

**FEDERAL ELECTION COMMISSION**  
**FIRST GENERAL COUNSEL'S REPORT**

**MUR 7632**

DATE FILED: August 5, 2019

DATE OF NOTIFICATION: August 9 and 12, 2019

LAST RESPONSE RECEIVED: September 16, 2019

DATE ACTIVATED: November 22, 2019

**EXPIRATION OF SOL:**

September 20, 2023 (earliest)

January 31, 2024 (latest)

**ELECTION CYCLE:** 2018**COMPLAINANT:**Campaign for Accountability  
Alice C.C. Huling**RESPONDENTS:**Susan B. Anthony List Inc. Candidate Fund and  
Jennifer Gross in her official capacity as treasurer  
Robert J. Kania II  
The Lukens Company**RELEVANT STATUTES  
AND REGULATIONS:**

52 U.S.C. § 30104(b)

52 U.S.C. § 30118(a)

11 C.F.R. § 116.3

**INTERNAL REPORTS CHECKED:** Disclosure Reports**FEDERAL AGENCIES CHECKED:** None**I. INTRODUCTION**

The Complaint alleges that Susan B. Anthony List Inc. Candidate Fund (“Committee”), a separate segregated fund of Susan B. Anthony List Inc.,<sup>1</sup> filed disclosure reports falsely disclosing disbursements to a vendor, The Lukens Company (“Lukens”), at a time when the Committee had not yet paid the vendor, in violation of the Federal Election Campaign Act of

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<sup>1</sup> See Committee Amended Statement of Organization at 2, 3 (May 7, 2019).

1 1971, as amended (the “Act”).<sup>2</sup> As a result, the Complaint alleges, the Committee overstated its  
2 total disbursements and understated its cash-on-hand on its disclosure reports, and, because the  
3 Committee disclosed the unpaid amount as an unsecured loan from Lukens, the Committee  
4 accepted an impermissible corporate contribution from Lukens. Respondents acknowledge the  
5 reporting errors but state that the Committee promptly corrected the errors by amending  
6 disclosure reports after the Commission brought the errors to the Committee’s attention.<sup>3</sup> As set  
7 forth below, we recommend that the Commission dismiss the allegations and issue letters of  
8 caution to the Respondents and close the file.

## 9 II. DISCUSSION

10 The Committee filed 24-hour independent expenditure reports for mailers supporting  
11 federal candidates, and also reported them on Schedule E of the Committee’s 2018 September  
12 and October Monthly Reports, disclosing expenditures of \$17,326.62 on August 17, 2018, and  
13 \$24,154.26 on September 10, 2018.<sup>4</sup> The Committee then disclosed the receipt of a no-interest  
14 unsecured loan of \$68,988.94 from Lukens on October 15, 2018, which included the  
15 Committee’s independent expenditures of \$41,480.88 in August and September 2018.<sup>5</sup> The  
16 Committee’s 2018 Year-End Report disclosed the loan twice on Schedule C, reflecting it once as

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<sup>2</sup> Compl. at 3, 4 (Aug. 5, 2019).

<sup>3</sup> All Respondents filed a joint response to the Complaint (“Joint Resp.”).

<sup>4</sup> See Committee 2018 September Monthly Report at 114, 115 (Sept. 20, 2018); Committee 2018 October Monthly Report at 480, 481 (Oct. 19, 2018).

<sup>5</sup> See Committee 2018 Pre-General Report at 373 (Oct. 25, 2018); Compl. at 5; Joint Resp. at 3. The remaining amount of \$27,508 included in this loan comprises other independent expenditures disclosed on the Committee’s 2018 Pre-General Report. See Committee 2018 Pre-General Report at 377-79.

1 a positive figure and then as a negative figure.<sup>6</sup> Robert J. Kania, II, was the Committee treasurer  
2 at the time of the reports mentioned above.<sup>7</sup>

3 On April 4, 2019, the Commission's Reports Analysis Division ("RAD") sent the  
4 Committee a Request for Additional Information ("RFAI") stating that the loan disclosed on the  
5 Committee's 2018 Pre-General Report appeared to be a corporate contribution. On May 7, 2019,  
6 RAD sent the Committee an RFAI concerning the 2018 Year-End Report's disclosure of this  
7 loan. On June 10, 2019, the Committee filed an amended 2018 Pre-General Report disclosing a  
8 \$68,988.94 debt to Lukens and an amended 2018 Year-End Report disclosing the Committee's  
9 payment of the debt on November 29, 2018.<sup>8</sup> On the same date, the Committee also filed  
10 amended 2018 September and October Monthly Reports adjusting the independent expenditure  
11 disbursements and cash-on-hand to reflect the debt.<sup>9</sup> RAD reviewed the amended reports, which  
12 they deemed satisfactory, and did not refer the Committee's reporting errors to the Office of  
13 General Counsel. On August 5, 2019, the Complainant filed the Complaint in this matter.

