

RILEY WARNOCK & JACOBSON, PLC
ATTORNEYS AT LAW
1906 WEST END AVENUE
NASHVILLE, TENNESSEE 37203

WILLIAM M. OUTHIER
wouthier@rwjplc.com

August 26, 2010

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 AUG 30 AM 10:12

OFFICE OF GENERAL
COUNSEL
TELEPHONE: (615) 320-3700
TELECOPIER: (615) 320-3737

Via Facsimile and Federal Express

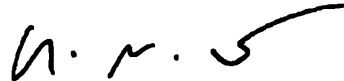
Jeff S. Jordan
Supervising Attorney
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 6325

Dear Mr. Jordan:

Enclosed please find Hartline for Congress 2010's Response in the above-referenced Matter Under Review. If you have any questions, please do not hesitate to call.

Very truly yours,



William M. Outhier

WMO/mb

Enclosure

11044284739

IN THE FEDERAL ELECTION COMMISSION 2010 AUG 30 AM 10:12

WILLIAM VERNON FREDERICK

COMPLAINANT,

v.

JEFF HARTLINE and
JEFF HARTLINE FOR CONGRESS 2010,

OFFICE OF GENERAL
COUNSEL

MUR #6325

RESPONSE

Jeff Hartline and Jeff Hartline for Congress 2010 (the "Campaign") respond to Complainant's Complaint as follows:

INTRODUCTION

On July 15, 2010, the Campaign became aware that its yard signs and billboards did not have a proper disclaimer. The Campaign acted immediately to print stickers and place them on hundreds of signs in the office and even more signs already in the field. The Campaign also contacted the vendor responsible for the one billboard in place and had corrective language placed on it. The second ad was scheduled to cycle off an electronic billboard on or about July 15 and did not need to be remedied. While the Campaign does not deny that these public communications were without a proper disclaimer for a short period of time, the problem was quickly rectified and controls were subsequently put in place to prevent the problem from occurring again.

STATEMENT OF FACTS

1. The Campaign formed on or about January 5, 2010. See *Statement of Organization* filed January 19, 2010 attached as Ex. 1.
2. During the course of the campaign, the Campaign ordered approximately 1,200 yard signs. On or about June 12, 2010, the Campaign launched a series of events publically

11044284740

11044284741

announcing Jeff Hartline's candidacy. At the same time, the Campaign began to distribute yard signs. Affidavit of Wesley Hartline ("Hartline Aff.") attached as Ex. 2 at ¶ 5.

3. Shortly thereafter, the Campaign began running an advertisement on an electronic billboard at 2922 West End Avenue in Nashville, Tennessee. That billboard ran for approximately one month and ceased running approximately July 15, 2010. *Id.* at ¶ 10.

4. On or about July 1, 2010 the Campaign began advertising on a billboard located at 4114 Hillsboro Road in Nashville, Tennessee. *Id.* at ¶ 7.

5. The yard signs and the billboards did not contain disclaimer language indentifying the source of funding of the public communications. *Id.* at ¶ 3.

6. On July 15, 2010, the Wesley Hartline, Field Director for the Campaign, saw a message board post in the Internet claiming that the Campaign's yard signs were not in compliance with FEC regulations. This was the first time that the Campaign became aware of the deficiency. *Id.*

7. That day, the Campaign printed stickers containing the phrase "Paid for by Hartline for Congress 2010, Phil Meadows, Treasurer." *Id.* at ¶ 4.

8. The Campaign affixed those stickers on approximately 379 yards signs in the Campaign office that had yet to be distributed. *Id.* The Campaign dispatched volunteers into the field to affix stickers on approximately 821 signs that had already been distributed. *Id.* The Campaign was able to remedy at least 75-80% of the signs that had already been placed in the field. *Id.*

9. Photographs of the corrected signs are attached as Exhibit A to the Affidavit of Wesley Hartline.

10. On July 15, the Campaign also contacted the vendor maintaining the billboard at 4114 Hillsboro Road. Hartline Aff. at ¶ 7. Attached as Exhibit B to the affidavit of Wesley Hartline is a photograph of the corrected billboard.

11. The Campaign subsequently sent a letter to the FEC notifying it of the corrective action that had been taken. Hartline Aff. at ¶ 8.

12. After receiving the email and correcting the yard signs and billboard, the Campaign made it a policy to run public communications by legal counsel. *Id.* at ¶ 9.

ARGUMENT

The FEC has dismissed similar actions as low priority pursuant to the Commission's Enforcement Priority System. *See e.g. MUR 4975* (Respondent quickly remedied yard signs lacking disclaimer indicating who paid for the communication and complaint was dismissed); *MUR 6032* (Respondent printed stickers and remedied yard signs after becoming aware of the lack of a disclaimer and complaint was dismissed as low-rated).

As noted above, Campaign staff were not alerted to the fact that the disclaimer language required on the billboards and yard signs was missing until approximately one month after distribution of signs began. As soon as the posting on the Internet drew the Campaign's attention to the problem, the Campaign moved quickly to remedy it, including sending volunteers out into the streets where yard signs were known to have been placed to put stickers on them. There was no conscious effort to evade the rules and, certainly, no advantage gained from the lack of the inadvertent disclosure. Indeed, all of the signs had Jeff Hartline's and the Campaign's website.

