



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

July 9, 2019

TO: The Commission

THROUGH: Alec Palmer *AP by Matt*
Staff Director

FROM: Patricia C. Orrock *PC* for PCO,
Chief Compliance Officer

Krista J. Roche *KJR*
Director, ADR Office

Rosa Marshall *RM*
Assistant Director, ADR Office

SUBJECT: ADR 902 Trooien for US Senate and Christopher Marston, Treasurer
Recommendation to Dismiss

The Office of General Counsel transferred P-MUR 622 on February 22, 2019, and the ADR Office designated the matter as ADR 902. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter, *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

Summary and Analysis of Case: Trooien for U.S. Senate and Chris Marston, Treasurer (Respondents or the Committee) filed a *sua sponte* submission dated January 29, 2019, indicating that they failed to disclose all financial activity on their 2018 October Quarterly Report originally filed on October 15, 2018. The submission acknowledges that they omitted \$45,000 in receipts and \$45,000 in expenditures on the election sensitive report. The Committee also filed the Amended 2018 October Quarterly Report on January 29, 2019, disclosing the additional activity, which consists of a candidate loan and an operating expenditure for digital advertising.

In the *sua sponte* submission filed, the Committee noted that the activity was inadvertently omitted as a result of funds not flowing through the Committee's account, but instead through the candidate's personal credit card. Further, the Committee states that the omission was discovered during a year-end review of the candidate's personal credit card statements, and upon discovery, the Committee filed the amendment, disclosing the

ADR 902 (P-MUR 622)

Page: 1

omitted financial activity. The Committee additionally stated that it intends to wind down activity, but notes that if it becomes active in another election cycle, it will adopt procedures to ensure that errors of this nature do not happen again.

The ADR Office recommends that the Commission exercise prosecutorial discretion and dismiss the matter which was voluntarily disclosed to the Commission after a year-end review performed by the Respondents. *Heckler v. Chaney* 470 U.S. 821 (1985).

RECOMMENDATIONS:

1. Dismiss ADR 902 (P-MUR 622).
2. Approve the appropriate letters.