

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 5686R

STEPHANIE SUMMERS O'NEAL FOR

US CONGRESS

CASE CLOSURE UNDER THE ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of General Counsel has scored MUR 5686R as a low-rated matter. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The facts giving rise to this complaint involve the alleged failure of the respondent, Stephanie Summers O'Neal for US Congress ("Committee"), to file an October 2005 quarterly report. Additionally, the Committee failed to file six other disclosure reports electronically, but rather filed a termination report attempting to cover six different reporting periods between April and September 2005. Moreover, the Committee allegedly changed its treasurer without amending its statement of organization with the Commission. The Committee did not file a response to the complaint.

This Office has conferred with the Reports Analysis Division and verified that the total activity involving the Committee for the reporting cycle makes it a candidate for administrative termination by the Commission. It should be noted that the Committee does appear to have a discrepancy between its reported debts noted in 2004, totaling \$34,000, and those debts listed in its termination report totaling \$4,065. Notwithstanding this discrepancy,

the Reports Analysis Division has informed this Office that the Committee is eligible for administrative termination

After a review of the merits of MUR 5686R in furtherance of the Commission's priorities and resources relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).


RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 5686R, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

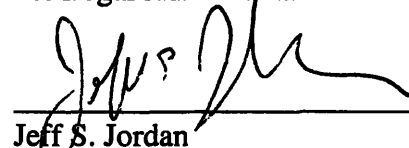
James A. Kahl
Deputy General Counsel

06/22/06
Date

BY:



Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachment:
Narrative in MUR 5686R

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4 **MUR 5686R**

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6 **Complainant:** Congressman Bennie G Thompson.

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8 **Respondents:** Stephanie Summers O'Neal for US Congress and
9 Deborah Johnson Thornton, as Treasurer

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11 **Allegations:** Complainant alleges that Stephanie Summers O'Neal for U.S. Congress
12 ("Committee") failed to file an October, 2005, quarterly report. The complaint contends
13 that on-going reporting is required because the Committee has outstanding debts totaling
14 \$4,065. Complainant also alleges that one termination report covering six different filing
15 periods was filed in September 2005, and noted that the Federal Election Campaign Act
16 requires a separate report for each reporting period. Finally, the complainant asserts that
17 the Committee changed its treasurer without amending its organization information with
18 the Commission.

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20 **Responses:** No response was submitted.
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