

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5935  
Representative Kirsten E. Gillibrand )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on March 18, 2009, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to pass a motion to:
  - a) Find reason to believe that Representative Kirsten Gillibrand violated 2 U.S.C. § 441i(e) and 11 CFR § 300.62.
  - b) Enter into pre-probable cause conciliation with Representative Kirsten Gillibrand.
  - c) Approve the conciliation agreement, as recommended in the First General Counsel's Report dated February 1, 2008.
  - d) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated February 1, 2008.
  - e) Approve the appropriate letter.

Commissioners Dauerly and Walther voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented. Commissioner Weintraub recused herself with respect to MUR 5935 and did not vote.

2. Decided by a vote of 5-0 to:
  - Close the file in MUR 5935 and send the appropriate letters.

29044234804

Commissioners Baucry, Hunter, McGahn II, Petersen, and Walther voted affirmatively for the decision. Commissioner Weintraub recused herself with respect to MUR 5935 and did not vote.

Attest:

March 19, 2009  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

29044234805