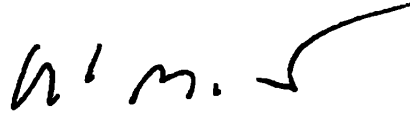
The Republican primary was held in Tennessee on August 5, 2010. Jeff Hartline finished second in that race and will not be advancing to the general election. Consequently, the Campaign is winding down and there is no chance of a repeat violation. There is little to be

gained from the FEC pursuing this matter further. The Campaign has otherwise attempted to conduct its campaign in a compliant fashion. Consequently, the Campaign requests that the FEC exercise its prosecutorial judgment and dismiss this matter.

CONCLUSION

For the foregoing reasons, the Campaign asks that the Commission exercise its prosecutorial discretion and dismiss this matter.

Respectfully submitted,



William M. Outhier
Riley Warnock & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203
(615) 320-3700
wouthier@rwjplc.com

11044284743

RECEIVED
FEC MAIL CENTER

2010 JAN 19 AM 11:10

FEC
FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (in full)

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4N5

MARTILLINE FOR CONGRESS 2010

ADDRESS (number and street)

11107 BREILAN COURT

(Check if address
is changed)

MT. SUIBET

TX

77122

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address
is changed)

COMMITTEE@MARTILINEFORCONGRESS.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address
is changed)

MARTILINEFORCONGRESS.COM

2. DATE

01 05 2010

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Philip W. Meadows

Signature of Treasurer

Philip W. Meadows

Date

01 08 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9590
Local 202-694-1100

FEC FORM 1
(Revised 03/2009)

EXHIBIT

1

11044284744

10030234377

6. TYPE OF COMMITTEE

Candidate Committee

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

JEFF MARTINE

Candidate Party Affiliation

REP

Office Sought:

☒

House

☐

Senate

☐

President

State

TN

District

05

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☐ This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation

Corporation with Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

- | | | | |
|----|--|---------------|---|
| 1. | | FEC ID number | C |
| 2. | | FEC ID number | C |
| 3. | | FEC ID number | C |
| 4. | | FEC ID number | C |

11044284745

10030214578

HARTLINE FOR CONGRESS

STATE

ZIP CODE**Full Name**

JEFFREY CLARK HARTLINE

1107 BREKIDAN COURT

MR. SNLLEZ

17

b7c, 2, 2

CITY

STATE

ZIP CODE

CANDIDATES

Telephone number

100-1483-13955

PHILIP WAYNE REAGANS

1202 KNOX VALLEY DR NE

BRENTWOOD

FW

137027

TREASURE

Telephone number

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

WILSON BANK & TRUST

Mailing Address

1025 WEST MAIN STREET

LEBANON

IN

47058

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

11044284747

10030214580

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input checked="" type="checkbox"/> USPS Registered/Certified	Postmarked (R/C) 1/11/10
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<div style="text-align: center;">Ed</div> PREPARER (3/2005)	1/19/10 DATE PREPARED

11044284748

10030214581

11044284749

1000

EXHIBIT A

EXHIBIT

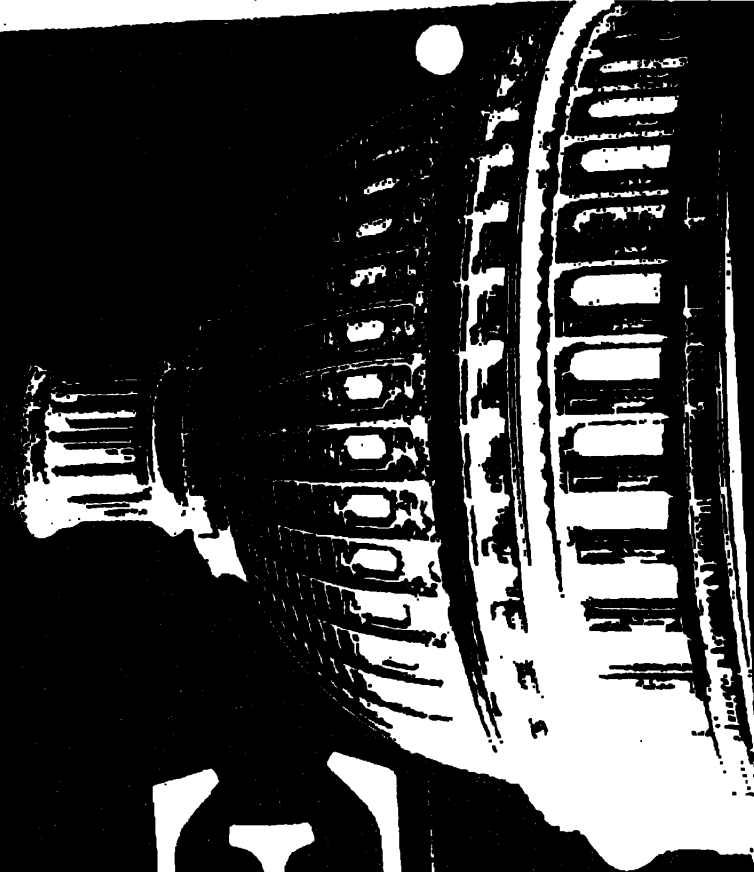
A

11044284750



HILLLINE S 2010 OR THE PEOPLE ngress.com

Paid for by Hillline for Congress 2010, Phil Meadows, Treasurer



EXHIBIT

B