BEFORE THE FEDERAL ELECTION COMMISSION 1 2 3 **ENFORCEMENT PRIORITY SYSTEM** 4 **DISMISSAL REPORT** 5 6 **MUR:** 8046 **Respondent:** Maryott for Congress and Brian 7 Maryott in his official capacity as 8 treasurer 9 10 Complaint Receipt Date: August 3, 2022 11 **Response Date:** August 25, 2022 12 13 **EPS Rating:** 14 15 **Alleged Statutory and** 52 U.S.C. § 30104(b)(2)(B), (b)(4)(A) 16 **Regulatory Violations:** 11 C.F.R. § 104.3(a)(3)(ii), (b)(2)(i) 17 The Complaint alleges that Maryott for Congress and Brian Maryott in his official 18 capacity as treasurer (the "Committee"), principal campaign committee of 2020& 2022 19 congressional candidate Brian Maryott, failed to disclose payments made by Maryott and other 20 campaign employees through Venmo, in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). The Complaint includes screenshots of Maryott's personal 21 22 Venmo public transaction feed indicating 33 payments to individuals who appear to be campaign 23 employees, with captions listed on Venmo including: "Reimbursement," "Petty Cash," 24 "Expenses," "Tech Support," "Broken phone," "Friday," "Oops work," "Week," "Make up week," "Per Diem," "Stipend," "Tv," "Thanks!" and "Gas." The Complaint alleges, based on 25 26 these captions and the identities of the recipients, that the payments were campaign-related, but that none of these payments are reflected in the Committee's reports.³ Similarly, the Complaint 27 28 alleges that the Committee failed to disclose 18 payments that campaign employees made to each

¹ Compl. (Aug. 3, 2022).

² See id. at 4-5, Ex. A. Amounts are not included in the publicly available Venmo transaction log.

Id. at 4.

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- 1 other on Venmo through their personal accounts that the Complaint asserts "appear to be
- 2 campaign related" based again on the captions and the identities of the recipients.⁴ The
- 3 explanatory captions in the public Venmo feed for these transactions include: "Work," "Maryott
- 4 for Congress," "tips," "Pizzaz," "rental," Reimbursement," the American flag emoji, the gas tank
- 5 emoji, and a chicken head emoji.⁵
- In Response, the Committee states that "a handful of [the] allegations may have some
- 7 merit particularly as it regards some petty cash reporting that may have been overlooked at the
- 8 time." On the other hand, the Response asserts that the "vast majority" of the allegedly
- 9 unreported expenses listed in the Venmo transaction log were "not at all related to the
- campaign." Further, the Response states that it is "working to resolve the exact figures and will
- amend quarterly reports as needed."⁸ The Committee subsequently amended three of its 2021
- quarterly reports to indicate a total of \$4,223.66 in additional in-kind contributions from the
- 13 candidate and corresponding expenditures.⁹
- Based on its experience and expertise, the Commission has established an Enforcement
- 15 Priority System using formal, pre-determined scoring criteria to allocate agency resources and

Id. at 6.

⁵ See id. at 6, Ex. B.

⁶ Resp. (Aug. 25, 2022).

⁷ *Id*.

⁸ *Id*.

Compare Maryott for Congress, 2021 July Quarterly Report at 3-4 (July 15, 2021), with Maryott for Congress, Amended 2021 July Quarterly Report at 3-4 (Dec. 6, 2022) (reflecting an increase of \$3,075 in in-kind contributions from the candidate and corresponding expenditures); Maryott for Congress, 2021 October Quarterly Report at 3-4 (Oct. 15, 2021), with Maryott for Congress, Amended 2021 October Quarterly Report at 3-4 (Dec. 6, 2022) (reflecting an increase of \$720.66 in in-kind contributions from the candidate and corresponding expenditures); Maryott for Congress, First Amended 2021 Year-End Report at 3-4 (Apr. 12, 2022), with Maryott for Congress, Second Amended 2021 Year-End Report at 3-4 (Dec. 6, 2022) (reflecting an increase of \$428 in in-kind contributions from the candidate and corresponding expenditures).

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1	assess whether matters warrant further administrative enforcement proceedings. These criteria
2	include (1) the gravity of the alleged violation, taking into account both the type of activity and
3	the amount in violation; (2) the apparent impact the alleged violation may have had on the
4	electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends
5	in potential violations and other developments in the law. This matter is rated as low priority for
6	Commission action after application of these pre-established criteria. Given that low rating, the
7	apparent low dollar amount at issue, as well as the remedial steps which the Committee has
8	taken, we recommend that the Commission dismiss the Complaint consistent with the
9	Commission's prosecutorial discretion to determine the proper ordering of its priorities and use
10	of agency resources. 10 We also recommend that the Commission close the file and send the
11	appropriate letters.
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34	Lisa J. Stevenson Acting General Counsel Charles Kitcher Associate General Counsel for Enforcement Date BY: Claudio J. Pavia Deputy Associate General Counsel for Enforcement Wanda D. Brown Wanda Brown Assistant General Counsel Nicholas O. Mueller Attorney

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