



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2007 APR -6 P 4:24

SENSITIVE

MEMORANDUM

April 06, 2007

TO: The Commission

THROUGH: Patrina M. Clark
Staff Director

Margarita Maisonet *MM*
Chief Compliance Officer

FROM: Deborah Kant *DK*
Director, ADR Office

SUBJECT: ADR 378, Braxton County Democratic Executive Committee, Jennifer Grindo, Treasurer, Callaghan For Congress, Stephen Callaghan, Treasurer, Recommendation to Dismiss

On January 26, 2007, the ADR Office received MUR 5832 to review and determine its appropriateness for ADR processing. Based on that review, we recommend that it be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by the ADR Office if the Commission approves the Recommendation in this Memorandum. OGC concurs in the description of this matter, and that it not be returned to OGC for further action.

ADR Case: ADR 378

Source No. MUR 5832

Respondents:

1. Braxton County Dem. Executive Committee
2. Jennifer Grindo, Treasurer
3. Callaghan for Congress
4. Stephen Callaghan, Treasurer

Respondents' Rep.:

1. William C. Martin
2. Daniel R. Grindo

Complainant: Daniel Greear

Committees Names: 1. Braxton County Democratic Executive Committee, 2. Callaghan For Congress

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Date Forwarded to ADRO: 12/26/06

District #/or State: W. Va. - 2nd District (Callaghan for Congress)

Election - Won/Lost: Lost (Callaghan for Congress)

Election Cycle: 2006

Summary and Analysis of Case: In this case, Complainant alleges that Braxton County Democratic Executive Committee (“Braxton Respondents or Braxton Committee”) aired two radio spots on September 11, 2006 which expressly advocated for Mike Callaghan’s election (a candidate for the Second District of West Virginia) and attacked his opponent, Congresswoman Capito. These ads, the Braxton Respondents state, cost \$1600.96.¹ According to the Complainant, the radio spots did not contain all of the requisite oral disclaimers required by the FEC. These ads, the Complainant contends, only stated that they were paid for by the Braxton Committee and named the Treasurer. In addition, the Complainant alleges that the Braxton Committee failed to register as a political party under the law because it spent over \$1000 for the two radio spots. The Complainant also requests that the Commission investigate: (1) whether the ads were produced in coordination with Respondents, Callaghan for Congress and Stephen Callaghan, Treasurer (“Callaghan Respondents”) triggering the coordinated expenditure reporting requirements and (2) whether the ads were funded by prohibited sources under the law, corporations.

The Braxton Respondents admitted their failure to register and stated that they registered as soon as they learned of their error. They stated that any violation was *deminimus* in that the alleged amount over the \$1000 threshold was \$600.96. With respect to the missing disclaimers, the Braxton Respondents admitted they erred and asserted that they corrected the ads prior to the filing of the complaint. Finally, the Braxton Respondents contended that there was no illegal corporate funding of the radio spots and that there was no coordination of these radio communications with the Callaghan Respondents.

RECOMMENDATION:

- 1. Dismiss ADR 378 /MUR 5832 and close the file.**

¹ Both the Complainant and the Braxton Respondents allege that the cost of the ads was \$1600.96. The Braxton Respondents reported the cost of these ads as an independent expenditure and reported the cost as \$1696. This is apparently a typographical error