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COMMISSION

Response from:

2010 FEB 22 PM 1:56

Robin K. Mielke

Citizens For An Open And Honest Government Supporting Dan Mielke For Congress

2550 County Road II

Rudolph, Wisconsin 54475

OFFICE OF GENERAL
COUNSEL

This is my response to MUR 6248 giving reasons why no action should be taken against me or this campaign committee in this matter.

- On January 15th, 2010, Daniel Mielke (candidate) sent you an affidavit self-reporting this possible violation from this campaign committee. P-MUR 495.
- We were unaware of any laws prohibiting us from doing what we did. We are still not sure if what we did was illegal or not.
- We did, in fact, send out some letters to people that we understood had contributed to Sean Duffy's campaign. Note: The fact that it stated in the letter that they had previously contributed to his campaign should show we had no idea that doing so was wrong.
- Because we did not know that one could not use the FEC reports to gain addresses of potential supporters, we never bothered to verify the source of the names and addresses to see where they came from.
- We do not store or maintain any records of letters/addresses sent out throughout the campaign that did not produce contributions, so we have no way of knowing where they came from.
- We are estimating that there were about 30-40 letters sent.
- To the best of our knowledge, the campaign received no contributions from that effort.

Reasons why I feel no action should be taken:

- In line 12, the complainant stated. "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." This complaint is based on belief, speculations, and assumptions, and not on facts.
- Regarding the letter, which was sent out, we have no evidence or knowledge where the names and addresses came from.
- It is our understanding that no contributions were generated from that letter.

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- It is my understanding that some of those letters went to folks who had donated to Dan Mielke for Congress in a previous election cycle.
- There was no intent to break the law or violate any FEC regulations.

We have concerns that this complaint was filed as a means of intimidation and harassment by the Republican opponent.

My reasons for stating this are as follows:

- The fact that Dan Mielke was sent a copy of this complaint by the person filing it prior to you receiving it, gives me concern as to the motive and intent of this complaint.
- On the 17th of January, just three days after we personally received a copy of the complaint that was also sent to you, from Deborah Lulich from Ashland, Wisconsin, Dan's opponent, Sean Duffy, in my presence, informed Dan that if he agreed to refuse early endorsement and straw polls, within County Parties, Sean would make this FEC complaint go away. This desire to get Dan to agree to his stipulations was also witnessed by two of his staff and minutes later with State Senate candidate Pam Galloway, as he also wanted get her to agree to the same terms. (Note: Sean Duffy is a lawyer and a District Attorney for Ashland County) See email correspondence below:

From: Sean Duffy [mailto:sean@seanduffy.com]
Sent: Sunday, January 17, 2010 10:59 PM
To: Dan Mielke
Cc: Richard Hobein
Subject: Re: Early endorsement and straw polls.

Hi Rick,

Dan and I spoke earlier today and we have both agreed to oppose the use of straw polls. I understand that both Marathon and Lincoln Counties also want to conduct polls during their LDDs and/or caucuses and I have expressed my opposition to the straw polls to the chairmen of both parties.

I also told Dan today that I would join him in asking my supporters to vote for "no endorsement" at the 7th CD Caucus. I will be sending a letter to this effect later this week to our county chairs. Please feel free to call me if you have any further questions.

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Thank you

Sean

On Sun, Jan 17, 2010 at 10:05 PM, We The People <wethepeople@wildblue.net> wrote:

Rick,

The purpose of this letter is to state my views regarding early endorsements and straw polls within the Republican Party prior to the Primary, when there are multiple candidates running for the same office within the party.

I have stated this before, but wish to do so again.

I do not believe that it is good for the party's cohesiveness when leaders within the party try to pick primary candidates prior to the primary. It only causes hard feelings and strife within the party. This is why I personally want no part in the early endorsement process nor do I support such. I also think that doing a straw poll at the caucus or at other party events is unwise and divisive. It really does not in any way give an accurate reading as to who will win in an election. All it does is encourage folks to fight for their candidate, which creates hostility that lasts well after the primary. I have been a part of it in the past and I have seen the damage it has caused. That is why I want nothing to do with it.

It is my belief that the leadership should remain neutral and treat all candidates fairly. This is the only way to insure that the best candidate will be in place after the primary. After all, we do profess that the election process should be fair and impartial.

Below is a directive I pushed for in Portage County a couple of years ago which passed. I think it is something that all County Parties should consider.

Seeing as the Republican party of Portage County is in place for the purpose of helping get Republicans elected into government offices, and

That it is in the best interest of this nation to have conservative values promoted, and no matter how small the office is, we understand that those who have committed themselves to run for office have done so in an effort to promote the values of the Republican Party,

And have done so with great personal sacrifice of their personal time and money

We therefore, direct The Portage County Republican party to promote and campaign for all republican candidates on the ballot and include them in all campaign efforts of the

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party. All Republican candidates whose district includes a portion of Portage County shall be included in Parades, lit drops, campaign events and campaign efforts where the Republican Party is involved. Their signs if available shall be equitably displayed, distributed and used. Material supplied by the candidates shall be available and distributed without prejudice. No elected officer or volunteer shall speak negatively of, omit or undermine any Republican candidate in any fashion or manor while performing their duties with the party. In the event that a volunteer is not pleased with any particular candidate they shall keep their opinion to themselves during that particular candidates run for office while performing party business.

The purpose of this directive is to insure that the Republican Party works in a constructive and positive way to avoid any potential conflicts within the Party, which could arise during a campaign season.

Please exclude me from any Republican Party polling or early endorsement processes that take place. As a strong Republican, I do not wish to be a part of causing division within the Republican Party.

I realize that I have no authority over any County Party, District Party, or State Party. It is a request on my part and not an order.

Sincerely,

Dan Mielke

715-344-4104

P.S.

Note: Sean Duffy spoke with me today and asked that I send this letter out re-stating my position and views on the early endorsement process and straw polling within the party. I told him that I would do so. It is my understanding that Sean has agreed and will be taking the same stand in the near future.

--

Sean Duffy
duffyforcongress.com
(715) 491-2345

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UPON RECEIPT OF COMPLAINT FROM THE FEC DAN WROTE TO SEAN DUFFY THE FOLLOWING EMAIL WITH NO RESPONSE RETURNED.

From: Daniel Mielke [mailto:daniel@danielmielke.com]
Sent: Friday, February 05, 2010 7:23 PM
To: 'Sean Duffy'; 'Sean Duffy'
Subject: concern

Sean,

The other day in front of St. Mary's Catholic Church you and I had a discussion. I mentioned to you that I had received a letter from Ashland accusing my campaign of a FEC violation. You told us that you would make that go away. Well, we just received notice from the FEC that the violation has been officially filed. Is there a reason why you did not keep your word?

Dan Mielke

END OF EMAILS.

IN CONCLUSION

Because there was no intent to violate any laws, no contributions were received and no evidence was given to show a violation actually occurred, it is therefore our request, that no action be taken on this complaint.

Sincerely,

Robin Mielke, Treasurer and wife of candidate
www.danielmielke.com

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CERTIFICATION

I, Robin Mielke, affirm that I personally read the above response and that the above statements made by me are true and correct based on my personal knowledge.

Robin Mielke
Robin Mielke

State of Wisconsin

County of Portage

Signed and sworn to before me this 16 day of ~~January~~ ^{February} 2010.

Carol A. Ruste
Notary Public or Person Authorized to Administer Oaths

My commission expires 2-9-2014

Or, _____ or is permanent.