



Federal Election Commission
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAR 14 P 2: 53

MEMORANDUM

March 14, 2007

TO: The Commission

THROUGH: Patrina M. Clark
Staff Director

Margarita Maisonet
Chief Compliance Officer

FROM: Deborah Kant
Director, ADR Office

SUBJECT: ADR 369, Spencer For Congress and James E. Bolluyt, Treasurer
Recommendation to Assign

SENSITIVE

On December 5, 2006, the ADR Office received MUR/5778 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR, and recommend that it be assigned to the ADR Office. The ADR Office Recommendation includes a statement of the issues, a summary and analysis of the case, factors supporting assignment to ADR and potential settlement terms if the case is assigned to ADR. In addition, the Office of General Counsel reviewed the ADR Recommendation, and concurs in the description of the case.

ADR Case: ADR 369

Source No. MUR 5778

Respondents:

Spencer for Congress
James E. Bolluyt, Treasurer

Respondents' Rep.:

James E. Bolluyt, Treasurer

Complainant: Cullen Sheehan

Committee Name: Spencer For Congress

Date Complaint Filed: 7/25/06

Committee Type: Authorized

Date Forwarded to ADRO: 12/05/06

District #/or State: Iowa- 4th District

27190271833

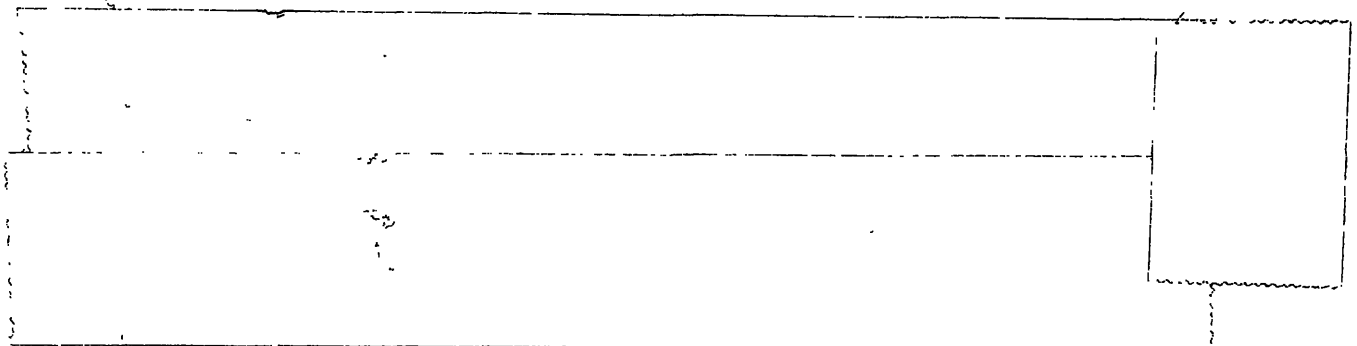
Election - Won/Lost: Lost

Election Cycle: 2006

Summary and Analysis of Case: The FECA requires all printed communications for which a political committee makes a disbursement to include written disclaimers. If the communication is paid for and authorized by a candidate or an authorized committee of the candidate, or any agent of the foregoing, the printed communication must have a written statement that the committee paid for the communication. The written disclaimer must be clear and conspicuous and be contained in a printed box set apart from the communication's contents.

In this case, Complainant alleges that Seldon Spencer, M.D., a candidate for the Fourth Congressional District in Iowa, and his campaign distributed lawn signs and campaign literature with improper disclaimers. Respondents (the Committee, and James E. Bolluyt, Treasurer¹) admitted their error and apologized for it. Respondents contended that their committee had previously been run by volunteer staff and no professional staff to oversee campaign activities. Respondents stated that the Committee now had professional staff and had removed all the signs and campaign literature that did not meet FECA's disclaimer requirements.

27190271834



RECOMMENDATION:

- 1. Assign ADR 369 /MUR 5778 to the ADR Office.**

¹ At the time of the response, the Treasurer was James E. Bolluyt. As noted in the caption, the current Treasurer is Judith A. Jackson.