



**Federal Election Commission  
Washington, DC 20463**

March 21, 2007

Richard Berman  
Dan Seals for Congress  
P.O. Box 784  
Glenview, IL 60025

Re: ADR 364 (MUR 5800)

Dear Mr. Berman:

On August 25, 2006 the Federal Election Commission ("FEC" or "Commission") notified Dan Seals 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 Dan Seals for Congress and Richard Berman, Treasurer. In its memorandum to the Commission, dated February 7, 2007, this office stated:

**Summary:** Complainant alleges that Schakowsky for Congress and Melanie Rovner Cohen, Treasurer ("Schakowsky Respondents") mailed a letter soliciting contributions on behalf of the Dan Seals for Congress campaign without disclosing the in-kind contribution to Dan Seals for Congress and Richard A. Berman, Treasurer ("Seals Respondents"). Complainant also alleges that the Seals Respondents failed to report its receipt of the in-kind contribution. The complaint did not state how many letters were mailed or the cost of the mailings.

The Schakowsky Respondents contend that Congresswoman Schakowsky properly endorsed Mr. Seals in a fundraising letter, but did not pay for any of the costs of the solicitation. Therefore, the Schakowsky Respondents argue that no in-kind contribution to the Seals Respondents needed to be disclosed. Schakowsky Respondents further contend that it was the Seals Respondents who inadvertently sent the letters of endorsement without modifying the disclaimer to state that they paid for the letters, not the Schakowsky Respondents.

The Seals Respondents contend that they paid \$390 for the Schakowsky's letterhead and envelopes to send the endorsement letters, and provided a June 5,

Federal Election Commission, Alternative Dispute Resolution Office  
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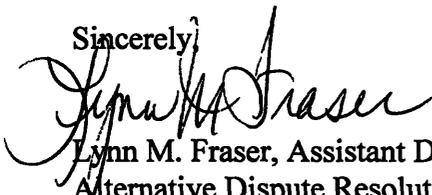
2006 invoice to verify the purchase. The Seals Respondents argued that they did not disclose an in-kind contribution from the Schakowsky Respondents, because an in-kind contribution was not made by the Schakowsky Respondents. They did, however, disclose the disbursement to purchase the Schakowsky letterhead and envelopes on their 2006 July Quarterly Report. The Seals Respondents further contend they inadvertently failed to modify the disclaimer on the Schakowsky letterhead to reflect that the letter was paid for by the Dan Seals for Congress Committee.

Accordingly, the Commission closed its file in this matter on February 16, 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.

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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