

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8153

Respondents: Burnett for Colorado and Blair Schuman
in her official capacity as treasurer
Debby Burnett
Westley Crouch

Receipt Date: Aug. 9, 2023

Response Dates: Aug. 29, 2023; Sept. 25, 2023

Alleged Statutory and Regulatory Violations:	52 U.S.C. § 30104(b)
	52 U.S.C. § 30116(a)(1)(A), (f)
	11 C.F.R. § 104.3(b)
	11 C.F.R. § 110.1(b)
	11 C.F.R. § 110.9
	11 C.F.R. § 116.10(a)

These matters were generated by a Complaint and *sua sponte* submission alleging that Debby Burnett, a 2024 candidate in Colorado’s 3rd Congressional District, and her principal campaign committee, Burnett for Colorado and Blair Schuman in her official capacity as treasurer (the “Committee”),¹ violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when Westley Crouch, a political consultant, agreed to forgive a \$20,000 debt for services rendered to the Committee.² Crouch filed the MUR 8153 Complaint alleging violations as to the Committee and Burnett, which was also treated as a *sua sponte* submission from Crouch, numbered PMUR 674, based on self-reporting of his own potential violations of the Act.

According to the Complaint, Crouch provided the Committee \$27,000 worth of services, but the Committee only paid Crouch \$7,000 for his work.³ Crouch states that he forgave the Committee

¹ Debby Burnett, Statement of Candidacy (Feb. 8, 2023), <https://docquery.fec.gov/pdf/610/202302089578195610/202302089578195610.pdf>; Burnett for Colorado, Amended Statement of Organization at 2 (June 7, 2023), <https://docquery.fec.gov/pdf/646/202306079581748646/202306079581748646.pdf>.

² Compl. at 1 (Aug. 9, 2023). As noted below, the Complaint and *sua sponte* submission are the same document, for simplicity, that document is referred to in this Report as the Complaint.

³ *Id.*

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1 the remaining \$20,000, which he described as a “gift [] settled for a smaller amount” in return for
2 “a promise to hire [him] back in the future.”⁴ Subsequently, Crouch became concerned that
3 forgiving the debt resulted in Crouch making an excessive contribution to the Committee which the
4 Committee failed to report.⁵

5 Burnett and the Committee filed nearly identical Responses denying the allegations and
6 stating that there was a dispute with Crouch over the amount owed to him for his services at the
7 time that the Committee terminated his services.⁶ Respondents deny that there was any gift or
8 contribution because, rather than Crouch forgiving a debt that was legitimately owed, the parties
9 resolved a disputed debt by agreeing to an amount (\$700) acceptable to both parties.⁷ Respondents
10 attach copies of emails between the Committee and Crouch.⁸ They show that Crouch accepted a
11 settlement on May 25, 2023. In an email, Crouch states that “[the Committee and I] are square on
12 back pay for \$700” and attaches a signed letter that “serve[d] as a settlement for all back pay owed
13 to me for \$700.00 on 05/25/2023.”⁹ Crouch goes on to say that the “letter serves as an official
14 declaration of settlement for past funds accrued, bringing the money owed to be for past services to
15 \$0.00.”¹⁰ Respondents claim that, about one month later, Crouch reached out to the Committee
16 asserting that, despite their prior agreement to settle the debt, he was still owed \$13,400 for his
17 services.¹¹ Respondents provide emails between the Committee’s attorney and Crouch, in which

⁴ *Id.* Respondents deny that there was a promise to hire Crouch again in the future. Burnett Resp. at 2 (Aug. 29, 2023).

⁵ Compl. at 1.

⁶ Burnett Resp. at 1; Burnett for Colorado Resp. at 1 (Sept. 22, 2023). Because the two responses are nearly identical, this Report will cite only to “Burnett Resp.”

⁷ Burnett Resp. at 1-2.

⁸ *Id.* at 1, Ex. A (Email and Ltr. from Westley Crouch to Debby Burnett (May 25, 2023, 12:44 p.m.)).

⁹ *Id.*, Ex. A (“You winning this election is more important than paying me and doing this will not only relieve any stress you have towards my pay but free up any future funds to be used as needed to get on the ballot in 2024.”).

¹⁰ *Id.*

¹¹ *Id.* at 1.

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1 Crouch indicates his concern that he made an excessive contribution to the Committee and threatens
2 to file a complaint with the Commission unless he is repaid an amount that brings his contribution
3 to below the individual limit.¹²

4 Based on its experience and expertise, the Commission has established an Enforcement
5 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
6 assess whether particular matters warrant further administrative enforcement proceedings. These
7 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
8 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
9 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
10 potential violations and other developments in the law. This matter is rated as low priority for
11 Commission action after application of these pre-established criteria. Given that low rating, and
12 apparent low dollar amount at issue, we recommend that the Commission dismiss the Complaint
13 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its

¹² *Id.*, Ex. B (Emails between Clark Davidson, Counsel for the Committee, and Westley Crouch from June 27, 2023 and July 4, 2023).

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1 priorities and use of agency resources.¹³ We also recommend that the Commission close the file as
2 to all Respondents and send the appropriate letters.

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4 Lisa J. Stevenson
5 Acting General Counsel
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9 Charles Kitcher
10 Associate General Counsel
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12 March 12, 2024

13
14 Date

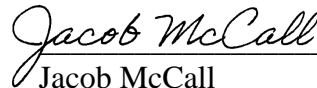
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¹³ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).