

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5993  
Ed Fallon; Fallon for Congress and John )  
Schmacker, in his official capacity as )  
treasurer, I'm for Iowa )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on March 10, 2009, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

- a) Find reason to believe that Ed Fallon and I'm for Iowa violated 2 U.S.C. § 441i(e)(1).
- b) Find reason to believe that I'm for Iowa violated 2 U.S.C. § 441a(a).
- c) Find reason to believe that Fallon for Congress and John Schmacker, in his official capacity as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
- d) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 26, 2008.
- e) Authorize the use of compulsory process.
- f) Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II, and Petersen dissented.

2. Failed by a vote of 3-3 to pass a motion to:

Dismiss MUR 5993 on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985).

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the motion. Commissioners Bauerly, Walther, and Weintraub dissented.

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3. Decided by a vote of 6-0 to:

Close the file in MUR 5993 and send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and Weintraub  
voted affirmatively for the decision.

Attest:

March 11, 2009  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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