

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7805

Respondents: Tim Ryan for Congress
and Allen Ryan, as Treasurer;
Tim Ryan;
Michele Lepore-Hagan for State
Representative and Treasurer

Complaint Receipt Date: September 25, 2020

Latest Response Date: December 4, 2020

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

52 U.S.C. §§ 30101(4)(A); 30120(a)(1),(d)
11 C.F.R. §§ 100.5(a); 100.26, 110.11(a)-(c)

The Complaint alleges that Respondents posted an ad on YouTube and Twitter that lacked a disclaimer identifying who paid for or authorized the ad.¹ The Complaint further asserts that Michele Lepore-Hagan, a candidate for Ohio state representative, or her committee failed to register with the Commission as a federal committee after it raised or spent over \$1,000 on the ad.²

The Response asserts that no disclaimer was required on the ad because no fee was paid to post the video on YouTube or Twitter.³ The Response further asserts that all expenses to produce the video were paid by Tim Ryan for Congress, and not by Michele Lepore-Hagan or her committee.⁴ Alternatively, Respondents argue that the Commission should dismiss this matter because it was unlikely that the public was misled as to which party was responsible for the ad.

¹ Compl. at 2 (Sept. 25, 2020). In the ad, Michele Lepore-Hagan states that “voting for Tim Ryan [is] the right thing to do” and calls Ryan’s opponent an “Extremist Republican.” *Id.* at Ex. A. The ad also includes what appears to be Tim Ryan’s campaign logo. *Id.*

² *Id.*

³ Tim Ryan for Congress Resp. at 1 (Nov. 23, 2020); Michele Lepore-Hagan for State Representative Resp. at 1-2 (Dec. 4, 2020).

⁴ Tim Tyan for Congress Resp. at Ex. 1.

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 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 which entity was responsible for the ad, 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.

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06.17.21

Date

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