



**Federal Election Commission  
Washington, DC 20463**

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

October 2, 2007

Robert A. Heap  
552 South Washington Street, #104  
Naperville, IL 60540

Re: ADR 403 (MUR 5873)

Dear Mr. Heap:

On November 1, 2006, the Federal Election Commission (FEC/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, Joseph Shannon for Congress Committee and Joseph A. Gyarmathy, Treasurer. In its memorandum to the Commission, dated September 13, 2007, this office stated:

**Summary:** Treasurers of political committees are required to report all financial activity pursuant to the FECA. The Complainant alleges a variety of violations by Joseph Shannon for Congress and Joseph A. Gyarmathy, Treasurer (Respondents or the Committee). The violations alleged in the two-part complaint include: the untimely filing of Respondents' Statement of Organization (three or four days late); a failure to file notification of exceeding the threshold amount of the candidate's personal funds (Millionaire Amendment); a lack of or incomplete disclaimers on robocalls and mailings; accepting a contribution from a local union local; and a variety of reporting errors including untimely reporting of contributions, incorrect statement of cash on hand, and acceptance of contributions after the primary election without net debt.

Respondents contend that many of the allegations are incorrect or the reporting errors had been discovered by the Committee and amended reports were filed. Respondents also contend that the contributions received after the Primary Election were redesignated for the General Election, and amended Reports were filed disclosing that redesignation. Respondents submitted an affidavit from the former candidate attesting to the fact that he did not make expenditures of personal funds

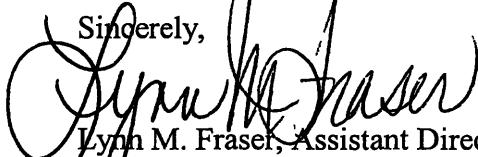
that exceed the threshold amount of \$350,000. Respondents further contend that as soon as they became aware of the lack of a disclaimer on the robocalls, the calls were stopped until a new recorded message, with the appropriate disclaimer, could be substituted. Respondents acknowledge that the campaign mailers did not have a printed box surrounding the disclaimer, or a disclaimer was inadvertently omitted, but contend that the mailers had the Committee's name and return address on each, and believe there was no confusion in the recipients' mind as to who authorized and sent the mailers.

Accordingly, the Commission closed its file in this matter on September 19, 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,



Lynn M. Fraser, Assistant Director  
Alternative Dispute Resolution Office