



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Marc E. Elias
Jacquelyn K. Lopez
Perkins Coie LLP
700 13th St. N.W., Suite 600
Washington, DC 20005-3960

JAN 26 2018

RE: MUR 7204
Foster Campbell for US Senate
and Ron Roberts, as treasurer

Dear Mr. Elias and Ms. Lopez:

On December 7, 2016, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On January 8, 2018, based upon the information contained in the complaint and information provided by you, the Commission decided to dismiss allegations that your clients violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7204

Respondents: Foster Campbell for U.S. Senate
and Ron Roberts, as treasurer
(the "Committee")

Complaint Receipt Date: December 2, 2016

Complaint Supplement Receipt Date: July 31, 2017

Response Date: January 24, 2017

Supplement Response Date: November 29, 2017

EPS Rating:

Alleged Statutory

52 U.S.C. § 30104(b)(8);

Regulatory Violations:

11 C.F.R. §§ 104.3(d), 104.11(a)-(b), 116.10(a)

The Complaint alleges that the Committee failed to timely and accurately report debt for fundraising consulting services.¹ A Supplement to the Complaint claims that although the debt reporting has been corrected, the Committee still owes Complainant \$43,750. Respondents assert that the Committee initially reported payments to the Complainant and later amended its reports to reflect any disputed debt between the parties.²

The Act and Commission regulations require political committees to continuously report the amount and nature of outstanding debts until those debts are extinguished.³ When there is a disputed debt, the political committee must report the disputed debt if the creditor has provided

¹ Foster Campbell lost in the 2016 Louisiana Senate Runoff election, with 39.3% of the vote.

² The Committee's Campaign Finance Reports show two payments for services to the Complainant in the amount of \$5,500 each on May 12, 2016 and June 2, 2016, *see* Foster Campbell for U.S. Senate 2016 Pre-Primary Report at 161, 163, and one payment in the amount of \$5,000 on October 5, 2016, *see* Foster Campbell for U.S. Senate 2016 Pre-General Report at 61. The Committee did not initially report the full debt that the Complainant claimed was owed, but since then has consistently reported disputed debt claimed by the Complainant in amendments to the original reports. The most recent report filed by the Committee discloses a \$2,500 debt owed to the Complainant, as well as disputed debts claimed by the Complainant totaling \$41,250, *see* Foster Campbell for U.S. Senate 2017 October Quarterly Report at 11, 13, 16 (filed on October 13, 2017).

³ 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(a)-(b). This reporting requirement applies both to "disputed debts," *see* 11 C.F.R. §§ 116.1(d), 116.10(a), and "estimated debts," *see* 11 C.F.R. § 104.11(b).

1800STATCOM001

something of value to the political committee.⁴ Until the dispute is resolved, the political committee must disclose any amounts paid to the creditor, any amount the political committee admits it owes, and the amount the creditor claims is owed.⁵

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both 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 complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the fact that the Committee has now reported the disputed debt, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁶ We also recommend that the Commission close the file as to all the respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

⁴ 11 C.F.R. § 116.10(a).

⁵ *Id.*

⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

2025 RELEASE UNDER E.O. 14176

11.30.17
Date

BY: Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel

Donald E. Campbell
Donald E. Campbell
Attorney

11-30-17 11:30 AM