

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

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6 **MUR:** 7570

Respondents: Skytron, LLC

The KMW Group, Inc.

Outsider PAC and

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8 **Complaint Receipt Date:** February 21, 2019

9 **Response Dates:** Mar. 19, 2019, Apr. 10, 2019, Apr. 19, 2019

Julie Dozier in her official
capacity as treasurer¹

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11 **EPS Rating:**

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13 **Alleged Statutory**

52 U.S.C. § 30119

14 **Regulatory Violations:**

11 C.F.R. §§ 115.1; 115.2

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17 The Complaint alleges that Skytron, LLC (“Skytron”) or its parent company, The KMW
18 Group, Inc. (“KMW”), made a prohibited \$10,000 federal contractor contribution to Outsider PAC.²
19 Outsider PAC reported receiving a \$10,000 contribution from Skytron on November 1, 2018, and
20 later amended its filing, reattributing the contribution to KMW.³ KMW and Skytron assert that
21 KMW, not Skytron, made the \$10,000 contribution and that KMW was not a federal contractor
22 when it made the contribution.⁴ KMW and Skytron contend that Outsider PAC mistakenly

¹ Outsider PAC and Julie Dozier in her official capacity as treasurer (“Outsider PAC”) is an independent-expenditure-only political committee registered with the FEC. See Outsider PAC Statement of Organization at 5 (May 16, 2018), <http://docquery.fec.gov/pdf/347/201805169112069347/201805169112069347.pdf>.

² Compl. at 1 (Feb. 21, 2019); Suppl. Compl. at 2 (Mar. 25, 2019).

³ Outsider PAC 2018 Post-General Report at 11 (Dec. 6, 2018). Outsider PAC states that after the filing of the Complaint in this matter, it contacted KMW and Skytron to inquire about their federal contractor status and was advised that the contribution was from KMW, not Skytron. Outsider PAC Resp. at 2 (Apr. 10, 2019). Outsider PAC thereafter amended its filing and reattributed the contribution to KMW. Outsider PAC 2018 Amended Post-General Report at 11 (Feb. 21, 2019).

⁴ Skytron Resp. to Initial Compl. (Mar. 19, 2019); KMW and Skytron Resp. to Suppl. Compl. (Apr. 19, 2019). Publicly available information indicates that Skytron was a federal contractor at the time of the contribution to Outsider PAC in November 2018, and Skytron does not deny that it was a federal contractor at that time. See USAspending.gov, Recipient Search Skytron, https://www.usaspending.gov/#/keyword_search/%22skytron%22 (last visited Feb. 15, 2022). Publicly available information on the USAspending.gov website reflects a contract that KMW had with the Department of Veterans Affairs during the period July 29, 2013 through December 17, 2018. See <https://www.usaspending.gov/#/award/36415028> (last visited Feb. 15, 2022), (Contract Summary--Order No. VA24913J3106, Awarding Agency—Department of Veteran Affairs, Recipient—KMW Group, Inc., The, Parent IDV—V797P4098B, Period of Performance: July 29, 2013 – Dec. 17, 2018, Award Amount: \$1,351,618). However,

1 identified Skytron as the contributor, and state that upon discovery of this reporting mistake,
2 Skytron contacted Outsider PAC to correct the error.⁵ Outsider PAC asserts there are no facts in the
3 Complaint alleging that it knew KMW and Skytron were federal contractors or that it knowingly
4 solicited a contribution from a federal contractor.⁶

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

KMW argues that this information is in error and that Alliant Enterprises, LLC/Alliant Healthcare Products, Group, Inc., ("Alliant") was the recipient of the contract. Resp. to Suppl. Compl. at 2. KMW provided a copy of a GSA Standard Form 1449 Solicitation/Contract/Order for Commercial Items, dated July 29, 2013, showing Alliant as the recipient of a contract with the same contract and order numbers, awarding agency, award amount, and period of performance. *Id.* Attach, Solicitation/Contract/Order for VA24913J3106.

⁵ Skytron Resp. to Initial Compl. at 1-2. Skytron submitted a copy of the check, which displays the logo and name of KMW next to the name and address of Skytron. Resp. to Initial Compl. at 3, Attach. (copy of contribution check).

⁶ Outsider PAC Resp. at 3. Outsider PAC contends that it took steps to ensure that it did not receive a contribution from a federal contractor, was specifically told by KMW and Skytron that the contribution was not from a federal contractor, and has no information contrary to those assumptions. *Id.* at 2.

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

1 send the appropriate letters.

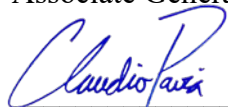
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February 15, 2022
Date

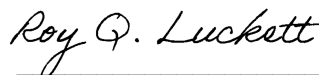
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