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<sup>6</sup> Committee 2018 Year-End Report at 13, 14 (Jan. 31, 2019). The Committee also reported this loan on Schedule A as a negative figure with the memo notation "paid bill." *Id.* at 8.

<sup>7</sup> See Committee Statement of Organization (Jan. 31, 2013). The Committee named Jennifer Gross as treasurer on May 7, 2019. See Committee Amended Statement of Organization (May 7, 2019).

<sup>8</sup> See Committee Amended 2018 Pre-General Report at 372 (June 10, 2019) and Committee Amended 2018 Year-End Report at 12 (June 10, 2019).

<sup>9</sup> See Committee Amended 2018 September Monthly Report at 2, 4 (June 10, 2019); Committee Amended 2018 October Monthly Report at 2, 4 (June 10, 2019) (for each report, disclosing disbursements decreased and cash-on-hand increased by the amount of the independent expenditures not yet paid).

1            Respondents acknowledge that the Committee failed to disclose that it owed Lukens for  
 2    services provided and that the Committee misidentified the debt owed to Lukens as a loan.<sup>11</sup>  
 3    Respondents assert that the Committee did not knowingly file false reports, and it immediately  
 4    corrected its reports after RAD notified it of the reporting problems.<sup>12</sup> Respondents also assert  
 5    that Lukens extended credit to the Committee for the production and distribution of its mailers  
 6    consistent with Lukens' standard business practice and Lukens' customary payment period is  
 7    within the normal industry practice.<sup>13</sup> Thus, Respondents assert that Lukens' extension of credit  
 8    does not constitute an illegal in-kind corporate contribution.<sup>14</sup>

9            The Act requires committee treasurers to file reports of receipts and disbursements in  
 10    accordance with the provisions of 52 U.S.C. § 30104.<sup>15</sup> Each disclosure report shall disclose the  
 11    amount and nature of outstanding debts and obligations owed by or to such political  
 12    committee.<sup>16</sup> A debt or obligation, including a loan, written contract, written promise or written  
 13    agreement, to make an expenditure, the amount of which is over \$500 shall be reported as of the  
 14    date on which it is incurred.<sup>17</sup>

15            Corporations are prohibited from making contributions to a separate segregated fund, and  
 16    it is also unlawful for a separate segregated fund to knowingly accept or receive a contribution

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<sup>11</sup>        Joint Resp. at 1, 2.

<sup>12</sup>        *Id.* at 1.

<sup>13</sup>        *Id.* at 1, 2.

<sup>14</sup>        *Id.* at 2.

<sup>15</sup>        52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

<sup>16</sup>        52 U.S.C. § 30104(b)(8).

<sup>17</sup>        11 C.F.R. § 104.11(b).

1 prohibited by section 30118(a).<sup>18</sup> A corporation in its capacity as a commercial vendor may  
2 extend credit to a candidate, a political committee or another person on behalf of a candidate or  
3 political committee provided the credit is extended in the ordinary course of the corporation's  
4 business and the terms are substantially similar to extension of credit to nonpolitical debtors that  
5 are similar size and size of obligation.<sup>19</sup>

6 Although the Committee disclosed disbursements that had not yet been paid and  
7 disclosed debt to a vendor as a loan, we recommend the Commission dismiss the reporting  
8 allegations. The activity was disclosed, albeit incorrectly, the Committee corrected its reports in  
9 response to RFAs, the Complaint was filed after the Committee amended its reports, and RAD  
10 has not referred the Committee to the Office of General Counsel for potential enforcement  
11 action. As to the potential corporate contribution, Respondents assert that it is standard practice  
12 in Lukens' industry to be paid up to three months after services have been provided, supported  
13 by sworn statements regarding the "factual statements" in the response.<sup>20</sup> Respondents,  
14 however, did not provide the Lukens invoice the Committee received or any other documentation  
15 regarding the relationship between Lukens and the Committee, or information regarding any  
16 other client. Respondents also assert that Lukens was a longtime vendor of the Committee,  
17 which is supported by a Committee disclosure report from an earlier election cycle and by

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<sup>18</sup> 52 U.S.C. § 30118(a).

