



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 25, 2021

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Theresa Thibodeau

Omaha, NE 68154

RE: MUR 7711

Dear Ms. Thibodeau:

The Federal Election Commission reviewed the allegations in your complaint received on March 2, 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 Matt Innis for U.S. Senate, Inc. and Scott Rediger 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* 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: 7711

Respondents: Matt Innis for U.S. Senate, Inc.
and Scott Rediger, as Treasurer
("Committee")

Complaint Receipt Date: March 2, 2020

Response Date: April 14, 2020

EPS Rating: ■

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)(5)(A), (8)
11 C.F.R. §§ 104.3(b)(4), 104.11**

The Complaint alleges that the Committee failed to report \$457 in disbursements for Facebook advertisements between August 2019 and December 2019.¹ The Response asserts that its vendor has charged the Committee for digital media services, including the Facebook ads, and that the debt is reported on its disclosure reports as printing because the majority of the invoice is for printing expenses.²

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, and the

¹ Compl. at 1-2 (Mar. 2, 2020).

² Resp. at 1 (Apr. 14, 2020). The Committee notes that the \$457 disbursement to Facebook for digital content represents 1.87% of its total costs (*i.e.*, \$24,381.16) incurred to its vendor, Transformation Marketing. *Id.* at 1-2

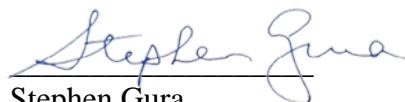
modest amount at issue, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

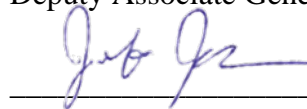
Lisa J. Stevenson
Acting General Counsel

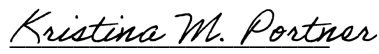
Charles Kitcher
Acting Associate General Counsel

08.10.20
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Kristina M. Portner
Attorney