

1                                   **BEFORE THE FEDERAL ELECTION COMMISSION**  
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3                                   **ENFORCEMENT PRIORITY SYSTEM**  
4                                   **DISMISSAL REPORT**

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6 **MUR:** 8015

**Respondent:** Dr. Sherry O'Donnell for Congress  
and Patrick Krason in his official  
capacity as treasurer

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10 **Complaint Receipt Date:** June 14, 2022

11 **Response Date:** August 2, 2022  
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15 **Alleged Statutory and**           52 U.S.C. §§ 30102(c)(2), (i), 30104(b)(3)(A), 30116(f)  
16 **Regulatory Violations:**       11 C.F.R. §§ 103.3(b)(3), 104.3(a)(4)(i), 104.7, 110.4, 110.9

17           The Complaint alleges that Dr. Sherry O'Donnell for Congress and Patrick Krason in his  
18 official capacity as treasurer (the "Committee") knowingly accepted an excessive contribution  
19 from an individual in the amount of \$10,000; failed to properly dispose of anonymous cash  
20 contributions totaling \$3,016; failed to report address, employer, and/or occupation information  
21 for 70 itemized contributions totaling \$59,852.26 (including the previously-referenced excessive  
22 \$10,000 contribution from an individual); and failed to disclose an address for an individual to  
23 whom a disbursement was made of \$1,950, in violation of the Federal Election Campaign Act of  
24 1971, as amended (the "Act").<sup>1</sup>

25           In Response, the Committee states that the Reports Analysis Division ("RAD") sent the  
26 Committee a Request for Additional Information ("RFAI") covering most or all of the  
27 allegations in the Complaint and that the Committee "will fully respond to the RFAI and amend  
28 reports as necessary to provide missing information."<sup>2</sup> Further, regarding the missing

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<sup>1</sup> Compl. at 1-2 (June 14, 2022) (citing to Dr. Sherry O'Donnell for Congress, 2022 April Quarterly Report at 5-39 (Apr. 15, 2022), <https://docquery.fec.gov/pdf/869/20220416950000869/20220416950000869.pdf>).

<sup>2</sup> Resp. at 1 ("The campaign believes this MUR is being handled properly via the RFAI process and ask[s] that this matter be closed without further action.") (Aug. 2, 2022); see Dr. Sherry O'Donnell for Congress, RFAI at 1-3 (July 12, 2022), <https://docquery.fec.gov/pdf/300/202207120300146300/202207120300146300.pdf>.

1 identification information, the Committee asserts that it reported all information in its possession  
2 and used “best efforts” including phone calls, emails, and letters to gather the required missing  
3 information.<sup>3</sup>

4 Subsequent to the RFAI, the Committee amended its 2022 April Quarterly Report on  
5 August 16, 2022, and then again on August 19, 2022. Regarding the \$10,000 excessive  
6 contribution, the amended report discloses the contribution as attributable to four individuals  
7 with the last name Williams residing at the same address, each in the amount of \$2,500.<sup>4</sup>  
8 Regarding the alleged anonymous cash contributions, the amended report asserts that  
9 contributions were received at “Pass the Hat” events and that no individual contribution  
10 exceeded \$50.<sup>5</sup> Regarding the contributions with missing identification information, the  
11 amended report discloses additional information for 64 contributions totaling \$43,752.26 and  
12 removes two others totaling \$600.<sup>6</sup> Also, the Committee filed a Miscellaneous Text (FEC Form  
13 99) in response to the RFAI that details its standard operating procedures for obtaining missing  
14 contributor information, which it contends meet or exceed the FEC requirements.<sup>7</sup> Finally,  
15 regarding the disbursement with a missing payee address, the amended report discloses the  
16 address.<sup>8</sup>

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<sup>3</sup> Resp. at 1.

<sup>4</sup> Dr. Sherry O'Donnell for Congress, 2022 April Quarterly Report at 33-34 (Aug. 19, 2022), <https://docquery.fec.gov/pdf/172/202208199525678172/202208199525678172.pdf> (reporting \$2,500 contributions by Tina Williams, Brandon Williams, Cynthia Williams, and Shelby Williams).

<sup>5</sup> *Id.* at 8, 10.

<sup>6</sup> *Id.* at 5-35. Four of the contributions listed in the Complaint for a total of \$3,500 continue to lack employer and occupation information, with “info requested” in each applicable field.

<sup>7</sup> Dr. Sherry O'Donnell for Congress, Miscellaneous Text (FEC Form 99) (Mar. 6, 2023), <https://docquery.fec.gov/pdf/766/202303069578973766/202303069578973766.pdf>.

<sup>8</sup> Dr. Sherry O'Donnell for Congress, 2022 April Quarterly Report at 38 (Aug. 19, 2022), <https://docquery.fec.gov/pdf/172/202208199525678172/202208199525678172.pdf>.

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

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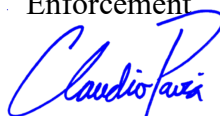
Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Associate General Counsel for  
Enforcement

February 5, 2024

Date

BY:



Claudio J. Pavia  
Deputy Associate General Counsel  
for Enforcement


*Wanda D. Brown*  
Wanda Brown  
Assistant General Counsel

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<sup>9</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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Gordon King  
Attorney