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COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6386  
Steve Fincher for Congress and Phyllis )  
Patterson, in her official capacity as )  
treasurer, Gates Banking and Trust )  
Company )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 14, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:

- a. Find reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.3(d)(4).
- b. Find no reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 441b(a).
- c. Find no reason to believe that Gates Banking and Trust Company violated 2 U.S.C. § 441b(a).
- d. Enter into conciliation with Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, prior to a finding of probable cause to believe.
- e. Approve the Conciliation Agreement as recommended in the First General Counsel's Report dated March 9, 2011.
- f. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated March 9, 2011.

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- g. Close the file as to Gates Banking and Trust Company.
- h. Approve the appropriate letters.

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

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

- a. Find reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.3(d)(4).
- b. Find no reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 441b(a).
- c. Find no reason to believe that Gates Banking and Trust Company violated 2 U.S.C. § 441b(a).
- d. Enter into conciliation with Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, prior to a finding of probable cause to believe.
- e. Approve the Conciliation Agreement as recommended in the First General Counsel's Report dated March 9, 2011
- f. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated March 9, 2011.
- g. Close the file as to Gates Banking and Trust Company.
- h. Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

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3. Failed by a vote of 3-3 to:

- a. Find reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 434(b)(3)(E) and 11 C.F.R. § 104.3(d)(4).
- b. Find no reason to believe that Steve Fincher for Congress and Phyllis Patterson, in her official capacity as treasurer, violated 2 U.S.C. § 441b(a).
- c. Find no reason to believe that Gates Banking and Trust Company violated 2 U.S.C. § 441b(a).
- d. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated March 9, 2011.
- e. Close the file as to Gates Banking and Trust Company.
- f. Approve the appropriate letters, including a letter of caution to the Steve Fincher for Congress committee.
- g. Close the file.

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the motion.

Commissioners Bauerly, Walther, and Weintraub dissented.

4. Decided by a vote of 5-1 to:

- a. Close the file in MUR 6386.

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

Attest:

6/16/11  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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