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FEDERAL ELECTION  
COMMISSION

2011 APR 28 PM 4: 32

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6399  
Yoder for Congress and Donald W. )  
Kaiser, in his official capacity as )  
Treasurer )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 26, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 2-3 to pass a motion to:
  - a. Find reason to believe that Yoder for Congress and Donald W. Kaiser, in his official capacity as Treasurer, violated 2 U.S.C. § 432(e)(4) and 11 C.F.R. § 102.14(a).
  - b. Enter into pre-probable cause conciliation.
  - c. Approve the conciliation agreement as recommended in the First General Counsel's Report dated March 7, 2011.
  - d. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated March 7, 2011.
  - e. Approve the appropriate letter.

Commissioners Bauerty and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented. Commissioner Walther did not vote.

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2. Decided by a vote of 5-0 to:

a. Close the file.

Commissioners Bauerly, Hunter, McGahn II, Petersen, and Weintraub voted affirmatively for the decision. Commissioner Walther did not vote.

Attest:

April 28, 2011  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**MAY - 2 2011**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Matt Sinovic, Campaign Manager  
Friends of Stephen Moore  
P.O. Box 19550  
Lawrence, KS 66285

RE: MUR 6399

Dear Mr. Sinovic:

The Federal Election Commission has considered the allegations contained in your complaint dated October 17, 2010, but there was an insufficient number of votes to find reason to believe Yoder for Congress and Donald W. Kaiser, in his official capacity as Treasurer, violated 2 U.S.C. § 432(e)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 102.14(a) of the Commission's regulations. Accordingly, on April 26, 2011, the Commission closed the file in this matter. A Statement of Reasons providing a basis for the Commission's decision will follow.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8). If you have any questions, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Shonkwiler".

Mark D. Shonkwiler  
Assistant General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA FAX (816-584-9394) AND FIRST CLASS MAIL**

**MAY - 2 2011**

James C. Thomas III, Esq.  
Briarcliff Village  
4131 N. Mulberry Drive, Suite 200  
Kansas City, MO 64116

RE: MUR 6399  
Yoder for Congress  
and Donald W. Kaiser, in his official  
capacity as Treasurer

Dear Mr. Thomas:

On October 26, 2010, the Federal Election Commission notified your client, Yoder for Congress and Donald W. Kaiser, in his official capacity as Treasurer, of a complaint alleging that your client had violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On April 26, 2011, the Commission considered the complaint, but there was an insufficient number of votes to find reason to believe Yoder for Congress and Donald W. Kaiser, in his official capacity as Treasurer, violated 2 U.S.C. § 432(e)(4), a provision of the Act, and 11 C.F.R. § 102.14(a) of the Commission's regulations. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). A Statement of Reasons explaining the Commission's decision will follow.

If you have any questions, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,  
Handwritten signature of Mark D. Shonkwiler in black ink.

Mark D. Shonkwiler  
Assistant General Counsel

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