



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

VIA EMAIL

brianmaryott@mac.com

Brian Maryott, Treasurer
Maryott for Congress
31726 Rancho Viejo Rd. Ste 101
San Juan Capistrano, CA 92675

April 15, 2024

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

Dear Mr. Maryott:

On August 10, 2022, the Federal Election Commission notified Maryott for Congress and you, in your official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time. On March 13, 2024, based on the information provided in the complaint, the Commission determined to exercise its prosecutorial discretion to dismiss the allegations contained in the complaint. Accordingly, the Commission closed its file in this matter effective April 15, 2024.

Any applicable General Counsel's Report or Statements of Reasons available at the time of this letter's transmittal are enclosed.

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). If you have any questions, please contact Nicholas O. Mueller, the attorney assigned to this matter, at (202) 694-1577.

Sincerely,

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

Claudio J. Pavia
Deputy Associate General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 8046

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

Complaint Receipt Date: August 3, 2022

Response Date: August 25, 2022

EPS Rating:

Alleged Statutory and 52 U.S.C. § 30104(b)(2)(B), (b)(4)(A)

Regulatory Violations: 11 C.F.R. § 104.3(a)(3)(ii), (b)(2)(i)

The Complaint alleges that Maryott for Congress and Brian Maryott in his official capacity as treasurer (the “Committee”), principal campaign committee of 2020& 2022 congressional candidate Brian Maryott, failed to disclose payments made by Maryott and other campaign employees through Venmo, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).¹ The Complaint includes screenshots of Maryott’s personal Venmo public transaction feed indicating 33 payments to individuals who appear to be campaign employees, with captions listed on Venmo including: “Reimbursement,” “Petty Cash,” “Expenses,” “Tech Support,” “Broken phone,” “Friday,” “Oops work,” “Week,” “Make up week,” “Per Diem,” “Stipend,” “Tv,” “Thanks!” and “Gas.”² The Complaint alleges, based on 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 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.

³ *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.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

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.”⁶ 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.”⁷ Further, the Response states that it is “working to resolve the exact figures and will
11 amend quarterly reports as needed.”⁸ 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.⁹

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

⁴ *Id.* at 6.

⁵ *See id.* at 6, Ex. B.

⁶ Resp. (Aug. 25, 2022).

⁷ *Id.*

⁸ *Id.*

⁹ *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).

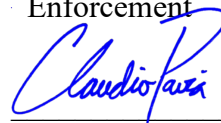
1 assess whether matters warrant further administrative enforcement proceedings. These criteria
 2 include (1) the gravity of the alleged violation, taking into account both the type of activity and
 3 the amount in violation; (2) the apparent impact the alleged violation may have had on the
 4 electoral 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.¹⁰ 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

17
 18
 19
 20
 21 03/05/2024
 22 Date

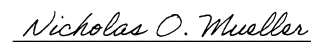
BY:



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

26 

27 Wanda Brown
 28 Assistant General Counsel

29 
 30 Nicholas O. Mueller
 31 Attorney

32
 33
 34

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