

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7845

Respondents: Excel Dryer, Inc.
 American Working Families and
 Bud Jackson in his official
 capacity as treasurer¹

Complaint Receipt Date: October 28, 2020

Response Dates: January 19, 2021, February 26, 2021

**Alleged Statutory and
 Regulatory Violations:**

52 U.S.C. § 30119(a)
11 C.F.R. § 115.2(a), (c)

The Complaint alleges that Excel Dryer, Inc. (“Excel Dryer”) made a prohibited \$10,000 contribution as a federal contractor to American Working Families (“AWF”), an independent-expenditure-only political committee (“IEOPC”), in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).² The Complaint alleges that Excel Dryer held a federal contract with the General Services Administration at the time that it made a contribution to AWF.³ During the timeframe that Excel Dryer was allegedly a federal contractor, it made a contribution to AWF on August 24, 2020, in the amount of \$10,000.⁴ The Complaint also raises questions as to whether AWF knowingly solicited a prohibited federal contractor contribution.

¹ American Working Families is an independent-expenditure-only political committee (“IEOPC”) registered with the Commission. AWF Statement of Organization at 2 (Feb. 6, 2012).

² Compl. at 1 (Oct. 28, 2020).

³ *Id.* Specifically, the Complaint asserts that Excel Dryer held a federal supply schedule contract with the General Services Administration covering the period between October 1, 2006, and September 30, 2021, in the amount of \$630,139. *Id.* at 2.

⁴ *Id.* at 3; AWF Amended 2020 October Quarterly Report at 8 (Dec. 30, 2020).

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EPS Dismissal Report

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1 In its Response, Excel Dryer acknowledges that “once it was recognized that [Excel
2 Dryer’s] contribution to AWF was inappropriate, [AWF] refunded the entire amount.”⁵ AWF’s
3 Response states that it refunded the contribution on November 18, 2020, after further inquiry, and
4 asserts that at the time the contribution was made, AWF had no knowledge or information that the
5 contributor was potentially a federal contractor.⁶

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

⁵ Excel Dryer, Inc. Resp. at 1 (Jan. 19, 2021).

⁶ AWF Resp. at 1 (Feb. 26, 2021); AWF Amended 2020 30-Day Post-General Report at 10 (Jan. 11, 2021).

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).


1 appropriate letters.

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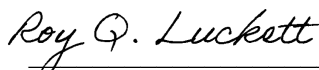
2/25/2022
Date

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