

February 21, 2024

VIA ELECTRONIC AND CERTIFIED MAIL

Jeff Feahr

Jackson, MI 49203

RE: MUR 8015

Dr. Sherry O'Donnell for Congress

Dear Mr. Feahr:

This is in reference to the complaint filed with the Federal Election Commission on June 17, 2022, concerning Dr. Sherry O'Donnell for Congress. Based on that complaint, after considering the circumstances of this matter, the Commission determined to dismiss this matter and closed the file on February 14, 2024.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed. 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).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson Acting General Counsel

BY: Wanda D. Brown

Assistant General Counsel

Wanda D. Brown

Enclosure
General Counsel's Report

1	BEFORE THE FEDERAL ELECTION COMMISSION			
1 2 3 4	ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT			
5 6 7 8 9	MUR: 8015	Respondent:	Dr. Sherry O'Donnell for Congress and Patrick Krason in his official capacity as treasurer	
10 11 12 13 14	Complaint Receipt Date: June 14, 2022 Response Date: August 2, 2022			
15 16	Alleged Statutory and Regulatory Violations:		i), 30104(b)(3)(A), 30116(f) 04.3(a)(4)(i), 104.7, 110.4, 110.9	
17	The Complaint allego	es 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").1			
25	In Response, the Cor	nmittee states that the Report	s Analysis Division ("RAD") sent the	
26	Committee a Request for Ad	lditional 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." ² Further, regarding the missing			

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/869/202204169500000869/202204169500000869.pdf).

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.

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- 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.³
- 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 \$2,500.4
- 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 \$50.5 Regarding the contributions with missing identification information, the
- amended report discloses additional information for 64 contributions totaling \$43,752.26 and
- 12 removes two others totaling \$600.6 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.⁷ Finally,
- 15 regarding the disbursement with a missing payee address, the amended report discloses the
- 16 address.8

Resp. at 1.

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).

⁵ *Id.* at 8, 10.

⁶ 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.

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

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

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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. ⁹ We also recommend that the		
12	Commission close the file and send the appropriate letters.		
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33	Lisa J. Stevenson Acting General Counsel Charles Kitcher Associate General Counsel for Enforcement BY: Claudio J. Pavia Deputy Associate General Counsel for Enforcement		
	Wanda D. Brown Wanda Brown Assistant General Counsel		

⁹ Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).

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Gordon King
Gordon King
Attorney