

## BEFORE THE FEDERAL ELECTION COMMISSION

---

Complaint against

DAN MIELKE

and

CITIZENS FOR AN OPEN AND HONEST GOVERNMENT SUPPORTING DAN MIELKE  
FOR CONGRESS

Respondents

---

Complainant Deborah Lulich makes this complaint before the Federal Election Commission (“FEC”) seeking an investigation and enforcement action against Respondents Dan Mielke and Citizens for an Open and Honest Government Supporting Dan Mielke for Congress (“Mielke for Congress”). Complainant alleges as follows:

1. Deborah Lulich is a resident of the 7th Congressional District of Wisconsin residing at 23920 U.S. Highway 2, Ashland, Wisconsin 54806.
2. According to FEC filings, Dan Mielke and Mielke for Congress have a mailing address of 2550 County Road II, Rudolph, Wisconsin 54475.
3. Mielke for Congress is the principal campaign committee for Dan Mielke, a candidate for the 7<sup>th</sup> Congressional District of Wisconsin.
4. Duffy for Congress is the principle campaign committee for Sean Duffy, a candidate for the 7<sup>th</sup> Congressional District of Wisconsin.

### **USE OF INFORMATION COPIED FROM REPORTS FOR THE PURPOSE OF SOLICITATION**

5. According to FEC records, on October 15, 2009 Duffy for Congress filed an October Quarterly report with the FEC as required by 2 U.S.C. 434(b) and 11 CFR 104.8(a), identifying the names and mailing addresses of contributors to the committee.
6. Upon information and belief, within 48 hours of receipt, the Duffy for Congress report was made available for public inspection by the FEC pursuant to 2 U.S.C. 438(a)(4).
7. Under 2 U.S.C. 438(a)(4) and 11 CFR 104.15(a), information copied from such reports may not be used by any person for the purpose of soliciting contributions.
8. 11 CFR 104.15(b) defines “soliciting contributions” to include any type of contribution or donation, such as political or charitable contributions.
9. This limitation was created by Congress out of concern that FEC reporting requirements might “open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harassment.” *FEC Advisory Opinion 2009-19 (Keating) citing 117 Cong. Rec. 30057 (daily ed. Aug. 5, 1971).*

10. On or about November 1, 2009 Mielke for Congress mailed a solicitation letter to some or all of the individuals listed as contributors on the Duffy for Congress October 2009 Quarterly report. (See copy of Letter attached as Exhibit A).
11. This letter stated, in part, "You have recently contributed to Sean [Duffy]'s campaign, and I am asking you to do the same for me." (Exhibit A).
12. Upon information and belief, Mielke for Congress copied names and mailing addresses from the Duffy for Congress report for the purpose of soliciting political contributions.

The above-referenced activity by Dan Mielke and Mielke for Congress violates 2 U.S.C. 438(a)(4) and 11 CFR 104.15(a). To wit: Dan Mielke and his principle campaign committee used names and addresses copied from reports filed by Duffy for Congress for the impermissible purpose of soliciting political contributions contrary to the Federal Election Campaign Act of 1971, as amended, and FEC regulations.

WHEREFORE, Complainant respectfully requests that the Federal Election Commission commence an investigation into the actions of Dan Mielke and Mielke for Congress in regard to these actions; commence an action in civil court with respect to any civil violations; refer any criminal violations to the appropriate prosecutorial authorities; and render such other relief that the Federal Election Commission may deem just and equitable.

Dated this \_\_\_\_\_ day of January, 2010.

\_\_\_\_\_  
Deborah Lulich

**CERTIFICATION**

I, Deborah Lulich being first duly sworn upon oath, state that I personally read the above complaint and that the above allegations are true and correct based on my personal knowledge and, as to those allegations stated on information and belief, I believe them to be true.

\_\_\_\_\_  
Deborah Lulich

State of Wisconsin            )  
  ) ss  
County of \_\_\_\_\_        )

Signed and sworn to before me this \_\_\_\_\_ day of January 2010.

\_\_\_\_\_  
Notary Public or Person Authorized  
to Administer Oaths

My commission expires \_\_\_\_\_  
Or, \_\_\_\_ is permanent.