



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Porter for Congress and)
Edward G. Plonski, in his official capacity as treasurer)

MUR 5556

STATEMENT OF REASONS OF CHAIRMAN MICHAEL E. TONER, VICE CHAIRMAN ROBERT D. LENHARD AND COMMISSIONERS DAVID M. MASON, HANS A. von SPAKOVSKY, STEVEN T. WALTHER AND ELLEN L. WEINTRAUB

In this matter, the Commission found reason to believe that Porter for Congress and Edward G. Plonski, in his official capacity as treasurer (the "Committee"), violated 2 U.S.C. § 441d(a)(1) by omitting a disclaimer in a radio advertisement stating who had paid for it, and voted to enter into pre-probable cause conciliation. At that time, the precise costs of the subject radio advertisement were not known, but based on the amount of money that the Committee reported it had paid the vendor who produced the advertisement, it appeared that the costs might have been considerable.

In response to the Commission's reason to believe findings, the Committee provided information showing that the advertisement's costs were a fraction of the total disbursements to the vendor. Nonetheless, the Committee offered to conciliate and pay a civil penalty. Had we known at the reason to believe stage that the costs of the advertisement were so minimal, we would not have pursued pre-probable cause conciliation in the first place. Because of the very small amount in violation, the Commission rejected the Office of the General Counsel's recommendation to accept the signed conciliation agreement. On September 12, 2006, we unanimously voted to send an admonishment letter, take no further action and close the file.

December 11, 2006

Michael E. Toner, Chairman

Robert D. Lenhard, Vice Chairman

David M. Mason, Commissioner

Hans A. von Spakovsky, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

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