



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

danielpaganolaw@optonline.net

April 18, 2023

Daniel L. Pagano, Esq.
Law Offices of Daniel L. Pagano, Esq. LLC
2649 Strang Blvd. Ste 303
Yorktown Heights NY 10598

RE: MUR 7746

Dear Mr. Pagano:

On March 4, 2019, the Federal Election Commission (“Commission”) notified your clients of a Complaint alleging that Maureen for Congress and Kevin G. McArdle in his official capacity as treasurer committed violations of the Federal Election Campaign Act of 1971, as amended. On April 9, 2021, based on the information provided in the complaint, and information provided by you, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to you. The Commission then closed its file in this matter. A copy of the General Counsel’s Report, which more fully explains the Commission’s decision, is enclosed for your information.

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 Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7746

Respondents: Maureen for Congress
and Kevin G. McArdle, as
Treasurer

Complaint Receipt Date: June 12, 2020

Response Date: July 6, 2020

EPS Rating: 0

Alleged Statutory

52 U.S.C. § 30120(a)

Regulatory Violations:

11 C.F.R. §§ 100.26, 102.9(d), 104.7(b), 110.11(a)(1)

The Complaint alleges that Maureen for Congress and Kevin G. McArdle in his official capacity as treasurer (collectively, “the Committee”) failed to include disclaimers stating that the Committee had paid for its Facebook posts, the Committee’s website, including the donation page on that website, and a fundraiser solicitation.¹ The Complaint further alleges that the Committee failed to include other required notices on its donation page and fundraising solicitation regarding contribution limits, authorized contributions, or that the Committee is required to use its best efforts to obtain and report certain information about contributors.² The Response asserts that none of the items required a disclaimer because they were not placed for a fee on another website.³

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

¹ Compl. at 2, Ex. A-F (June 12, 2020).

² *Id.* at 2, Ex. C-D.

³ Resp. at 1-2 (July 6, 2020). As of the date of this report, the Committee’s website contained a compliant disclaimer, even though Respondents assert one was not required. See <https://www.maureen4congress.com/>.

EPS Dismissal Report—MUR 7746 (Maureen for Congress, *et al.*)
Page 2 of 2

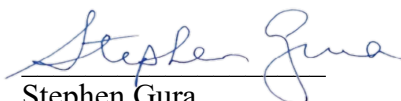
and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the unlikelihood that the public was misled as to who paid for the Facebook posts, website, or solicitation, 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