



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

OCT 19 2006

Sydnor Thompson  
401 South Tryon Street, Suite 3000  
Charlotte, North Carolina 28202

RE: MUR 5563  
Kirk Shelmerdine Racing LLC

Dear Mr. Thompson:

This is in reference to the complaint you filed with the Federal Election Commission on September 30, 2004, concerning Kirk Shelmerdine Racing LLC. Based on the complaint, on June 7, 2005, the Federal Election Commission found reason to believe that Kirk Shelmerdine Racing LLC violated U.S.C. § 434(c) and (g), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the Commission instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action and closed the file in this matter on August 1, 2006. At the same time, the Commission admonished Kirk Shelmerdine Racing LLC that persons who make independent expenditures in excess of \$250 during a calendar year, and \$1,000 after the 20<sup>th</sup> day, but more than 24 hours, before the date of an election, must file independent expenditure reports with the Commission. *See* 2 U.S.C. § 434(c) and (g). A Statement of Reasons from former Commissioner Smith and Chairman Toner explaining their respective votes at the time of the Commission's reason to believe findings is enclosed. In addition, the Statements of Reasons from Commissioners Mason and Von Spakovsky explaining their respective votes in connection with the Commission's decision to take no further action and close the file are enclosed. Other Statements of Reasons may follow.

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 dispositive General Counsel's Report is enclosed for your information.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g(a)(8).

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Mr. Sydnor Thompson  
MUR 5563  
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If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Roy Q. Lockett  
Attorney

Enclosures  
General Counsel's Report  
Statements of Reasons

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