



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**BY EMAIL ONLY**

April 29, 2022

[dgagnon@exceldryer.com](mailto:dgagnon@exceldryer.com)

Denis Gagnon  
Excel Dryer Inc.  
357 Chestnut Street  
East Longmeadow, MA 01028

RE: MUR 7845  
Excel Dryer Inc.

Dear Mr. Gagnon:

On November 4, 2021, the Federal Election Commission ("Commission") notified Excel Dryer Inc. of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Excel Dryer Inc. at that time. Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on April 19, 2022, decided to exercise its prosecutorial discretion and voted to dismiss this matter. The Commission then closed its file in this matter. The General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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). 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. Lockett*

BY: Roy Q. Lockett  
Assistant General Counsel

Enclosure:  
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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

5  
6 **MUR:** 7845

**Respondents:** Excel Dryer, Inc.  
American Working Families and  
Bud Jackson in his official  
capacity as treasurer<sup>1</sup>

7  
8 **Complaint Receipt Date:** October 28, 2020

9  
10 **Response Dates:** January 19, 2021, February 26, 2021

11 **EPS Rating:**

12  
13 **Alleged Statutory and**  
14 **Regulatory Violations:**

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

15  
16  
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.

---

<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

Page 2 of 3

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

---

<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).

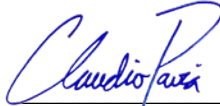
1 appropriate letters.

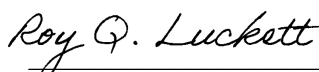
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20


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