



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 Regulatory Violations

52 U.S.C. §§ 30120(a)(1), (b)(1), (c)(1)
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

19 capacity as treasurer (the “Committee”), the principal campaign committee of Joe Kent, violated

20 Washington state law by omitting Kent's party affiliation on political advertising.¹ The Complaint
21 attaches images of Committee signs, as well as a screenshot of the Committee's website and an
22 announcement for an event by a group named Citizen Courage. The Complaint alleges "possible
23 violations of federal campaign laws regarding campaign advertising policy here in Washington
24 State."² The Committee's Response asserts that the relevant Washington state law does not apply to
25 federal candidates.³ The Response further asserts that the Commission does not have jurisdiction to
26 enforce Washington state campaign laws.⁴

27 Based on its experience and expertise, the Commission has established an Enforcement
28 Priority System using formal, pre-determined scoring criteria to allocate agency resources and

¹ Compl. at 1 (Jan. 25, 2022).

² *Id.*

³ 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.*

4 *Id.*

EPS Dismissal Report
MUR 7955 (Joe Kent for Congress, *et al.*)
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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.⁵ We also recommend that the Commission close the file
10 as to all Respondents and send the appropriate letters.

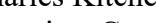
11

12 Lisa J. Stevenson
13 Acting General Counsel

16 Charles Kitcher
17 Associate General Counsel

19
20 December 29, 2022

BY:

Charles Kitcher
Associate General Counsel


Claudio J. Pavia
Deputy Associate General Counsel

Roy Q. Luckett
Roy Q. Luckett
Acting Assistant General Counsel

Donald E. Campbell
Donald E. Campbell
Attorney

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