

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

<p>6 <b>MURs</b> 7830/7913</p> <p>7 <b>Complaints Receipt Date:</b> Oct. 26, 2020;  8 July 20, 2021; Nov. 19, 2021</p> <p>9 <b>Response Dates:</b> Nov. 5, 2020; Nov. 9, 2020;  10 Aug. 9, 2021; Sept. 9, 2021; Sept. 10, 2021;  11 Nov. 30, 2021; Dec. 10, 2021</p>	<p><b>Respondents:</b> Friends of Hagedorn and Thomas  Datwyler in his official capacity as  treasurer  Jim Hagedorn  Minnesota Office Investments, Inc.  Mankato Place 1, LLC</p>
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**EPS Rating:**

<p>15 <b>Alleged Statutory/  16 Regulatory Violations:</b></p>	<p><b>52 U.S.C. §§ 30104, 30118</b>  <b>11 C.F.R. §§ 104.3(a), 114.2(b)</b></p>
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18 The Complaints allege that Friends of Hagedorn and Thomas Datwyler in his official  
19 capacity as treasurer (the “Committee”) accepted prohibited in-kind corporate contributions in the  
20 form of office space for its campaign headquarters and failed to report the contributions in violation  
21 of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>1</sup> Specifically, the  
22 Complaints allege that the Committee occupied Suite 007 of 11 Civic Center Plaza in Mankato,  
23 Minnesota without paying rent between 2013 and 2018 and never disclosed any expenditures for  
24 rent payments on its disclosure reports with the Commission.<sup>2</sup>

25 The Committee and the property management company both assert that from 2013–2018 the  
26 Committee had a post office box in the lobby of the building that is available to anyone at no cost  
27 and that the Committee rented an unfinished basement space for approximately nine months in  
28 2018.<sup>3</sup> The Office of Congressional Ethics (“OCE”) found that there was “substantial reason to  
29 believe” that the Committee “used private office space at no cost or for a rate below market value,”

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<sup>1</sup> MUR 7830 Compl. at 1-2 (Oct. 26, 2020); MUR 7913 Compl. at 1 (July 20, 2021); MUR 7913 Supp. Compl. at 1 (Nov. 19, 2021).

<sup>2</sup> MUR 7830 Compl. at 1-2; MUR 7913 Compl. at 1.

<sup>3</sup> Friends of Hagedorn Resp. at 1 (Nov. 5, 2020); Mankato Place 1, LLC Resp., Ex. 1 (Sept. 9, 2021); Awsumb & Associates, Inc. Resp., Attach. 6 (Sept. 10, 2021). Mankato Place 1, LLC is the current owner of 11 Civic Center Plaza. Mankato Place 1, LLC Resp. at 2. Awsumb & Associates, Inc. is the contracted property management company. For 11 Civic Center Plaza. Awsumb & Associates, Inc. Resp. at 1.

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EPS Dismissal Report

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1 and that the amount in violation for the use of the basement rental space in 2018 was approximately  
2 \$8,000.<sup>4</sup>

3           Based on its experience and expertise, the Commission has established an Enforcement  
4 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
5 assess whether particular matters warrant further administrative enforcement proceedings. These  
6 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity  
7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the  
8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in  
9 potential violations and other developments in the law. These matters are rated as low priorities for  
10 Commission action after application of these pre-established criteria. Given that low rating, and the  
11 low dollar amount at issue, we recommend that the Commission dismiss the Complaints consistent  
12 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and  
13 use of agency resources.<sup>5</sup> We also recommend that the Commission close the files and send the

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<sup>4</sup> MUR 7913 Supp. Compl. at 2.

<sup>5</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

1 appropriate letters.

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February 4, 2022  

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Date

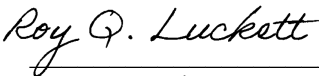
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