



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

echlopak@campaignlegal.org

sgonsalvesbrown@campaignlegalcenter.org

Erin Chlopak

April 29, 2022

Sophie Gonsalves-Brown

Campaign Legal Center

1101 14th Street, NW, Suite 400

Washington, DC 20005

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. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
Factual and Legal Analysis

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

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6 **MUR:** 7845

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

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8 **Complaint Receipt Date:** October 28, 2020

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

11 **EPS Rating:**

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13 **Alleged Statutory and**
14 **Regulatory Violations:**

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

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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”).² 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.³ 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 \$10,000.⁴ The Complaint also raises questions as to whether
24 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).

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.”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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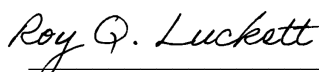
2/25/2022
Date

Lisa J. Stevenson
Acting General Counsel


Charles Kitcher
Associate General Counsel

BY: 

Claudio J. Pavia
Acting Deputy Associate General Counsel
for Enforcement



Roy Q. Lockett
Acting Assistant General Counsel



Donald E. Campbell
Attorney