



FEDERAL ELECTION COMMISSION  
Washington, DC

**VIA ELECTRONIC AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

[chris@electioncfo.com](mailto:chris@electioncfo.com)  
Chris Marston

April 20, 2021

Alexandria, VA 22314

RE: MUR 7671

Dear Mr. Marston:

The Federal Election Commission reviewed the allegations in your complaint received on December 16, 2021. On April 15, 2021, 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 Big Tent Republican PAC and Kerstin Schulz, in her official capacity as treasurer, Lacy Johnson for Congress and Thomas Charles Datwyler, in his official capacity as treasurer, and Anton Lazzaro, and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 15, 2021. 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 "J. Jordan", with a long horizontal stroke extending to the right.

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR:** 7671

**Respondent:** Big Tent Republicans PAC  
and Kerstin Schulz, as treasurer  
Lacy Johnson for Congress  
and Thomas Charles Datwyler, as treasurer  
Anton Lazzaro

**Complaint Receipt Date:** December 13, 2019

**Response Date:** March 9, 2020

**Alleged Statutory/** 52 U.S.C. §§ 30103(b), 30104(a)  
**Regulatory Violations:** 11 C.F.R. §§ 102.2(b), 102.5, 102.17, 104.3(a), (b), 109.20

The Complaint alleges an improper relationship between Big Tent Republicans PAC (the “PAC”) and Lacy Johnson for Congress (the “Committee”), and alleges that a transfer of \$6,049.73 from the Committee to the PAC may have constituted an excessive contribution.<sup>1</sup> The Complaint further alleges that the PAC and the Committee may be coordinating their activities as the President of Big Tent Republicans also identifies as Lacy Johnson's volunteer campaign manager.<sup>2</sup> Finally, the Complaint alleges that the PAC may have violated the Act by improperly amending its Form 1 to identify as a nonconnected committee.<sup>3</sup> The Respondents assert that the transfer at issue was made for a permissible purpose as part of a joint fundraising agreement, that there is no coordination of activities between the PAC and the Committee outside of the permissible activity of participating in a joint fundraiser, and that the PAC did not violate the Act when it filed its amended Form 1.<sup>4</sup>

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<sup>1</sup> Compl. at 1-3 (December 13, 2019).

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

<sup>3</sup> *Id.* at 3.

<sup>4</sup> Resp. at 1-2 (March 9, 2020). The Response attaches a separate letter to the Commission’s Reports Analysis Division, asserting that the PAC is not a leadership PAC for Lacy Johnson, but is a nonconnected federal PAC engaged

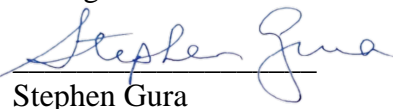
1           Based on its experience and expertise, the Commission has established an Enforcement  
2 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
3 assess whether particular matters warrant further administrative enforcement proceedings. These  
4 criteria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

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14 Lisa J. Stevenson  
15 Acting General Counsel  
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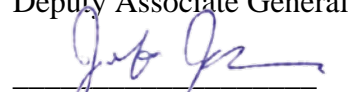
17 Charles Kitcher  
18 Acting Associate General Counsel  
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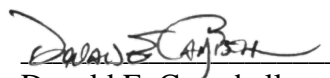
20           05.15.20  
21 Date

BY:

  
Stephen Gura

Deputy Associate General Counsel

  
Jeff S. Jordan  
Assistant General Counsel

  
Donald E. Campbell  
Attorney

with Lacy Johnson for Congress in a joint fundraiser. *Id.* at 11; see Big Tent Republicans Miscellaneous Report TO  
FEC 2019 (Form 99) (December 6, 2019).

<sup>5</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).