



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 2020

Jonathan S. Berkon
Elizabeth P. Poston
PERKINS COIE
700 13th Street NW, Suite 600
Washington, DC 20005

Re: ADR 951 (MUR 7630)
McCready for Congress and Holly Giarraputo, Treasurer

Dear Mr. Berkon and Ms. Poston:

On August 5, 2019, the Federal Election Commission (FEC/Commission) received a Complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended, and provided notification to you including a copy of the Complaint. .

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and dismiss the matter. In its memorandum to the Commission, dated March 30, 2020, this office stated:

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

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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).

Accordingly, the Commission closed its file in this matter on July 1, 2020.

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. 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,

A handwritten signature in black ink, appearing to read 'K. Roche', with a horizontal line extending to the right.

Krista J. Roche
Director
Alternative Dispute Resolution Office