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Washington, DC 20463

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**MEMORANDUM**

**SENSITIVE**

**TO:** The Commission

**FROM:** Anthony Herman  
General Counsel

Daniel A. Petalas  
Associate General Counsel for Enforcement

Kathleen M. Guith  
Deputy Associate General Counsel for Enforcement

**BY:** Peter G. Blumberg *PGB*  
Assistant General Counsel

Ana J. Peña-Wallace *APW*  
Attorney

**SUBJECT:** MUR 6555 (Freedom's Defense Fund)

**RE:** Pre-Probable Cause Conciliation Agreement

Attached is a conciliation agreement signed by Scott B. Mackenzie, treasurer for Freedom's Defense Fund ("FDF"). This agreement, which we recommend the Commission accept, would settle violations of 2 U.S.C. § 434(b)(6)(B)(iii) and (g), and 11 C.F.R. § 104.4(b) and (c) that arose out of the Commission's audit of FDF's activities during the 2008 election cycle.

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Accordingly, we recommend that the Commission accept the attached signed conciliation agreement with FDF.

**RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Freedom's Defense Fund and Scott B. Mackenzie, in his official capacity as treasurer.
2. Approve the appropriate letter.
3. Close the file.

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