

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Brian Babin;)
Brian Babin for Congress and)
Thomas E. Freeman, as treasurer;) MUR 4736
Peter Cloeren; Patricia Cloeren;))
Citizens United Political)
Victory Fund and Kevin Allen,)
as treasurer)

AMENDED CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session on September 20, 2001, do hereby certify that the Commission took the following actions with respect to MUR 4736:

1. Decided by a vote of 6-0 to find probable cause to believe that Brian Babin violated 2 U.S.C. § 441a(f), and that Brian Babin for Congress and Thomas E. Freeman, as treasurer, violated 2 U.S.C. §§ 434, 441a(a)(8) and 441a(f) as it relates to the CUPVF transaction.

Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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2. Decided by a vote of 5-1 to:

- a) Find probable cause to believe that Brian Babin violated 2 U.S.C. § 441a(f) and that Brian Babin for Congress and Thomas E. Freeman, as treasurer, violated 2 U.S.C. § 441a(f); and, as an alternative,
- b) Find probable cause to believe that Brian Babin violated 2 U.S.C. § 441b, and that Brian Babin for Congress and Thomas E. Freeman, as treasurer, violated 2 U.S.C. §§ 434 and 441b, as it relates to the CR transaction.

Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voted affirmatively for the decision. Commissioner Smith dissented.

3.

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4. Decided by a vote of 6-0 to:

- a) Take no further action as to Peter Cloeren and Patricia Cloeren and send them a letter of admonishment that also asks that they waive their right to any refund of excessive contributions, and instruct Brian Babin for Congress to disgorge these monies to the U.S. Treasury.
- b) Take no further action as to Citizens United Political Victory Fund and Kevin Allen, as treasurer, and close the file as to them.
- c) Approve the appropriate letters.

Commissioners Mason, McDonald, Sandstrom, Smith, Thomas,
and Wold voted affirmatively for the decision.

Attest:

September 24, 2001
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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