



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 15 2019

Michael Goentzel

Weston, MO 64098

RE: MUR 7549

Dear Mr. Goentzel:

The Federal Election Commission reviewed the allegations in your complaint received on November 19, 2018. On August 8, 2019, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Henry Martin for Congress and Mike Shryock in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on August 8, 2019. 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).

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

1000447427

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7549

**Respondents: Henry Martin for Congress
and Mike Shryock, as Treasurer¹**

Complaint Receipt Date: November 20, 2018

Response Date: November 30, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30104(a)-(b)

Regulatory Violations:

11 C.F.R. §§ 104.1(b); 104.3(a)(1), (3), (b)(2)

The Complaint alleges that the Committee (1) failed to file a 2017 October Quarterly Report since its 2018 Year-End Report covers the period of August 1, 2017, to December 31, 2017, (2) failed to accurately report its cash on hand at the beginning of the reporting period in its 2018 April Quarterly Report, 2018 July Quarterly Report, 2018 Pre-Primary Report, and 2018 October Quarterly Report, and (3) failed to accurately report its election cycle-to-date totals in its 2018 April Quarterly Report, 2018 July Quarterly Report, 2018 Pre-Primary Report, and 2018 October Quarterly Report because they do not include previously reported expenditures.² Respondents admit that they made mistakes by submitting individual reports, with improper coverage dates, as opposed to continuous reports and by using bank account balances instead of report balances.³

¹ Henry Martin was a 2018 candidate for the U.S. House of Representatives in Missouri's Sixth District, and Henry Martin for Congress is his principal campaign committee.

² Compl. at 1-2 (Nov. 20, 2018).

³ Resp. at 1 (Nov. 30, 2018).

The Committee noted in its response that it has been in contact with its assigned analyst in the Reports Analysis Division. *Id.* To date, however, the Committee has not amended the disclosure reports at issue in this matter, although it has recently filed a 2019 April Quarterly Report.

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 modest amounts and technical nature of the violations, 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 and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

July 19, 2019
Date

BY: Stephen Gura /by KP
Stephen Gura
Deputy Associate General Counsel

Jeff Jordan /by KP
Jeff S. Jordan
Assistant General Counsel

Kristina Portner
Kristina M. Portner
Attorney