



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

JUN 29 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kirk Shelmerdine Racing, LLC
c/o John F. Morrow, Sr., Esq.
Morrow Alexander Tash Kurtz & Porter, PLLC
3890 Vest Mill Road
Winston-Salem, NC 27103

RE: MUR 5563
Kirk Shelmerdine Racing, LLC

Dear Mr. Morrow:

On October 19, 2004, the Federal Election Commission notified your client, Kirk Shelmerdine Racing, LLC, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, the Commission, on June 7, 2005, found that there is reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. § 434(c) and (g), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. In addition, the Commission found no reason to believe that Kirk Shelmerdine Racing, LLC violated 2 U.S.C. §§ 441b(a) or 441d.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath.

In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Roy Q. Lockett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis

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