

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 8039

Respondents: Becker for Congress and Cameron
 Phillips in his official capacity as
 treasurer
 April Becker

Complaint Receipt Date: July 27, 2022

Response Date: September 12, 2022

EPS Rating:

Alleged Statutory and 52 U.S.C. §§ 30104(a)(2), (b)
Regulatory Violations: 11 C.F.R. §§ 100.51(a), 104.3(a)(3)(ii), (a)(4)(i), (b)(4)(i),
 104.13(a)

The Complaint alleges that Becker for Congress and Cameron Phillips in his official capacity as treasurer (the “Committee”), the authorized committee of April Becker, a 2022 candidate for the U. S. House of Representatives for Nevada’s Third Congressional District, violated the Federal Election Campaign Act of 1971, as amended.¹ Specifically, the Complaint alleges that the Committee failed to report the ultimate vendors for over two dozen disbursements Becker made on behalf of her congressional campaign.²

In support of its allegation, the Complaint lists 26 disbursements made to vendors from April 2021 to September 2021, for a total of \$14,356.58, which the Committee disclosed on its 2021 Amended July Quarterly and 2021 October Quarterly Reports.³ The Complaint alleges these disbursements were listed as “in-kind contributions,” with the purposes given as “travel,” “office supplies,” “catering,” and various “fees,” without providing the names vendors or ultimate payees who had provided the services.⁴ The Complaint asserts that these disbursements should have been

¹ Compl. at 1 (July 27, 2022).

² *Id.*; 52 U.S.C. § 30104(a)(2); 11 C.F.R. §§ 104.3(a), (a)(3)(ii).

³ *Id.* at 2, n. 3 (citing 2021 Amended July Quarterly Report; 2021 October Quarterly Report).

⁴ *Id.* at 2-3.

disclosed as both contributions and as expenditures and also that the Committee should have identified the vendor as the ultimate payee in a separate memo entry for each disbursement that exceeded \$200.⁵

Respondents deny the allegations.⁶ The Committee argues that the in-kind contributions from the candidate were disclosed on its Federal Election Commission, Form 3, Schedules A and B.⁷ It further asserts that each in-kind contribution and disbursement included the proper purpose description, name of contributor, and address, along with the required memo entries.⁸ On September 12, 2022, the same date it filed its Response, the Committee filed a 2021 Second Amended July Quarterly Report and a 2021 Amended October Quarterly Report, which included the in-kind contributions and disbursements at issue here, along with corresponding “purpose of disbursement” descriptions, “memo items,” and identifying the “ultimate payees” for disbursements that exceeded the \$200 threshold.⁹

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

⁵ Compl. at 3-4; 11 C.F.R. §§ 104.3(a)(3)(ii), (a)(4)(i), (b)(4)(i), 104.13(a).

⁶ Resp. at 1 (Sep. 12, 2022).

⁷ *Id.*

⁸ *Id.* The Committee also contends that all receipts of expenses incurred that were paid by the candidate on the campaign’s behalf have been disclosed, all records have been properly maintained, and that it has not received any requests for additional information from the Commission’s Reports Analysis Division regarding the disclosed in-kind contributions or disbursements at issue in the Complaint. *Id.*

⁹ See 2021 Second Amended July Quarterly Report (Sep. 12, 2022), <https://docquery.fec.gov/cgi-bin/forms/C00769414/1629177/>; 2021 Amended October Quarterly Report (Sep. 12, 2022), <https://docquery.fec.gov/cgi-bin/forms/C00769414/1629188/>.

1 potential violations and other developments in the law. This matter is rated as low priority for
2 Commission action after application of these pre-established criteria. Given that low rating, and the
3 low dollar amount involved, we recommend that the Commission dismiss the Complaint consistent
4 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and
5 use of agency resources.¹⁰ We also recommend that the Commission close the file as to all
6 Respondents and send the appropriate letters.

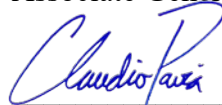
7
8 Lisa J. Stevenson
9 Acting General Counsel
10

11
12 Charles Kitcher
13 Associate General Counsel
14


15
16
17 December 13, 2022

18 Date

19
20
21
22 BY:



23 Claudio J. Pavia
24 Deputy Associate General Counsel
25

26
27 

28 Roy Q. Luckett
29 Acting Assistant General Counsel



Camilla Jackson Jones
Attorney

¹⁰ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).