



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 DEC 19 P 5:33

MEMORANDUM

December 18, 2006

SENSITIVE

TO: The Commission

THROUGH: Patrina M. Clark
Staff Director *pmc*

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

SUBJECT: ADR 355 Schwarz for Congress and Robert Hans Schuler, Treasurer
ADR 356 Schwarz for Congress and Robert Hans Schuler, Treasurer
Recommendation to Dismiss

On September 29, 2006, the ADR Office received MUR 5782 and MUR 5793 from the Office of General Counsel ("OGC") to review and determine their appropriateness for ADR processing. Based on that review, we recommend that these two matters be closed. Following the procedures approved by the Commission on March 3, 2003, these matters will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of these matters, and that they not be returned to OGC for further action.

ADR Case: ADR 355

Source No. MUR 5782

ADR Case: ADR 356

Source No. MUR 5793

Respondents:
Schwarz for Congress
Robert Hans Schuler, Treasurer

Respondents' Rep.:
John Truscott

Complainant: Walberg for Congress

Committee Name: Schwarz for Congress

Date Complaint Filed: 8/2/06, 8/11/06

Committee Type: Authorized

Date Forwarded to ADRO: 9/29/06

District #/or State: MI 7th C.D.

[Redacted]

Election - Won/Lost: Lost Primary

[Redacted]

Election Cycle: 2006

ADR 355 (MUR 5782)

ADR 356 (MUR 5793)

Page 1

27190270990

Summary of Complaint: Both complaints, filed by the same Complainant, allege that Schwarz for Congress and Robert Hans Schuler, Treasurer ("Respondents" or the "Committee") failed to have adequate disclaimers on television advertisements. In ADR 355 (MUR 5782), the complaint alleges that on July 11, 2006, Respondents began running a television advertisement, identified as Response, that did not contain a full screen view of the candidate making the disclaimer statement during the disclaimer voice-over. In ADR 356 (MUR 5793), the complaint alleges that on or about July 30, 2006, Respondents began running another television advertisement, identified as Family Results, that also did not contain a full screen view of the candidate making the disclaimer statement during the disclaimer voice-over.

Respondents' Reply: Respondents contend that their advertisements comply with the FECA requirements. Respondents further contend that the advertisements that Complainant based the complaints on were, in fact, the video-clip advertisements on the Committee's website, and not those run on television.

RECOMMENDATION:

1. Dismiss ADR 355 (MUR 5782) and ADR 356 (MUR 5793), and close the files.
2. Approve the appropriate letters.