



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

mcolumbo@dhillonlaw.com

Michael A. Columbo
Dhillon Law Group, Inc.
177 Post Street, Suite 700
San Francisco, CA 94108

February 8, 2023

RE: MUR 7955
Joe Kent for Congress, *et al.*

Dear Mr. Columbo:

On January 27, 2022, the Federal Election Commission ("Commission") notified your clients Joe Kent for Congress and Thomas Datwyler in his official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 6, 2023, 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 Joe Kent for Congress and Thomas Datwyler in his official capacity as treasurer. 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: 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.¹ 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.”² The Committee’s Response asserts that the relevant Washington state law does not apply to federal candidates.³ The Response further asserts that the Commission does not have jurisdiction to enforce Washington state campaign laws.⁴

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

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.*

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.

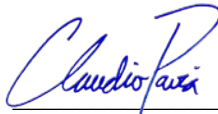
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12 Lisa J. Stevenson
13 Acting General Counsel
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15 Charles Kitcher
16 Associate General Counsel
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19
20 December 29, 2022

21 Date

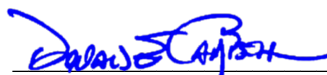
22 BY:



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