



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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MEMORANDUM

November 28, 2006

SENSITIVE

TO: The Commission

THROUGH: Patrina M. Clark *PM*
Staff Director

FROM: Lynn M. Fraser, Acting Director *LMF*
Alternative Dispute Resolution Office

SUBJECT: ADR 349 McCloskey for Congress and Stacy E. Owens, Treasurer,
Recommendation to Dismiss

On September 8, 2006, the ADR Office received MUR 5759 from the Office of General Counsel ("OGC") to review and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the recommendation in this Memorandum. OGC concurs in the description of this matter, and that it not be returned to OGC for further action.

ADR Case: ADR 349

Source No. MUR 5759

Respondents:
McCloskey for Congress
Stacy E. Owens, Treasurer

Respondents' Rep.:
Peter A. Bagatelos, Esq.

Complainant: Marilyn Bradley

Committee Name: McCloskey for Congress

Date Complaint Filed: 6/7/06

Committee Type: Authorized

Date Forwarded to ADRO: 9/8/06

District #/or State: CA 11th C.D.

[Redacted]

Election – Won/Lost: Lost - Primary

[Redacted]

Election Cycle: 2006

Summary of Complaint: Complainant alleges that the McCloskey for Congress Committee, the principal campaign committee for Pete McCloskey, a candidate for California's 11th Congressional District, failed to include required disclaimers on two flyers and a door-hanger distributed door-to-door by the candidate. (Note: The complaint asserts that this is the principal

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committee of "Kathy Scott." It is not clear where the name "Kathy Scott" came from, but it appears to be a typographical error by the Complainant.) The complaint alleges the lack of disclaimer violates the disclaimer requirements of 2 U.S.C. § 441d.

Respondents' Reply: Respondents contend that they did not prepare, produce, pay for, distribute, coordinate, authorize, or distribute either of the two flyers, and do not know who did. As for the door-hangers, the Committee contends it prepared 10,000 door-hangers for a total cost of \$2,227.38, and approximately 1,000 were distributed before the omission was noted. Respondents submitted the former candidate's sworn affidavit attesting to the information presented.

RECOMMENDATION:

1. Dismiss ADR 349 (MUR 5759), and close the file.
2. Approve the appropriate letters.

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