



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 9, 2022

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

dorothy@endcitizensunited.com

Tiffany Muller
End Citizens
PO BOX 66005
Washington, DC 20035

RE: MUR 7830 (Friends of Hagedorn, *et al.*)

Dear Ms. Muller:

On April 26, 2022, the Federal Election Commission reviewed the allegations in your complaint received October 26, 2020, and on the basis of the information provided in the complaint, and information provided by respondents, decided to exercise its prosecutorial discretion to dismiss the allegations. Accordingly, on April 26, 2022, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

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).

If you have any questions, please contact Richard Weiss, the attorney assigned to this matter, at (202) 694-1021.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

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

<p>15 Alleged Statutory/</p> <p>16 Regulatory Violations:</p>	<p>52 U.S.C. §§ 30104, 30118</p> <p>11 C.F.R. §§ 104.3(a), 114.2(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”).¹ 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.²

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 2018.³ 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,”

¹ 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).

² MUR 7830 Compl. at 1-2; MUR 7913 Compl. at 1.

³ 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.

MURs 7830 & 7913 (Friends of Jim Hagedorn, *et al.*)

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 \$8,000.⁴

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.⁵ We also recommend that the Commission close the files and send the

⁴ MUR 7913 Supp. Compl. at 2.

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

1 appropriate letters.


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February 4, 2022

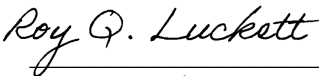
Date

Lisa J. Stevenson
Acting General Counsel


Charles Kitcher
Associate General Counsel

BY: 

Claudio J. Pavia
Acting Deputy Associate General Counsel for
Enforcement



Roy Q. Luckett
Assistant General Counsel



Richard L. Weiss
Attorney