



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

OCT 17 2018

Darren Peters

Falls Church, VA 22041

RE: MUR 7346

Dear Mr. Peters:

The Federal Election Commission reviewed the allegations in your complaint received on March 13, 2018. On October 15, 2018, based upon the information provided in the complaint, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Richard A. Johnson, and Dr. Richard A. Johnson, III and Sabrina Yves Lewis-Jones, as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on October 15, 2018. A copy of the Factual and Legal Analysis, 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).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Dr. Richard A. Johnson, III  
and Sabrina Yves Lewis-Jones, as treasurer  
Richard A. Johnson

MUR 7346

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (“the Act”) and Commission regulations by Richard A. Johnson and Dr. Richard A. Johnson, III and Sabrina Yves Lewis-Jones, in her official capacity as treasurer (the “Committee”). It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint suggests that Johnson’s campaign exceeded the \$5,000 contribution or expenditure threshold for federal candidates, and alleges that the Committee has received and made illegal contributions and expenditures.<sup>1</sup> The Complaint also alleges that Johnson has not filed a Statement of Candidacy, and the Committee has not registered and reported with the Commission as a political committee.<sup>2</sup> Neither Johnson nor the Committee responded to the Complaint.

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<sup>1</sup> Compl. at 1 (Mar. 8, 2018).

<sup>2</sup> *Id.*

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1           **B.     Legal Analysis**

2           Within fifteen days of becoming a candidate<sup>3</sup>, the candidate must designate a principal  
3           campaign committee by filing a Statement of Candidacy.<sup>4</sup> The principal campaign committee  
4           must then file a Statement of Organization no later than ten days after designation by the  
5           candidate.<sup>5</sup>

6           The available information is insufficient to determine if or when Johnson became a federal  
7           candidate, and under the circumstances of this case, further inquiry would not be a prudent use of  
8           agency resources.<sup>6</sup> Therefore, the Commission dismisses as a matter of prosecutorial discretion<sup>7</sup>  
9           the allegations that Johnson and the Committee violated the Act or Commission regulations and  
10          reminds Johnson and the Committee of the filing and reporting requirements for federal  
11          candidates and principal or authorized campaign committees.

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<sup>3</sup>           The Act defines a "candidate" as "an individual who seeks nomination for election, or election, to Federal office," and an individual is deemed to seek nomination for election, or election, if he or she has received or made, or has authorized another person to receive or make, aggregate contributions or expenditures exceeding \$5,000. 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

<sup>4</sup>           52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

<sup>5</sup>           52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

<sup>6</sup>           The Complaint attached copies of campaign website pages, but provided no documentation regarding alleged illegal contributions or expenditures. The Complaint indicates that the candidate must have exceeded the \$5,000 expenditure threshold because the Committee had a website, and paid for campaign materials, including signs and brochures. Johnson did not file a Statement of Candidacy or any campaign finance reports.

<sup>7</sup>           See *Heckler v. Chaney*, 470 U.S. 821 (1985).

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