



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

HenningForKY@protonmail.com
Christopher Lee Henning, Treasurer
Christopher Henning for KY
P.O. Box 143
Shepherdsville, KY 40165

January 18, 2023

RE: MUR 7985
Christopher Henning for KY, *et al.*

Dear Mr. Henning:

On April 25, 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 Christopher Henning for KY 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 Jacob Tully, the attorney assigned to this matter, at (202) 694-1404.

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:** 7985

Respondents: Lee Watts for Congress
and Thomas Datwyler in his
official capacity as treasurer
Christopher Henning for KY
and Christopher Lee Henning in
his official capacity as treasurer

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14 **Complaint Receipt Date:** April 20, 2022

15 **Response Date:** May 11, 2022

16 **EPS Rating:** 0

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19 **Alleged Statutory**

52 U.S.C. § 30102(e)(3);

20 **Regulatory Violations:**

11 C.F.R. § 102.12(c)(1)-(2)

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23 The Complaint alleges that Christopher 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 to another candidate committee.¹ In response, the
28 Henning Committee states that it inadvertently “overpaid by \$900,” and that the Henning
29 Committee alerted the Watts Committee to 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 Watts lose his primary election.³ Following Watts’s defeat

¹ Compl. at 1 (Apr. 20, 2022).

² Henning Committee Resp. at 1 (May 11, 2022).

³ *Id.*

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.

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, the
11 remedial actions of the Respondents, and the low dollar amount involved, we recommend that the
12 Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to
13 determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend

⁴ 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).

1 that the Commission close the file and send the appropriate letters.

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Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel

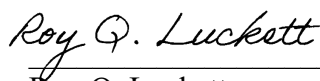
December 19, 2022

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel



Roy Q. Lockett
Acting Assistant General Counsel



Jacob P. Tully
Attorney