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October 27, 2006

Lawrence II. Norton, Esq. General Counsel
Federal Election Commission 999 F St., NW
Washington, D.C. 20463

Re: MLJR# 5832
Braxton County Democratic
Executive Committee

RESPONSE OF THE BRAXTON COUNTY DEMOCRATIC EXECUTIVE COMMITTEE

Comes now the Braxton County Democratic Executive Committee, by and through its attorney, William C. Martin, and does make the following response to the Complaint made against it in this matter.

1. Committee Failed to Register with the FEC after Spending More than \$1,000.00 in Connection with a Federal Election

The Braxton County Democratic Executive Committee is a local party committee organized under the laws of the state of West Virginia. *West Virginia Code* §3-1-9.(c). Its membership and contact information is readily available at the local county clerk's office, the Secretary of State's office, and through the state office of the Democratic Party. It is not a "shadowy group" for anyone with a modicum of knowledge of West Virginia election law.

The committee asserts that if it did violate the registration requirement of CFR §100.5(e), the same was not a willful or intentional violation. The committee has initiated the registration process and is awaiting confirmation of the receipt of the same.

2. The Committee's Radio Spots Do Not include Proper Disclaimer Notices

The committee asserts that it did not willfully or intentionally take any action or make any omission to violate the disclaimer requirement of CFR § 110.11, such being left to the producer of the spots whom it believed was knowledgeable of such matters. Respondent further asserts that it discovered the inadequacy of the disclaimer and caused the same to be corrected prior being served with the complaint in this matter.

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In response to the Complainant's requests for action on the part of the Commission, Respondent does address each by number:

1. Investigate Committee's Failure to Register:

The committee has taken the necessary steps to alleviate this oversight.

2. Disclaimers:

The disclaimers, which it is asserted did comply with state law and identified who was responsible for the content, although not in proper federal form, have already been corrected.

3. Coordination with Callahan campaign:

The committee asserts there is no coordination with the Callahan campaign and that no formal complaint has been made by Complainant in this regard.

4. Corporate Funding:

The committee asserts there is no corporate funding as will be disclosed by the reports which will be filed. Furthermore, no formal complaint has been made by Complainant in this regard.

5. Punish Committee:

The Committee does request that no further action be taken for the following reasons:

- a. Any violation was unintentional and steps to remedy the same have been taken.
- b. Any violation of CFR §100.5(e) was deminimis as the alleged amount over the threshold is only \$600.96.
- C. None of the subject advertisements are presently being published, and therefore if a violation of CFR § 110.11 did occur, that violation is not ongoing.
- c. The Complainant does not complain about any of the content of the subject advertisements merely alleged procedural discrepancies. As such, the Commission can assume that the content of the advertisements was not objectionable.

Wherefore, for the reasons set forth herein, the Committee does respectfully assert that no disciplinary action is necessary.

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Braxton County Democratic Executive Committee
By counsel


William C. Martin
WV Bar #2345

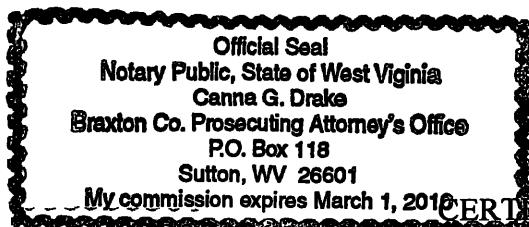
VERIFICATION

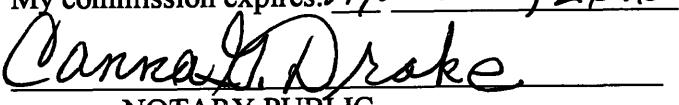
State of West Virginia,
County of Braxton, to-wit:

Douglas E. Facemire, being first duly sworn, depose and say that, I am the Chairman of the Braxton County Democratic Executive Committee and the assertions contained within the foregoing Response are true except so far as they are therein stated to be on information, and that so far as they are upon information I believe them to be true.


Douglas E. Facemire

Taken, sworn to and subscribed before me, the undersigned authority, in and for the County and State aforesaid, this the 27th day of October 2006.



My commission expires: March 1, 2010

Canna G. Drake
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify on this, the 27th day of October 2006, that I have provided a true copy of the foregoing Answer by sending the same via United States mail, first class, postage paid, to the following individual:

Daniel W. Greear
1405 Martha Road
So. Chas., WV 25303


William C. Martin