



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 DEC -7 A 9:47

SENSITIVE

MEMORANDUM

December 6, 2006

TO: The Commission

THROUGH: Patrina M. Clark *me*
Staff Director

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

SUBJECT: ADR 354 Tom Hayhurst For Congress Committee and Christopher D. Ruckman, Treasurer, Recommendation to Dismiss

On September 29, 2006, the ADR Office received MUR 5798 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 354

Source No. MUR 5798

Respondents:
Tom Hayhurst For Congress Committee
Christopher D. Ruckman, Treasurer
Thomas Eldon Hayhurst

Respondents' Rep.:
Christopher D. Ruckman

Complainant:
Maxine K. Young

Committee Name:
Tom Hayhurst For Congress Committee

Date Complaint Filed: 8/22/06

Committee Type: Authorized

Date Forwarded to ADRO: 9/29/06

District #/or State: IN 3rd C.D.

[Redacted]

Election - Won/Lost: Lost General

[Redacted]

Election Cycle: 2006

Summary of Complaint: The Complainant alleges that Tom Hayhurst for Congress, Christopher D. Ruckman, Treasurer and Thomas Eldon Hayhurst ("Respondents" or the

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"Committee") continued to display her name as Treasurer, and that of her husband, as Assistant Treasurer, after they resigned their positions as Treasurer and Assistant Treasurer respectively. The complaint goes on to state that the Complainant and her husband submitted letters of resignation effective June 30, 2006, with the understanding that they would file the 2006 July Quarterly Report. The complaint further alleges that Respondents continued to use signs, banners, donor cards and similar campaign materials with fraudulent disclaimers, as the disclaimers reflected the Complainant's name as Treasurer, and that of her husband, as Assistant Treasurer, long after their resignation.

Respondents' Reply: Respondents contend that their campaign communications accurately reflect who paid for and authorized the production of the communications at issue. After the resignation of Complainant as Treasurer, the Committee filed an amended Statement of Organization with the Commission, identifying the new Treasurer. As the signs, banners, donor cards and other communications referred to in the complaint accurately reflect who paid for and authorized the communications at the time they were produced, the Committee believes the disclaimers are in compliance with the FECA.

RECOMMENDATION:

- 1. Dismiss ADR 354 (MUR 5798), and close the file.**
- 2. Approve the appropriate letters.**

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