



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

January 21, 2021

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

Nicole McConnell

Fairfax, Virginia 22033

RE: MUR 7622

Dear Ms. McConnell:

The Federal Election Commission reviewed the allegations in your complaint received on July 22, 2019. On August 6, 2020, 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 Judson Sapp for Congress and Nancy Watkins in her official capacity as treasurer, Common Sense, USA and Sloane Skinner Carlough in her official capacity as treasurer, and Judson Sapp, and close its file in this matter. Accordingly, the Commission closed its file in this matter on August 6, 2020. This letter was not sent to you earlier due to an administrative oversight. 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).

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 blue 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:** 7622

**Respondents:** Judson Sapp for Congress  
and Nancy Watkins, as Treasurer;  
Citizens for Common Sense  
USA and Sloane Skinner  
Carlough, as Treasurer  
Judson Sapp

**Complaint Receipt Date:** July 22, 2019

**Response Date:** August 7, 2019 and September 9, 2019

**EPS Rating:** [REDACTED]

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. §§ 30116(a)(7), 30125(e)(1)  
11 C.F.R. §§ 109.20, 109.21(a), 300.2(c)**

The Complaint alleges that Citizens for Common Sense USA (“Citizens”) was established, financed, maintained, and controlled by a federal candidate, Judson Sapp, and coordinated communications with Judson Sapp for Congress.<sup>1</sup> In particular, Complainant alleges that Judson Sapp contributed approximately 96% of Citizens’ contributions when he was a federal candidate and that each of Citizens’ expenditures supported Judson Sapp’s candidacy.<sup>2</sup> Respondents, relying on an affidavit from a legal assistant, assert that due to a technical reporting error, Judson Sapp was listed as the contributor to Citizens instead of the actual contributor Judson “Jud” Sapp, who is the candidate’s father.<sup>3</sup> Furthermore, Respondents state that Citizens was not established, financed, maintained, and controlled by Judson Sapp and did not coordinate with Judson Sapp for Congress.<sup>4</sup>

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<sup>1</sup> Compl. at 2 (July 22, 2019).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> Citizens for Common Sense USA Resp. at 1-2, Ex. 1 (Goodson Affidavit) at 1 (Aug. 7, 2019); Judson Sapp for Congress Resp. at 2-5 (Sept. 9, 2019). *See also* Citizens for Common Sense USA, Amended 2018 October Quarterly Report at 7-8 (filed July 16, 2019). Respondents assert that the candidate Judson Sapp has never made a contribution to Citizens. Citizens for Common Sense USA Resp. at 2; Judson Sapp for Congress Resp. at 2.

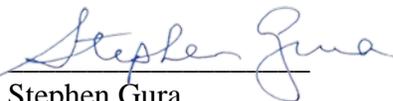
<sup>4</sup> *Id.*

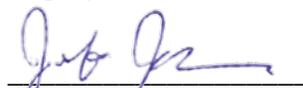
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the 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, the technical nature of the violation, and Citizens' amended disclosure report, 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

9.17.19  
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Date

BY:   
\_\_\_\_\_  
Stephen Gura  
Deputy Associate General Counsel

  
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Jeff S. Jordan  
Assistant General Counsel

  
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Kristina M. Portner  
Attorney