



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

April 19, 2021

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

Jack Clifford Lane

Milton, FL 32570

RE: MUR 7777

Dear Mr. Lane:

The Federal Election Commission reviewed the allegations in your complaint received on August 11, 2020. On April 9, 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 Friends of Andrew Yang and Zach Graumann in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 9, 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* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

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 black ink, appearing to be "LJ Stevenson", written over a horizontal line.

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 7777

**Respondents:** Friends of Andrew Yang  
and Zach Graumann, as Treasurer

**Complaint Receipt Date:** August 11, 2020

**Response Date:** September 28, 2020

**EPS Rating:** ■

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30116  
11 C.F.R. § 110.1(b)**

The Complaint alleges that Friends of Andrew Yang and Zach Graumann, in his official capacity as Treasurer (“the Committee”), failed to refund the Complainant’s general election contributions after Andrew Yang withdrew from the presidential primaries.<sup>1</sup> The Response states that the Committee made multiple attempts to refund the Complainant’s general election contributions by mailing refund checks to the Complainant within the window permitted for the return of excessive contributions, and that the checks were not cashed by the Complainant.<sup>2</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 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

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<sup>1</sup> Compl. at 1 (Aug. 11, 2020). The total of the Complainant’s general election contributions, \$3,790.94, was in excess of the applicable contribution limit of \$2,800. *Id.*

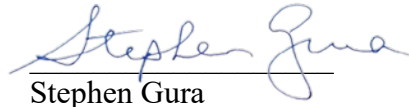
<sup>2</sup> Resp. at 2 (Sept. 28, 2020). The Response states that a total of four refund checks were mailed to the Complainant, on November 1, 2019, January 1, 2020, May 5, 2020, and after the Committee received the Complaint. *Id.* at 2, Exs. B-D. The November 1, 2019, and January 1, 2020, refund checks were mailed after the Committee received general election contributions in excess of the contribution limit. *Id.* Copies of the first November 1, 2019, January 1, 2020, and May 5, 2020 checks were included with the Response.

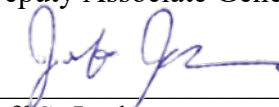
potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the Committee's apparent attempts to refund the Complainant's general election contributions by mailing checks to 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

12.03.20  
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Date

BY:   
\_\_\_\_\_  
Stephen Gura  
Deputy Associate General Counsel

  
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Jeff S. Jordan  
Assistant General Counsel

  
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Kristina M. Portner  
Attorney