



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA UPS

October 23, 2018

Leo Stratton
5737 SE Steele Street
Portland, OR 97206

Re: ADR 875 (MUR 7372)

Dear Mr. Stratton:

On April 15, 2018, the Federal Election Commission (FEC/Commission) received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission determined to exercise its prosecutorial discretion and take no action against the Respondents, Joey Nations for Congress and Charlotte Nations, Treasurer. In its memorandum to the Commission, dated October 4, 2018, this office stated:

Summary and Analysis of Case: On April 25, 2018, Leo Stratton filed a Complaint alleging that Joey Nations for Congress and Charlotte Nations, Treasurer (Respondents or the Committee) failed to include adequate disclaimers on its Facebook page and campaign website, as well as on physical campaign materials such as yard signs and bumper stickers. Further, the Complaint alleges that the donation pages on the Committee's website and Facebook page do not include a mechanism for collecting employer and occupation information, and do not include statements of law regarding the limitations and prohibitions on political contributions. Lastly, the Complaint alleges that the Committee's Facebook page categorizes the Committee as a nonprofit.

With regard to the allegations surrounding disclaimers, several of the items referenced in the Complaint are not subject to disclaimer requirements, such as the campaign's logo and bumper stickers. 11 C.F.R. § 110.11(f)(1). For several other items, it is unclear from the copy of the Facebook picture provided with the Complaint whether a disclaimer was included, such as the yard signs. The campaign domain name has not been renewed, however the website contained the required disclaimer when this office first viewed it in July. It is unclear whether the disclaimer was missing at the time the Complaint was filed.

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Based upon the allegations in the Complaint, it does appear that the solicitation requirements may not have been satisfied. The Committee contends that it raised \$1,150 in connection with this election.

Lastly, with regard to the allegation that the Committee is categorized as a nonprofit on Facebook, the Committee indicates that the Committee is not a nonprofit organization, and that Facebook is not a legal designation of such. The Facebook page that the Committee used at the time the Complaint was filed ("Joey Nations for Congress") is no longer operable. However, there is currently a "Joey Nations for Oregon" Facebook page which still does categorize the entity as a "Nonprofit Organization – Political Candidate".

Due to the low dollar amount at issue and the fact that several of the allegations do not represent clear violations of the law, the ADR Office recommends the Commission exercise its prosecutorial discretion and dismiss the matter in accordance with *Heckler v. Chaney*. *Id.*

Accordingly, the Commission closed its file in this matter on October 10, 2018.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,



Krista J. Roche, Director
Alternative Dispute Resolution Office