



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

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Richard Rios

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Olson Remcho LLP

555 Capitol Mall, Suite 400

Sacramento, CA 95814

October 17, 2022

RE: MUR 7942
Rudy Salas for Congress
Josie Olsen, as treasurer
Rudy Salas for Assembly
Rudy Salas

Dear Mr. Rios and Mr. Kaur:

On November 9, 2021, the Federal Election Commission ("Commission") notified your clients Rudy Salas for Congress and Josie Olsen in her official capacity as treasurer, Rudy Salas for Assembly, and Rudy Salas of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On October 12, 2022, based on the information provided in the complaint, and information provided by you, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Rudy Salas for Congress and Josie Olsen in her official capacity as treasurer, Rudy Salas for Assembly, and Rudy Salas. The Commission then closed its file in this matter. A copy of 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: 7942

Respondents: Rudy Salas for Congress
and Josie Olsen in her official
capacity as treasurer
Rudy Salas for Assembly
Rudy Salas

Complaint Receipt Date: November 5, 2021

Response Date: December 27, 2021

Alleged Statutory

52 U.S.C. §§ 30120; 30125(e)

Regulatory Violations:

11 C.F.R. §§ 110.3(d); 110.11

The Complaint alleges that Rudy Salas for Congress and Ana Huerta in her official capacity as treasurer (the “Committee”), the authorized committee of Rudy Salas, used state campaign resources for his federal campaign.¹ Specifically, the Complaint suggests that the Committee may have used signs purchased by Salas’s state candidate committee, Rudy Salas for Assembly, at an event announcing his 2022 federal candidacy.² The Response acknowledges that the signs at the federal event were originally created for Salas’s state campaign, and had been reconfigured by volunteers who were unaware of the law, by covering the word “Assembly” and handwriting the word “Congress” in its place.³ The Response also states that there were approximately twelve signs at the press conference, with an estimated value of less than \$100.⁴

¹ Compl. at 1 (Nov. 5, 2021). Salas was a 2022 candidate in California’s 21st congressional district.

² *Id.* at 2. The Complaint cites state disclosure reports showing a \$160 expenditure for political signs. *Id.* at 5. The Complaint includes photographs of Salas at an earlier state campaign event, in front of signs that read “Rudy Salas for Assembly,” and photos of Salas at his October 18, 2021, federal campaign announcement in front of identical signs with white tape covering the area where the word “Assembly” was printed on the state campaign signs, overwritten in black marker with the word “Congress.” *Id.* at 8. The Complaint also suggests that the campaign signs did not contain proper disclaimers. *Id.* at 2, 6.

³ Response of Rudy Salas, Rudy Salas for Congress, Ana Huerta in her official capacity as treasurer, and Rudy Salas for Assembly (“Response”) at 1 (Sept. 24, 2021).

⁴ *Id.* The Response also states that Salas is now aware of the prohibition of using state committee resources for federal campaign activity, and will ensure that similar violations do not occur in the future. *Id.* at 3.

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 involved, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel

9/30/2022

Date

BY:

Claudio J. Pavia
Deputy Associate General Counsel

Roy Q. Lockett
Acting Assistant General Counsel

Donald E. Campbell
Attorney

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).