<sup>19</sup> 11 C.F.R. § 116.3(b). *See* 11 C.F.R. § 116.3(c) (criteria used to determine whether credit is extended in the ordinary course of business).

<sup>20</sup> Joint Resp. at 2-3. The sworn declarations are from Jennifer Gross, the current Committee treasurer, Robert J. Kania II, treasurer at the time of the activity, and Seth Colton, a Lukens representative, consisting of one sentence stating that the factual statements in the Response regarding the Committee, Kania, and Lukens, respectively, are true and correct. *Id.* at 5-7.

1 disclosure reports by the Committee's connected organization over several election cycles.<sup>21</sup> We  
 2 are aware of no information contradicting Respondents' assertions. Under these particular  
 3 circumstances, we do not believe it is worth the expenditure of additional Commission resources  
 4 to investigate this matter, even though Respondents have not provided information fully  
 5 satisfying the conditions under which a commercial vendor may extend credit to a political  
 6 committee.<sup>22</sup> Accordingly, we recommend that the Commission exercise its prosecutorial  
 7 discretion and dismiss the allegations that the Committee violated 52 U.S.C. §§ 30104(b)  
 8 and 30118(a) and that Lukens violated 52 U.S.C. § 30118(a) and issue letters of caution to  
 9 Respondents.<sup>23</sup>

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<sup>21</sup> The Committee disclosed payments to Lukens for independent expenditures regarding several federal candidates in 2008. *See* Committee 2008 Post-General Report at 867-71 (Dec. 4, 2008). Susan B. Anthony List, Inc., the Committee's connected organization, made payments to Lukens for independent expenditures for federal candidates during the 2012, 2014 and 2016 election cycles. *See, e.g.*, Susan B. Anthony List, Inc. (Form 5 Filer) Amended 2012 Year-End Report at 116-18 (May 1, 2013), 2014 Year-End Report at 6-7 (Jan. 30, 2015).

<sup>22</sup> *See Heckler v. Chaney*, 470 U.S. 821 (1985). In a previous matter, the Commission found no reason to believe where the respondent vendor provided a detailed sworn declaration and supporting documentation in support of its claim that it extended credit in the ordinary course of business. *See* MUR 6141 (Friends of David Reichert). Conversely, in MUR 6101 (Heller for Congress), the Commission found reason to believe that credit was not extended in the ordinary course of business or on similar terms as given to nonpolitical clients because most of the vendors did not respond to the complaint, the amount of credit extended was over \$250,000 and the debt had been outstanding for two years. After an investigation, the Commission took no further action. *See* Certification in MUR 6101 (Heller for Congress) (July 16, 2010). Recently, in MUR 7343 (Highway 31), the Commission found reason to believe that the committee failed to report contributions in violation of 52 U.S.C. § 30104(b)(3)(A) regarding vendors' extensions of credit. *See* Factual and Legal Analysis at 7-11, MUR 7343 (Highway 31). Highway 31, a newly formed committee with no apparent money or assets, received extensions of credit over \$1 million before it received any contributions, had no prior relationships with any vendors, and did not submit affidavits, written agreements or other documents to support its contentions that the vendors acted in their ordinary course of business.

<sup>23</sup> As to Robert J. Kania II, the Complaint designates him as a respondent in his individual capacity and as former treasurer of the Committee. Compl. at 1. The available information does not warrant an enforcement action against Robert Kania II in his individual capacity. *See* Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 1 (Jan. 3, 2005). The Commission generally designates the current treasurer as a respondent in their official capacity, and Jennifer Gross, the current Committee treasurer, has been so designated here. Thus, we recommend that the Commission find no reason to believe that Kania violated the Act.

**III. RECOMMENDATIONS**


1. Dismiss the allegation that Susan B. Anthony List Inc. Candidate Fund and Jennifer Gross in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b) and 30118(a) and issue a letter of caution;
2. Dismiss the allegation that The Lukens Company violated 52 U.S.C. § 30118(a) and issue a letter of caution;
3. Find no reason to believe that Robert J. Kania II violated the Act;
4. Approve the attached Factual and Legal Analysis;
5. Approve the appropriate letters; and
6. Close the file.

