



FEDERAL ELECTION COMMISSION
Washington, DC

September 1, 2021

VIA ELECTRONIC MAIL

Will Kernen
Kernen & Shepler, LLC
Post Office Box 388
Logan, OH 43138-0388
kernenlaw@gmail.com

RE: MUR 7823
Andy Good

Dear Mr. Kernen:

On October 22, 2020, the Federal Election Commission (“Commission”) notified your client, Andy Good, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On August 26, 2021, based upon the information contained in the complaint and information provided by you, the Commission decided to dismiss allegations that Andy Good 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

Roy Q. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7823

Respondent: Andy Good

Complaint Receipt Date: October 20, 2020

Response Date: October 28, 2020

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30120(a)
11 C.F.R. § 110.11**

The Complaint alleges that billboards in Hocking County, Ohio, lacked appropriate disclaimers.¹ The billboards stated “Paid for by Hocking County Business Owners” and included “care of Andy Good” in small letters.² The Response asserts that 25 business owners in Hocking County, Ohio pooled \$1,780 to purchase four billboards and the purchase was coordinated by Good.³

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

¹ Compl. at 1 (Oct. 20, 2020).

² *Id.*

³ Resp. at 1-2 (Oct. 28, 2020).

EPS Dismissal Report—MUR 7823 (Andy Good)
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modest amount spent on the billboards, 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

06.17.21

Date

BY:

Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Kristina Portner
Kristina M. Portner
Attorney