| 1 | BEFORE THE FEDERAL ELECTION COMMISSION | | | |
|----------------------------|---|---|--|--|
| 2 3 | ENEODCEMENT DDIODITY CYCTEM | | | |
| 3 4 | ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT | | | |
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| 6 7 8 9 | MUR: 7985 | Respondents: Lee Watts for Congress and Thomas Datwyler in his official capacity as treasurer Christopher Henning for KY | | |
| 10 11 12 13 | | and Christopher Lee Henning in his official capacity as treasurer | | |
| 14 15 16 17 18 | Complaint Receipt Date: April 20, 202. Response Date: May 11, 2022 EPS Rating: | 2 | | |
| 19 20 21 22 | Alleged Statutory Regulatory Violations: | 52 U.S.C. § 30102(e)(3); 11 C.F.R. § 102.12(c)(1)-(2) | | |
| 23 | The Complaint alleges that Christo | opher Henning for KY and Christopher Lee Henning in his | | |
| 24 | official capacity as treasurer (the "Henning Committee") contributed \$2,900 to Lee Watts for | | | |
| 25 | Congress and Thomas Datwyler in his official capacity as treasurer (the "Watts Committee") during | | | |
| 26 | the 2022 primary election, exceeding the \$2,000-per-election limit on contributions from one | | | |
| 27 | candidate's principal campaign committee | e to another candidate committee. ¹ In response, the | | |
| 28 | Henning Committee states that it inadvert | ently "overpaid by \$900," and that the Henning | | |
| 29 | Committee alerted the Watts Committee t | o this overpayment. ² The Response states that the two | | |
| 30 | committees agreed to attribute the overpayment to the general election on the understanding that | | | |
| 31 | this amount would be refunded should Wa | atts lose his primary election. ³ Following Watts's defeat | | |

¹ Compl. at 1 (Apr. 20, 2022).

Henning Committee Resp. at 1 (May 11, 2022).

³ *Id*.

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- 1 in the primary election, the Watts Committee refunded the \$900 overpayment.⁴ The Watts
- 2 Committee did not submit a response 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 Commission action after application of these pre-established criteria. Given that low rating, the remedial actions of the Respondents, and the low dollar amount involved, 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.⁵ We also recommend

Lee Watts for Congress, Termination Report at 12 (May 25, 2022) (showing a \$900 refund to the Henning Committee).

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

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| 1 | that the Commission close the file and send the appropriate letters. | | |
|--|--|-----|--|
| 2 3 4 5 6 7 | | | Lisa J. Stevenson Acting General Counsel |
| 8 9 10 11 12 13 14 15 16 | December 19, 2022 Date | BY: | Charles Kitcher Associate General Counsel Claudio J. Pavia Deputy Associate General Counsel |
| 17 18 19 20 21 22 23 24 25 | | | Roy Q. Luckett Roy Q. Luckett Acting Assistant General Counsel Jacob P. Tully Attorney |