



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via Electronic Mail Only
cleta@cletamitchell.com

December 23, 2021

Cleta Mitchell
499 South Capitol Street SW, #405
Washington, DC 20003

RE: RR 21L-47

Dear Ms. Mitchell:

The Federal Election Commission (“Commission”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating your clients Jim Jordan for Congress and Thomas Datwyler in his official capacity as treasurer (Committee), may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”). The matter has been referred by the Reports Analysis Division to the Commission’s Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ On July 28, 2021, your clients were sent a notification letter reflecting that the Committee had been referred for amending its 2020 April Quarterly Report to disclose additional disbursements totaling \$335,502.36. That notification letter did not include other violations due to an administrative oversight. Specifically, the Committee has been referred for amending its 2018 30-Day Post-General Report to disclose additional disbursements of \$122,706.60; amending its 2019 Year-End Report to disclose additional receipts of \$144,562.79; amending its 2020 12-Day Pre-Primary Report to disclose additional receipts of \$67,364.90; and amending its 2020 July Quarterly Report to disclose additional receipts of \$558,726.12. We have numbered this referral RR 21L-47.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against your clients Jim Jordan for Congress and Thomas Datwyler in your official capacity as treasurer. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission’s consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel’s Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an

¹ Notification of this referral is being provided to you pursuant to the Commission’s Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

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investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

<u>Mail</u>	OR	<u>Email</u>
Federal Election Commission		cela@fec.gov
Office of Complaints Examination & Legal Administration		
Attn: Christal Dennis, Paralegal		
1050 First Street, NE		
Washington, DC 20463		

As indicated in the FEC's Notice found at https://www.fec.gov/resources/cms-content/documents/website_notice_regarding_status_of_fec_operations_8-10-2020.pdf, the office's mailroom is open on a limited basis and, therefore, processing correspondence may be delayed. Accordingly, we strongly encourage you to file responses and additional correspondence via email.

If you have any questions, please contact Christal Dennis at (202) 694-1519. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Roy Q. Lockett

Roy Q. Lockett
Acting Assistant General Counsel
Complaints Examination &
Legal Administration

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).