

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AUDIT REFERRAL 07-04
Gephardt for President, Inc., and S. Lee)
Kling, in his official capacity as)
treasurer)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on December 14, 2007, do hereby certify that the Commission decided by a vote of 4-1, on an amended pre-meeting tally, to take the following actions in Audit Referral 07-04:

- MUR # 5960
1. Open a MUR in Audit Referral 07-04.
 2. Find reason to believe that Gephardt for President, Inc., and S. Lee Kling, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limitations of the Act.
 3. Find reason to believe that Gephardt for President, Inc., and S. Lee Kling, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(b)(1)(A) and 441a(f) and 26 U.S.C. § 9035(a) by making expenditures in excess of the Iowa state expenditure limitation.
 4. _____
 5. Approve as Factual and Legal Analysis the Report of the Audit Division on Gephardt for President, Inc., dated June 25, 2007.
 6. Approve the appropriate letters.

Commissioners Lenhard, Mason, von Spakovsky, and Weintraub voted affirmatively for the decision. Commissioner Walther dissented.

December 17, 2007
Date

Attest:
Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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