



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**VIA ELECTRONIC AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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[sgonsalvesbrown@campaignlegalcenter.org](mailto:sgonsalvesbrown@campaignlegalcenter.org)

Erin Chlopak  
 Sophie Gonsalves-Brown  
 Campaign Legal Center  
 1101 14th Street, NW, Suite 400  
 Washington, DC 20005

April 29, 2022

RE: MUR 7845

Dear Ms. Chlopak and Ms. Gonsalves-Brown:

On April 19, 2022, the Federal Election Commission reviewed the allegations in your complaint received October 28, 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 as to Excel Dryer, Inc., American Working Families and Bud Jackson in his official capacity as treasurer. Accordingly, on April 19, 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), effective September 1, 2016. A copy of the General Counsel's Report, 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).

Sincerely,

Lisa J. Stevenson  
 Acting General Counsel

*Roy Q. Luckett*  
 BY: Roy Q. Luckett  
 Acting Assistant General Counsel

Enclosure  
 Factual and Legal Analysis

1 **BEFORE THE FEDERAL ELECTION COMMISSION**  
23 **ENFORCEMENT PRIORITY SYSTEM**  
4 **DISMISSAL REPORT**  
56 **MUR:** 78457 **Respondents:** Excel Dryer, Inc.  
8 American Working Families and  
9 Bud Jackson in his official  
capacity as treasurer<sup>1</sup>10 **Response Dates:** January 19, 2021, February 26, 202111 **EPS Rating:**12 **Alleged Statutory and  
13 Regulatory Violations:**52 U.S.C. § 30119(a)  
11 C.F.R. § 115.2(a), (c)17 The Complaint alleges that Excel Dryer, Inc. (“Excel Dryer”) made a prohibited \$10,000  
18 contribution as a federal contractor to American Working Families (“AWF”), an independent-  
19 expenditure-only political committee (“IEOPC”), in violation of the Federal Election Campaign Act  
20 of 1971, as amended (the “Act”).<sup>2</sup> The Complaint alleges that Excel Dryer held a federal contract  
21 with the General Services Administration at the time that it made a contribution to AWF.<sup>3</sup> During  
22 the timeframe that Excel Dryer was allegedly a federal contractor, it made a contribution to AWF  
23 on August 24, 2020, in the amount of \$10,000.<sup>4</sup> The Complaint also raises questions as to whether  
24 AWF knowingly solicited a prohibited federal contractor contribution.

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

<sup>2</sup> Compl. at 1 (Oct. 28, 2020).

<sup>3</sup> *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.

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

MUR 7845 (Excel Dryer, Inc., *et al.*)

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.”<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> We also recommend that the Commission close the file and send the

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<sup>5</sup>        Excel Dryer, Inc. Resp. at 1 (Jan. 19, 2021).

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

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

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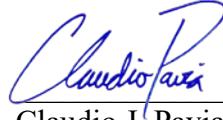
EPS Dismissal Report

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1 appropriate letters.

2 Lisa J. Stevenson  
3 Acting General Counsel  
4

5 Charles Kitcher  
6 Associate General Counsel  
7

8   
9 2/25/2022  
10 BY: Lisa J. Stevenson  
11 Date  
12 Acting General Counsel  
13



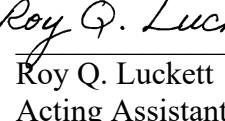
Charles Kitcher

Associate General Counsel



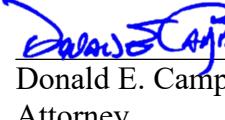
Claudio J. Pavia

Acting Deputy Associate General Counsel  
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Roy Q. Luckett

Acting Assistant General Counsel



Donald E. Campbell

Attorney