



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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

February 8, 2023

Stanley E. Kuback  
P.O. Box 873807  
Vancouver, WA 98687

RE: MUR 7955

Dear Mr. Kuback:

On February 06, 2023, the Federal Election Commission reviewed the allegations in your complaint received January 25, 2022, 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 Joe Kent for Congress and Thomas Datwyler in his official capacity as treasurer. Accordingly, on February 06, 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

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR:** 7955

**Respondents:** Joe Kent for Congress and Thomas Datwyler in his official capacity as treasurer

**Complaint Receipt Date:** January 25, 2022

**Response Date:** April 19, 2022

**Alleged Statutory** 52 U.S.C. §§ 30120(a)(1), (b)(1), (c)(1)  
**Regulatory Violations:** 11 C.F.R. §§ 110.11(a)(1), (b)(1), (c)(1)-(2)

The Complaint alleges that Joe Kent for Congress and Thomas Datwyler in his official capacity as treasurer (the “Committee”), the principal campaign committee of Joe Kent, violated Washington state law by omitting Kent’s party affiliation on political advertising.<sup>1</sup> The Complaint attaches images of Committee signs, as well as a screenshot of the Committee’s website and an announcement for an event by a group named Citizen Courage. The Complaint alleges “possible violations of federal campaign laws regarding campaign advertising policy here in Washington State.”<sup>2</sup> The Committee’s Response asserts that the relevant Washington state law does not apply to federal candidates.<sup>3</sup> The Response further asserts that the Commission does not have jurisdiction to enforce Washington state campaign laws.<sup>4</sup>

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

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<sup>1</sup> Compl. at 1 (Jan. 25, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> Committee Resp. at 1 (Apr. 19, 2022). The Response cites R.C.W. § 42.17A.200 which provides that “[t]he provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than . . . for a federal elective office[.]” *Id.*

<sup>4</sup> *Id.*

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

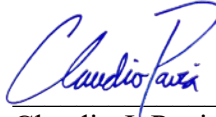
11  
12 Lisa J. Stevenson  
13 Acting General Counsel  
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16 Charles Kitcher  
17 Associate General Counsel  
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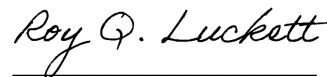
19  
20 December 29, 2022

21 Date

22 BY:



23 Claudio J. Pavia  
24 Deputy Associate General Counsel

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26 Roy Q. Luckett  
27 Acting Assistant General Counsel

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29 Donald E. Campbell  
30 Attorney  
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<sup>5</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).