



THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

SECRETARIAT

January 23, 2007 2007 JAN 24 A 11: 54

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

THROUGH: Patrina M. Clark  
Staff Director

FROM: Margarita Maisonet  
Chief Compliance Officer

Deborah Kant  
Director, ADR Office

BY: Lynn M. Fraser  
Assistant Director, ADR Office

SUBJECT: ADR 358 Yarmuth for Congress and Stanley Aaron Yarmuth, Treasurer,  
Recommendation to Dismiss

On October 27, 2006, the ADR Office received MUR 5771 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 358

Source No. MUR 5771

Respondents:  
Yarmuth for Congress  
Stanley Aaron Yarmuth, Treasurer

Respondents' Rep.:  
Sarah J. Martin

Complainant: Northup for Congress

Committee Name: Yarmuth for Congress

Date Complaint Filed: 7/10/06

Committee Type: Authorized

Date Forwarded to ADRO: 10/27/06

District #/or State: KY 3<sup>rd</sup> C.D.

Election - Won/Lost: General - Won

Election Cycle: 2006

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**Summary of Complaint:** The complaint alleges that Yarmuth for Congress, and Stanley Aaron Yarmuth, Treasurer (“Respondents” or the “Committee”) failed to have adequate disclaimers on two radio advertisements. The first advertisement, titled “Dreams,” had former Congressional candidate Eleanor Jordan urging listeners to vote for John Yarmuth. The second advertisement, titled “Passion,” had the voice of former Kentucky State Senator Georgia Powers urging listeners to vote for John Yarmuth. The Complainant concedes that the candidate’s voice is heard stating that he approves the message in each advertisement, but that the message failed to say who paid for the advertisement in violation of the FECA.

**Respondents’ Reply:** Respondents contend that the complaint is incorrect. Respondents further contend that both advertisements contained the audio disclaimer, in John Yarmuth’s voice, concluding the radio communication by stating “I’m John Yarmuth and I approved and paid for this message because I’ll stand up to George W. Bush.”

**RECOMMENDATION:**

1. **Dismiss ADR 358 (MUR 5771), and close the file.**
2. **Approve the appropriate letters.**

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