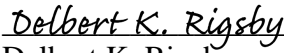
Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel for Enforcement

02.20.20  
Date

  
Stephen Gura  
Deputy Associate General Counsel for Enforcement

  
Mark Allen  
Assistant General Counsel

  
Delbert K. Rigsby  
Attorney

Attachment  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Susan B. Anthony List Inc. Candidate Fund and  
Jennifer Gross in her official capacity as treasurer  
Robert J. Kania II  
The Lukens Company

MUR 7632

**I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission by Campaign for Accountability and Alice C.C. Huling. The Complaint alleges that Susan B. Anthony List Inc. Candidate Fund (“Committee”), a separate segregated fund of Susan B. Anthony List Inc.,<sup>1</sup> filed disclosure reports falsely disclosing disbursements to a vendor, The Lukens Company (“Lukens”), at a time when the Committee had not yet paid the vendor, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>2</sup> As a result, the Complaint alleges, the Committee overstated its total disbursements and understated its cash-on-hand on its disclosure reports, and, because the Committee disclosed the unpaid amount as an unsecured loan from Lukens, the Committee accepted an impermissible corporate contribution from Lukens. Respondents acknowledge the reporting errors but state that the Committee promptly corrected the errors by amending disclosure reports after the Commission brought the errors to the Committee’s attention.<sup>3</sup> As set forth below, the Commission dismisses the allegations.

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<sup>1</sup> See Committee Amended Statement of Organization at 2, 3 (May 7, 2019).

<sup>2</sup> Compl. at 3, 4 (Aug. 5, 2019).

<sup>3</sup> All Respondents filed a joint response to the Complaint (“Joint Resp.”).



## II. DISCUSSION

The Committee filed 24-hour independent expenditure reports for mailers supporting federal candidates, and also reported them on Schedule E of the Committee's 2018 September and October Monthly Reports, disclosing expenditures of \$17,326.62 on August 17, 2018, and \$24,154.26 on September 10, 2018.<sup>4</sup> The Committee then disclosed the receipt of a no-interest unsecured loan of \$68,988.94 from Lukens on October 15, 2018, which included the Committee's independent expenditures of \$41,480.88 in August and September 2018.<sup>5</sup> The Committee's 2018 Year-End Report disclosed the loan twice on Schedule C, reflecting it once as a positive figure and then as a negative figure.<sup>6</sup> Robert J. Kania, II, was the Committee treasurer at the time of the reports mentioned above.<sup>7</sup>

On April 4, 2019, the Commission's Reports Analysis Division ("RAD") sent the Committee a Request for Additional Information ("RFAI") stating that the loan disclosed on the Committee's 2018 Pre-General Report appeared to be a corporate contribution. On May 7, 2019, RAD sent the Committee an RFAI concerning the 2018 Year-End Report's disclosure of this loan. On June 10, 2019, the Committee filed an amended 2018 Pre-General Report disclosing a \$68,988.94 debt to Lukens and an amended 2018 Year-End Report disclosing the Committee's

<sup>4</sup> See Committee 2018 September Monthly Report at 114, 115 (Sept. 20, 2018); Committee 2018 October Monthly Report at 480, 481 (Oct. 19, 2018).

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<sup>6</sup> Committee 2018 Year-End Report at 13, 14 (Jan. 31, 2019). The Committee also reported this loan on Schedule A as a negative figure with the memo notation "paid bill." *Id.* at 8.

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1 payment of the debt on November 29, 2018.<sup>8</sup> On the same date, the Committee also filed  
 2 amended 2018 September and October Monthly Reports adjusting the independent expenditure  
 3 disbursements and cash-on-hand to reflect the debt.<sup>9</sup> RAD reviewed the amended reports, which  
 4 they deemed satisfactory, and did not refer the Committee's reporting errors to the Office of  
 5 General Counsel. On August 5, 2019, the Complainant filed the Complaint in this matter.

6 Respondents acknowledge that the Committee failed to disclose that it owed Lukens for  
 7 services provided and that the Committee misidentified the debt owed to Lukens as a loan.<sup>10</sup>  
 8 Respondents assert that the Committee did not knowingly file false reports, and it immediately  
 9 corrected its reports after RAD notified it of the reporting problems.<sup>11</sup> Respondents also assert  
 10 that Lukens extended credit to the Committee for the production and distribution of its mailers  
 11 consistent with Lukens' standard business practice and Lukens' customary payment period is  
 12 within the normal industry practice.<sup>12</sup> Thus, Respondents assert that Lukens' extension of credit  
 13 does not constitute an illegal in-kind corporate contribution.<sup>13</sup>

14 The Act requires committee treasurers to file reports of receipts and disbursements in  
 15 accordance with the provisions of 52 U.S.C. § 30104.<sup>14</sup> Each disclosure report shall disclose the

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<sup>8</sup> See Committee Amended 2018 Pre-General Report at 372 (June 10, 2019) and Committee Amended 2018 Year-End Report at 12 (June 10, 2019).

