



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

March 1, 2024

VIA ELECTRONIC AND CERTIFIED MAIL

ron@rongravino.com

Ronald Gravino, Treasurer
Senator Kyrillos Committee

Middletown, NJ 07748

RE: MUR 8051
Kiley for Congress

Dear Mr. Gravino:

On August 16, 2022, the Federal Election Commission notified Senator Kyrillos Committee (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act.") A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 14, 2024, voted to dismiss this matter. The General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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).

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**

2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

5
6 **MUR: 8051**

7 **Respondents:** Kiley for Congress and Ronald
8 Gravino in his official capacity as
9 Treasurer
10 Anita Greenberg-Belli for Council
11 Friends of Cole for Council
12 Friends of Mike Glackin
13 Friends of Ross Licitra
14 Friends of Sue Kiley for
15 Commissioner
16 Koch for Council
17 O'Scanlon for Senate
18 Owen Henry for Mayor
19 Scharfenberger for Assembly
20 Senator Kyrillos Committee

21 **Complaint Receipt Date:** August 11, 2022

22 **Last Response Date:** October 31, 2022

23
24
25 **Alleged Statutory/**

26 **Regulatory Violations:**

52 U.S.C. § 30116(a)

52 U.S.C. § 30125(e)(1)

11 C.F.R. § 110.3(d)

11 C.F.R. § 300.61

30 The Complaint alleges that Kiley for Congress and Ronald Gravino in his official capacity
31 as treasurer (the "Federal Committee"), the principle campaign committee of Susan Kiley, a 2022
32 candidate in New Jersey's 6th Congressional District, received a prohibited contribution in the
33 amount of \$1,000 from Friends of Sue Kiley (the "State Committee"), Kiley's state committee for
34 her campaign for county commissioner in Monmouth County, New Jersey, in violation of the
35 Federal Election Campaign Act of 1971, as amended (the "Act").¹ The Federal Committee

¹ Compl. at 1 (Aug. 11, 2022).

1 disclosed the \$1,000 contribution from the State Committee on its 2022 April Quarterly Report.²
2 The Complaint attaches a Request for Additional Information (“RFAI”) that the Reports Analysis
3 Division (“RAD”) sent to the Federal Committee regarding the apparent impermissible contribution
4 from the State Committee to the Federal Committee.³ The RFAI also lists possible prohibited
5 contributions that the Federal Committee received from nine other state committees — Anita
6 Greenberg-Belli for Council (\$500), Friends of Cole for Council (\$100), Friends of Mike Glackin
7 (\$1,000), Friends of Ross Licitra for Commissioner (\$500), Koch for Council (\$100), O’Scanlon for
8 Senate (\$1,000), Owen Henry for Mayor (\$300), Scharfenberger for Assembly (\$1,000), and
9 Senator Kyrillos Committee (\$500).⁴ These additional contributions were also reported on the
10 Federal Committee’s 2022 April Quarterly Report.⁵

11 In response, the Federal Committee states that it is “now aware” of the prohibition against a
12 candidate’s state committee from contributing to the candidate’s federal committee, and upon
13 receiving notification of the Complaint made a refund of the prohibited contribution.⁶ The State
14 Committee also states that it is also “now aware” of the prohibition against such a contribution, and
15 confirms that it received a refund of the prohibited contribution.⁷ The Federal Committee disclosed
16 making a refund of a contribution to the State Committee on its 2022 October Quarterly Report,⁸

² Kiley for Congress, 2022 April Quarterly Report at 40 (Apr. 13, 2022), <https://docquery.fec.gov/pdf/612/202204139496090612/202204139496090612.pdf>.

³ Kiley for Congress, RFAI at 1 (May 31, 2022), <https://docquery.fec.gov/pdf/432/202205310300144432/202205310300144432.pdf>.

⁴ *Id.*, Attach. 1.

⁵ Kiley for Congress, 2022 April Quarterly Report at 38-41 (Apr. 13, 2022).

⁶ Kiley for Congress Resp. at 1 (Aug. 29, 2022).

⁷ Friends of Sue Kiley Resp. at 1 (Sept. 20, 2022).

⁸ Kiley for Congress, 2022 October Quarterly Report at 83 (Oct. 21, 2022), <https://docquery.fec.gov/pdf/162/202210219541476162/202210219541476162.pdf>.

1 and the State Committee disclosed receiving the refund from the Federal Committee on its 2022
2 October Quarterly Report.⁹ The Response also attaches a copy of the refund check to the State
3 Committee.¹⁰ Regarding the eight additional contributions from various other state committees, the
4 Federal Committee states that it obtained affidavits from the committees to confirm that each has
5 received sufficient funds subject to the limitations and prohibitions of the Act in order to make the
6 contribution.¹¹ The Federal Committee includes eight affidavits in its Response (from each state
7 committee other than O’Scanlon for Senate).¹² Five of the state committees, including Anita
8 Greenberg-Belli for Council, O’Scanlon for Senate, Owen Henry for Mayor, Scharfenberger for
9 Assembly, and Senator Kyrillos Committee submitted Responses stating that their contribution to
10 the Federal Committee consisted of funds subject to the limitations and prohibitions of the Act.¹³
11 Friends of Cole and Koch for Council submitted Responses but do not directly address whether they
12 employed a reasonable accounting method to ensure that funds subject to the limitations and
13 prohibitions of the Act were used to make the contributions to the Federal Committee.¹⁴ Friends of
14 Mike Glackin and Friends of Ross Licitra did not submit responses.

15 Based on its experience and expertise, the Commission has established an Enforcement
16 Priority System using formal, pre-determined scoring criteria to allocate agency resources and

⁹ NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION, Friends of Sue Kiley for Commissioner, 2022 October Quarterly Report at 4 (Oct. 6, 2022), <https://www.njelecefilesearch.com/SearchCandidateReports> (linking directly to the report is not possible; search for “Kiley, Susan M.,” click on the linked name which appears in the row for “Primary 2024,” and click the PDF icon in the row for “10/06/2022, RQ-2022”).

¹⁰ Kiley for Congress Resp., Attach. 9.

¹¹ Kiley for Congress Resp. at 1.

¹² *Id.*, Attach. 1-8.

¹³ Anita Greenberg-Belli for Council Resp. at 1 (Oct. 31, 2022); O’Scanlon for Senate Resp. at 1 (Aug. 30, 2022); Owen Henry for Mayor Resp. at 1 (Aug. 31, 2022); Scharfenberger for Assembly Resp. at 1 (Aug. 31, 2022); Senator Kyrillos Committee Resp. at 1 (Aug. 31, 2022).

¹⁴ Friends of Cole Resp. at 1 (Aug. 25, 2022); Koch for Council Resp. at 1 (Aug. 19, 2022).

MUR 8051 (Kiley for Congress)
 EPS Dismissal Report
 Page 4 of 4

1 assess whether particular matters warrant further administrative enforcement proceedings. These
 2 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
 3 and 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 in
 5 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 and
 7 apparent low dollar amount at issue we recommend that the Commission dismiss the Complaint,
 8 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its
 9 priorities and use of agency resources.¹⁵ We also recommend that the Commission close the file
 10 and send the appropriate letters.

11
 12 Lisa J. Stevenson
 13 Acting General Counsel
 14

15
 16
 17 Charles Kitcher
 18 Associate General Counsel
 19


20 February 2, 2024


21 _____
 22 Date

23 BY:



24 Claudio J. Pavia
 25 Deputy Associate General Counsel
 26

27 
 28 Wanda D. Brown
 29 Assistant General Counsel
 30

31 
 32 Gordon King
 33 Attorney

¹⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).