



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

April 15, 2024

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**AND VIA EMAIL**

[dorothy@endcitizensunited.com](mailto:dorothy@endcitizensunited.com)

Tiffany Muller, Executive Director  
End Citizens United  
100 M St. SE  
Washington, DC 20003

RE: MUR 8046  
Maryott for Congress and Brian  
Maryott in his official capacity as  
Treasurer

Dear Ms. Muller:

On March 13, 2024, the Federal Election Commission reviewed the allegations in your complaint received August 3, 2022, and on the basis of the information provided in the complaint and response, determined to exercise its prosecutorial discretion to dismiss the allegations contained in the complaint. Accordingly, the Commission closed the file in this matter effective April 15, 2024.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable General Counsel's Report or Statements of Reasons available at the time of this letter's transmittal are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

A handwritten signature in blue ink that reads "Claudio Pavia".

BY: Claudio J. Pavia  
Deputy Associate General Counsel

1                                   **BEFORE THE FEDERAL ELECTION COMMISSION**  
2  
3                                   **ENFORCEMENT PRIORITY SYSTEM**  
4                                   **DISMISSAL REPORT**

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6 **MUR:** 8046

**Respondent:** Maryott for Congress and Brian  
Maryott in his official capacity as  
treasurer

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10 **Complaint Receipt Date:** August 3, 2022

11 **Response Date:** August 25, 2022

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13 **EPS Rating:**

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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  
21 1971, as amended (the “Act”).<sup>1</sup> The Complaint includes screenshots of Maryott’s personal  
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  
25 week,” “Per Diem,” “Stipend,” “Tv,” “Thanks!” and “Gas.”<sup>2</sup> The Complaint alleges, based on  
26 these captions and the identities of the recipients, that the payments were campaign-related, but  
27 that none of these payments are reflected in the Committee’s reports.<sup>3</sup> Similarly, the Complaint  
28 alleges that the Committee failed to disclose 18 payments that campaign employees made to each

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<sup>1</sup> Compl. (Aug. 3, 2022).

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

<sup>3</sup> *Id.* at 4.

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.<sup>4</sup> 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.<sup>5</sup>

6 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.”<sup>6</sup> 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  
10 campaign.”<sup>7</sup> Further, the Response states that it is “working to resolve the exact figures and will  
11 amend quarterly reports as needed.”<sup>8</sup> The Committee subsequently amended three of its 2021  
12 quarterly reports to indicate a total of \$4,223.66 in additional in-kind contributions from the  
13 candidate and corresponding expenditures.<sup>9</sup>

14 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

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<sup>4</sup> *Id.* at 6.

<sup>5</sup> *See id.* at 6, Ex. B.

<sup>6</sup> Resp. (Aug. 25, 2022).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *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).

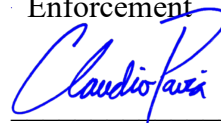
1 assess whether matters warrant further administrative enforcement proceedings. These criteria  
 2 include (1) the gravity of the alleged violation, taking into account both the type of activity and  
 3 the amount in violation; (2) the apparent impact the alleged violation may have had on the  
 4 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.<sup>10</sup> We also recommend that the Commission close the file and send the  
 11 appropriate letters.

12 Lisa J. Stevenson  
 13 Acting General Counsel

14 Charles Kitcher  
 15 Associate General Counsel for  
 16 Enforcement

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 19  
 20  
 21 03/05/2024  
 22 Date

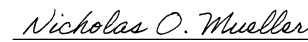
BY:



23 Claudio J. Pavia  
 24 Deputy Associate General Counsel  
 25 for Enforcement

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27 Wanda Brown  
 28 Assistant General Counsel

29   
 30 Nicholas O. Mueller  
 31 Attorney

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