

FEDERAL ELECTION COMMISSION Washington, DC 20463

January 25, 2023

VIA ELECTRONIC AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Bert Adams

Savannah, GA 31411 RE: MUR 7935

Dear Mr. Adams:

On January 11, 2023, the Federal Election Commission reviewed the allegations in your complaint received October 21, 2021, 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 Citizen Facts PAC and Clinton Edminster in his official capacity as treasurer. Accordingly, on January 11, 2023, 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. Luckett BY: Roy Q. Luckett

Acting Assistant General Counsel

Enclosure General Counsel's Report

2	BEFORE THE FEDERAL ELECTION COMMISSION		
2 3	ENFORCEMENT PRIORITY SYSTEM		
4	DISMISSAL REPORT		
5 6 7	MUR: 7935 Responden	ts: Citizen Facts PAC and Clinton Edminster in his official capacity	
8 9		as treasurer	
10 11	Complaint Receipt Date: October 21, 2021 Response Date: November 8, 2021		
12 13 14	EPS Rating:		
15	Alleged Statutory	52 U.S.C. § 30104(a), (b);	
16	Regulatory Violations:	11 C.F.R. §§ 104.1, 104.3	
17 18	The Complaint alleges that Citizen Facts PAC (the "PAC") failed to file its 2021 Mid-Year	
19	Report. ¹ The Complaint further alleges that the PAC paid for two billboards targeting Buddy Carter		
20	in 2021 at a cost ranging from \$800 to \$3,500, and a newspaper ad targeting Carter at a cost		
21	between \$200-\$3,000, but failed to disclose its expenditures. ² In addition, the Complaint alleges		
22	that the PAC solicits contributions through ActBlue, but has not disclosed any contributions		
23	received. ³		
24	The Response acknowledges that the Committee	e failed to timely file its 2021 Mid-Year	
25	Report, which was due July 31, 2021, and states that the lack of filing was an oversight on the part		
26	of the treasurer. ⁴ The Committee filed its 2021 Mid-Year Report on November 8, 2021, which		

Compl. at 2 (Oct. 21, 2021).

² *Id.* at 1.

 $^{^3}$ *Id*.

⁴ Response of Citizen Facts PAC and Clinton Edminster, as treasurer (Nov. 8, 2021).

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- disclosed \$10,515 in receipts and \$7,597.31 in disbursements.⁵ The 2021 Mid-Year Report
- 2 disclosed \$7,530 in disbursements related to billboards and newspaper advertisements.⁶
- 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
- 5 assess whether particular matters warrant further administrative enforcement proceedings. These
- 6 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
- 7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
- 8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
- 9 potential violations and other developments in the law. This matter is rated as low priority for
- 10 Commission action after application of these pre-established criteria. Given that low rating, the
- remedial actions of the Respondent, and the low dollar amount involved, we recommend that the
- 12 Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to
- determine the proper ordering of its priorities and use of agency resources. We also recommend

⁵ Citizen Facts PAC 2021 Mid-Year Report at 2 (Nov. 8, 2021), https://docquery.fec.gov/pdf/207/202111089468444207/202111089468444207.pdf.

⁶ *Id.* at 12.

⁷ Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).

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that the Commission close the file as to the Respondent and send the appropriate letters. Lisa J. Stevenson 2 Acting General Counsel 3 4 5 6 Charles Kitcher 7 Associate General Counsel 8 9 10 December 20, 2022 BY: 11 12 Date Claudio J. Pavia Deputy Associate General Counsel 13 14 15 Roy Q. Luckett 16 17 Roy Q. Luckett 18 Acting Assistant General Counsel 19 20 21 22 Donald E. Campbell 23

Attorney