



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 19, 2010

Daniel E. Mielke
Citizens for Open and Honest Government
2550 County Road II
Rudolph, WI 54475

Re: ADR 537 (MUR 6248) and ADR 539 (P-MUR 495)
Citizens for Open and Honest Government Supporting Dan Mielke for Congress
and Robin K. Mielke, Treasurer

Dear Mr. Mielke:

Enclosed is the signed copy of the agreement resolving the complaint filed by Deborah Lulich on January 22, 2010, and *sua spontae* submission filed on January 25, 2010, with the Federal Election Commission (FEC/Commission) by Citizens for Open and Honest Government Supporting Dan Mielke for Congress and Robin K. Mielke, Treasurer (Respondents). The agreement for matters ADR 537 (MUR 6248) and ADR 539 (P-MUR 495) was approved by the Commission on July 16, 2010— the effective date of the agreement.

Note the specific time frames for compliance in paragraph 7 of the agreement. Please forward to this office, a statement confirming Respondent's compliance with the terms listed in paragraph 7 of the aforementioned agreement. The letter should note the dates on which Respondents satisfied each of the terms listed in paragraph 7 and contain the ADR caption and case number.

As you are aware, the settlement agreement will be made part of the record released to the public. The Commission will also place on the record copies of the complaint and *sua spontae* submission correspondence exchanged between your office and this office prior to our entry into settlement negotiations and reports prepared for the Commission by this office to assist in its consideration of this matter. The Commission is obliged by Federal statute to place on the public record documents in closed enforcement and alternative dispute resolution cases; accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

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This agreement resolves the issues involved in the complaint and subsequent *sua spontae* submission. I appreciate your assistance in effectively resolving these matters and bringing the cases to a mutually acceptable conclusion.

Sincerely,



Lynn M. Fraser, Director
Alternative Dispute Resolution Office
202-694-1665

Enclosure: Agreement

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**Federal Election Commission
Washington, DC 20463**

Case Number: ADR 537& ADR 539
Source: MUR 6248, P-MUR 495
Case Name: Citizens for an Open and Honest
Government Supporting Dan Mielke for Congress

NEGOTIATED SETTLEMENT

These matters were initiated by a signed, sworn and notarized complaint filed by Deborah Lulich and a subsequent *sua sponte* submission detailing the same facts by Daniel E. Mielke. Following review of the matters, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, (FECA) and resolve these matters, the Federal Election Commission (Commission) determined to consolidate them for the purposes of this agreement and entered into negotiations with Daniel E. Mielke representing Citizens for an Open and Honest Government Supporting Dan Mielke for Congress and Robin K. Mielke, Treasurer (Respondents or the Committee). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in both the complaint and *sua sponte* submission. The parties agree to resolve the matters according to the following terms:

1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures (ADR) is guided by "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The complaint alleges that Respondents obtained the names and addresses of contributors disclosed on the 2009 October Quarterly Report filed by Duffy for Congress and mailed those individuals a solicitation letter indicating the individual had recently contributed to Sean Duffy's campaign in violation of the FECA.
4. In their *sua sponte* submission Respondents contend they are unaware of the source of the names and addresses used for the mailing. Respondents acknowledge they sent approximately thirty-five letters to individuals they understood may have contributed to the Duffy for Congress campaign, but, to the best of their knowledge, received no contributions in return.

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5. The FECA provides that any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed under the Act, shall not be sold or used by any person for the purpose of soliciting contributions. 2 U.S.C. § 438(a)(4), 11 C.F. R. § 104.15(a).
6. Respondents contend that since learning of the complaint, Respondents put forth diligent efforts to comply with the FECA, including verifying the source of potential donor lists. The Committee wants to ensure that no mailings sent are contrary to the FECA prohibition on using information contained in filed reports to solicit contributions.
7. Respondents, in an effort to avoid similar errors in the future, agree to develop a comprehensive campaign operations compliance manual, and disseminate same to all volunteers and campaign workers within thirty (30) days of the effective date of this agreement.
8. Respondents agree that all information provided to resolve these matters is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
10. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms of this agreement as set out in paragraph 7 above.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 537 (MUR 6248) and ADR 539 (P-MUR 495), and resolves those issues identified in paragraphs 3 and 4 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:



 Lynn M. Fraser, Director
 Alternative Dispute Resolution Office



 Date Signed

FOR THE RESPONDENTS:



 Daniel E. Mielke
 Representing Citizens for Open and Honest
 Government Supporting Dan Mielke for
 Congress and Robin K. Mielke, Treasurer



 Date Signed