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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

MUR 6302

JOE CANTRELL

JOSEPH HENRY CANTRELL JR.

JOE FOR CONGRESS AND

JH CANTRELL JR., AS TREASURER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

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FEDERAL ELECTION
COMMISSION

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 high-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6302 as a low-rated matter.

In this matter, the complainant, Brian Tucker, asserts that Joe Cantrell and Joe Cantrell's unregistered principal campaign committee, failed to file both a Statement of Candidacy on a FEC Form 2 and a Statement of Organization on a FEC Form 1, within fifteen days of making expenditures in excess of \$5,000.¹ See 2 U.S.C. §§ 432(e), 433 and 11 C.F.R. §§ 101.1, 102.2. The complainant attaches an image of an April 27, 2010 check from "Campaign Account of Joe Cantrell," made payable to the Secretary of State of Florida, for "Qual. Fees for Cong." in the amount of \$6,960. The complaint, dated May 12, 2010, states that the candidate has not yet filed either of the aforementioned forms.

In response, Mr. Cantrell submitted both his FEC Form 2 Statement of Candidacy, designating Joseph Henry Cantrell Jr., Joe for Congress [*sic*], and JH Cantrell, Jr. in his official

¹ Although the complainant specifically alleges that these forms were not filed within fifteen days of making \$5,000 in expenditures, Commission regulations provide that the FEC Form 2 shall be filed within fifteen days of becoming a candidate and the FEC Form 1 shall be filed within ten days of the designation of the principal campaign committee. 11 C.F.R. §§ 101.1, 102.2.

1 capacity as treasurer ("Committee"), as his principal campaign committee, and the Committee's
2 FEC Form 1 Statement of Organization, both dated June 17, 2010. Mr. Cantrell's response did
3 not include any further information or explanation. A review of the Commission's Report Image
4 Database reflects that a Statement of Candidacy and a Statement of Organization were filed on
5 June 17, 2010, while the Committee's July Quarterly Report was filed on July 27, 2010.

6 It appears that Mr. Cantrell became a candidate no later than April 7, 2010, when he
7 expended \$11,000 of his own funds in connection with his candidacy.² Based on the April 7th
8 date, Mr. Cantrell should have filed an FEC Form 2 Statement of Candidacy within fifteen days,
9 or by April 22, 2010, and the Committee should have filed its FEC Form 1, Statement of
10 Organization, within ten days thereafter, or by May 2, 2010. See 2 U.S.C. §§ 432(e), 433 and
11 11 C.F.R. §§ 101.1, 102.2. Thus, it appears that Mr. Cantrell's FEC Form 2 Statement of
12 Candidacy and the Committee's FEC Form 1 Statement of Organization were not filed timely.
13 Mr. Cantrell and the Committee have since made the required filings. Additionally, it appears
14 that the Committee's July Quarterly Report, due July 15, 2010, and received on July 27, 2010,
15 was also untimely filed.

16 In light of the fact that Mr. Cantrell, and his Committee, have now filed FEC Forms 1
17 and 2, coupled with the Committee's low level of activity, and in furtherance of the
18 Commission's priorities and resources, relative to other matters pending on the Enforcement
19 docket, the Office of General Counsel believes that the Commission should exercise its
20 prosecutorial discretion and dismiss this matter. See *Heckler v. Chaney*, 470 U.S. 821 (1985).
21 Additionally, this Office intends on reminding Joe Cantrell and Joseph Henry Cantrell Jr. Joe for
22 Congress and JH Cantrell, in his official capacity as treasurer, of the requirements under 2 U.S.C.

² The Federal Election Campaign Act of 1971, as amended ("the Act") defines "candidate" as an individual who seeks election to federal office. 2 U.S.C. § 431(2). An individual is deemed to seek nomination when he has received contributions or made expenditures in excess of \$5,000. *Id.* The Committee's 2010 July Quarterly Report discloses that Mr. Cantrell loaned his committee \$11,000 on April 7, 2010.

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1 §§ 432(e), 433(a) and 434(a), concerning the timely submission of required disclosure reports
2 with the Federal Election Commission.

3 **RECOMMENDATIONS**

4 The Office of General Counsel recommends that the Commission dismiss MUR 6302,
5 close the file, and approve the appropriate letters. Additionally, this Office recommends that the
6 Commission remind Joe Cantrell and Joseph Henry Cantrell Jr. Joe for Congress and JH
7 Cantrell, in his official capacity as treasurer, of the requirements under 2 U.S.C.
8 §§ 432(e), 433(a) and 434(a), concerning the timely submission of required disclosure reports
9 with the Federal Election Commission.

10 Christopher Hughey
11 Acting General Counsel

12
13
14 9/22/10
15 Date

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