



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 27, 2023

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

evan@tonygonzalesforcongress.com
Evan Albertson

Kyle, TX 78640

RE: MUR 7983
GrassTroops for Frank Lopez, Jr.

Dear Mr. Albertson:

On January 25, 2023, the Federal Election Commission reviewed the allegations in your complaint received April 20, 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 GrassTroops for Frank Lopez, Jr. and Francisco Lopez, in his official capacity as treasurer. Accordingly, on January 25, 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. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**5
6 **MUR:** 79837 **Respondent:** GrassTroops for Frank Lopez, Jr.,
8 and Francisco Lopez, Jr., in his
9 official capacity as treasurer10
11 **Complaint Receipt Date:** April 20, 202212 **Response Date:** April 28, 202213 **EPS Rating:**
1415
16 **Alleged Statutory/**

52 U.S.C. § 30104(a)-(b);

17 **Regulatory Violations:**11 C.F.R. § 104.5(a)
18
19

20 The Complaint alleges that GrassTroops for Frank Lopez, Jr., and Francisco Lopez, Jr., in
21 his official capacity as treasurer (the “Committee”), the principal campaign committee of Francisco
22 Lopez, Jr., neglected to file a quarterly report due April 15, 2022, which would have been the first
23 disclosure report filed after Lopez registered with the Commission as a candidate.¹ In response to
24 the Complaint, the Committee states that neither its contributions nor its expenditures exceeded the
25 \$5,000 reporting threshold, and that, as a result, the 2022 April Quarterly Report was not due.² The
26 Response states that Lopez spoke with the Committee’s assigned FEC Analyst who confirmed that
27 the reporting requirement is triggered at the \$5,000 threshold and therefore no report was required
28 until that point.³ On April 27, 2022, the Committee filed FEC Form 99, stating that the Committee
29 did not exceed the \$5,000 reporting threshold for contributions or expenditures during the reporting

¹ Compl. at 1 (Apr. 20, 2022); *see* Francisco Lopez, Jr., Statement of Candidacy (Jan. 6, 2022); GrassTroops for Frank Lopez, Jr., Statement of Org. (Jan. 6, 2022).

² Frank Lopez Resp. at 1 (Apr. 28, 2022).

³ *Id.*

1 period ending March 31, 2022.⁴ The Committee has since filed regular reports, starting with the
2 2022 July Quarterly Report for the reporting period ending June 30, 2022.⁵

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

⁴ GrassTroops for Frank Lopez, Jr., FEC Form 99 (Apr. 27, 2022).

⁵ GrassTroops for Frank Lopez, Jr., 2022 July Quarterly Report (July 14, 2022); GrassTroops for Frank Lopez, Jr., 2022 October Quarterly Report (Oct. 15, 2022); GrassTroops for Frank Lopez, Jr., 2022 Pre-General Report (Oct. 27, 2022); GrassTroops for Frank Lopez, Jr., 2022 Post-General Report (Dec. 8, 2022).

MUR 7983 (GrassTroops for Frank Lopez, Jr.)
EPS Dismissal Report
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1 use of agency resources.⁶ We also recommend that the Commission close the file and send the
2 appropriate letters.


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4 Lisa J. Stevenson
5 Acting General Counsel
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9 Charles Kitcher
10 Associate General Counsel

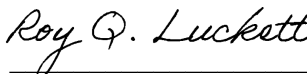
11
12 January 11, 2023

13 _____
14 Date


BY:



Claudio J. Pavia
Deputy Associate General Counsel



Roy Q. Lockett
Acting Assistant General Counsel



Jacob P. Tully
Attorney

6 _____
Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).