



FEDERAL ELECTION COMMISSION
Washington, DC

September 1, 2021

VIA CERTIFIED AND ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

Rick Buchanan

Clarksville, VA 23927
buchanancontracting@comcast.net

RE: MUR 7831
 Jeanne Capello
 The Mecklenburg Sun

Dear Mr. Buchanan:

The Federal Election Commission reviewed the allegations in your complaint received on October 26, 2020. On August 26, 2021, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Jeanne Capello, and The Mecklenburg Sun, and close its file in this matter. Accordingly, the Commission closed its file in this matter on August 26, 2021. 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).*

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).*

Sincerely,

Lisa J. Stevenson
 Acting General Counsel

Roy Q. Luckett

BY: Roy Q. Luckett
 Acting Assistant General Counsel

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.*

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.

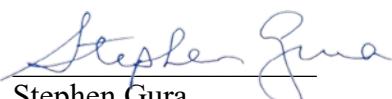
Lisa J. Stevenson
Acting General Counsel

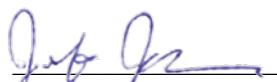
Charles Kitcher
Acting Associate General Counsel

02.19.21

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Kristina M. Portner
Attorney