

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Spirit of America PAC and) MUR 5181
Garrett Lott, as treasurer;)
Ashcroft 2000 and Garrett)
Lott, as treasurer;)
Precision Marketing, Inc.;)
Precision List, Inc.)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on September 30, 2003, do hereby certify that the Commission took the following actions with respect to MUR 5181:

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

Find probable cause to believe that Spirit of America PAC and Garrett Lott, as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A) and 434(b), and Ashcroft 2000 and Garrett Lott, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).

Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Commissioner Smith dissented.

(continued)

0833-904-40-32

B. Failed by a vote of 2-4 to pass a motion to:

Find probable cause to believe that Ashcroft 2000 and Garrett Lott, as treasurer, and Spirit of America PAC and Garrett Lott, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(f), 433(b), and 434(b).

Commissioners Smith and Toner voted affirmatively for the motion.

Commissioners Mason, McDonald, Thomas, and Weintraub dissented.

C. Failed by a vote of 1-5 to pass a motion to:

Determine the value of the excessive contribution as equal to \$1,700,000.

Commissioner Weintraub voted affirmatively for the motion.

Commissioners Mason, McDonald, Smith, Thomas, and Toner dissented.

D. Failed by a vote of 3-3 to pass a motion to:

Approve the conciliation agreement as set forth at Attachment 2 of General Counsel's Report #4 dated June 30, 2003.

(continued)

23.04.406.3381

Commissioners McDonald, Thomas, and Weintraub voted affirmatively for the motion.

Commissioners Mason, Smith, and Toner dissented.

E. Failed by a vote of 3-3 to pass a motion to:

Approve the conciliation agreement as set forth at Attachment 2 of General Counsel's Report #4 dated June 30, 2003; subject to a revised

Commissioners McDonald, Thomas, and Weintraub voted affirmatively for the motion.

Commissioners Mason, Smith, and Toner dissented.

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

Approve the conciliation agreement as set forth at Attachment 2 of General Counsel's Report #4 dated June 30, 2003; subject to the following revisions:

- 1) Revise the
- 2) Make appropriate technical corrections, as necessary.

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

Commissioner Weintraub dissented.

(continued)

23.04.406.3382

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

- 1) Approve the conciliation agreement as set forth at Attachment 2 of General Counsel's Report #4 dated June 30, 2003; as further revised at the table, with appropriate renumbering and redesignation of remaining paragraphs, and the addition of statements outlined by General Counsel Norton.
- 2) Take no further action and close the file regarding Precision Marketing, Inc. and Precision List, Inc.
- 3) Take no further action regarding Ashcroft 2000 and Garrett Lott, as treasurer, in connection with the reason to believe finding with respect to 2 U.S.C. § 441b(a).
- 4) Approve the appropriate letters.

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

Commissioner Weintraub dissented.

Attest:

October 2, 2003
Date

Darlene Harris
Darlene Harris
Deputy Secretary of
the Commission

23-04-406-3383