



FEDERAL ELECTION COMMISSION  
Washington, DC

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

[gregf@hitesforcongress.com](mailto:gregf@hitesforcongress.com)  
Gregory Fournier

February 25, 2021

Celebration, FL 34747

RE: MUR 7725

Dear Mr. Fournier:

The Federal Election Commission reviewed the allegations in your complaint received on April 8, 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 Caesar Gonzales for Congress and Jessika Walker, in her 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

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:** MUR 7725

**Respondents:** Caesar Gonzales for Congress  
and Jessika Walker, as treasurer  
(the “Committee”)  
Caesar Gonzales

**Complaint Receipt Date:** April 8, 2020

**Response Date:** April 21, 2020

**Alleged Statutory/  
Regulatory Violations:**

**52 U.S.C. §§ 30101(2), 30120  
11 C.F.R. §§ 100.3, 110.11**

The Complaint alleges that the Committee failed to include a disclaimer on the campaign's lawn signs.<sup>1</sup> The Complaint also asserts that Gonzales failed to file a Statement of Candidacy after he became a candidate.<sup>2</sup> Respondents state Gonzales filed a Statement of Candidacy and the Committee filed a Statement of Organization on or about March 9, 2020.<sup>3</sup> Respondents acknowledge that the original lawn signs did not contain a disclaimer, but assert that Respondents immediately corrected the signs once Gonzales realized the error.<sup>4</sup>

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

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<sup>1</sup> Compl. at 1 (Apr. 8, 2020). Gonzales was a Republican primary candidate for U.S. Representative in Georgia's 13th Congressional District. He lost in the Republican primary on June 9, 2020 with 31.4% of the vote.

<sup>2</sup> *Id.* at 5. The Complaint asserts Gonzales met the \$5,000 candidacy threshold by paying a \$5,250 filing fee on March 4, 2020. *Id.*

<sup>3</sup> Resp. at 1 (Apr. 21, 2020). See Caesar Gonzales Form 2 Statement of Candidacy (March 9, 2020) available at <https://docquery.fec.gov/pdf/317/202003099203797317/202003099203797317.pdf>, and Caesar Gonzales for Congress Form 1 Statement of Organization (March 9, 2020) available at <https://docquery.fec.gov/pdf/318/202003099203797318/202003099203797318.pdf>.

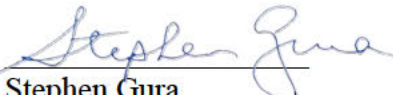
<sup>4</sup> Resp. at 1-2. Respondents state that they applied disclaimer labels on the lawn signs beginning March 23, 2020, and that they did not distribute or publicly post the original signs, except for placing one sign at Gonzales's place of residence and posting a picture of bundled signs on social media. *Id.*

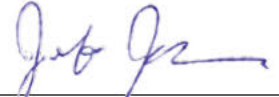
criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends 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, both the speculative and technical nature of the potential violations, and Respondents' prompt remedial actions, 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.<sup>5</sup> We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

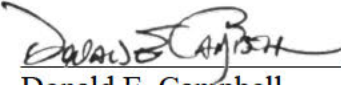
Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel

10.23.20  
Date

BY:   
Stephen Gura  
Deputy Associate General Counsel

  
Jeff S. Jordan  
Assistant General Counsel

  
Donald E. Campbell  
Attorney

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