



FEDERAL ELECTION COMMISSION  
Washington, DC

September 1, 2021

**VIA ELECTRONIC MAIL**

Jeanne Capello  
P.O. Box 384  
Boydtown, VA 23917

RE: MUR 7831  
Jeanne Capello

Dear Ms. Capello:

On October 29, 2020, the Federal Election Commission (“Commission”) notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On August 26, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that you violated provisions of the Act. The Commission then closed its file in this matter. 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

*Roy Q. Luckett*

BY: Roy Q. Luckett  
Acting Assistant General Counsel

Enclosure:  
General Counsel’s Report

**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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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

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<sup>1</sup> Compl. at 1 (Oct. 26, 2020).

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

<sup>3</sup> 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:

  
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Attorney