

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
John Swallow for Congress and Stanley) MUR 5333
R deWaal, as treasurer; Dell Allen;)
Roger Barrus; W R. Bradley; Evan)
Bybee; Nicail Bybee; Taige Bybee;)
Tamra Bybee; Danica M. Campbell;)
Lavar Christensen; Fonda L. Eastman;)
Michael Ellis; Monica Ellis; Brent Facer;)
Britta Lynn Facer; Corby Facer; Jillyn)
Facer; Rebecca Facer; Riley Todd Facer;)
Tyson Facer; James R. Fraser; Sharon E.)
Fraser; Bodee Gay, Dennis Gay; Gina)
Gay; Kim Gay; John L. Harmer; Victor)
Iverson; Charlotte Jonas; W. James)
Jonas; Lenae Lichfield; Loni Lichfield;)
Lyndee Lichfield; Patricia Lichfield;)
Reagan Lichfield; Robbie Lichfield;)
Robert B. Lichfield; Roger Lichfield;)
Stephanie Lichfield; Tavia Lichfield;)
Larry H. Miller; Bradley D. Pelo;)
Melody A. Pelo; Mandi Robinson;)
Timothy V. Stay; Donna Swallow;)
Robert Whitman.)

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on June 30, 2004, the Commission decided by a vote of 6-0 to take the
following actions in MUR 5333:

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1. Find no reason to believe Dell Allen, Roger Barrus, W.R. Bradley, Danica M. Campbell, Lavar Christensen, Fonda L. Eastman, Michael Ellis, Monica Ellis, Corby Facer, Jillyn Facer, Rebecca Facer, James R. Fraser, Sharon E. Fraser, John L. Harmer, Victor Iverson, Larry H. Miller, Bradley D. Pelo, Melody A. Pelo, Mandi Robinson, Timothy V. Stay or Robert Whitman violated 2 U.S.C. § 441a(a)(1)(A), and close the file as to these respondents.
2. Find no reason to believe that John Swallow for Congress and Stanley R. deWaal, as treasurer violated 2 U.S.C. § 441a(f) in connection with the contributions from contributors listed in recommendation number one.
3. Dismiss the complaint with respect to Donna Swallow and close the file as to this respondent.
4. Dismiss the complaint with respect to John Swallow for Congress and Stanley R. deWaal, as treasurer, in connection with the contributions from Donna Swallow.
5. Dismiss the complaint with respect to Charlotte Jonas and W. James Jonas and close the file as to these respondents.
6. Dismiss the complaint with respect to John Swallow for Congress and Stanley R. deWaal, as treasurer, in connection with the contributions from Charlotte P. Jonas and W. James Jonas.
7. Find reason to believe that Robert B. Lichfield knowingly and willfully violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(3) and 441f.
8. Find reason to believe that Lenae Lichfield, Loni Lichfield, Lyndee Lichfield, Patricia Lichfield, Reagan Lichfield, Robbie Lichfield, Roger Lichfield, Stephanie Lichfield and Tavia Lichfield each violated 2 U.S.C. § 441f.
9. Take no action at this time with respect to Lenae Lichfield, Loni Lichfield, Lyndee Lichfield, Patricia Lichfield, Reagan Lichfield, Robbie Lichfield, Roger Lichfield, Stephanie Lichfield and Tavia Lichfield regarding the allegation that they violated 2 U.S.C. § 441a(a)(1)(A).

10. Take no action at this time with respect to John Swallow for Congress and Stanley R. deWaal, as treasurer, in connection with the contributions from Robert B. Lichfield, Lenae Lichfield, Loni Lichfield, Lyndee Lichfield, Patricia Lichfield, Reagan Lichfield, Robbie Lichfield, Roger Lichfield, Stephanie Lichfield and Tavia Lichfield.
11. Find reason to believe that Winterfox, LLC and Winterhawk Enterprises, LLC each violated 2 U.S.C. §§ 441b(a), 441a(a)(1)(A) and 441f.
12. Find reason to believe that Evan Bybee and Dennis Gay violated 2 U.S.C. § 441b(a).
13. Find reason to believe that Evan Bybee, Taige Bybee, Dennis Gay and Gina Gay each violated 2 U.S.C. § 441a(a)(1)(A).
14. Take no action at this time with respect to Nicaïl Bybee, Tamra Bybee, Bodee Gay or Kim Gay regarding the allegation that they violated 2 U.S.C. § 441a(a)(1)(A).
15. Find reason to believe that Evan Bybee, Nicaïl Bybee, Taige Bybee, Tamra Bybee, Kara Davis, Brenn Bybee, Bodee Gay, Dennis Gay, Gina Gay, Kim Gay and Haley Gay violated 2 U.S.C. § 441f.
16. Find reason to believe that John Swallow for Congress and Stanley R. deWaal, as treasurer violated 2 U.S.C. §§ 441b(a), 441a(f), 441f and 434(b)(3)(A) relating to the Winterfox, LLC and Winterhawk Enterprises, LLC contributions.
17. Find no reason to believe that Britta Lynn Facer or Riley Todd Facer violated the Act, and close the file as to these respondents.
18. Find no reason to believe that John Swallow for Congress and Stanley R. deWaal, as treasurer, violated the Act in connection with the contributions from Britta Lynn Facer or Riley Todd Facer.
19. Find no reason to believe that Tyson Facer violated 2 U.S.C. § 441a(a)(1)(A), and close the file as to this respondent.
20. Find no reason to believe that John Swallow for Congress and Stanley R. deWaal, as treasurer, violated 2 U.S.C. § 441a(f) in connection with contributions from Tyson Facer.

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21. Dismiss the complaint with respect to Brent Facer and close the file as to this respondent.
22. Dismiss the complaint with respect to John Swallow for Congress and Stanley R. deWaal, as treasurer, in connection with the alleged receipt of excessive contributions from Brent Facer.
23. Find reason to believe that John Swallow for Congress and Stanley R. deWaal, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) relating to the BMF #1, Ltd. contributions.
24. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated June 18, 2004.
- 25.
26. Approve the appropriate letters.

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

Attest:

July 6, 2004
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission