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BEFORE THE FEDERAL ELECTION COMMISSION

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RECEIVED
FEDERAL ELECTION
COMMISSION

2010 JAN 22 AM 11:07

OFFICE OF GENERAL
COUNSEL

MUR # 6248

Complaint against

DAN MIELKE

and

CITIZENS FOR AN OPEN AND HONEST GOVERNMENT SUPPORTING DAN MIELKE
FOR CONGRESS

Respondents

Complainant Deborah Lulich makes this complaint before the Federal Election Commission ("FEC") seeking an investigation and enforcement action against Respondents Dan Mielke and Citizens for an Open and Honest Government Supporting Dan Mielke for Congress ("Mielke for Congress"). Complainant alleges as follows:

1. Deborah Lulich is a resident of the 7th Congressional District of Wisconsin residing at 23920 U.S. Highway 2, Ashland, Wisconsin 54806.
2. According to FEC filings, Dan Mielke and Mielke for Congress have a mailing address of 2550 County Road II, Rudolph, Wisconsin 54475.
3. Mielke for Congress is the principal campaign committee for Dan Mielke, a candidate for the 7th Congressional District of Wisconsin.
4. Duffy for Congress is the principle campaign committee for Sean Duffy, a candidate for the 7th Congressional District of Wisconsin.

USE OF INFORMATION COPIED FROM REPORTS FOR THE PURPOSE OF SOLICITATION

5. According to FEC records, on October 15, 2009 Duffy for Congress filed an October Quarterly report with the FEC as required by 2 U.S.C. 434(b) and 11 CFR 104.8(a), identifying the names and mailing addresses of contributors to the committee.
6. Upon information and belief, within 48 hours of receipt, the Duffy for Congress report was made available for public inspection by the FEC pursuant to 2 U.S.C. 438(a)(4).
7. Under 2 U.S.C. 438(a)(4) and 11 CFR 104.15(a), information copied from such reports may not be used by any person for the purpose of soliciting contributions.
8. 11 CFR 104.15(b) defines "soliciting contributions" to include any type of contribution or donation, such as political or charitable contributions.
9. This limitation was created by Congress out of concern that FEC reporting requirements might "open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harassment." *FEC Advisory Opinion 2009-19 (Keating) citing 117 Cong. Rec. 30057 (daily ed. Aug. 5, 1971).*

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- 10. On or about November 1, 2009 Mielke for Congress mailed a solicitation letter to some or all of the individuals listed as contributors on the Duffy for Congress October 2009 Quarterly report. (See copy of Letter attached as Exhibit A).
- 11. This letter stated, in part, "You have recently contributed to Sean [Duffy]'s campaign, and I am asking you to do the same for me." (Exhibit A).
- 12. Upon information and belief, Mielke for Congress copied names and mailing addresses from the Duffy for Congress report for the purpose of soliciting political contributions.

The above-referenced activity by Dan Mielke and Mielke for Congress violates 2 U.S.C. 438(a)(4) and 11 CFR 104.15(a). To wit: Dan Mielke and his principle campaign committee used names and addresses copied from reports filed by Duffy for Congress for the impermissible purpose of soliciting political contributions contrary to the Federal Election Campaign Act of 1971, as amended, and FEC regulations.

WHEREFORE, Complainant respectfully requests that the Federal Election Commission commence an investigation into the actions of Dan Mielke and Mielke for Congress in regard to these actions; commence an action in civil court with respect to any civil violations; refer any criminal violations to the appropriate prosecutorial authorities; and render such other relief that the Federal Election Commission may deem just and equitable.

Dated this 12 day of January, 2010.

Deborah Lulich
Deborah Lulich

CERTIFICATION

I, Deborah Lulich being first duly sworn upon oath, state that I personally read the above complaint and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.

Deborah Lulich
Deborah Lulich

State of Wisconsin)
County of Douglas) ss

Signed and sworn to before me this 12th day of January 2010.

Justin M. Kowalski
Notary Public or Person Authorized
to Administer Oaths

My commission expires 5-19-2013
Or, ___ is permanent.

