



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 18, 2023

Dennis E. Free

Virginia Beach, VA 23456

RE: MUR 8063

Dear Mr. Free:

The Federal Election Commission reviewed the allegations in your complaint received August 17, 2022, and on the basis of the information provided in the complaint, decided to exercise its prosecutorial discretion to dismiss the allegations as to Michael H. Lewis. Accordingly, on April 5, 2023, the Commission closed the file in this matter.

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), effective September 1, 2016. A copy of the General Counsel's Report, which more fully explains the Commission's finding, is 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. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting 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:** 8063

Respondent: Michael H. Lewis

7
8 **Complaint Receipt Date:** August 17, 2022

9 **Response Date:** None

10 **EPS Rating:**

11
12 **Alleged Statutory and** 52 U.S.C. §§ 30101(17), 30104(c)(1), (2), 30120(a)(3);
13 **Regulatory Violations:** 11 C.F.R. §§ 109.10(b), 109.11, 110.11(a)(2), (b)(3)
14

15 The Complaint in this matter alleges that Michael H. Lewis paid \$650 for a newspaper
16 advertisement in support of re-electing Congressperson Elaine Luria that lacked the appropriate
17 disclaimers, in violation of the Federal Election Campaign Act of 1971 and Commission
18 regulations.¹ The advertisement appeared in the July 29, 2022, edition of the *Eastern Shore Post*
19 with the title “Re-elect Elaine Luria,” and was signed “Michael Lewis, Onancock, VA.”² Lewis has
20 not responded to the Complaint.

21 Based on its experience and expertise, the Commission has established an Enforcement
22 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
23 assess whether particular matters warrant further administrative enforcement proceedings. These
24 criteria include (1) the gravity of the alleged violation, considering both the type of activity and the
25 amount in violation; (2) the apparent impact the alleged violation may have had on the electoral
26 process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential
27 violations and other developments in the law. This matter is rated as low priority for Commission
28 action after application of these pre-established criteria. Given that low rating, Lewis’s

¹ Compl. at 1 (Aug. 8, 2022).

² *Id.* at 2-3; *Re-elect Elaine Luria*, EASTERN SHORE POST (July 29, 2022), at 4, available at: <https://easternshorepost.com/wp-content/uploads/2022/07/07.29.2022.pdf>.

29 identification as the person responsible for the ad, and the low dollar amount involved,³ we
30 recommend that the Commission dismiss the complaint consistent with the Commission's
31 prosecutorial discretion to determine the proper ordering of its priorities and use of agency
32 resources.⁴ We also recommend that the Commission close the file as to the Respondent and send
33 the appropriate letters.

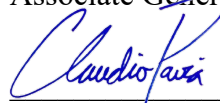
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35 Lisa J. Stevenson
36 Acting General Counsel
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39 Charles Kitcher
40 Associate General Counsel
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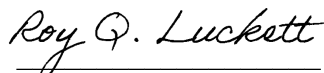
42 March 27, 2023

43 Date

BY:



44 Claudio J. Pavia
45 Deputy Associate General Counsel



46 Roy Q. Luckett
47 Acting Assistant General Counsel
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49 Tiferet Unterman
50 Attorney
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³ Although the available information does not indicate exactly what the ad's costs were, they were likely over \$250, the threshold for independent expenditure reporting. See 52 U.S.C. §§ 30101(17), 30104(c); 11 C.F.R. §§ 100.16(a), 104.4(e)(3), 105.4, 109.10(b). The Complaint claims that the ad cost \$650. Compl. at 1 (Aug. 8, 2022).

⁴ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).