



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

April 29, 2022

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. Luckett

BY: Roy Q. Luckett
Assistant General Counsel

Enclosure:
General Counsel’s Report

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 treasurer¹10 **Response Dates:** January 19, 2021, February 26, 202111 **EPS Rating:**12 **Alleged Statutory and
13 Regulatory Violations:**14 **52 U.S.C. § 30119(a)
15 11 C.F.R. § 115.2(a), (c)**16
17 The Complaint alleges that Excel Dryer, Inc. (“Excel Dryer”) made a prohibited \$10,00018 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).

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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).

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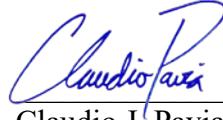
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1 appropriate letters.

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

for Enforcement


Roy Q. Luckett


Roy Q. Luckett

Acting Assistant General Counsel


Donald E. Campbell

Attorney