



Federal Election Commission
Washington, DC 20463

November 17, 2006

Marty Schwimmer, Treasurer
Schwimmer Congressional Campaign
54810 Avenida Juarez
La Quinta, CA 92253

Re: ADR 348 (MUR 5756)
Marty Schwimmer Congressional Campaign and Marty Schwimmer, Treasurer

Dear Mr. Schwimmer:

On June 6, 2006, the Federal Election Commission ("FEC" or "Commission") notified the Marty Schwimmer Congressional Campaign 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 further action against Respondents the Marty Schwimmer Congressional Campaign and Marty Schwimmer, Treasurer. The Commission cautions Respondents, however, that in the event of future involvement in a Federal Election, that attention be paid to the FECA statute and implementing regulations; i.e., the disclaimer requirements, 2 U.S.C. § 441d, and 11 C.F.R. § 110.11. In its memorandum to the Commission, dated October 10, 2006, this office stated:

Summary: Complainant, Timothy O'Bayley, alleges that the Marty Schwimmer Congressional Campaign and Marty Schwimmer, Treasurer, ("Respondents" or the "Committee") failed to file a Pre-Election Report, and also distributed public communications without appropriate disclaimers and without the appropriate inquiries to contributors. Complainant alleges that Respondents failed to file a timely 2006 Pre-Primary Report. The complaint goes on to state the Primary election was scheduled for June 6, 2006, and thus, the first report should have been filed by May 25, 2006. The Complainant also alleges that Respondents may be utilizing unreported personal funds from the Candidate. The complaint goes on to allege that campaign communications distributed by Respondents do not contain a proper disclaimer, and that the Committee, when soliciting contributions on a website, did not request required information from contributors.

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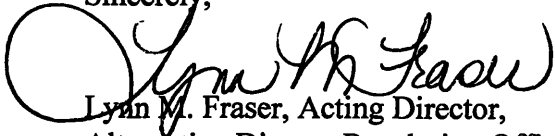
Respondents contend that they did in fact file a timely 2006 Pre-Primary Report. The report was filed on May 24, 2006. As to the Committee's website and newspaper advertisement, Respondents argue that the allegations are too vague to respond to.

Accordingly, the Commission closed its file in this matter on November 2, 2006.

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.

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

Sincerely,



Lynn M. Fraser, Acting Director,
Alternative Dispute Resolution Office