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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE****MEMORANDUM**

March 30, 2020

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff DirectorFROM: Patricia C. Orrock *PCO*  
Chief Compliance OfficerKrista J. Roche *KJR*  
Director, ADR OfficeSUBJECT: Recommendation to Dismiss  
ADR 951 - McCready for Congress and Holly Giarraputo,  
Treasurer (C00641381)

The Office of General Counsel referred MUR 7630 on November 19, 2019, and the ADR Office designated the matter as ADR 951. The ADR Office (ADRO) 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:** On August 2, 2019, Craig Robinson of The Patriots Foundation filed a Complaint alleging that McCready for Congress and Holly Giarraputo, Treasurer (Respondents or the Committee) failed to disclose the purpose of disbursements, failed to report recipients of disbursements, and may have utilized campaign contributions for personal use. The Complaint alleges that Respondents disclosed approximately \$7,000 for the purchase of gas gift cards with the purpose of the disbursement described as “ground transportation” or “gas cards.” According to the Complaint, these gift cards could also be used for other products sold at the gas station, leading to a potential personal use violation.

On September 30, 2019, the Committee filed a response explaining that campaign staffers used their personal vehicles to perform their job responsibilities. The campaign provided gas cards to staffers to cover transportation costs incurred. Thus, “gas cards” and “ground transportation” were used as the purposes of the disbursements. The Committee also states that disclosing the gas station as the payee was correct because “[t]he appropriate payee of a campaign expenditure is ‘the person providing the goods and services to the committee.’”

Respondents further stated that there was no personal use violation as the gas cards were utilized to pay for fuel costs that would not have been incurred irrespective of the campaign.

As there is no evidence to support that personal use occurred and the Reports Analysis Division (RAD) confirms that the Committee's disclosure of the gas cards is considered acceptable, the ADRO recommends that the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

**RECOMMENDATIONS:**

1. Dismiss ADR 951 (MUR 7630).
2. Approve the appropriate letters.