



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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April 14, 2022

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

RE: MUR 7888

Dear Mses. Chlopak and Gonsalves-Brown:

The Federal Election Commission reviewed the allegations in your complaint received March 17, 2021. On April 11, 2022, based on the information provided in the complaint, and information provided by respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Martin Marietta Materials, Inc., and Senate Leadership Fund and Caleb Crosby in his official capacity as treasurer. Accordingly, on April 11, 2022, the Commission closed the file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

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. If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

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
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7888

Respondents: Martin Marietta Materials, Inc.
Senate Leadership Fund and
Caleb Crosby in his official
capacity as treasurer¹

Complaint Receipt Date: Mar. 17, 2021

Response Dates: Apr. 6, 2021, May 5, 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 Martin Marietta Materials, Inc. (“Martin Marietta”) made a prohibited \$10,000 contribution as a federal contractor 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”).² The Complaint alleges that Martin Marietta held federal contracts with multiple agencies at the time that it made a contribution to SLF.³ During the timeframe that Martin Marietta was allegedly a federal contractor, it made a contribution to SLF on December 21, 2020, in the amount of \$10,000.⁴ The Complaint also raises questions as to whether SLF knowingly solicited a prohibited federal contractor contribution.

In its Response, SLF states that it did not knowingly solicit a contribution from any federal contractor, and was unaware at the time it received the contribution from Martin Marietta that the

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

² Compl. at 3 (Mar. 17, 2021).

³ Specifically, the Complaint asserts that Martin Marietta held two contracts with the Department of Defense covering the period August 9, 2019, through December 31, 2020, in amounts of \$519,901 and \$470,307, and an additional contract with the Department of Defense covering the period September 21, 2020, through November 1, 2021, in the amount of \$699,976. *Id.* at 2-3.

⁴ *Id.* at 3; SLF Amended 2020 Year-End Report at 117 (Mar. 18, 2021).

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donor may have been a federal contractor.⁵ SLF further asserts that after receiving this Complaint and conferring with representatives of Martin Marietta, SLF voluntarily refunded the contribution on or about March 26, 2021.⁶ Martin Marietta asserts that upon receipt of the Complaint, it investigated the matter, determined that it could potentially meet the definition of a federal contractor, and sought and received a refund of the full \$10,000 from SLF.⁷

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the low dollar amount at issue, we recommend that the Commission dismiss the Complaint consistent

⁵ SLF Resp. at 2. SLF 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.

⁶ SLF Resp. at 2.

⁷ Martin Marietta Resp. at 1. *See* SLF 2021 Mid-Year Report at 105 (Jul. 31, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202107319465466524>. In its Response, Martin Marietta states that the true amount of its government contracts are significantly lower than the \$1.6 million alleged by the Complaint and that because its contracts do not require ongoing performance, it “did not appreciate that it could be classified as a federal government contractor.” *Id.* at 2. Further, Martin Marietta states that it is in the process of implementing new policies and procedures to make certain that prohibited contributions are not made in the future. *Id.* at 1.

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with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁸ We also recommend that the Commission close the file and send the appropriate letters.

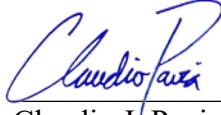
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel

2/25/2022

Date

BY:



Claudio J. Pavia
Acting Deputy Associate General Counsel
for Enforcement

Roy Q. Lockett
Acting Assistant General Counsel



Donald E. Campbell
Attorney

⁸ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).