



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

November 21, 2008

Michael Wundsam
504 High St
Wauconda IL 60084

Re: ADR 457 (MUR 5969)

Dear Mr. Wundsam:

On January 25, 2008 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, Kirk Morris for Congress Committee and Suzanne Jerik, Treasurer. In its memorandum to the Commission, dated March 25, 2008, this office stated:

Summary: Political committees who advertise and solicit contributions over the internet are required to include a disclaimer. 2 U.S.C. § 441d, 11 C.F.R. § 110.11. In this case, Complainant, Michael Wundsam, alleges that Kirk Morris for Congress Committee and Susan Jerik, Treasurer (hereafter the "Committee" or "Respondents") maintained a website which, in its solicitation of contributions, failed to include the following information: a best efforts statement, a disclaimer declaring that the website was paid for by the Committee, and information regarding prohibited sources under the FECA and contribution limits. The complaint also alleges that the Committee's lawn signs did not contain the required disclaimer.

In response, the Committee explained that due to certain technical problems with the website, the best efforts statement was omitted from the website on the date the Complainant printed the screen. The Committee stated that it now has the best efforts statement on the website and that its FEC report, filed on January 22, 2008, disclosed all the identifying information from individuals whose contributions exceeded \$200. In addition, the website, according to Respondents, now contains information regarding sources prohibited from contributing to federal elections and contribution limits under the FECA and contains the required disclaimer. The Committee also noted that the printed

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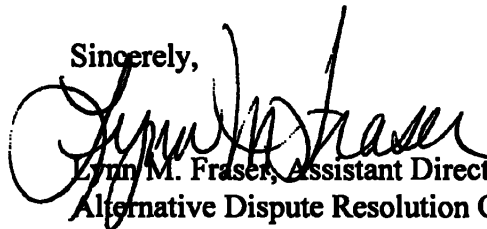
web page submitted by Complainant was cut off at the bottom so that it did not conclusively establish that the disclaimer was missing. The Committee further stated that the lawn signs now have the required disclaimers, as shown by the photographs of the lawn signs attached to its response. Respondents also stated that the Committee is terminating, the candidate has no plans to run again in the foreseeable future, and that the website will be taken down in the next several weeks.

Accordingly, the Commission closed its file in this matter on November 6, 2008.

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

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