

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7694

Respondents: Urbina for Congress
and Andres Urbina, as Treasurer,
Briana Urbina

Complaint Receipt Date: February 10, 2020

Response Date: February 26, 2020

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. §§ 30104(b)(8), 30114(b)
11 C.F.R. §§ 104.11, 113.1(g)**

The Complaint alleges that Briana Urbina (“Urbina”) used Urbina for Congress (“Committee”) funds for personal use and that the Committee failed to accurately report debts and payments to Complainant.¹ In particular, Complainant alleges that (1) Urbina used Committee funds to rent a dress from Rent the Runway and then concealed the payment in the Committee’s disclosure reports, (2) the Committee failed to report debts it owed him on the Committee’s quarterly reports and that the Committee falsely reported that it had paid him \$625 that he never received, and (3) the Committee forged his signature on the Committee’s quarterly reports.²

Respondents deny each of the allegations.³ In particular, Respondents assert that (1) Urbina paid for the dress rental herself, and provided documents to support this assertion, (2) the Committee eliminated debts owed to the Complainant in the Committee’s disclosure reports because of Complainant’s tortious conduct, which is the subject of a lawsuit brought by the Committee, and (3) the Committee did not forge Complainant’s signature in its filings.⁴

¹ Compl. at 2 (Feb. 10, 2020).

² *Id.*

³ Resp. at 1 (Feb. 26, 2020).

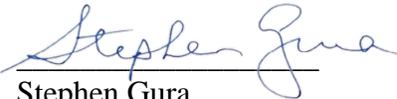
⁴ *Id.* The Committee’s Amended 2019 July Quarterly Report and its 2019 October Quarterly Report bear a signature with the Complainant’s name, but appear to have been filed after Complainant was no longer working for the Committee.

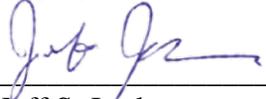
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the 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 documents Respondents provided regarding the personal use allegation, the modest amount at issue in the reporting allegations, and the fact that the matter appears to relate largely to a personal business dispute, 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 as to all respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

08.27.20
Date

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