



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

June 30, 2006

Ned Wiggelsworth, Analyst
TheRestofUs.org
1107 9th Street, Suite 601
Sacramento, CA 95814

Re: ADR 325 (MUR 5705)

Dear Mr. Wiggelsworth:

On February 6, 2006, the Federal Election Commission ("FEC" or "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 Respondent, Max Gelwix. In its memorandum to the Commission, dated June 20, 2006, this office stated:

Summary: The Complainant, TheRestofUs.org, contends that Max Gelwix (the "Respondent") violated the aggregate limits, i.e., U.S.C. § 441a(a)(3)(2000) and 11 C.F.R. § 110.5(b)(2002), when he contributed \$25,500 in 2002 to Federal election campaigns and political committees. Complainant's initial complaint maintains that Respondent contributed \$28,000 in 2002, however, a subsequent letter, citing an error in reporting Respondent's total contributions, amended the initial complaint and argues that the accurate amount contributed was \$25,500. Respondent acknowledges that he exceeded the contribution limits applicable at the time when he contributed \$25,500 in 2002 to federal election campaigns. Respondent contends he was unaware of the restrictions placed on aggregate individual contributions by the FECA. Respondent argues that the excessive contributions were an "inadvertent" and "regrettable error" and notes that his contributions since 2002 are consistent with standards outlined in BCRA.

Accordingly, the Commission closed its file in this matter on June 27, 2006.

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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.

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
Alternative Dispute Resolution Office

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