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<sup>10</sup> Joint Resp. at 1, 2.

<sup>11</sup> *Id.* at 1.

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<sup>14</sup> 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

amount and nature of outstanding debts and obligations owed by or to such political committee.<sup>15</sup> A debt or obligation, including a loan, written contract, written promise or written agreement, to make an expenditure, the amount of which is over \$500 shall be reported as of the date on which it is incurred.<sup>16</sup>

Corporations are prohibited from making contributions to a separate segregated fund, and it is also unlawful for a separate segregated fund to knowingly accept or receive a contribution prohibited by section 30118(a).<sup>17</sup> A corporation in its capacity as a commercial vendor may extend credit to a candidate, a political committee or another person on behalf of a candidate or political committee provided the credit is extended in the ordinary course of the corporation's business and the terms are substantially similar to extension of credit to nonpolitical debtors that are similar size and size of obligation.<sup>18</sup>

Although the Committee disclosed disbursements that had not yet been paid and disclosed debt to a vendor as a loan, the Commission dismisses the reporting allegations. The activity was disclosed, albeit incorrectly, the Committee corrected its reports in response to RFAIs, the Complaint was filed after the Committee amended its reports, and RAD has not referred the Committee to the Office of General Counsel for potential enforcement action. As to the potential corporate contribution, Respondents assert that it is standard practice in Lukens' industry to be paid up to three months after services have been provided, supported by sworn

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<sup>15</sup> 52 U.S.C. § 30104(b)(8).

<sup>16</sup> 11 C.F.R. § 104.11(b).

<sup>17</sup> 52 U.S.C. § 30118(a).

<sup>18</sup> 11 C.F.R. § 116.3(b). *See* 11 C.F.R. § 116.3(c) (criteria used to determine whether credit is extended in the ordinary course of business).

1 statements regarding the “factual statements” in the response.<sup>19</sup> Respondents, however, did not  
2 provide the Lukens invoice the Committee received or any other documentation regarding the  
3 relationship between Lukens and the Committee, or information regarding any other client.  
4 Respondents also assert that Lukens was a longtime vendor of the Committee, which is  
5 supported by a Committee disclosure report from an earlier election cycle and by disclosure  
6 reports by the Committee’s connected organization over several election cycles.<sup>20</sup> The  
7 Commission is aware of no information contradicting Respondents’ assertions. Under these  
8 particular circumstances, the Commission does not believe it is worth the expenditure of  
9 additional Commission resources to investigate this matter, even though Respondents have not  
10 provided information fully satisfying the conditions under which a commercial vendor may  
11 extend credit to a political committee.<sup>21</sup> Accordingly, the Commission exercises its prosecutorial

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<sup>19</sup> Joint Resp. at 2-3. The sworn declarations are from Jennifer Gross, the current Committee treasurer, Robert J. Kania II, treasurer at the time of the activity, and Seth Colton, a Lukens representative, consisting of one sentence stating that the factual statements in the Response regarding the Committee, Kania, and Lukens, respectively, are true and correct. *Id.* at 5-7.

<sup>20</sup> The Committee disclosed payments to Lukens for independent expenditures regarding several federal candidates in 2008. *See* Committee 2008 Post-General Report at 867-71 (Dec. 4, 2008). Susan B. Anthony List, Inc., the Committee’s connected organization, made payments to Lukens for independent expenditures for federal candidates during the 2012, 2014 and 2016 election cycles. *See, e.g.*, Susan B. Anthony List, Inc. (Form 5 Filer) Amended 2012 Year-End Report at 116-18 (May 1, 2013), 2014 Year-End Report at 6-7 (Jan. 30, 2015).

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- 1 discretion and dismisses the allegations that the Committee violated 52 U.S.C. §§ 30104(b)
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<sup>22</sup> As to Robert J. Kania II, the Complaint designates him as a respondent in his individual capacity and as former treasurer of the Committee. Compl. at 1. The available information does not warrant an enforcement action against Robert Kania II in his individual capacity. *See* Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 1 (Jan. 3, 2005). The Commission generally designates the current treasurer as a respondent in their official capacity, and Jennifer Gross, the current Committee treasurer, has been so designated here. Thus, the Commission finds that there is no reason to believe that Kania violated the Act.

