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BEFORE THE FEDERAL ELECTION COMMISSION

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Matter of

MUR 6157

OGONOWSKI FOR SENATE

AND KATHLEEN HAAS

OGONOWSKI, AS TREASURER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal. 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 Office of General Counsel scored MUR 6157 as a low-rated matter.

In this matter, the complaint filed by Janet Kreisman of Jamestown Associates, asserts that Ogonowski for Senate and Kathleen Haas Ogonowski, in her official capacity as treasurer ("the Committee"), failed to report outstanding debts in several disclosure reports filed with the Federal Election Commission ("the Commission"). Specifically, the complainant alleges that the Committee owes Jamestown Associates \$27,361.94 for media services performed in early 2008, during the period of Mr. Ogonowski's unsuccessful race to become the United States Senator from Massachusetts. Thus, the complainant asserts that, despite knowledge of these debts, the Committee failed to report them on its disclosure reports.

In his response, on behalf of the Committee, Jim Ogonowski maintains that he did not receive any invoice or account statement from Jamestown Associates until after his campaign had ended in June of 2008, and was unaware of the outstanding balance until he received

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1 notification of the complaint from the Commission.¹ Upon receiving the Commission's
2 notification, Mr. Ogonowski states that he contacted Larry Weitzner, the CEO of Jamestown
3 Associates, and resolved the matter on January 28, 2009.²

4 It appears that Mr. Ogonowski, who filed a termination report on behalf of his Committee
5 on May 5, 2009, may not have followed the procedures set forth in 11 CFR Part 116, which
6 provides, among other requirements, that committees with outstanding debts that wish to
7 terminate must file a debt settlement plan with the Commission. Additionally, the Committee
8 has apparently not filed disclosure reports with the Commission following its 2008 Year End
9 Report, which was filed on January 25, 2009.

10 In light of Mr. Ogonowski's response concerning the status of his Committee's staff and
11 his assumption of the responsibility for settling his Committee's debt, as well as the relatively low
12 dollar amount involved in this matter, and in furtherance of the Commission's priorities and
13 resources, relative to other matters pending on the Enforcement docket, the Office of General
14 Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss
15 the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, we intend on reminding
16 the Committee that, until it is terminated, it has a continuing obligation to file disclosure reports
17 with the Commission and that outstanding debts should be included on its reports.

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¹ A review of the public record indicates that the Committee apparently failed to amend its filings to disclose the debts owed to the complainant, even after Mr. Ogonowski admittedly became aware of the complainant's allegations concerning the outstanding debt. Mr. Ogonowski notes in his response that his Committee treasurer, along with his remaining staff, quit following the Committee's inability to obtain enough signatures to place his name on the ballot.

² After receiving the response, we contacted the complainant to determine whether the billing dispute had been resolved. She stated that the issue had been settled and asked if the complaint could be withdrawn. We explained that our procedures typically do not contemplate the withdrawal of complaints after they have been filed, but we assured the complainant that we would inform the Commission that the complaint had been resolved to her satisfaction. She also explained that Mr. Ogonowski had undertaken to settle the debt for \$9,800, to be paid from his own funds, as the Committee apparently has no assets. According to a written contract between the parties, Mr. Ogonowski agreed to pay the debt by making monthly installment payments through December 1, 2010.

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RECOMMENDATIONS

The Office of General Counsel recommends that the Commission dismiss MUR 6157, close the file, and approve the appropriate letters. Additionally, we recommend sending a reminder to Ogonowski for Senate that, until it is terminated, it has a continuing obligation to file disclosure reports with the Commission and that outstanding debts should be included on its reports.

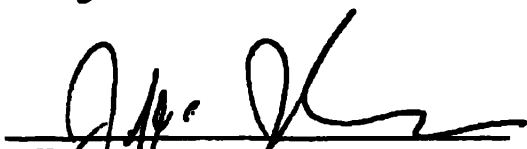
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General Counsel

1/8/10
Date

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