



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
)  
) MUR 6047  
Vernon Jones for Congress et al. )

**STATEMENT OF REASONS OF  
Vice Chairman MATTHEW S. PETERSEN and  
COMMISSIONERS CAROLINE C. HUNTER and DONALD F. MCGAHN**

In this matter, we voted to approve the Office of General Counsel's recommendation and, for the purpose of 2 U.S.C. § 437g(a)(8), attach the General Counsel's Report.

5/20/09  
Date

MATTHEW S. PETERSEN  
Vice Chairman

CAROLINE C. HUNTER  
Commissioner

DONALD F. MCGAHN II  
Commissioner

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 )  
5 MUR 6047 ) **CASE CLOSURE UNDER THE**  
6 VERNON JONES FOR GEORGIA ) **ENFORCEMENT PRIORITY SYSTEM**  
7 AND PATRICIA MOORE AS )  
8 TREASURER )  
9

10  
11 **GENERAL COUNSEL’S REPORT**

12 Under the Enforcement Priority System matters may be dismissed where the  
13 Commission has determined that pursuing the allegations in a complaint are an inefficient  
14 use of Commission resources and warrants the exercise of its prosecutorial discretion to  
15 dismiss the case.

16 In this case, the complainant, Edward Hula, alleges that the Vernon Jones for Georgia  
17 and Patricia Moore, in her official capacity as treasurer (“Committee”), violated the Federal  
18 Election Campaign Act (“Act”), as amended, by failing to include adequate disclaimers on its  
19 campaign advertisements the Committee used throughout the state of Georgia. Specifically,  
20 the complaint includes photographs taken of what appears to be the Committee’s signs and  
21 photocopies of purported e-mails created by the Committee, neither of which appear to have  
22 the required disclaimers under 2 U.S.C. § 441d(a)(1).

23 The Committee acknowledged that it failed to include the appropriate disclaimers on  
24 its advertisements. The Committee explained that this was the candidate’s first bid for  
25 federal office and the Committee was not aware that its failure to include disclaimers violated  
26 the Act. Additionally, the Committee stated that the oversight was unintentional.

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1 In considering the lack of experience of the Committee along with the nature of the  
2 allegations, and in furtherance of the Commission's priorities and resources, relative to other  
3 matters pending on the Enforcement docket, the Office of General Counsel believes that the  
4 Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler*  
5 *v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that the Committee  
6 and treasurer be cautioned that failing to include the appropriate disclaimers on the  
7 Committee's campaign materials may have potentially violated 2 U.S.C. 441d(a)(1).

8 **RECOMMENDATION**

9 The Office of General Counsel recommends that the Commission dismiss  
10 MUR 6047, send a cautionary notification to Vernon Jones for Congress and Patricia Moore,  
11 in her official capacity as treasurer, close the file, and approve the appropriate letter.

12  
13 Thomasenia P. Duncan  
14 General Counsel

15  
16 4/3/09  
17 Date

18 BY:

19  
20 Gregory R. Baker  
21 Special Counsel  
22 Complaints Examination  
23 & Legal Administration

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25 Jeff S. Jordan  
26 Supervisory Attorney  
27 Complaints Examination  
28 & Legal Administration

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31 Attachment: \_\_\_\_\_  
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25 **General Counsel's Note:** It appears as though the Committee lost its treasurer in July of  
26 2008 and did not obtain a new treasurer until September 2008. The new treasurer has  
27 explained that the Committee was inexperienced and claims the missing disclaimers were  
28 unintentional.

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