

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

CASE CLOSURES UNDER
ENFORCEMENT PRIORITY SYSTEM

2003 JAN 27 A 10:09

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as either low priority or potential ADR transfers. This report recommends that the Commission no longer pursue the cases cited in section II

II. CASES RECOMMENDED FOR CLOSURE

**Cases Not Warranting Further Action Relative to Other Cases
Pending Before the Commission**

EPS was created to identify pending cases that, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission; do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

We have identified cases which this Office recommends be
closed.²

IV. **RECOMMENDATIONS**

OGC recommends that the Commission exercise its prosecutorial discretion and close
the cases listed below effective two weeks from the date the Commission votes on the

² The cases recommended for closure are: MUR 5255 (*Roy Brown for Congress*); MUR 5256R (*Allied Pilots Association PAC*); MUR 5271 (*A Whole Lot of People for Grijalva Congressional Committee*); MUR 5280 (*Bundgaard for Congress*); MUR 5284 (*Moran for Congress*); MUR 5289 (*Friends of the Rouge & Friends of the Detroit River*); and MUR 5301 (*Charlotte Reeves for US Congress*).

recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

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|-------------|--------------|-------------|
| 1. MUR 5255 | 2. MUR 5256R | 3. MUR 5271 |
| 4. MUR 5280 | 5. MUR 5284 | 6. MUR 5289 |
| 7. MUR 5301 | | |

Lawrence H. Norton
General Counsel

1/24/23
Date

BY:

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1 MUR 5255

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3 **Complainant:** John C. Chambers, Esq. on behalf of Turner for Congress

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5 **Respondents:** Roy Brown for Congress
6 Kimberly Brush-Supensky, Treasurer
7 Roy Eldridge Brown
8 Brown Publishing Company
9 Englewood Independent Times
10 The Times Weekend Edition
11 Huber Heights Courier Times
12 Springboro Sun Times
13 Vandalia Drummer News
14 Centerville-Bellbrook Times
15 Kettering-Oakwood Times
16 Star Republican
17 Brown News Service
18

19 **Allegations:** John Chambers, counsel for the complainant, Turner for Congress, alleged
20 that Roy Brown, President and CEO of the Brown Publishing Company and a candidate
21 for the 3rd Congressional District of Ohio, was using the resources of the Brown
22 Publishing Company as an extension of his campaign operation by running articles in
23 Brown's papers about awards he received and his choice to run for political office
24 following his family's tradition. The complainant indicated that Brown Publishing
25 Company, as an extension of Mr. Brown's campaign, was providing unequal coverage of
26 the candidates in favor of Mr. Brown. Specifically, several different newspapers were
27 listed in the complaint as printing 94% of the articles about, and to the benefit of, Mr.
28 Brown with only 6% devoted to his opponent, Mr. Turner. The complainant noted that a
29 competitive paper, the Dayton Daily News, printed an editorial implying that Mr. Brown
30 was using his company and family assets to further his political career.
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33 **Responses:** Respondents Roy E. Brown, The Roy Brown for Congress Committee, Kim
34 Brush-Supensky, as treasurer, and The Brown Publishing Company responded that the
35 race in the 3rd District of Ohio was heavily watched and reported on by the Dayton Daily
36 News equally if not more than other newspapers, including those produced by the Brown
37 Publishing company. Mr. Brown oversees the financial and operational well being of the
38 Company but has no day-to-day responsibility for the materials published in any of the
39 individual newspapers within the chain.
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41 None of the remaining respondents responded to the complaint.
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43 This matter is less significant relative to other matters pending before the Commission.
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