

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 8086

Respondents: Committee to Elect Sam Peters and
 Thomas Datwyler in his official
 capacity as treasurer

Complaint Receipt Date: November 1, 2022

Response Date: February 8, 2023

EPS Rating:

**Alleged Statutory and
 Regulatory Violations:**

52 U.S.C. § 30116(a)(1)(A), (f)
 11 C.F.R. §§ 103.3(b)(3); 110.1(b)(1), (3); 110.9

The Complaint alleges that the Committee to Elect Sam Peters and Thomas Datwyler in his official capacity as treasurer (the “Committee”), the principal campaign committee of congressional candidate Sam Peters, violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by accepting \$20,800 for the 2022 primary election after that election occurred which exceeded the net debts outstanding for that election which the Complaint calculates was \$5,000, resulting in excessive and impermissible contributions.¹ The Complaint further alleges that the Committee has not used any of the \$20,800 for primary debt retirement for the 2022 primary election and that the

¹ Compl. at 1 (Nov. 1, 2022); Sam Peters, Amended Statement of Candidacy (Jan. 1, 2021); Committee to Elect Sam Peters, Amended Statement of Organization (Feb. 5, 2021). Peters won the 2022 Republican primary for Nevada’s 4th Congressional District held on June 14, 2022, but lost in the general election held on November 8, 2022. *Nevada Fourth Congressional District Election, 2022*, BALLOTPEdia, https://ballotpedia.org/Sam_Peters (last visited Feb. 5, 2024). The Complaint lists seven contributions totaling \$20,800, made from August 25 to September 9, 2022, disclosed on the Committee’s 2022 October Quarterly Report, that were designated as “primary debt retirement” for the 2022 primary election. Compl. at 3; Committee to Elect Sam Peters, 2022 October Quarterly Report at 125-26, 132-34, 232, <https://docquery.fec.gov/pdf/940/202210159532807940/202210159532807940.pdf> (Oct. 15, 2022). The Committee disclosed debts totaling \$101,037.32, incurred from March 19, 2019, to May 18, 2022, in the form of loans Peters made to the Committee. Committee to Elect Sam Peters, 2022 October Quarterly Report, <https://docquery.fec.gov/pdf/155/202211159546789155/202211159546789155.pdf> (Schedule C) (Oct. 15, 2022). We note that the Complaint’s list of loans Peters made to the Committee shows an incorrect year for two of the loans: the \$9,100 loan was made in 2021 not 2020 and the \$2,500 loan was made on June 30, 2020, not in 2022. *Compare* Compl. at 3, *with* Committee to Elect Sam Peters, 2022 October Quarterly Report, <https://docquery.fec.gov/pdf/155/202211159546789155/202211159546789155.pdf> (Schedule C) (Oct. 15, 2022). Of these debts, \$5,000 was incurred ahead of the 2022 primary election, which the Complaint calculates is the amount of the net debts outstanding for that election. Committee to Elect Sam Peters, 2022 October Quarterly Report at 342 (Oct. 15, 2022); Compl. at 1 (Nov. 1, 2022).

1 Committee has carried nearly \$100,000 in campaign debts for the past three years, raising questions
2 as to whether it is carrying debts from past election cycles as a pretext to raise additional funds
3 beyond the legal limits for use in upcoming elections.²

4 In response, the Committee states that upon review of the Committee's disclosure reports, it
5 determined that the \$20,800 in contributions should have been designated as primary debt
6 retirement for the 2020 primary election and not the 2022 primary election.³ The Committee filed
7 an amended 2022 October Quarterly Report on November 15, 2022, to correct the election
8 designation for these contributions.⁴

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

² Compl. at 4.

³ Committee Resp. (Feb. 8, 2023). At the time the Committee redesignated the \$20,800 as debt retirement for the 2020 primary election, the Committee appears to have had net debts from that election totaling over \$80,000. *See* Committee to Elect Sam Peters, Amended 2019 April Quarterly Report (Apr. 1, 2020); Committee to Elect Sam Peters, Amended 2019 July Quarterly Report (Apr. 1, 2020); Committee to Elect Sam Peters, Amended 2019 October Quarterly Report (Apr. 1, 2020); Committee to Elect Sam Peters, 2020 April Quarterly Report (Apr. 15, 2020).

⁴ Committee to Elect Sam Peters, Amended 2022 October Quarterly Report at 125, 126, 132, 133, 134, 232, <https://docquery.fec.gov/pdf/155/202211159546789155/202211159546789155.pdf> (Nov. 15, 2022).

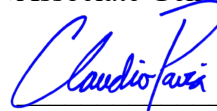
1 agency resources.⁵ We also recommend that the Commission close the file and send the appropriate
2 letters.

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5 Lisa J. Stevenson
6 Acting General Counsel
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10 Charles Kitcher
11 Associate General Counsel
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14 February 29, 2024
15 Date

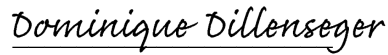
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⁵ Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).