



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**BY EMAIL ONLY**

April 14, 2022

Ronald M. Jacobs  
Venable LLP  
600 Massachusetts Avenue, NW  
Washington, DC 20001  
[RMJacobs@venable.com](mailto:RMJacobs@venable.com)

RE: MUR 7885  
American College of Radiology

Dear Mr. Jacobs:

On March 22, 2021, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, by your client, American College of Radiology. A copy of the complaint was forwarded to you at that time. Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on April 11, 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  
Acting Assistant General Counsel

Enclosure:  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 7885

**Respondents:** American College of Radiology  
Senate Leadership Fund and  
Caleb Crosby in his official  
capacity as treasurer<sup>1</sup>

**Complaint Receipt Date:** Mar. 17, 2021

**Response Dates:** Apr. 6, 2021, Apr. 9, 2021

**EPS Rating:**

**Alleged Statutory and  
Regulatory Violations:**

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

The Complaint alleges that American College of Radiology (“ACR”) made a prohibited \$10,000 contribution as a federal contractor on December 21, 2020, to Senate Leadership Fund (“SLF”), an independent expenditure-only political committee (“IEOPC”), in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>2</sup> The Complaint alleges that ACR held federal contracts with multiple agencies at the time that it reportedly made a contribution to SLF<sup>3</sup> — however, the contribution at issue was later amended with a different entity disclosed as the contributor.<sup>4</sup> The Complaint also raises questions as to whether SLF knowingly solicited a prohibited federal contractor contribution.

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<sup>1</sup> Senate Leadership Fund is an independent-expenditure-only political committee registered with the Commission. SLF Amended Statement of Organization at 5 (May 19, 2021).

<sup>2</sup> Compl. at 1, 3, 7 (Mar. 17, 2021).

<sup>3</sup> Specifically, the Complaint asserts that ACR held a contract with the Department of Veterans Affairs covering the period of July 1, 2018, through June 30, 2021, in the amount of \$351,500, and a contract with the Department of Health and Human Services covering the period of August 19, 2019, through August 27, 2021, in the amount of \$401,384. Compl. at 2.

<sup>4</sup> ACR Resp. at 1 (Apr. 9, 2021). SLF first reported that it received a contribution from “American College of Radiology” on December 21, 2020, and disclosed it on its 2020 Year-End Report. SLF 2020 Year-End Report at 117 (Jan. 31, 2021). SLF amended its 2020 Year-End Report and reported that it received the contribution from “American College of Radiology Association.” SLF Amended 2020 Year-End Report at 117 (Mar. 18, 2021).

1 In its Response, SLF states that it reported on its 2020 Year-End Report that “American  
2 College of Radiology” made the contribution at issue,<sup>5</sup> but that after further review, and as  
3 confirmed by ACR, the actual donor was “American College of Radiology Association.”<sup>6</sup> In its  
4 Response, ACR states that it did not make the alleged contribution, but that the contribution came  
5 from the American College of Radiology Association, a related organization which is separate and  
6 distinct from ACR.<sup>7</sup> ACR states that it holds a number of federal government contracts, but that  
7 ACRA does not hold any.<sup>8</sup> ACR further states that SLF inadvertently disclosed the contribution as  
8 having been made by ACR, but has since filed an amended report correctly showing ACRA as the  
9 donor.<sup>9</sup>

10 Based on its experience and expertise, the Commission has established an Enforcement  
11 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
12 assess whether particular matters warrant further administrative enforcement proceedings. These  
13 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity  
14 and the amount in violation; (2) the apparent impact the alleged violation may have had on the  
15 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

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<sup>5</sup> SLF Resp. at 1 (Apr. 6. 2021).

<sup>6</sup> *Id.* SLF states that the word “Association” was inadvertently omitted during electronic transmission of the funds. *Id.* SLF also contends that it took steps to ensure that it did not receive a contribution from a federal contractor, stating that its online donation page requires affirmation that the contributor is not a federal government contractor, and the written information that SLF provides to its prospective supporters and the contribution form that contributors fill out and return to SLF collectively include three separate notices that contributions from federal government contractors are prohibited. *Id.* at 1-2; *see also* SLF Resp., Attach. A.

<sup>7</sup> ACR Resp. at 1. ACR asserts that the full name of the organization did not clearly transmit through the bank payment system, which is why SLF initially reported the incorrect name of the donor. *Id.* at 2.

<sup>8</sup> *Id.* at 1.

<sup>9</sup> *Id.*

MUR 7885 (American College of Radiology, *et al.*)

EPS Dismissal Report

Page 3 of 3

1 potential violations and other developments in the law. This matter is rated as low priority for  
 2 Commission action after application of these pre-established criteria. Given that low rating and the  
 3 low dollar amount at issue, we recommend that the Commission dismiss the Complaint consistent  
 4 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and  
 5 use of agency resources.<sup>10</sup> We also recommend that the Commission close the file and send the  
 6 appropriate letters.

7 Lisa J. Stevenson  
 8 Acting General Counsel  
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10 Charles Kitcher  
 11 Associate General Counsel  
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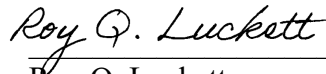
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 14 2/25/2022

15 Date

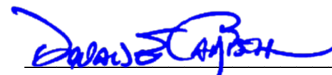
16 BY:

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18 Claudio J. Pavia  
 19 Acting Deputy Associate General Counsel  
 20 for Enforcement

21 

22 Roy Q. Luckett  
 23 Acting Assistant General Counsel

24 

25 Donald E. Campbell  
 Attorney

<sup>10</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).