



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Kenneth Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, DC 20005

APR 18 2006

RE: MUR 5390
Robert Mitchell Delk

Dear Mr. Gross:

On October 22, 2003, the Federal Election Commission notified your client, Robert Mitchell Delk, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On September 30, 2004, your client, Robert Mitchell Delk, was notified that the Federal Election Commission found reason to believe that he violated 2 U.S.C. § 441b and initiated an investigation in this matter. After considering the circumstances of the matter, the Commission determined on April 17, 2006, to take no further action as to Mr. Delk with respect to this finding.

On September 14, 2004, the Commission found no reason to believe that Mr. Delk violated 2 U.S.C. § 434(b). In addition, on April 17, 2006, the Commission, on the basis of the information in the complaint and information obtained during the course of its investigation in this matter, dismissed the allegation made in the complaint that Mr. Delk violated 2 U.S.C. § 441a(a) and closed the file in this matter.

The Commission admonishes Mr. Delk that consenting to the use of corporate resources to produce campaign fundraising events or collect and transmit campaign contributions from corporate executives to federal candidates amounts to corporate facilitation and violates 2 U.S.C. § 441b. The Commission further cautions Mr. Delk to take steps to ensure that this activity does not occur in the future.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the General Counsel's Report is enclosed for your information.

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If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence H. Norton
General Counsel



BY: Rhonda J. Vosdinger
Associate General Counsel
for Enforcement

Enclosure
General Counsel's Report

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