

BEFORE THE FEDERAL ELECTION COMMISSION**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT****MUR:** 7831**Respondents:** Jeanne Capello,
The Mecklenburg Sun**Complaint Receipt Date:** October 26, 2020**Latest Response Date:** November 18, 2020**Alleged Statutory
Regulatory Violations:****52 U.S.C. § 30120(a)
11 C.F.R. § 110.11(a)(2), (b)(3)**

The Complaint alleges that Jeanne Capello paid to run a “partisan” advertisement featuring federal Democratic candidates in The Mecklenburg Sun without a required disclaimer.¹ The Mecklenburg Sun asserts that the advertisement lacked a disclaimer due to a production mistake, that it published information in its next issue disclosing the identity of the individual who placed the advertisement and stating that the advertisement was not authorized by any candidate or candidate’s committee, and that the cost of the advertisement was \$180.² Jeanne Capello asserts that she was unaware that a disclaimer was required on the advertisement, and that she will include a disclaimer if she places any political advertisements in the future.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

¹ Compl. at 1 (Oct. 26, 2020).

² The Mecklenburg Sun Resp. at 1-2, Attach. (Nov. 13, 2020).

³ Jeanne Capello Resp. at 1 (Nov. 18, 2020). Capello indicated that she thought she was placing a classified advertisement. *Id.*

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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 remedial steps taken by The Mecklenburg Sun, the acknowledgement of the violation by Jeanne Capello, and the modest cost of the advertisement, 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.

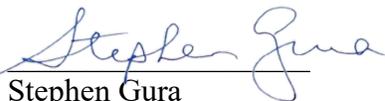
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