



Federal Election Commission
Washington, DC 20463

February 6, 2007

Sarah J. Martin, Esq.
455 South 4th Avenue, Suite 930
Louisville, KY 40202

Re: ADR 358 (MUR 5771)

Dear Ms. Martin:

On July 12, 2006, the Federal Election Commission ("FEC" or "Commission") notified Yarmuth 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 take no further action against the Respondents Yarmouth for Congress and Jason Burke, Treasurer. In its memorandum to the Commission, dated January 23, 2007, this office stated:

Summary: 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 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."

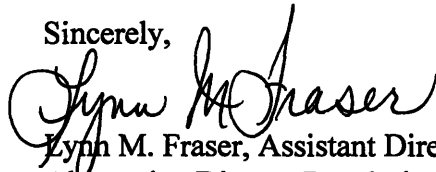
Accordingly, the Commission closed its file in this matter on January 29, 2007.

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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, Assistant Director
Alternative Dispute Resolution Office

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