

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6225  
Shurtleff Joint Fund and Lynn Gilbert, in )  
her official capacity as treasurer; Friends )  
for Shurtleff and Lynn Gilbert, in her )  
official capacity as treasurer; PAC for )  
Utah's Future; Mark I.. Shurtleff; Guidant )  
Strategies )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on July 27, 2010, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
  - a) Find reason to believe that PAC for Utah's Future violated 2 U.S.C. §§ 441a(a)(1)(A) and 441i(e).
  - b) Find reason to believe that Friends for Shurtleff and Lynn Gilbert, in her official capacity as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).
  - c) Find reason to believe that Mark L. Shurtleff violated 2 U.S.C. § 441i(e).
  - d) Find no reason to believe that Guidant Strategies violated the Act.
  - e) Modify the Factual and Legal Analysis based on changes in the recommendations and pursuant to the meeting discussion.
  - f) Authorize the use of compulsory process as to all Respondents and witnesses in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
  - g) Approve the appropriate letters.

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

Commissioners Hunter, McGahn II and Petersen dissented.

10044274969

2. Decided by a vote of 6-0 to:

Close the file in MUR 6225 and send the appropriate letters.

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

Attest:

July 30, 2010  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

10044274970



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Scott E. Thomas, Esq.  
Dickstein Shapiro LLP  
1825 Eye Street NW  
Washington, DC 20006-1108

AUG 5 2010

RE: MUR 6225  
Shurtleff Joint Fund and Lynn Gilbert, in her  
official capacity as treasurer  
Friends for Shurtleff and Lynn Gilbert, in  
her official capacity as treasurer  
PAC for Utah's Future  
Mark L. Shurtleff  
Guidant Strategies

Scott  
Dear Mr. Thomas:

On November 3, 2009, the Federal Election Commission notified your clients, Shurtleff Joint Fund and Lynn Gilbert, in her official capacity as treasurer, Friends for Shurtleff and Lynn Gilbert, in her official capacity as treasurer, PAC for Utah's Future, Mark L. Shurtleff, and Guidant Strategies, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On July 27, 2010, the Commission considered the complaint but was equally divided on whether there was reason to believe that your clients violated the Act. 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. 66132 (Dec. 14, 2009).

10044274975

**A Statement of Reasons providing the basis for the Commission's decision will follow. If you have any questions, please contact Shana M. Broussard, the attorney assigned to this matter, at (202) 694-1650.**

Sincerely,

A handwritten signature in black ink that reads "Mark Allen". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail.

**Mark Allen  
Assistant General Counsel**

10044274976



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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

AUG 5 2010

Joseph E. Tesch, Esq.  
Tesch Law Offices  
314 Main Street, Suite 200  
Park City, Utah 84060-3390

RE: MUR 6225

Dear Mr. Tesch:

The Federal Election Commission has considered the allegations contained in your complaint dated October 16, 2009, but was equally divided on whether to find reason to believe that Friends for Shurtleff and Lynn Gilbert, in her official capacity as treasurer, PAC for Utah's Future, and Mark L. Shurtleff violated the Federal Election Campaign Act of 1971, as amended ("the Act") and was equally divided on whether to find no reason to believe that Guidant Strategies violated the Act. Accordingly, on July 27, 2010, the Commission closed the file in this matter. A Statement of Reasons explaining 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. 66132 (Dec. 14, 2009).

10044274972

MUR 6225  
Joseph E. Tesch, Esq.  
Page 2 of 2

The 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 Shana M. Broussard, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan  
General Counsel



BY: Mark Allen  
Assistant General Counsel

10044274973