

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) RAD REFERRAL 09L-23  
Committee to Re-Elect Vito Fossella )  
and Vito Fossella, in his official )  
capacity as treasurer )

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on May 25, 2010, do hereby certify that the Commission decided by a vote of 5-0, on an amended pre-meeting tally, to take the following actions in RAD Referral 09L-23:

1. Decline to open a MUR in RAD Referral 09L-23.
2. Assign to ADR the Committee to Re-Elect Vito Fossella for resolution of its failure to refund excessive contributions.
3. Close the file.
4. Approve the appropriate letters.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision. Commissioner McGahn II recused himself with respect to RAD Referral 09L-23 and did not vote.

Attest:

May 28, 2010  
Date

Darlene Harris  
Darlene Harris  
Acting Secretary of the Commission

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