

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

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)  
)  
Bauer for President 2000, Inc. and ) Audit Referral #02-08  
Francis P. Cannon, as Treasurer; )  
Campaign for Working Families PAC )  
and Amy R. Myers, as Treasurer; )  
Lukens Cook Company; )  
America Direct, Inc.; )  
Moore Response Marketing Services; )  
RST Marketing Associates, Inc. )

(MUR 5396)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on November 18, 2003, do hereby certify that the Commission took the following actions with respect to Audit Referral #02-08:

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

1. Open a MUR.
2. Find reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, accepted excessive in-kind contributions from the Campaign for Working Families PAC in the form of the exchange of mailing lists or portions of mailing lists of unequal value in violation of 2 U.S.C. § 441a(f).
3. Find reason to believe that the Campaign for Working Families PAC and Amy R. Myers, as treasurer, made excessive in-kind contributions to Bauer for President 2000, Inc. in the form of the exchange of mailing lists or portions of mailing lists of unequal value in violation of 2 U.S.C. § 441a(a)(2)(A).

(continued)

4. Find no reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, received a prohibited contribution from the Lukens Cook Company in violation of 2 U.S.C. § 441b(a).
5. Find no reason to believe that the Lukens Cook Company made a prohibited contribution to Bauer for President 2000, Inc. in violation of 2 U.S.C. § 441b(a).
6. Find reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, accepted prohibited contributions from America Direct, Inc. in violation of 2 U.S.C. § 441b(a).
7. Find reason to believe that America Direct, Inc., made prohibited contributions to Bauer for President 2000, Inc. in violation of 2 U.S.C. § 441b(a).
8. Find reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, accepted prohibited contributions from RST Marketing Associates, Inc. in violation of 2 U.S.C. § 441b(a).
9. Find reason to believe that RST Marketing Associates, Inc. made prohibited contributions to Bauer for President 2000, Inc. in violation of 2 U.S.C. § 441b(a).
10. Find reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, accepted prohibited contributions from Moore Response Marketing Services in violation of 2 U.S.C. § 441b(a).

(continued)

11. Find reason to believe that Moore Response Marketing Services made prohibited contributions to Bauer for President 2000, Inc. in violation of 2 U.S.C. § 441b(a).

12. Approve the appropriate conciliation agreements with civil penalties, as follows:

13. Approve the appropriate Factual and Legal Analyses.

14. Approve the appropriate letters.

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

Commissioner Smith dissented.

(continued)

B. Decided by a vote of 6-0 to exercise its prosecutorial discretion to:

1. Take no further action with respect to the following recommendations and dismiss this portion of the matter:
  - a) Find reason to believe that Bauer for President 2000, Inc. and Francis P. Cannon, as treasurer, received an excessive contribution from Campaign for Working Families PAC in the form of an extension of credit in violation of 2 U.S.C. § 441a(f), but take no further action; and
  - b) Find reason to believe that the Campaign for Working Families PAC and Amy R. Myers, as treasurer, made an excessive contribution to Bauer for President 2000, Inc. in the form of an extension of credit in violation of 2 U.S.C. § 441a(a)(2)(A), but take no further action.
2. Send the appropriate letters.

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

Attest:

November 19, 2003  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of  
the Commission