



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

April 25, 2024

VIA ELECTRONIC MAIL

jessica@holtzmanvogel.com

Jessica F. Johnson, Esquire
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
15405 John Marshall Hwy
Haymarket, VA 20169

RE: MUR 8054
Steve Wells for Congress

Dear Ms. Johnson:

On August 23, 2022, the Federal Election Commission notified your clients, Steve Wells for Congress (the "Committee") and Benedicte Doran, 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 them at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on March 26, 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. *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 Brown^{CP}

BY: Wanda D. Brown
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8054

Respondents: Steve Wells for Congress and Janna Rutland in her official capacity as treasurer
Benedicte Doran

Complaint Receipt Date: August 18, 2022

Response Date: September 1, 2022

EPS Rating:

Alleged Statutory/

Regulatory Violations:

52 U.S.C. § 30120(a)

11 C.F.R. § 110.11(a)(1), (b)(1)

The Complaint alleges that Steve Wells for Congress and Janna Rutland in her official capacity as treasurer (the “Committee”), the principal campaign committee of Steven M. Wells, a 2022 candidate in New York’s 22nd Congressional District,¹ and Benedicte Doran, Chairwoman of the Onondaga County Republican Party and paid Committee staffer who allegedly acted on behalf of the Committee, produced and distributed a mailer without a required disclaimer, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).² The Complaint includes a copy of the mailer at issue which asks the recipient to “Vote for Steve Wells” in the Republican Primary and states that Wells has been endorsed by all Republican county chairs in the district, including Doran, along with a personalized note “From the Desk of Benedicte Doran.”³

In response, Respondents admit that “the mailer in question lacked the appropriate ‘Paid for by Steve Wells for Congress’ disclaimer,” but claim that the omission was the result of “vendor

¹ Steve Wells for Congress, Amended Statement of Organization at 2 (July 14, 2022), <https://docquery.fec.gov/pdf/343/202207149518468343/202207149518468343.pdf>.

² Compl. at 1 (Aug. 11, 2022).

³ *Id.*, Attach. at 1-2. The mailer appears to list Doran’s name and address as the sender. *Id.*

MUR 8054 (Steve Wells for Congress, *et al.*)

EPS Dismissal Report

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1 error.”⁴ Respondents state that the production was managed by two vendors “who do not normally
2 produce mailers for federal campaigns.”⁵ According to Respondents, the total cost of producing
3 and distributing the mailer was \$3,399.84.⁶ The Committee disclosed a disbursement of \$3,399.84
4 to IMS, Inc. for “Printing/Postage” on its 2022 October Quarterly Report.⁷ Respondents request
5 that the Commission exercise its prosecutorial discretion and dismiss the Complaint.⁸

6 Based on its experience and expertise, the Commission has established an Enforcement
7 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
8 assess whether particular matters warrant further administrative enforcement proceedings. These
9 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
10 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
11 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
12 potential violations and other developments in the law. This matter is rated as low priority for
13 Commission action after application of these pre-established criteria. Given that low rating and
14 apparent low dollar amount at issue we recommend that the Commission dismiss the Complaint,
15 consistent with the Commission’s prosecutorial discretion to determine the proper ordering of its
16 priorities and use of agency resources.⁹ We also recommend that the Commission close the file and
17 send the appropriate letters.

18

⁴ Resp. at 1 (Sept. 1, 2022) (“However, the mailer featured the Wells campaign logo on both sides along with a photo of Mr. Wells.”).

⁵ *Id.*

⁶ *Id.*

⁷ Steve Wells for Congress, 2022 October Quarterly Report at 51 (Oct. 15, 2022), <https://docquery.fec.gov/pdf/822/202210159532800822/202210159532800822.pdf>.

⁸ Resp. at 1-2.

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

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel



BY:

Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Gordon King
Attorney

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February 29, 2024

Date