



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

March 17, 2025

VIA ELECTRONIC MAIL

scrosland@jonesday.com

E. Stewart Crosland, Esq.
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001-2113

RE: MUR 8014
NJI Sales, Inc.

Dear Mr. Crosland:

On February 1, 2024, the Federal Election Commission notified your client, NJI Sales, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by respondents, the Commission, on February 12, 2025, voted to dismiss this matter effective March 17, 2025. 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 today. *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 Tiferet Unterman, the attorney assigned to this matter, at (202) 694-1284.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "A.B. Robinson".

BY: Anne B. Robinson
Assistant General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8014

Respondents: Irene for Congress and Thomas
Datwyler in his official capacity as
treasurer
Irene Armendariz-Jackson
NJI Sales, Inc.
Unknown Respondents

Complaint Receipt Date: June 10, 2022

Response Dates: June 27, 2022; March 13, 2024



**Alleged Statutory and
Regulatory Violations:**

52 U.S.C. §§ 30104(b); 30114(c)(2); 30116(f); 30123
11 C.F.R. §§ 100.93(c)(2); 104.3(a); 110.4(c)(3); 110.9;
113.5(b), (d)

The Complaint alleges that 2022 congressional candidate Irene Armendariz-Jackson and her principal campaign committee, Irene for Congress and Thomas Datwyler in his official capacity as treasurer (the “Committee”),¹ violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by knowingly accepting a prohibited in-kind contribution in the form of non-commercial air travel from an unknown respondent(s) who paid for Armendariz-Jackson and at least one of her family members to fly roundtrip on a private aircraft from El Paso, Texas to Phoenix, Arizona to give a campaign speech at a demonstration.² The Complaint provides a link to a Facebook Live video in which Armendariz-Jackson briefly speaks to a small group of

¹ Irene Armendariz-Jackson, Statement of Candidacy (Aug. 1, 2019), <https://docquery.fec.gov/pdf/659/201908019161350659/201908019161350659.pdf>; Irene for Congress, Statement of Organization (Nov. 29, 2022), <https://docquery.fec.gov/pdf/392/202211299547069392/202211299547069392.pdf>. In 2022, Armendariz-Jackson received 36.5% of the general election vote. November 8, 2022 General Election – Official Results, TX. SEC’Y OF STATE (last updated Feb. 1, 2023), <https://results.texas-election.com/races>.

² Compl. ¶¶ 1-5, 9-15 (June 10, 2022); Armendariz for El Paso, FACEBOOK (posted May 13, 2021, 12:33 PM), <https://www.facebook.com/ArmendarizforElPaso/videos/214581006883714/>.

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1 people at an outside location presumably at or near the demonstration, in which she discusses
 2 political issues, and ends by referring to herself as a federal candidate.³ The Complaint includes
 3 a purported image of the plane, which is owned by NJI Sales, Inc. (“NJI”).⁴ The Complaint also
 4 alleges that the Committee violated the Act by failing to properly dispose of, or properly report,
 5 excessive and anonymous cash contributions totaling \$10,885.⁵ The Complaint points to
 6 itemized contributions on the Committee’s disclosure reports listed as being from
 7 “ANONYMOUS, ANONYMOUS” in amounts ranging from \$150 to \$6,410.⁶

8 Armendariz-Jackson and the Committee acknowledge that Armendariz-Jackson flew to
 9 Phoenix by plane, paid for by an unnamed third party, but contend that she did not appear in her
 10 capacity as a candidate and that, aside from a “fleeting reference to herself as a candidate,” her
 11 speech contained “general conservative, pro-life messaging.”⁷ As to the anonymous cash
 12 contributions, the Response does not provide any specific information but generally states that
 13 the Committee hired a professional compliance vendor and corrected any reporting issues.⁸

14 NJI asserts that the relevant flights were certified under Part 135 of FAA regulations and
 15 would therefore constitute commercial travel.⁹ NJI states that a third party paid for the flights as
 16 part of the NetJets Card Program which costs approximately \$11,200 per hour of flight.¹⁰ The

³ Compl. ¶ 2 (citing to two Facebook Live videos both posted on May 13, 2021).

⁴ Compl., Ex. A; *see* NJI Resp. at 2 (Mar. 13, 2024).

⁵ Compl. ¶¶ 6-8.

⁶ *Id.*; *see* Irene for Congress, Amended 2021 October Quarterly Report (Jan. 31, 2022), <https://docquery.fec.gov/pdf/622/202201319485451622/202201319485451622.pdf>; Irene for Congress, 2021 Year-End Report (Jan. 31, 2022), <https://docquery.fec.gov/pdf/986/202201319485452986/202201319485452986.pdf>.

⁷ Committee Resp. at 1 (June 27, 2022).

⁸ *Id.* at 3.

⁹ NJI Resp. at 2.

¹⁰ *Id.*; *NetJets Card Program*, NETJETS, <https://www.netjets.com/en-us/private-jet-card-program> (last visited May 3, 2024). This cost is the starting price quoted on the Net Jets website. The website indicates that final pricing

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1 flights, about two hours each, included 14 individuals on the flight to El Paso and 13 individuals
2 on the return flight to Phoenix,¹¹ apparently making the Committee's prorated expense a small
3 share of the overall cost.

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
8 activity and the amount in violation; (2) the apparent impact the alleged violation may have had
9 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
10 trends in potential violations and other developments in the law. This matter is rated as low
11 priority for Commission action after application of these pre-established criteria. Given that low
12 rating, and apparent low dollar amounts at issue, we recommend that the Commission dismiss
13 the Complaint, consistent with the Commission's prosecutorial discretion to determine the proper
14 ordering of its priorities and use of agency resources.¹² We also recommend that the
15 Commission close the file as to all Respondents effective 30 days after the date the certification

will depend on additional factors such as the "hours purchased and the program and aircraft chosen." *Private Jet Costs: Fractional & Lease Pricing*, NETJETS, <https://www.netjets.com/en-us/private-jet-cost-pricing> (last visited May 13, 2024).

¹¹ NJI Resp. at 2.

¹² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).