

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 6352
Robert J. Dold, Jr., Dold for Congress)
and Jeffrey George Bennett as Treasurer)
(Case Closure: EPS))

AMENDED CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on March 01, 2011, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 6352.

1. Dismiss MUR 6352.
2. Close the file.
3. Send the appropriate letters.
4. Approve revisions to the General Counsel's Report subject to the edits previously circulated and the meeting discussion as follows:
 - a. Revise the paragraph on lines 13 to 22 of page 2 to read: The Commission's regulations require that debts over \$500 must be reported when they are incurred. 11 C.F.R. § 104.11(b); *see also* 2 U.S.C. § 434(b)(8). If the exact amount of a debt or obligation is not known, the report shall state that the amount reported is an estimate and then amend the report, if necessary. *Id.* This report does not opine on respondent's interpretation of 11 C.F.R. § 104.11(b).
 - b. Revise the first paragraph on page 1 to read: Under the Enforcement Priority System ("EPS"), the Commission uses formal scoring criteria to allocate its resources and decide which cases to pursue. These criteria include but are not limited to an assessment of (1) the gravity of the alleged violation, both with respect to the type of activity and the amount in violation, (2) the apparent impact the alleged violation may have had on the electoral process, (3) the

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legal complexity of issues raised in the case, (4) recent trends in potential violations of the Act, and (5) development of the law with respect to certain subject matters. It is the Commission's policy that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss certain cases. The Office of General Counsel has scored MUR 6352 as a low-rated matter and has also determined that it should not be referred to the Alternative Dispute Resolution Office. This office therefore recommends that the Commission exercise its prosecutorial discretion to dismiss MUR 6352.

- c. Revise the first sentence on page 3 to read: In light of the relatively low dollar amount at issue, coupled with the fact that the Committee reported the disbursement for the bus tour on its subsequent disclosure report, and in furtherance of the Commission's priorities as discussed above, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter.

Commissioners Bauerly, McGahn II, Walther and Weintraub voted affirmatively for the decision. Commissioners Hunter and Petersen did not vote.

Attest:

March 4, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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