



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 28, 2020

Via Electronic Mail Only
Email: scaplegal@aol.com

Stephen Scapelliti, Esq.
Law Offices of Stephen Scapelliti, P.C.
35019 Quaker Way
Farmington Hills, Michigan 48331

RE: MUR 7565
Irasema Hernandez

Dear Mr. Scapelliti:

On February 21 and September 18, 2019, the Federal Election Commission notified your client, Irasema Hernandez, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 24, 2020, voted to dismiss this matter. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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). If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

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

Jeff S. Jordan
Assistant General Counsel

Enclosure: General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7565

Respondent: Irasema Hernandez

Complaint Receipt Date: February 8, 2019

Response Date: October 9, 2019¹

EPS Rating: [REDACTED]

**Alleged Statutory
and Regulatory Violations:**

**52 U.S.C. § 30104(a), (b)
11 C.F.R. § 100.3**

The Complaint alleges that the Respondent ran for U.S. Senate in Texas in 2018, but failed to file any disclosure reports with the Commission.² Specifically, the Complaint attaches screenshots from her Twitter account, which reflects tweets from “Sema Hernandez for Texas U.S....,” with a narrative describing how much money the Respondent’s campaign committee raised and spent.³ The Complaint further alleges that the Respondent has stated that she is running for Senate in 2020, but has similarly failed to file any disclosure reports for that election.⁴

The Response claims that the candidate committee’s former campaign manager was supposed to file disclosure reports in the 2018 cycle, but failed to do so.⁵ The Response also

¹ OGC timely issued a notification letter to Respondent, but she did not receive it. Ultimately, OGC identified a new phone number for Respondent, obtained her new address, and resent the Complaint.

² Compl. at 1 (Feb. 8, 2019).

³ Compl., Attach. According to the tweets, Respondent raised less than \$10,000 and spent \$4,000 on her campaign. *Id.*

⁴ Compl. at 1.

⁵ Resp. at 1 (Oct. 9, 2019). The Response does not address the 2020 election cycle.

1 indicates that a staff accountant would be retained to address the campaign committee's filing
2 deficiencies.⁶

3 Based on its experience and expertise, the Commission has established an Enforcement
4 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
5 assess whether particular matters warrant further administrative enforcement proceedings. These
6 criteria include: (1) the gravity of the alleged violation, taking into account both the type of activity
7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
9 potential violations and other developments in the law. This matter is rated as low priority for
10 Commission action after application of these pre-established criteria. Given that low rating, the
11 relatively modest amounts at issue, and the Respondent's post-Complaint filing of some reports, we
12 recommend that the Commission dismiss the Complaint consistent with the Commission's
13 prosecutorial discretion to determine the proper ordering of its priorities and use of agency
14 resources.⁷ We also recommend that the Commission close the file and send the appropriate letters.

15 Lisa J. Stevenson
16 Acting General Counsel
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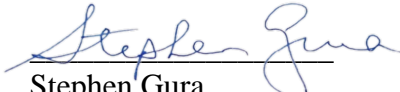
18 Charles Kitcher
19 Acting Associate General Counsel
20

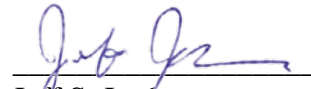
⁶ *Id.* Though Hernandez had filed Statements of Candidacy for the 2018 and 2020 elections, it was not until being notified of the Complaint in this matter that her committee, Sema for Texas, filed its first disclosure reports: a 2017 October Quarterly Report and a 2019 October Quarterly Report. *See* October 2017 Quarterly Report, <https://docquery.fec.gov/pdf/125/201910159163856125/201910159163856125.pdf>; October 2019 Quarterly Report, <https://docquery.fec.gov/pdf/027/201910159164706027/201910159164706027.pdf>. The October 2017 Report discloses \$132 in contributions received. The October 2019 Report discloses activity totaling \$14,846. Under the Reports Analysis Division ("RAD") referral standards, given the amount in potential violation and the reports involved, this matter would not be referable to either the Alternative Dispute Resolution Office or the Office of General Counsel. *See* 2019 RAD Standards, nos. 4 and 11.

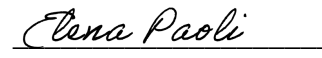
⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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02.21.20
Date

BY: 
Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Elena Paoli
Attorney