

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR 7765

Respondents: Michele Fiore
Donald J. Trump for President, Inc.
and Bradley T. Crate in his official
capacity as treasurer

Complaint Receipt Date: July 28, 2020

Response Dates: Aug. 5, Aug. 7, 2020

Alleged Statutory **52 U.S.C. §§ 30104, 30116, 30118;**
Regulatory Violations: **11 C.F.R. §§ 104.3(b), 104.4, 114.2(a)**

The Complaint alleges that, on June 18, 2020, Michele Fiore, a Las Vegas, Nevada councilwoman, used municipal resources to advocate for the election of presidential candidate Donald J. Trump, and in doing so, the city of Las Vegas, Nevada, made a prohibited in-kind corporate contribution as a municipality to Donald J. Trump for President, Inc. (the “Trump Committee”), which the Trump Committee failed to report.¹ The Complaint further alleges that the Trump Committee failed to report the in-kind contribution.² Specifically, the Complaint cites to a Facebook and YouTube video that allegedly shows Fiore advocating for Trump’s election while using municipal resources.³

Fiore’s Response asserts that Fiore used no public resources for any campaign activity, did not advocate for Trump or any other candidate, and made the relevant comments at public activities concerning city business, not campaign events.⁴ Further, Fiore attests that the statements that appear to be the basis of the Complaint were made during a public press conference and follow-up

¹ Compl. at 2 (July 28, 2020). The Complaint estimates the amount of the alleged in-kind contributions in a range of \$680 - \$4,080. *Id.*

² *Id.*; see 52 U.S.C. § 30104(c); 11 C.F.R. § 104.4.

³ Compl. at 2.

⁴ Fiore Resp. at 2 (Aug. 7, 2020); see Michele Fiore Aff. at 2-3, ¶¶ 15, 21, 26, 29 (Aug. 1, 2020).

1 taped interview with an independent journalist, during which she addressed her official actions as a
2 Las Vegas City Councilwoman and her decision to step down as Mayor Pro Tem.⁵ In its Response,
3 the Trump Committee asserts that the Complaint does not allege that the Trump Committee had any
4 involvement in the video in question, and notes that the video appears to have been posted online at
5 no cost.⁶

6 Based on its experience and expertise, the Commission has established an Enforcement
7 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
8 assess whether particular matters warrant further administrative enforcement proceedings. These
9 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
10 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
11 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
12 potential violations and other developments in the law. This matter is rated as low priority for
13 Commission action after application of these pre-established criteria. Given that low rating, the
14 lack of information indicating any coordination between Fiore and the Trump Committee regarding
15 the alleged activity, and the fact that any potential independent expenditure in support of the Trump
16 Committee appears to have been *de minimis*, we recommend that the Commission dismiss the
17 Complaint consistent with the Commission's prosecutorial discretion to determine the proper

⁵ Fiore Resp. at 1; *see* Michele Fiore Aff. at 2-3, ¶¶ 12-14, 16-17, 20-25. Fiore further asserts that any mention of Trump was only in response to a question. Fiore Resp. at 2; *see* Michele Fiore Aff. at 2-3, ¶¶ 14, 15, 21, 29.

⁶ Trump Committee Resp. at 1 (Aug. 5, 2020).

MUR 7765 (Michele Fiore, *et al.*)
EPS Dismissal Report
Page 3 of 3

1 ordering of its priorities and use of agency resources.⁷ We also recommend that the Commission
2 close the file and send the appropriate letters.

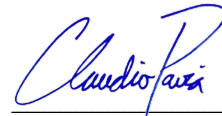
3 Lisa J. Stevenson
4 Acting General Counsel

5
6 Charles Kitcher
7 Associate General Counsel


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11 April 27, 2022

12 Date

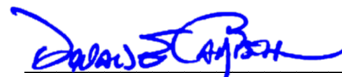
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⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).