



FEDERAL ELECTION COMMISSION
Washington, DC

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

jcplanas@planaslawfirm.com

Juan-Carlos Planas

July 16, 2021

Miami, FL 33156

RE: MUR 7814

Dear Mr. Planas:

The Federal Election Commission reviewed the allegations in your complaint received on October 7, 2020. On July 14, 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 Salazar for Congress and Paul Kilgore, in his official capacity as treasurer, and Maria Elvira Salazar, and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 15, 2018. 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* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

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

Stephen Gura

BY: Stephen Gura
Deputy Associate General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7814

Respondents: Salazar for Congress
and Paul Kilgore, as Treasurer
("Committee")
Maria Elvira Salazar

Complaint Receipt Date: October 7, 2020

Response Date: November 21, 2020

Alleged Statutory

52 U.S.C. §§ 30104(b)(3)(A), 30116(a)

Regulatory Violations:

11 C.F.R. §§ 104.3(a)(4)(i), 104.7(b), 110.1(b)(1)

The Complaint alleges that the Committee failed to disclose the employer and occupation for each individual who contributed \$200 or more to the Committee and may have accepted excessive contributions.¹ The Response asserts that the Committee complied with the best efforts requirements for obtaining the employer and occupation information, including by providing space for contributors to write in their occupation and employee information, sending a stand-alone letter requesting the information within 30 days if it was not provided, and indicating on its report that the information was requested from each individual.² The Response further asserts that the Committee has issued a refund of the two possibly excessive contributions identified in the Report Analysis Division's September 14, 2020 Request for Additional Information ("RFAI").

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

¹ Compl. at 2-4 (Oct. 7, 2020).

² Resp. at 1-3 (Nov. 21, 2020).

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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, the Committee's assertion that it used its best efforts to obtain contributor information, and the refunds issued by the Committee of the potentially excessive contributions, 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

July 6, 2021

Date

BY:

Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Kristina Portner
Kristina M. Portner
Attorney