

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7828

Respondents: Willie Wilson 2020
and Nicole Janes, as Treasurer;
Willie Wilson

Complaint Receipt Date: October 22, 2020

Response Date: November 25, 2020

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)(4)(D), (5)(A)
11 C.F.R. §§ 104.3(b)(2), (4); 104.11(a)**

The Complaint alleges that the Committee failed to report any disbursements on its 2019 Year End Report and 2020 April Quarterly Report and reported only one disbursement on its 2020 July Quarterly Report, despite the fact that the Committee was actively campaigning during this time by producing ads with a disclaimer stating that they were paid for by the Committee, registering a domain name and developing a website, seeking endorsements, and issuing statements through a paid spokesperson.¹ The Complaint also alleges that the Committee failed to continuously report three loans from Wilson.² Further, the Complaint alleges that the Committee failed to report a \$10,000 donation to Springfield Missionary Baptist Church.³

The Response acknowledges that the Committee failed to report three expenses that total at most \$1,095.98, and asserts that the Committee was unaware of two of these expenses because they were paid by Committee volunteers who did not notify the Committee of the charges.⁴ In addition,

¹ Compl. at 1-5 (Oct. 22, 2020).

² *Id.* at 2, 5-6. The three loans were for a combined total of \$16,000.

³ *Id.* at 4.

⁴ Resp. at 4-5 (Nov. 25, 2020). The unreported expenses are: (1) a Hootsuite account used to post the Committee's social media posts that was a volunteer's account purchased for \$228 for her employer, (2) the cost of the Committee's website domain registration for which a volunteer paid \$34.99 and which was automatically renewed, and (3) a \$570 video production cost. *Id.* The Committee asserted that amended reports would be filed but has not yet done so. *Id.* at 6.

the Committee asserts that some of its ads were created by volunteers at no cost and that the spokesperson volunteered for the Committee at that time.⁵ Respondents also acknowledge that they failed to continuously report the three loans and assert it was due to a clerical error.⁶ Finally, Respondents assert that the donation to Springfield Missionary Baptist Church was from Wilson's personal funds and was part of his long-term tithing practice.⁷

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 modest amounts at issue, 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

⁵ *Id.* at 5-6.

⁶ *Id.* The Committee's failure to continuously report the loans does not meet the Reports Analysis Division Review and Referral Procedures for the 2019-2020 Election Cycle Standard 7 threshold for referral to the Office of General Counsel ("OGC") or the Alternative Dispute Resolution Office ("ADRO"), which requires that the missing information be for loans that are in excess of \$25,000.

⁷ *Id.* at 6, Ex. A at 1-2 (Declaration that donation came from candidate's personal funds, not campaign funds).

Charles Kitcher
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06.25.21
Date

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