



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**VIA ELECTRONIC AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

[Vladsangell@yahoo.com](mailto:Vladsangell@yahoo.com)

December 20, 2022

Peggy Karstens  
Kimberly Schilling  
2008 W. Broadway Suite 129  
Council Bluffs, IA 51501

RE: MUR 7941

Dear Mses. Karstens and Schilling:

On December 13, 2022, the Federal Election Commission reviewed the allegations in your complaint received November 3, 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 WinRed and Benjamin Ottenhoff in his official capacity as treasurer. Accordingly, on December 13, 2022, 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. Lockett*

BY: Roy Q. Lockett  
Acting Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 7941

**Respondent:** WinRed and Benjamin  
Ottenhoff in his official  
capacity as treasurer

**Complaint Receipt Date:** November 3, 2021

**Response Date:** December 20, 2021

**EPS Rating:**

**Alleged Statutory**

52 U.S.C. § 30124(b);

**Regulatory Violations:**

11 C.F.R. § 110.16(b)

The Complaint alleges that WinRed and Benjamin Ottenhoff in his official capacity as treasurer (“WinRed”), a political committee that operates as an online fundraising platform, charged Complainants’ mother’s credit card without approval for \$6,712.99 in recurring contributions to multiple candidate committees, joint fundraising committees, and independent expenditure-only political committees between May 2020 and April 2021.<sup>1</sup> WinRed ultimately refunded \$1,220 of the total contributions but Complainants on behalf of their mother have sought additional refunds from WinRed and received correspondence from WinRed directing them to contact the recipient committees directly to request refunds.<sup>2</sup>

In response, WinRed asserts that the Complaint does not allege any violation of the Act or Commission regulations.<sup>3</sup> The Response further states that all contributions were made by the donor voluntarily and were collected and transmitted by WinRed in accordance with applicable law and WinRed policy, and that after the donor contacted WinRed, WinRed addressed the donor’s

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<sup>1</sup> Compl. at 1, 3 (Nov. 3, 2021).

<sup>2</sup> *Id.* at 3. Complainants state that they have also filed a local police report, disputed the charges with their mother’s credit card company, and submitted a complaint to the Better Business Bureau. *Id.* at 1, 2.

<sup>3</sup> WinRed Resp. at 1 (Dec. 20, 2021).

1 concerns promptly, including issuing refunds that WinRed asserts were not legally required.<sup>4</sup> The  
2 Response also states that once contacted by the donor, WinRed addressed her concerns to the extent  
3 possible and provided additional information on seeking refunds from the committees that received  
4 the contributions at issue.<sup>5</sup>

5 Based on its experience and expertise, the Commission has established an Enforcement  
6 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
7 assess whether particular matters warrant further administrative enforcement proceedings. These  
8 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity  
9 and the amount in violation; (2) the apparent impact the alleged violation may have had on the  
10 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in  
11 potential violations and other developments in the law. This matter is rated as low priority for  
12 Commission action after application of these pre-established criteria. Given that low rating, and the  
13 low dollar amount involved, we recommend that the Commission dismiss the Complaint consistent  
14 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and  
15 use of agency resources.<sup>6</sup> We also recommend that the Commission close the file as to all

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<sup>4</sup> *Id.* at 1, 4. Specifically, the Response states that the donor made 43 contributions to federal candidates and committees through WinRed between May 3, 2020, and April 23, 2021, including 12 standard, one-time contributions, 24 recurring contributions, four "additional contributions," and three "pledge contributions." *Id.* at 3.

<sup>5</sup> *Id.* The Response also states that six contributions were refunded to the donor after she had contacted WinRed on April 27, 2021, stating that the only active recurring contribution at the time was cancelled, and three contributions made within 90 days of that time of contact were refunded.

<sup>6</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

1 Respondents and send the appropriate letters.

2 Lisa J. Stevenson  
3 Acting General Counsel  
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6 Charles Kitcher  
7 Associate General Counsel  
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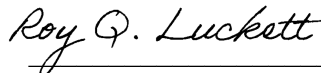
9  
10 9/29/2022

11 Date

BY:



Claudio J. Pavia  
Deputy Associate General Counsel

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Roy Q. Luckett  
Acting Assistant General Counsel

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19 Donald E. Campbell  
20 Attorney  
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