



FEDERAL ELECTION COMMISSION
Washington, DC

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

nkonen@fraserstryker.com

May 18, 2021

Nicole Konen
Fraser Stryker PC LLO
500 Energy Plaza, 409th South 17th Street
Omaha, NE 68102

RE: MUR 7741

Dear Ms. Konen:

The Federal Election Commission reviewed the allegations in your complaint received on May 28, 2020. On March 3, 2021, based upon the information provided in the complaint, and additional available information, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Friends of Jason Atkinson and Jason Atkinson, in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on March 3, 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 cursive script that reads "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 7741

Respondents: Friends of Jason Atkinson
and Jason Atkinson, as treasurer

Complaint Receipt Date: May 28, 2020

Response Date: N/A

Alleged Statutory **52 U.S.C. § 30104(b)(8);**
Regulatory Violations: **11 C.F.R. §§ 104.3(d), 104.11(a)-(b), 116.10(a)**

The Complaint alleges that Friends of Jason Atkinson (“the Committee”) failed to accurately report debts owed to Bullhorn Communications LLC (“Bullhorn”) in its disclosure reports. The Complaint alleges that the Committee did not initially report the debt to Bullhorn at all, and subsequent reports inaccurately stated the amount of the debt and incorrectly described it as contested.¹ The Complaint further alleges that the Committee still owes Bullhorn at least \$15,263.30.² The Committee did not respond to the Complaint, however, the available information indicates that the Committee has disclosed disputed debt to Bullhorn on its subsequent reports.³

¹ Compl. at 2-4 (May 28, 2020). The Complaint states that the Committee did not report any debts owed to Bullhorn in its 2020 Pre-Primary Report (filed May 7, 2020), and on the Amended 2020 Pre-Primary Report (filed May 14, 2020), the Committee reported \$17,016.86 in debt rather than what the Complaint states was the full amount of \$18,388.95. *Id.* See Compl. Exh. A and Exh. B; *see also* Friends of Jason Atkinson 2020 Pre-Primary Report (filed May 7, 2020), <https://docquery.fec.gov/pdf/781/202005079232372781/202005079232372781.pdf>, and Amended 2020 Pre-Primary Report at 34 (filed May 14, 2020), <https://docquery.fec.gov/pdf/923/202005149232697923/202005149232697923.pdf>. Complainant also alleges that the 2020 April Quarterly Report was similarly inaccurate and incomplete. Compl. at 1 n.1.

² *Id.* at 4; *see also* Compl. Exh. G.

³ *See* Friends of Jason Atkinson 2020 July Quarterly Report at 38-39 (filed July 15, 2020), <https://docquery.fec.gov/pdf/646/202007159244664646/202007159244664646.pdf>; 2020 October Quarterly Report at 5-6 (filed Oct. 16, 2020), <https://docquery.fec.gov/pdf/049/202010169297135049/202010169297135049.pdf>. The Committee’s July and October Quarterly Reports each indicate a negative balance (\$11,729.05) in cash on hand, and \$105,252.01 in outstanding Debts and Obligations owed. *See* 2020 July Quarterly at 2, 2020 October Quarterly at 2. The reports also designate \$28,626.48 of the debt, including \$18,891.21 in debt owed to Bullhorn, as “Debt Contested.” *See* 2020 July Quarterly at 38-40, 2020 October Quarterly at 5-7.

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 fact that the Committee has included the disputed debt in subsequent reports, and the relatively low dollar 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.⁵ We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

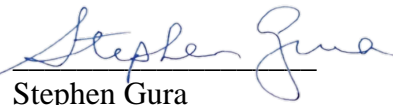
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

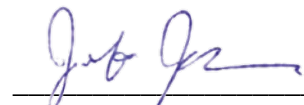
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Date

BY:



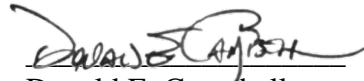
Stephen Gura
Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel

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

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Donald E. Campbell
Attorney