

Peterson, Berk & Cross, S.C.  
A Wisconsin Service Corporation

September 26, 2006

*Appleton Office*

John C. Peterson

Avram D. Berk

Daniel R. Cross

Jolene D. Schneider

Daniel R. Clausz

Amy M. Risseuw

*Green Bay Office*

Lise Lotte Gammeltoft

Avram D. Berk

John C. Peterson

Daniel R. Clausz

Amy M. Risseuw

Federal Election Commission  
Office of General Counsel  
999 E Street, NW  
Washington, DC 20463

Re: MUR 5806

Dear Sir or Madam:

Please accept this letter in response to the allegations raised by The Republican Party of Wisconsin against Steve Kagen, Kagen 4 Congress, Mary Witte as Treasurer.

Initially, please be advised that the Kagen Allergy Clinic is a sole proprietorship owned and operated by Dr. Kagen. Therefore, there are no potential violations through corporate contributions, as set forth in 2 U.S.C. §441(b) and 11 CFR §114.2.

Additionally, there is no charge to the Kagen Allergy Clinic or Dr. Kagen for the "Learn More—No Patient Left Behind" posting on the website of the Kagen Allergy Clinic. The Kagen 4 Congress campaign paid for the campaign website to be created and reported that expenditure. Part of that expense included placing similar information on the Kagen Allergy Clinic website. There is no additional rental or operating charge to the Kagen Allergy Clinic for posting the "Learn More—No Patient Left Behind" information on the clinic's website.

Although electronic in nature, the posting on the Kagen Allergy Clinic website is essentially equivalent to placing a campaign sign in front of a business or residence. While a campaign pays for yard signs, the campaign does not pay a rental fee to the landowners where the signs are posted, nor is the landowner considered to be contributing to the campaign by displaying the sign. In this case, the Kagen Allergy Clinic may have campaign related material on its website, but it has not caused Dr. Kagen or the clinic to expend any additional funds.

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Sincerely,

**Peterson, Berk & Cross, S.C.**


  
John C. Peterson

JCP:amr

I acknowledge that all facts contained in this letter are true and correct to the best of my knowledge.

  
Steve Kagen, M.D.

Subscribed and sworn to before  
me this 28th day of September, 2006.

  
~~Heidi Vaughn~~ JOHN C. PETERSON  
Notary Public, State of Wisconsin  
My Commission Expires ~~9/29/2010~~ is permanent.

