



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 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.*)
 Page 2 of 2

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.

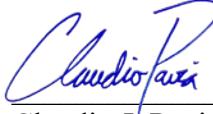
11

12 Lisa J. Stevenson
 13 Acting General Counsel

14
 15 Charles Kitcher
 16 Associate General Counsel

17
 18 December 29, 2022

19 BY:

20 
 21 Claudio J. Pavia
 22 Deputy Associate General Counsel

23
 24 
 25 Roy Q. Luckett

26 Acting Assistant General Counsel

27
 28 
 29 Donald E. Campbell

30 Attorney

31
 32 ⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).