



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 19, 2021

VIA EMAIL

E. Stewart Crosland
Jones Day
51 Louisiana Ave, NW
Washington, DC 20001
scrosland@jonesday.com

RE: MUR 7736
Donald J. Trump for President, Inc.
and Bradley Crate, as treasurer

Dear Mr. Crosland:

On May 13, 2020, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On April 9, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Donald J. Trump for President, Inc. and Bradley Crate in his official capacity as treasurer violated provisions of the Act. The Commission then closed its file in this matter. 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). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Jordan".

Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7736

Respondents: Donald J. Trump for President, Inc.
and Bradley T. Crate, as Treasurer
("Committee")

Complaint Receipt Date: May 11, 2020

Response Date: July 10, 2020

EPS Rating: [REDACTED]

Alleged Statutory

52 U.S.C. §§ 30104(b)(3), 30122

Regulatory Violations:

11 C.F.R. §§ 102.17(c)(8)(i)(B), 104.3(a)(4)(i), 110.4(b)

The Complaint alleges that in 2016, a questionable donation was made in the Complainant's name to the Committee.¹ The Response, which attached a contribution form signed by Complainant, indicates that a \$50 contribution was made by check to Trump Make America Great Again Committee in response to a mailer sent to Complainant and \$40 of the amount was allocated to the Committee.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, the low

¹ Compl. at 1 (May 11, 2020). Complainant asserts that he does not remember making the donation to the Committee, and that the employer identified is one he left in 2012. *Id.*

² Resp. at 1, Ex. A (July 10, 2020).

dollar amount involved in the transaction, and the documentation provided by the Respondent reflecting the solicitation mailer signed and returned by the Complainant, 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.

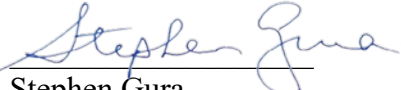
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

11.16.20

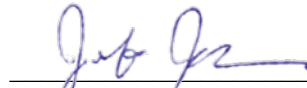
Date

BY:




Stephen Gura

Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Attorney