



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 19, 2021

VIA EMAIL

Charles Borden
Samuel Brown
800 17th Street NW, Suite 1100
Washington, DC 20006
charles.borden@hklaw.com
samuel.brown@hklaw.com

RE: MUR 7071
Friends of Andrew Yang
and Zach Graumann, as treasurer

Dear Mr. Borden:

On August 13, 2021, 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 Friends of Andrew Yang and Zach Graumann 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 "Jeff S. Jordan".

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.¹ 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.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

¹ 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.*

² 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.

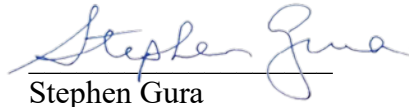
potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the Committee's apparent attempts to refund the Complainant's general election contributions by mailing checks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

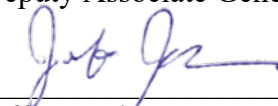
Charles Kitcher
Acting Associate General Counsel

12.03.20

Date

BY: 

Stephen Gura
Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Attorney