



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

January 25, 2007

Stephen J. Kaufman, Esq.
601 S. Figueroa Street, 41st Floor
Los Angeles, CA 90017

Re: ADR 361 (MUR 5763)

Dear Mr. Kaufman:

On June 20, 2006, the Federal Election Commission ("FEC" or "Commission") received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents, Marty Schwimmer Congressional Campaign and Marty Schwimmer, Treasurer. In its memorandum to the Commission, dated January 11, 2007 this office stated:

Summary: Complainant alleged that Marty Schwimmer Congressional Campaign and Marty Schwimmer, Treasurer ("Respondents" or the "Committee") failed to disclose financial activity prior to the Primary Election scheduled for June 6, 2006 in California, although it appeared to the Complainant that Respondents may have spent as much as \$50,000. The complaint specifies that as of one week prior to the Primary Election, no reports had been filed with the FEC, and additionally, the Committee failed to file electronically and failed to file 48-Hour Notices for last minute contributions. The complaint also refers to a complaint filed by another individual (ADR 348/MUR 5756) with similar allegations of the Committee's nondisclosure of financial activity, and requests that the instant matter incorporate those allegations.

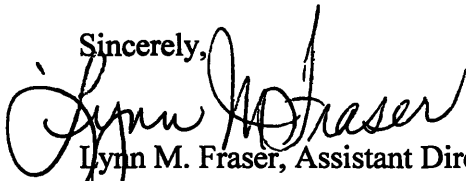
Respondents contend that the 2006 12 Day Pre-Primary Report was timely filed with the FEC on May 24, 2006, and thus the allegation has no merit. In addition, Respondents contend that the \$50,000 threshold was never reached, and thus the Committee was not required to file electronically, and that there were no contributions requiring 48-Hour Notices to be filed with the Commission.

Accordingly, the Commission closed its file in this matter on January 22, 2007.

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.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn M. Fraser". The signature is fluid and cursive, with the first name "Lynn" being more prominent.

Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office