

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 8077

**Respondents:** Pekau for Congress and Cynthia  
Katsenes in her official capacity as  
treasurer  
Keith Pekau  
Keith for Mayor

**Complaint Receipt Date:** October 6, 2022

**Response Date:** November 28, 2022



**Alleged Statutory and  
Regulatory Violations:** 52 U.S.C. § 30125(e)(1)(A)  
11 C.F.R. § 110.3(d)

The Complaint alleges that 2022 congressional candidate Keith Pekau, his principal campaign committee, Pekau for Congress and Cynthia Katsenes in her official capacity as treasurer (the “Federal Committee”), and his state committee, Keith for Mayor (the “Mayoral Committee”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), when the Mayoral Committee made payments of approximately \$19,196.36 to McPherson Public Affairs Group (“McPherson”) and COR Services for advertising, consulting, and polling that benefitted the Federal Committee.<sup>1</sup> In support of this allegation, the Complaint asserts that the Mayoral Committee made payments to McPherson and COR Services after Pekau won his final mayoral election in 2021 when, according to the Complaint, the Mayoral Committee would have no further need for these vendors’ services.<sup>2</sup>

<sup>1</sup> Compl. at 3-4 (Oct. 6, 2022). Pekau successfully ran for mayor of Village of Orland Park, Illinois in 2017 and 2021. Resp. at 2 (Nov. 28, 2022).

<sup>2</sup> Compl. at 4.

Pekau and the Federal Committee argue that the Complaint is speculative and deny that the Mayoral Committee made payments on behalf of the Federal Committee.<sup>3</sup> They assert that after Pekau won reelection for mayor, the Mayoral Committee hired McPherson and COR Services to update Pekau's mayoral campaign website and for advertising, polling, and consulting for the Mayoral Committee's own needs including public opinion surveys on Pekau's mayoral constituents' views on his response to COVID and information on local village trustee races.<sup>4</sup> Pekau and the Federal Committee further assert that it was logical for Pekau to hire the same trusted vendors to assist with both his state and federal campaigns and that although the consultants did separate work for the Federal Committee, strict measures were in place to ensure separation between the Mayoral and Federal Committees' activities.<sup>5</sup>

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

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<sup>3</sup> Resp. at 2-3. The Mayoral Committee did not submit a response.

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

<sup>5</sup> *Id.* at 2-3.

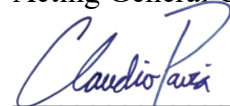
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ordering of its priorities and use of agency resources.<sup>6</sup> We also recommend that the Commission close the file effective 30 days after the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

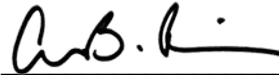
February 26, 2025  
Date

Lisa J. Stevenson  
Acting General Counsel

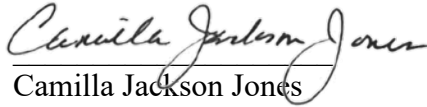
BY:



Claudio J. Pavia  
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Anne B. Robinson  
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Camilla Jackson Jones  
Attorney

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<sup>6</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).