



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 25, 2023

BY EMAIL ONLY

cody@codyfororegon.com

Jefri Green, Treasurer
Cody for Oregon
P.O. Box 42307
Portland, OR 97242

Re: MUR 7956
Cody for Oregon, *et al.*

Dear Mr. Green:

On February 4, 2022, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On January 11, 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 Cody for Oregon and you in your 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. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7956

Respondents: Cody for Oregon and Jefri Green in his
official capacity as treasurer
Steven Cody Reynolds

Complaint Receipt Date: February 1, 2022

Response Date: N/A

EPS Rating:

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 Cody for Oregon and Jefri Green in his official capacity as treasurer (the “Committee”), the principal campaign committee of Steven Cody Reynolds, omitted and/or failed to include sufficient disclaimers and spoken approval on two television ads.¹ The ads both feature Reynolds on screen speaking directly into the camera, the URL to the Committee’s official website, the campaign logo, and the text “Paid for by Cody for Oregon.” Reynolds and the Committee did not respond to the Complaint.

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

¹ Compl. at 1 (Feb. 1, 2022). The Complaint states that the two ads are available on YouTube. *Id.* at 1; *see* Cody For Oregon - Democratic Candidate for Oregon’s 6th Congressional District (<https://www.youtube.com/watch?v=ZTYOzfuJBKM>); Cody Reynolds - Climate Change (<https://www.youtube.com/watch?v=8h-T-uHViOw>).

Commission action after application of these pre-established criteria. Given that low rating, and the unlikeliness that the general public would have been confused as to whether the television ads were authorized by Reynolds, 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.² 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

December 29, 2022
Date

BY:


Claudio J. Pavia
Deputy Associate General Counsel


Roy Q. Luckett
Acting Assistant General Counsel


Donald E. Campbell
Attorney

² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).