



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 25, 2023

BY EMAIL ONLY

charleslutin@gmail.com

Charles David Lutin, Treasurer
Committee to Elect Lutin for Congress
29 Lullwater Place NE
Atlanta, Ga 30307

Re: MUR 7966
Committee to Elect Lutin for
Congress, *et al.*

Dear Mr. Lutin:

On March 8, 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 the Committee to Elect Lutin for Congress and you in your official capacity as treasurer, and you in your individual capacity. 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: 7966

Respondents: Committee to Elect Lutin for Congress
and Charles D. Lutin in his official
capacity as treasurer
Charles D. Lutin

Complaint Receipt Date: March 2, 2022

Response Date: May 25, 2022

EPS Rating:

Alleged Statutory

52 U.S.C. §§ 30104(b)(3), (5); 30102(h)(2)

Regulatory Violations:

11 C.F.R. §§ 104.3(a)(4), (b)(4); 102.11

The Complaint alleges that the Committee to Elect Lutin for Congress (the “Committee”), the authorized committee of Charles Lutin, violated the Federal Election Campaign Act of 1971, as amended, by failing to report the identities of its contributors and the payees of its disbursements.¹ The Complaint claims that the Committee’s 2021 Year-End Report does not disclose the identity of any contributors, and identified itself as the only payee of Committee disbursements.² In addition, the Complaint alleges that the Committee failed to establish a petty cash fund.³

In the Response, Lutin, who was also the treasurer of his committee, concedes that “it is possible that [he] messed up on the reporting” of the initial 2021 Year-End Report that the Committee filed.⁴ The Response claims that Lutin “was unable to capture and transmit all the necessary information through the FECfile program.”⁵ The Response additionally states that Lutin

¹ Compl. at 1 (Mar. 2, 2022).

² *Id.*

³ *Id.*; see Committee to Elect Lutin for Congress Amended 2021 Year-End Report at 11 (Jan. 24, 2022), <https://docquery.fec.gov/pdf/155/202201249475112155/202201249475112155.pdf>.

⁴ Charles D. Lutin Resp. at 1 (May 25, 2022).

⁵ *Id.*

1 was a “first time candidate.”⁶ The Response further explains that the Committee intended to amend
2 its 2021 Year-End Report.⁷ The Committee subsequently amended its 2021 Year-End Report
3 which disclosed \$12,215 in aggregate contributions and \$6,635 in aggregate disbursements.⁸

4 Based on its experience and expertise, the Commission has established an Enforcement
5 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
6 assess whether particular matters warrant further administrative enforcement proceedings. These
7 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
8 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
9 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
10 potential violations and other developments in the law. This matter is rated as low priority for
11 Commission action after application of these pre-established criteria. Given that low rating, the
12 remedial actions of the Respondents, and the low dollar amount involved, we recommend that the
13 Commission dismiss the Complaint consistent with the Commission’s prosecutorial discretion to
14 determine the proper ordering of its priorities and use of agency resources.⁹ We also recommend

⁶ *Id.*

⁷ *Id.* Commission records indicate that the Committee filed an Amended 2021 Year-End Report on April 28, 2022, including itemized receipts and disbursements. Committee to Elect Lutin for Congress Amended 2021 Year-End Report (Apr. 28, 2022), <https://docquery.fec.gov/pdf/594/202204289502482594/202204289502482594.pdf>.

⁸ Committee to Elect Lutin for Congress Amended 2021 Year-End Report at 3-4.

⁹ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

1 that the Commission close the file as to all Respondents and send the appropriate letters.

2 Lisa J. Stevenson
3 Acting General Counsel
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6 Charles Kitcher
7 Associate General Counsel
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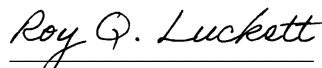
9
10 December 20, 2022

11 Date

BY:



12 Claudio J. Pavia
13 Deputy Associate General Counsel
14

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16 Roy Q. Luckett
17 Acting Assistant General Counsel
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20 Donald E. Campbell
21 Attorney
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