



Federal Election Commission  
Washington, DC 20463

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

February 22, 2005

Curtis Herman  
213 North Hudson Street  
Coldwater, MI 49036

Re: ADR 231 (MUR 5500)

Dear Mr. Herman:

On August 2, 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, Walker for Congress and Pat Cox, Treasurer. In its memorandum to the Commission, dated February 10, 2005, this office stated:

Complainant alleges that he received a mailing from Walker for Congress ("Committee") that failed to have a disclaimer. The Committee contends the allegations are false and point to the disclaimer printed in the top left-hand corner of the mailer which states "Paid for by Walker for Congress, 201 S. Mechanic St., Jackson, MI 49201." The disclaimer, as described by the Committee is on the communication, however, not of the specifications required in the statute and regulations. Given the circumstances of the matter, however, the violation is of a *de minimis* nature and no further Commission resources should be expended pursuing it.

Accordingly, the Commission closed its file in this matter on February 17, 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

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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

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