**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Susan B. Anthony List Inc. Candidate Fund and MUR 7632  
Jennifer Gross in her official capacity as treasurer  
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**I. INTRODUCTION**

The Complaint in this matter alleges that Susan B. Anthony List Inc. Candidate Fund (“Committee”), a separate segregated fund of Susan B. Anthony List Inc.,<sup>1</sup> filed disclosure reports falsely disclosing disbursements to a vendor, The Lukens Company (“Lukens”), at a time when the Committee had not yet paid the vendor, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>2</sup> As a result, the Complaint alleges, the Committee overstated its total disbursements and understated its cash-on-hand on its disclosure reports, and, because the Committee disclosed the unpaid amount as an unsecured loan from Lukens, the Committee accepted an impermissible corporate contribution from Lukens. Respondents acknowledge the reporting errors but state that the Committee promptly corrected the errors by amending disclosure reports after the Commission brought the errors to the Committee’s attention.<sup>3</sup> As set forth below, the Commission dismisses the allegations.

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<sup>1</sup> See Committee Amended Statement of Organization at 2, 3 (May 7, 2019).

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 11 are of similar risk and size of obligation.<sup>18</sup>

12 Although the Committee disclosed disbursements that had not yet been paid and  
 13 disclosed debt to a vendor as a loan, the Commission dismisses the reporting allegations. The  
 14 activity was disclosed, albeit incorrectly, the Committee corrected its reports in response to  
 15 RFAs, the Complaint was filed after the Committee amended its reports, and RAD has not  
 16 referred the Committee to the Office of General Counsel for potential enforcement action. As to  
 17 the potential corporate contribution, Respondents assert that it is standard practice in Lukens'  
 18 industry to be paid up to three months after services have been provided, supported by sworn

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<sup>15</sup> 52 U.S.C. § 30104(b)(8).

<sup>16</sup> 11 C.F.R. § 104.11(b).

<sup>17</sup> 52 U.S.C. § 30118(a).

<sup>18</sup> 11 C.F.R. § 116.3(b). *See* 11 C.F.R. § 116.3(c) (criteria used to determine whether credit is extended in the ordinary course of business).

1 statements regarding the “factual statements” in the response.<sup>19</sup> Respondents also assert that  
2 Lukens was a longtime vendor of the Committee, which is supported by a Committee disclosure  
3 report from an earlier election cycle and by disclosure reports by the Committee’s connected  
4 organization over several election cycles.<sup>20</sup> The Commission is aware of no information  
5 contradicting Respondents’ assertions. Under these particular circumstances, the Commission  
6 does not believe it is worth the expenditure of additional Commission resources to investigate  
7 this matter.<sup>21</sup> Accordingly, the Commission exercises its prosecutorial

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<sup>19</sup> Joint Resp. at 2-3. The sworn declarations are from Jennifer Gross, the current Committee treasurer, Robert J. Kania II, treasurer at the time of the activity, and Seth Colton, a Lukens representative, consisting of one sentence stating that the factual statements in the Response regarding the Committee, Kania, and Lukens, respectively, are true and correct. *Id.* at 5-7.

<sup>20</sup> The Committee disclosed payments to Lukens for independent expenditures regarding several federal candidates in 2008. *See* Committee 2008 Post-General Report at 867-71 (Dec. 4, 2008). Susan B. Anthony List, Inc., the Committee’s connected organization, made payments to Lukens for independent expenditures for federal candidates during the 2012, 2014 and 2016 election cycles. *See, e.g.*, Susan B. Anthony List, Inc. (Form 5 Filer) Amended 2012 Year-End Report at 116-18 (May 1, 2013), 2014 Year-End Report at 6-7 (Jan. 30, 2015).

<sup>21</sup> *See Heckler v. Chaney*, 470 U.S. 821 (1985).

- 1 discretion and dismisses the allegations that the Committee violated 52 U.S.C. §§ 30104(b)
- 2 and 30118(a) and that Lukens violated 52 U.S.C. § 30118(a).<sup>22</sup>

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<sup>22</sup> As to Robert J. Kania II, the Complaint designates him as a respondent in his individual capacity and as former treasurer of the Committee. Compl. at 1. The available information does not warrant an enforcement action against Robert Kania II in his individual capacity. *See* Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 1 (Jan. 3, 2005). The Commission generally designates the current treasurer as a respondent in their official capacity, and Jennifer Gross, the current Committee treasurer, has been so designated here. Thus, the Commission finds that there is no reason to believe that Kania violated the Act.