



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 2, 2021

VIA EMAIL

James E. Tyrrell, III
Venable LLP
600 Massachusetts Avenue, NW
Washington, DC 20001
JETyrrell@Venable.com

RE: MUR 7786
Friends of Matt Gaetz and
Steven Martin, as treasurer

Dear Mr. Tyrrell:

On September 2, 2020, 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 May 26, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Friends of Matt Gaetz and Steven Martin 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 cursive script that reads "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: 7786

Respondents: Friends of Matt Gaetz
and Steven Martin, as Treasurer
("Committee")

Complaint Receipt Date: August 25, 2020

Response Date: January 22, 2021

EPS Rating: ■

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30120(a), (d)(1)
11 C.F.R. § 110.11(b)(1), (c)(3)**

The Complaint alleges that based on an order form concerning the purchase of airtime for a political advertisement, the Committee used an improper disclaimer in its radio ad.¹ Specifically, the Complaint states that since Matt Gaetz for Congress was listed on the radio station's order form as the purchaser of airtime, the Committee's use of the name Friends of Matt Gaetz in the ad was a disclaimer violation.² The Response states that candidate Matt Gaetz's authorized committee is designated as Friends of Matt Gaetz, and asserts that the name listed on the order form was simply an error made by the radio station.³ Respondents also document in the response that the radio station has filed a revised order form in its political file with the correct name of the Committee and a memorandum explaining its mistake.⁴

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

¹ Compl. at 1, Ex. 1 (Aug. 25, 2020).

² *Id.*

³ Resp. at 2-3, Ex. A (Jan. 22, 2021).

⁴ *Id.* at 2, Ex. A.

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 and the fact that the disclaimer in the radio ad correctly identified candidate Matt Gaetz's authorized committee, 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.

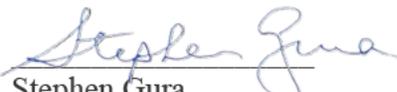
Lisa J. Stevenson
Acting General Counsel

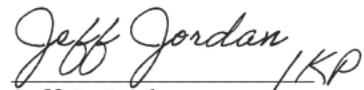
Charles Kitcher
Acting Associate General Counsel

05.13.21

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Kristina M. Portner
Attorney