



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 17, 2024

VIA ELECTRONIC AND CERTIFIED MAIL

al@kwstlaw.com

Albert Watkins, Esquire
Watkins, LLC d/b/a Kodner Watkins
1200 S. Big Bend Blvd
St. Louis, MO 63117

RE: MUR 8041
Heartland Resurgence

Dear Mr. Watkins:

This is in reference to the complaint filed by your client, Paul Berry, III, with the Federal Election Commission on July 29, 2022, concerning Heartland Resurgence. Based on that complaint, after considering the circumstances of this matter, the Commission determined to dismiss this matter and closed the file on January 10, 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

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

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6 **MUR:** 8041

Respondent: Heartland Resurgence and Christian
Morgan in his official capacity as
treasurer

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10 **Complaint Receipt Date:** July 29, 2022

11 **Response Date:** August 19, 2022

12 **EPS Rating:**

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14 **Alleged Statutory/**

15 **Regulatory Violations:**

52 U.S.C. § 30101(17)

52 U.S.C. § 30104(a), (b), (c), (g)

11 C.F.R. § 100.16

11 C.F.R. § 104.3(b)(1)(vii), (b)(3)(vii)

11 C.F.R. § 104.4

11 C.F.R. § 109.10

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22 The Complaint alleges that Heartland Resurgence and Christian Morgan in his official
23 capacity as treasurer (the “Committee”), an independent expenditure-only political committee,
24 failed to file independent expenditure reports with the Commission during the 2022 election cycle
25 in connection with a website “purchased, developed, curated, and maintained” by the Committee for
26 the purpose of opposing congressional candidate Paul Berry III, who is the Complainant, in
27 Missouri’s 2nd Congressional District.¹ The Complaint further alleges, without providing specifics,
28 that Christian Morgan was compensated by the Committee and “distributed” the website opposing
29 Berry via Morgan’s personal social media account.² The Complaint appears to allege either that the
30 Committee failed to report Morgan’s salary and/or that the Committee failed to report Morgan’s
31 salary as an independent expenditure.³ The Complaint does not contain an address for the website

¹ Compl. ¶¶ 3-4 (July 29, 2022).

² *Id.* ¶¶ 9-10.

³ *See id.* ¶¶ 3, 10, 12.

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1 opposing Berry or any images of the website,⁴ and the Complaint does not provide any information
2 about Morgan’s social media post(s). The Committee has not responded to the Complaint. During
3 the 2022 election cycle, the Committee disclosed spending \$1,787.97 on website-related activities.⁵
4 The Committee, as of the date of this Report, has not disclosed any disbursement to Morgan, and
5 has not disclosed making any disbursements with the description “salary.”⁶ During the 2022
6 election cycle, the Committee reported two disbursements totaling \$9,882.50 to Husch Blackwell
7 LLP, for “legal consulting.”⁷ Husch Blackwell Strategies is a political strategy firm at which
8 Morgan is listed as a principal.⁸

9 Based on its experience and expertise, the Commission has established an Enforcement
10 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
11 assess whether particular matters warrant further administrative enforcement proceedings. These
12 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

⁴ There is, as of the date of this Report, a website with the URL <https://berryforusa.org> containing a disclaimer that it is paid for by Heartland Resurgence and not authorized by any candidate or candidate’s committee. The current publicly-available website contains the statement “CAN WE AGREE THAT PAUL BERRY III IS WRONG FOR MISSOURI?” and is otherwise password protected. <https://berryforusa.org> (last visited Dec. 21, 2023); *see also Uncovering the Real Paul Berry III* (July 23, 2023) <https://berryforusa.org> [<https://web.archive.org/web/20220723195724/http://berryforusa.org/>]. The archived copy of the website consists of a single page purporting to contain information about Berry’s arrests, outstanding monetary judgments, evictions, failure to pay court-ordered child support, failed business ventures, and contains “CAN WE AGREE THAT PAUL BERRY III IS WRONG FOR MISSOURI?” and the Heartland Resurgence disclaimer at the bottom.

⁵ Heartland Resurgence, Amended 2022 October Quarterly Report at 8 (Oct. 26, 2022), <https://docquery.fec.gov/pdf/873/202210279542003873/202210279542003873.pdf> (\$1,287.97 disbursement for website design); Heartland Resurgence, 2022 April Quarterly Report at 13 (Apr. 15, 2022), <https://docquery.fec.gov/pdf/482/202204159496409482/202204159496409482.pdf> (\$500 disbursement for PAC website hosting).

⁶ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00544551&recipient_name=morgan (last visited Dec. 21, 2023); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00544551&disbursement_description=salary (last visited Dec. 21, 2023).

⁷ Heartland Resurgence, 2022 12-Day Pre-Election Report at 6 (Oct. 27, 2022), <https://docquery.fec.gov/pdf/240/202210279542006240/202210279542006240.pdf>; Heartland Resurgence, Amended 2022 October Quarterly Report at 8 (Oct. 26, 2022), <https://docquery.fec.gov/pdf/873/202210279542003873/202210279542003873.pdf>.

⁸ *Christian Morgan*, HUSCH BLACKWELL STRATEGIES, <https://www.hbstrategies.us/christian-morgan> (last visited Dec. 22, 2023).

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1 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
 2 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
 3 potential violations and other developments in the law. This matter is rated as low priority for
 4 Commission action after application of these pre-established criteria. Given that low rating,
 5 apparent low dollar amount at issue, and the speculative nature of the allegations in the Complaint,
 6 we recommend that the Commission dismiss the Complaint, consistent with the Commission's
 7 prosecutorial discretion to determine the proper ordering of its priorities and use of agency
 8 resources.⁹ We also recommend that the Commission close the file and send the appropriate letters.

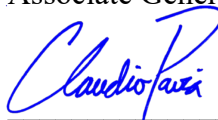
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 10 Lisa J. Stevenson
 11 Acting General Counsel
 12
 13
 14

15 Charles Kitcher
 16 Associate General Counsel
 17

18 December 22, 2023
 19 _____

20 Date

21 BY:



22 Claudio J. Pavia
 23 Deputy Associate General Counsel



24 Wanda D. Brown
 25 _____
 26 Wanda D. Brown
 27 Assistant General Counsel



28 Gordon King
 29 _____
 30 Gordon King
 31 Attorney

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