



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 17, 2007

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

Re: ADR 378 (MUR 5832)

Dear Mr. Greear:

On October 4, 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 take no action against the Respondents, Braxton County Democratic Executive Committee and Jennifer Grindo, Treasurer and CallaghanforCongress.com and Stephen O. Callaghan, Treasurer. In its memorandum to the Commission, dated April 6, 2007, this office stated:

Summary: 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.

Accordingly, the Commission closed its file in this matter on April 13, 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,


Deborah Ruth Kant, Director
Alternative Dispute Resolution Office