



FEDERAL ELECTION COMMISSION  
Washington, DC

July 16, 2021

**VIA ELECTRONIC MAIL**

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15405 John Marshall Highway

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RE: MUR 7814  
Salazar for Congress  
and Paul Kilgore, as Treasurer  
Maria Elvira Salazar

Dear Mr. Torchinsky and Mr. Bayes:

On October 14, 2020, the Federal Election Commission (“Commission”) notified your clients, Salazar for Congress and Paul Kilgore, in his official capacity as treasurer, and Maria Elvira Salazar, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On July 14, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Salazar for Congress and Paul Kilgore, in his official capacity as treasurer, and Maria Elvira Salazar 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 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

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.<sup>1</sup> 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.<sup>2</sup> 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

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<sup>1</sup> Compl. at 2-4 (Oct. 7, 2020).

<sup>2</sup> 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