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OFFICE OF GENERAL
COUNSEL

TO: Federal Elections Commission
FROM: Peter Fullerton, Swiftcurrent Strategies
DATE: February 16, 2011

MUR # 6460

3/4/11

Swiftcurrent Strategies, a Massachusetts based limited liability company, located at 67 Foster Street, Suite 1 in Peabody, Massachusetts, 01960 is filing a formal complaint with the Federal Elections Commission, regarding the Jim Bender for United States Senate campaign, P.O. Box 110, Hollis, New Hampshire 03049, failure to pay for telephone town hall services provided. Swiftcurrent Strategies provided two telephone town halls for Jim Bender on September 12, and September 13, 2010 as the campaign had requested, with a total approved cost of \$25,665.60. We believe that Jim Bender could be considering the uncollected debt as a campaign contribution which, under campaign finance law, we believe could be construed as an illegal contribution and in violation of 11 CFR part 110.

As of today February 16, 2011 the Jim Bender for U.S. Senate campaign refuses to pay Swiftcurrent Strategies for the telephone town hall services provided. Jim Bender, the candidate participated in the hour long calls on September 12, and again September 13, 2010 to engage potential voters before the September 14, 2010 New Hampshire Primary Election. Jim Bender was so pleased with the services on September 12, 2010 that he requested that his campaign's remaining funds go to another telephone town hall on September 13, 2010. The Jim Bender for Senate campaign used the telephone town hall services provided by Swiftcurrent Strategies to advance the campaign's voter outreach just before the September 14, 2010, Primary Election. The campaign approved the expenditures and misrepresented their budget to Swiftcurrent Strategies to acquire the services in time, before the Primary Election.

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The Jim Bender for U.S. Campaign willfully refused to pay Swiftcurrent Strategies for services rendered on September 12, and September 13, 2010. Swiftcurrent Strategies has made several attempts to collect the past due balance with no success. The Jim Bender for U.S. Senate campaign's failure to pay equates to theft of services and leaves Swiftcurrent Strategies with the burden of debt of \$25,665.60.

Swiftcurrent Strategies is seeking reimbursement for the \$25,665.60 from the Jim Bender for U.S. Campaign. Swiftcurrent Strategies is requesting the F.E.C. investigate the matter and apply full penalties under their jurisdiction to the Jim Bender for Senate Campaign.

Sincerely,



3/4/11

Peter Fullerton
Swiftcurrent Strategies
67 Foster Street, Suite 1
Peabody, MA 01960
978-201-3155

On this 4th of March, before me,
the undersigned Notary Public, Personally appeared
Peter Fullerton, Proved to me through
satisfactory evidence of identification, which
were made, to be the person signed the preceding
on attach document, and who swore to me to be
truthful and accurate.

