

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5493  
Friends of Jeff Smith and Steve )  
Smith, in his official capacity as )  
treasurer; Joan Barry in Congress )  
and Kirk Benjamin, in his official )  
capacity as treasurer; Eric Lillard )

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission  
executive session on August 16, 2005, do hereby certify that the Commission decided  
by a vote of 5-1 to take the following actions in MUR 5493:

1. Take no action at this time with respect to Friends of Jeff Smith and Steve Smith, in his official capacity as treasurer, regarding alleged violation of 2 U.S.C. § 441d.
2. Take no action at this time with respect to Friends of Jeff Smith and Steve Smith, in his official capacity as treasurer, regarding alleged violation of 2 U.S.C. §§ 434(b)(4) and 441a(a)(1)(A).
3. Find reason to believe that Joan Barry in Congress and Kirk Benjamin, in his official capacity as treasurer, violated 2 U.S.C. § 441d.
4. Take no action at this time with respect to Joan Barry in Congress and Kirk Benjamin, in his official capacity as treasurer, regarding alleged violation of 2 U.S.C. §§ 434(b)(4) and 441a(a)(1)(A).
5. Find reason to believe that the unknown political committee and its treasurer, in his/her official capacity, violated 2 U.S.C. § 441d.
6. Find no reason to believe that Eric Lillard violated any provisions of the Act or regulations and close the file as to this Respondent.

7.

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8. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated August 1, 2005.
9. Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Toner, and Weintraub voted affirmatively for the decision. Commissioner Thomas dissented.

Attest:

August 17, 2005  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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