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FEDERAL ELECTION
COMMISSION

2011 APR 28 PM 4: 32

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 6399
Yoder for Congress and Donald W.)
Kaiser, in his official capacity as)
Treasurer)

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 26, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 2-3 to pass a motion to:
 - a. Find reason to believe that Yoder for Congress and Donald W. Kaiser, in his official capacity as Treasurer, violated 2 U.S.C. § 432(e)(4) and 11 C.F.R. § 102.14(a).
 - b. Enter into pre-probable cause conciliation.
 - c. Approve the conciliation agreement as recommended in the First General Counsel's Report dated March 7, 2011.
 - d. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated March 7, 2011.
 - e. Approve the appropriate letter.

Commissioners Bauerty and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented. Commissioner Walther did not vote.

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2. Decided by a vote of 5-0 to:

a. Close the file.

Commissioners Bauerly, Hunter, McGahn II, Petersen, and Weintraub voted affirmatively for the decision. Commissioner Walther did not vote.

Attest:

April 28, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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