



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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

John C. Zody  
Chairman, Indiana Democratic Party  
115 W Washington St., Suite 1165  
Indianapolis, IN 46204

MAR 13 2019

RE: MUR 7490

Dear Mr. Zody:

The Federal Election Commission reviewed the allegations in your complaint received on August 28, 2018. On March 7, 2019, based upon the information contained in the complaint and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Mike Braun for Indiana and Travis Kabrick, in his official capacity as treasurer, and Mike Braun and close 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 Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016), effective September 1, 2016.

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

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:** 7490

**Respondents:** Mike Braun for Indiana,  
Travis Kabrick, as Treasurer  
("the Committee"),<sup>1</sup> and  
Mike Braun

**Complaint Receipt Date:** August 28, 2018

**Response Date:** September 24, 2018

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30102(i), 30104(a)(6)(A)  
11 C.F.R. §§ 100.19(e), 104.5(f), 104.7(a)**

The Complaint alleges that the Committee failed to timely file a 48-hour notice for a \$250,000 loan from Mike Braun. Respondents assert that they faxed the required notice to the Senate Office of Public Records,<sup>2</sup> but that the copy posted to the Commission's website is illegible due to an unknown technological error.

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

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<sup>1</sup> Mike Braun is a U.S. Senator from Indiana, first elected in the 2018 midterm elections. Mike Braun for Indiana is his principal campaign committee.

<sup>2</sup> Prior to September 2018, committees for senate candidates were required to file reports with the Senate Office of Public Records. The Act was amended in September 2018 to require all reports be filed with the Commission. The 48-hour notice at issue was filed in April 2018.

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Commission action after application of these pre-established criteria. Given that low rating, the timely attempt to file the original 48-hour notice, and the fact that the Committee filed another 48-hour notice when it learned of the transmission issue,<sup>3</sup> 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. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

2.27.19  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Thaddeus Ewald  
Thaddeus H. Ewald  
Attorney

<sup>3</sup> On August 22, 2018, the Committee filed another 48-hour notice with the Senate Office of Public Records reflecting the April 23, 2018 loan of \$250,000 from Mike Braun.

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