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FEDERAL ELECTION
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

2011 FEB -7 AM 9: 26

In the Matter of)
) MUR 6349
Brumberg for Congress and Dr. Barry)
Brumberg, as treasurer; David Ryan)
Brumberg (Case Closure EPS))

CELA

CERTIFICATION

I, Shawn Woodhead Werth, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 01, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Dismiss the allegation in MUR 6349 that David Brumberg, Brumberg for Congress, and Dr. Barry Brumberg, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f) on the basis of prosecutorial discretion pursuant to Heckler v. Cheney, 470 U.S. 821 (1985).
 - b. Find no reason to believe that David Brumberg, Brumberg for Congress, and Dr. Barry Brumberg, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
 - c. Close the file and approve the appropriate letters.

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

Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 5-1 to:
 - a. Find no reason to believe that David Brumberg, Brumberg for Congress, and Dr. Barry Brumberg, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f).

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

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

- a. Find no reason to believe that David Brumberg, Brumberg for Congress, and Dr. Barry Brumberg, in his official capacity as treasurer, violated 2 U.S.C. § 434b.
- b. Close the file and approve the appropriate letters.

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

Attest:

February 4, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 2011

VIA FIRST CLASS MAIL

Dr. Barry Brumberg, Treasurer
Brumberg for Congress
330 E 79th Street Apt. 8A
New York, NY 10075

RE: MUR 6349

Dear Dr. Brumberg:

On August 17, 2010, the Federal Election Commission notified Brumberg for Congress ("Committee"), Anna Shearer and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On February 1, 2011, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee or you violated 2 U.S.C. §§ 441a(f) and 434b. 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).

If you have any questions, please contact Kim Collins, the staff member assigned to this matter at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", written over a horizontal line.

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 2011

VIA FIRST CLASS MAIL

David Ryan Brumberg
1 Astor Place Apt 60
New York, NY 10003

RE: MUR 6349

Dear Mr. Brumberg:

On August 17, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

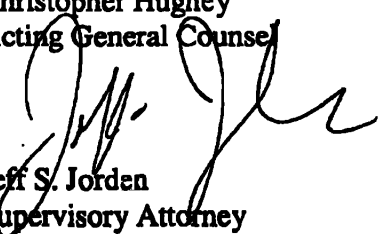
On February 1, 2011, the Commission found, on the basis of the information in the complaint, and information provided by Dr. Barry Brumberg, that there is no reason to believe you violated 2 U.S.C. §§ 441a(f) and 434b. Accordingly, the Commission closed its file in this matter.

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).

If you have any questions, please contact Kim Collins, the staff member assigned to this matter at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel

BY: 
Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Douek
New York, NY 10022

RE: MUR 6349
Brumberg for Congress

Dear Mr. Douek:

The Federal Election Commission reviewed the allegations in your complaint received on August 11, 2010. On February 1, 2011, based upon the information provided in the complaint, and information provided by the respondent, the Commission determined that there was no reason to believe the respondents violated the Federal Election Campaign Act of 1971, as amended. Therefore, the Commission decided to close its file in this matter on February 1, 2011.

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). A copy of the dispositive General Counsel's Report is enclosed for your information. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g (a)(8).

Sincerely,

Christopher Hughey
Acting General Counsel

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

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