

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AUDIT REFERRAL 08-11
Missouri Democratic State Committee)
and Rod Anderson, in his official)
capacity as treasurer)

MUR # 6202

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 24, 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) Open a MUR in AR 08-11.
 - b) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 2 U.S.C. § 432(h)(2) by exceeding the \$100 per-transaction limit for cash disbursements.
 - c) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 11 CFR § 106.7(d)(1) by using impermissible funds from its non-federal account to pay for employee salaries where there was no documentation that the employees spent 25% or less of their time on non-federal activity.
 - d) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a, 441b(a), 11 CFR §§ 102.5(a) and 300.32(a)(2) by using impermissible funds from its non-federal account to pay for federal expenses, or the federal share of allocable expenses for television ads, radio ads, phone banks and lodging for the national convention.
 - e) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 11 CFR § 106.7(c)(2) by using impermissible funds from its non-federal account to pay for allocable administrative expenses, including postage, building repairs, consulting, taxes and legal services.

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- f) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 11 CFR § 104.10(b)(4).
- g) Enter into conciliation with the Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, prior to a finding of probable cause and approve the conciliation agreement, as recommended in the First General Counsel's Report dated May 7, 2009.
- h) Approve the Final Audit Report of the Missouri Democratic State Committee as the Factual and Legal Analysis.
- i) Approve the appropriate letters.

Commissioners Bauerly and Walther voted affirmatively for the motion.

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

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

- a) Open a MUR in AR 08-11.

MUR # 6202

- b) Find reason to believe that Missouri Democratic State Committee and Rod Anderson, in his official capacity as treasurer, violated 2 U.S.C. § 432(h)(2) by exceeding the \$100 per-transaction limit for cash disbursements.

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- d) Approve the Final Audit Report of the Missouri Democratic State Committee as the Factual and Legal Analysis, subject to revisions pursuant to the meeting discussion.
 - e) Approve the appropriate letters.

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

Attest:

June 25, 2009
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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