Exhibit A



Dan Mielke for Congress



www.DANIELMIELKE.com

Dear Robert Lulich,

2010 is going to be a make or break year for America's freedom and its economy. And you are the ones who will make it happen. We are all hoping for a **conservative reversal** of what has transpired since Obama and Obey have begun their campaign of destruction. We cannot, and we must not, allow this liberal trend to continue. This is why we are asking you to consider doing something that you may never have done before.

In order to win this election, we must put forth the absolutely very best candidate we can in the general election against David Obey. Naturally Sean and I disagree as to which one that will be. I realize that you may have a preference, but isn't the **ultimate goal to remove Dave Obey from office?**

Sean and I are both Republicans, but we have very different personalities and a number of different views on various issues. One of us is better suited for today's voters than the other. But which one will the majority of the voters choose?

This is why, for the sake of the nation, **we are asking you to contribute to both candidates** during this primary election. Allow us to campaign against each other and present our views and differences to the voters and let the cream rise to the top. Only then, will you know for sure which one truly has the support of the majority of the people.

A good competitive race during the primary will benefit the conservative movement because it will generate more media coverage, thus allowing the public to get to know both candidates better. Then, and only then, will you know for sure which one has the best opportunity to carry our conservative values to victory. Without a **strong primary race to generate media coverage**, Obey will, once again monopolize the media and use his power, lobbyist money and the taxpayer's money to gain another victory in 2010. We cannot let this happen.

You have recently contributed to Sean's campaign, and I am asking you to do the same for me. We all want to see Dave Obey gone, and with your help, we will do just that. **Help us take this primary race to a high public interest level** so as to generate the media coverage needed to cause the voters to sit up and take notice.

And may the best man win.

For God and country,

A handwritten signature in cursive that reads "Dan Mielke".
Dan Mielke

www.danielmielke.com

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Why we believe Mielke is the best candidate:

Of the two candidates, Mielke appeals more to the average folks whereas his opponent tends to be a strict party line candidate appealing to the establishment style Republican.

(The average voter today appears to be opposed to this strict party line mentality)

Mielke is not a lawyer whereas Sean is. Recent polling of 10,600 people shows that 79% of the voting public opposes sending additional lawyers to Congress. (43% of Congress consists of lawyers. They are already well represented. We feel this will be a determining factor in this year's race.)

Mielke's background, as a 55 year old farmer and business owner, appeals to the average working class. His strong history of fighting for constitutional values has gained him the endorsement of the State of Wisconsin Constitution Party. (Most independents and Non Republican conservatives, as well as, many Republicans will be leaning in his direction)

Mielke has already built a base with his outstanding 2008 election run. (Mielke pulled the highest vote count and the second highest percentage of votes since the 70s.)

Mielke's past as a property rights activist and his 10 years of work throughout the district has given him a proven record as a fighter for the people

Mielke's experience as a preacher will appeal to the moral majority.

Mielke's strong political past as the founder of Citizens for Open and Honest Government in 2003 gives credibility to his desire to better government.

Mielke's experience as a farmer and one of the founders of MOSA, an international certifying agency for the organic/sustainable farming industry gives him credibility in the farming community and may appeal to the Green Party and conservative Democrats.

Mielke's fight against illegal immigration in 2007 has given him the support of many in central Wisconsin.

Mielke's strong proactive campaigning in 2008 has already proven his capabilities as a strong candidate.

Pros and Cons:

Recent radio interviews show that Mielke is an aggressive proactive conservative. Sean, on the other hand, tends to present himself as more neutral with little clarity as to where he stands on issues.

Sean Duffy's past actions as a celebrity during the 17 episodes on MTV Real World may appeal to the young voter but will turn off many of the older voters who see MTV as a sexually promiscuous TV show. (There is concern that Dave Obey may use this in his campaign against Sean during the general election.)

Paid for by: Citizens for an Open and Honest Government Supporting Dan Mielke for Congress.

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