commission closed its file in this matter on June 6, 2005.

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 the Commission, 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.

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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

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