

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John Gomez for Congress and Denise)
Passero, in her official capacity as)
treasurer; John Gomez; Clear Channel) MUR 6320
Communications, Inc.; Premiere Radio)
Networks, Inc.; Sean Hannity)

CERTIFICATION

I, Shawn Woodhead Werth, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 14, 2010, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-2 to:

- a. Find no reason to believe that John Gomez for Congress and Denise Passero, in her official capacity as treasurer, violated 2 U.S.C. §§ 441b(a) and 434(b).
- b. Find no reason to believe that John Gomez violated 2 U.S.C. §§ 441b(a).
- c. Find no reason to believe that Clear Channel Communications, Inc. violated 2 U.S.C. § 441b(a).
- d. Find no reason to believe that Premiere Radio Networks, Inc. violated 2 U.S.C. § 441b(a).
- e. Find no reason to believe that Sean Hannity violated 2 U.S.C. § 441b(a).
- f. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated November 23, 2010, subject to the changes previously circulated.

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g. Approve the appropriate letters.

h. Close the file.

Commissioners Hunter, McGahn II and Petersen voted affirmatively for the motion.

Commissioners Walther and Weintraub dissented. Commissioner Bauerly did not vote.

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

a. Close the file.


b. Send the appropriate letters.

c. Make a technical amendment on Page 12, Line 9 of the First General Counsel's Report (change "Weintruab" to "Weintraub").

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

Attest:

December 16, 2010
Date


Shawn Woodhead Werth
Secretary and Clerk of the Commission

11044283789



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

Via Regular Mail and Electronic Mail
gomezny2@gmail.com

Denise Passero, Treasurer
John Gomez for Congress
PO Box 787
Bayport, NY 11705

RE: MUR 6320
John Gomez for Congress

Dear Ms. Passero:

On September 14, 2010, the Federal Election Commission notified John Gomez for Congress and its treasurer ("the Committee"), of a complaint alleging that the Committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 14, 2010, the Commission considered the complaint but there was an insufficient number of votes to find reason to believe John Gomez for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. §§ 441b(a) and 434(b). 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). One or more Statements of Reasons will follow.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Susan L. Lebeaux
Acting Deputy Associate General Counsel

cc: John Gomez, c/o Lawrence Kelly, Esq.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

Via Regular Mail and Facsimile

Fax No.: 202-719-7049

Jan Witold Baran, Esq.
Caleb P. Burns, Esq.
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

RE: MUR 6320
Clear Channel Communications, Inc.
Premiere Radio Networks, Inc.

Dear Messrs. Baran and Burns:

On June 29, 2010, the Federal Election Commission notified your clients, Clear Channel Communications, Inc. and Premiere Radio Networks, Inc., of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 14, 2010, the Commission considered the complaint but there was an insufficient number of votes to find reason to believe Clear Channel Communications, Inc. and Premiere Radio Networks, Inc. violated 2 U.S.C. § 441b(a). 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). One or more Statements of Reasons will follow.

If you have any questions, please contact Christino C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux
Acting Deputy Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

Via Regular Mail and Facsimile

Fax No.: 202-778-5503

Robert K. Kelner, Esq.
Covington & Burling LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004

RE: MUR 6320
Sean Hannity

Dear Mr. Kelner:

On June 29, 2010, the Federal Election Commission notified your client, Sean Hannity, of a complaint alleging that he had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 14, 2010, the Commission considered the complaint but there was an insufficient number of votes to find reason to believe Sean Hannity violated 2 U.S.C. § 441b(a). 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). One or more Statements of Reasons will follow.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux
Acting Deputy Associate General Counsel

11044283799



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

Via Regular Mail and Electronic Mail
gomezny2@gmail.com

Lawrence Kelly, Esq.
PO Box 787
Bayport, NY 11705

RE: MUR 6320
John Gomez

Dear Mr. Kelly:

On June 29, 2010, the Federal Election Commission notified your client, John Gomez, of a complaint alleging that he had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

On December 14, 2010, the Commission considered the complaint but there was an insufficient number of votes to find reason to believe John Gomez violated 2 U.S.C. § 441b(a). 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). One or more Statements of Reasons will follow.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux
Acting Deputy Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay S. Jacobs

Laurel Hollow, NY 11791

RE: MUR 6320
John Gomez for Congress, *et al.*

Dear Mr. Jacobs:

The Federal Election Commission has considered the allegations contained in your complaint dated June 22, 2010, but there was an insufficient number of votes to find reason to believe John Gomez, John Gomez for Congress and Denise Passero, in her official capacity as treasurer, Clear Channel Communications, Inc., Premiere Radio Networks, Inc., and Sean Hannity violated the Federal Election Campaign Act of 1971, as amended. Accordingly, on December 14, 2010, the Commission closed the file in this matter. One or more Statements of Reasons 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. 70426 (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).

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 Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux
Deputy Associate General Counsel

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