FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

April 14, 2025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Tiffany Muller
End Citizens United
PO Box 66005
Washington, DC 20035

RE: MUR 8077
Keith Pekau
Pekau for Congress and Cynthia Katsenes in her official capacity as treasurer
Keith for Mayor

Dear Ms. Muller:

This is in reference to the complaint you filed with the Federal Election Commission on October 6, 2022. Based on that complaint, and after considering the circumstances of this matter and information provided in the response to the complaint, the Commission determined to dismiss this matter and close the file effective April 14, 2025. A copy of 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 today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

If you have any questions, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1507 or cjacksonjones@fec.gov.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Anne B. Robinson
Assistant General Counsel

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

[redacted]

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.[1] 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.[2]

[1] 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).

[2] 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.[3] 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.[4] 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.[5]

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

[3] Resp. at 2-3. The Mayoral Committee did not submit a response.

[4] *Id.* at 3-4.

[5] *Id.* at 2-3.

ordering of its priorities and use of agency resources.[6] 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.

Lisa J. Stevenson
Acting General Counsel

February 26, 2025
Date

BY: _____
Claudio J. Pavia
Deputy Associate General Counsel

_____
Anne B. Robinson
Assistant General Counsel

_____
Camilla Jackson Jones
Attorney

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