FEDERAL ELECTION COMMISSION
Washington, DC

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

February 25, 2021

Gerald Freda

Inverness, IL 60067

RE: MUR 7706

Dear Mr. Freda:

The Federal Election Commission reviewed the allegations in your complaint received on February 20, 2020. On February 17, 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 Jeanne for Congress and Michael Radencich, in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on February 17, 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

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**
**DISMISSAL REPORT**

**MUR:** MUR 7706

**Respondent:** Jeanne for Congress and Michael Radencich, as treasurer (the "Committee")

**Complaint Receipt Date:** February 20, 2020
**Response Date:** April 8, 2020

**Alleged Statutory/ Regulatory Violations:** **52 U.S.C. §§ 30116(a)(1), (f); 30125(e)(1)**
**11 C.F.R. §§ 110.1(b); 110.9; 300.61**

The Complaint alleges that the Committee distributed a mailer during the 2019-2020 election cycle that solicited contributions in amounts up to $80,000, far in excess of the limitations of the Federal Election Campaign Act of 1971, as amended (the "Act").[1] According to the Complaint, a Committee spokesperson admitted that the excessive solicitation had been made and acknowledged that the Committee received excessive contributions, but explained that the solicitation was the result of a vendor "typo," and all excessive amounts were refunded.[2] The Response asserts that the improper solicitation occurred once, on the campaign's first mail piece, and it was distributed to a small number of individuals.[3] The Response acknowledges that the Committee received apparently excessive contributions, but only one was the direct result of the

[1] Compl. at 1-4 (Feb. 20, 2020). Jeanne for Congress is the principal campaign committee for Jeanne Ives, a candidate for Illinois' 6th Congressional District in the 2020 general election. Ives is a first-time federal candidate, and former member of the Illinois House of Representatives.

[2] *Id*. We do not know when the solicitations were mailed, although the Complaint cites a newspaper article dated January 17, 2020, which referred to the solicitation at issue. *Id*. at 2. For the 2019-2020 election cycle, the contribution limit is $2,800 per election for an individual to a candidate committee. *See* 52 U.S.C. § 30116(a)(1); 11 C.F.R. § 110.1(b); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2504, 2506 (Feb. 7, 2019).

[3] Resp. at 1 (Apr. 08, 2020). Respondent maintains that of the approximately 8,686 solicitations the vendor prepared, only 55 people received a solicitation with two suggested amounts that each exceeded the combined primary and general contribution limits of $5,600, and only 15 people received a solicitation where each of the three suggested contributions exceeded $5,600. *Id.*

solicitation at issue, and it refunded all excessive contributions it received.[4] Specifically, the Committee states it refunded the contribution received following the solicitation within six business days, and thus did not knowingly accept excessive contributions.[5] Finally, the Response asserts that the Committee has taken steps to prevent future improper solicitations.[6]

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 relatively small number of mailers sent, the Respondent's swift remedial steps, including issuing prompt refunds and terminating the vendor, we recommend that the Commission dismiss the

[4] *Id*. at 1-2. The Response explains that the excessive contribution received after the solicitation was from a donor who had given more than $50,000 to Ives's state campaign and mistakenly believed that there were no federal contribution limits. *Id*. at 1, 3. The Committee's reports largely corroborate this explanation and show that the Committee refunded excessive contributions from that donor and his wife six business days after receipt, and over four months before the complaint was filed. *See* Jeanne for Congress 2019 October Quarterly Report of Receipts and Disbursements at 68-69 (October 15, 2019) and Jeanne for Congress 2019 Year-End Report of Receipts and Disbursements at 238 (January 31, 2020); Jeanne for Congress 2020 12-Day Pre-Primary Report of Receipts and Disbursements at 259 (March 5, 2020). The Committee's reports also show timely refunds of other improper contributions. *See* Jeanne for Congress 2019 October Quarterly Report of Receipts and Disbursements at 114, Jeanne for Congress 2019 Year-End Report of Receipts and Disbursements at 238-39, Jeanne for Congress 2020 Pre-Primary Report of Receipts and Disbursements at 259-60, Jeanne for Congress Amended 2020 April Quarterly Report of Receipts and Disbursements at 5, 19, 70, 91 (June 8, 2020), Jeanne for Congress 2020 July Quarterly Report of Receipts and Disbursements at 285, 349, 514-16 (July 15, 2020), Jeanne for Congress 2020 October Quarterly Report of Receipts and Disbursements at 5, 344, 545, 710, 770, 788, 960, 976, 980, 981, 1234-1239 (October 15, 2020).

[5] Resp. at 1-4.

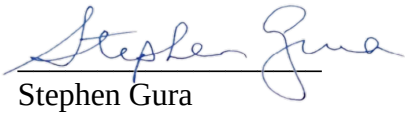
[6] *Id*. at 2-3. The Committee states it immediately stopped using the vendor, and that it reviews all new solicitations to ensure they are in compliance with the Act.

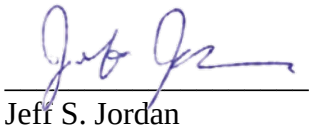
Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.[7] We also recommend that the Commission close the file as to all respondents.

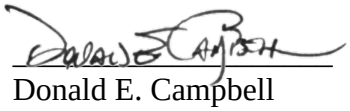
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

10.23.20
Date

BY: 
Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

[7] *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). *Cf.* MUR 7048 (Cruz for President) (Conciliating soft money violation involving solicitation by candidate's agent during candidate's fundraiser for unlimited contributions to an independent-expenditure-only political committee that had representative and a table set up at the fundraiser). Here, only 55 of the Committee's mailers sought excessive contributions to the candidate, the Committee timely refunded the excessive contributions, and it took prompt remedial steps to avoid recurrence.