



Federal Election Commission
Washington, DC 20463

December 13, 2006

Peter A. Bagatelos, Esq.
Bagatelos Law Firm
380 West Portal Avenue, Suite F
San Francisco, CA 92127

Re: ADR 349 (MUR 5759)

Dear Mr. Bagatelos:

On June 13, 2006, the Federal Election Commission ("FEC" or "Commission") notified McCloskey for Congress 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 to issue an admonishment, but take no further action against the Respondents McCloskey for Congress and Stacy Owens, Treasurer. In its memorandum to the Commission, dated November 28, 2006 this office stated:

Summary: 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 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 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.

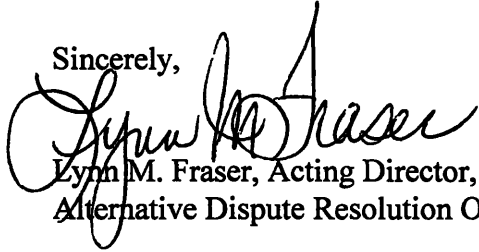
Accordingly, the Commission closed its file in this matter on December 4, 2006.

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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.

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