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October 20, 2010

Mr. Jeff S. Jordan, Esq.
Supervising Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
2010 NOV -1 PM 4: 04
OFFICE OF GENERAL
COUNSEL

Re: MUR 6370 - Mulvaney for Congress

Dear Mr. Jordan:

The Mulvaney for Congress Committee ("Mulvaney Campaign") is in receipt of your letter in the above-referenced matter and Mr. Curlovic's complaint dated September 16, 2010. The Mulvaney Campaign responds to the allegations in the complaint as follows:

- 1) Exhibit A shows a red and yellow "Sack Spratt" sign. The Mulvaney Campaign does not know who erected these signs. The Mulvaney Campaign has not been involved with the design, production, distribution, or installation of these signs. The Mulvaney Campaign has recently seen newer versions of these signs which carry the disclaimer "Paid for by SackSpratt.com."
- 2) Exhibit B shows a "Sack Spratt" sign affixed to one of the Mulvaney Campaign's signs. The Mulvaney Campaign has seen this in several instances, but to the best of our knowledge no one on our campaign staff has been involved in erecting these yellow signs. Our belief is that they are being affixed by individuals not associated with the Mulvaney Campaign to our signs after we erected our signs.
- 3) Exhibit C is a home-made sign erected by an individual supporter of the Mulvaney Campaign. The Mulvaney Campaign staff does not know this individual's name, but she left a message several weeks ago (without leaving her name) indicating that she made and erected this sign herself. To the best of our knowledge, no one associated with the Mulvaney Campaign was involved with the design or installation of this sign.

For all the foregoing reasons, there is no reason to believe a violation occurred with respect to the allegations contained in the complaint. In any event, given the grassroots nature of the signs and the very low amount of money spent in connection with the activities at issue, the complaint should be dismissed based upon prosecutorial discretion pursuant to *Hickler v. Chaney*, 470 U.S. 821 (1985). Accordingly, the Commission should take no further action and should promptly dismiss the complaint.

Sincerely,

Patricia J. Jenkins

Treasurer

Mulvaney for Congress

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