



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

October 21, 2024

VIA ELECTRONIC MAIL

J. Patrick Gavaghan



Raleigh, NC 27607

jpgavaghan@kscdevelop.com

RE: MUR 8114

Dear Mr. Gavaghan,

On February 28, 2023, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On September 17, 2024, the Commission, on the basis of the information provided in the complaint and information provided by you, voted to dismiss the allegation that you made an excessive contribution to Education First Alliance PAC and Deirdre Clarke Morrison in her official capacity as treasurer in violation of 52 U.S.C. § 30116(a) and 11 C.F.R. § 110.1(b). Accordingly, the Commission voted to close its file in this matter effective October 21, 2024.

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). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Kevin Fortkiewicz, the attorney assigned to this matter, at (202) 694-1169.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Rabinowitz".

Aaron Rabinowitz
Assistant General Counsel

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Education First Alliance and Deirdre Clare MUR 8114
4 Morrison in her official capacity as treasurer
5 Jennifer Sloan Rachmuth
6 J. Patrick Gavaghan

7 **I. INTRODUCTION**

8 This matter arises from a Complaint alleging that Education First Alliance PAC and
9 Deirdre Clare Morrison in her official capacity as treasurer (the “Committee”), violated
10 provisions of the Federal Election Campaign Act of 1971, as amended (the “Act”), and the
11 Commission’s regulations in the following ways: (1) by permitting the personal use of campaign
12 funds; (2) by allowing Sloan Rachmuth to commingle Committee funds with personal funds;
13 (3) by failing to include a proper disclaimer on a fundraising solicitation; (4) by inaccurately
14 reporting receipts, disbursements, and cash-on-hand balances; and (5) by accepting and failing to
15 refund an excessive contribution from J. Patrick Gavaghan.

16 The Committee’s Response denies the allegations. It represents that the Committee
17 followed Commission reporting guidance, no personal use or misappropriation of committee
18 funds occurred, and its solicitations clearly identified the Committee. Additionally, the
19 Committee represents, incorrectly, that the contribution limits do not apply to it. Gavaghan’s
20 response states that the contribution at issue was a joint contribution for him and his wife and
21 therefore within the contribution limits. A subsequent Response for the Committee and
22 Rachmuth states that, after obtaining counsel, the Committee realized that it never should have
23 registered with the Commission because the Committee’s activity focuses solely on local and
24 state elections.

1 For the reasons below, the Commission dismisses the allegation that the Committee
2 converted campaign funds to personal use in violation of 52 U.S.C. § 30114(b) and 11 C.F.R.
3 § 113.2(e). Next, the Commission dismisses the allegation that Rachmuth's funds were
4 commingled with Committee funds in violation of 52 U.S.C. § 30102(b)(3) and 11 C.F.R. §
5 102.15 given the representations in the Response and the lack of information contradicting those
6 representations. Regarding the disclaimer on the online fundraising solicitation, because it is
7 unlikely that viewers were confused as to who authorized the solicitation, the Commission
8 exercises its prosecutorial discretion and dismisses the allegation that the Committee violated
9 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a)(1), (b)(3) by not including a proper disclaimer
10 on a fundraising solicitation. Regarding alleged misreporting, the Response on behalf of the
11 Committee provides un rebutted evidence that it did not misreport its receipts or cash-on-hand
12 balances on its reports and provides additional information to clarify the purposes for
13 disbursements reported by it without adequate purpose descriptors. Therefore, the Commission
14 exercises its prosecutorial discretion and dismisses the allegation that it violated 52 U.S.C.
15 § 30104(b) and 11 C.F.R. § 104.3(a), (b) by misreporting financial activity.

16 Finally, regarding the allegation concerning an excessive contribution, given the minimal
17 amount in violation, the Commission exercises its prosecutorial discretion and dismisses the
18 allegation that Gavaghan violated 52 U.S.C. § 30116(a) and 11 C.F.R. § 110.1(b) by making an
19 excessive contribution and that the Committee violated 52 U.S.C. § 30116(f) and 11 C.F.R.
20 § 110.9 by knowingly accepting an excessive contribution.

II. FACTUAL BACKGROUND

On February 24, 2022, the Committee registered with the Commission as a nonconnected committee.¹ Deirdre Clare Morrisson is the treasurer and Sloan Rachmuth is the Designated Agent for the Committee.²

The Complaint makes a series of allegations regarding the Committee's compliance with the Act and its implementing regulations. First, it alleges that Committee funds have been converted to personal use.³ The Complaint bases this allegation on the fact that the Committee reported payments to media companies, donations to legal defense funds, and insurance payments.⁴ The Committee's Response denies that any Committee funds have been converted to personal use.⁵ The Committee explains that it purchased newspaper subscriptions "to analyze current events and political trends so [it] may construct messaging and policies that guide [its] advocacy."⁶ Additionally, the Committee responds that payments for insurance and legal defense funds related to legal threats against the Committee.⁷

Second, the Complaint alleges that the Committee's payments to Rachmuth and a company owned by Rachmuth, Education First Defenders LLC constituted a misappropriation of funds.⁸ The Complaint states that the Committee reported making over \$19,000 in payments to

¹ Education First Alliance PAC, Statement of Organization at 1 (Feb. 24, 2024), <https://docquery.fec.gov/pdf/807/202202249493705807/202202249493705807.pdf>.

² *Id.* at 3-4.

³ Compl. at 1-3 (Feb. 22, 2023).

⁴ *Id.* at 2-3, Ex. J.

⁵ Education First Alliance PAC Resp. at 2-3 (Apr. 26, 2023).

⁶ *Id.* at 3.

⁷ *Id.*

⁸ Compl. at 1.

Rachmuth and Education First Defenders LLC.⁹ The Committee contends that the disbursements to Rachmuth and Education First Defenders LLC were for services performed for the Committee and for reimbursements for Committee expenses paid by Rachmuth.¹⁰

Third, the Complaint alleges that the Committee failed to use a correct disclaimer on its fundraising webpage.¹¹ The Complaint includes a screenshot of the Committee’s fundraising page containing the disclosure “PAID FOR BY EDUCATION FIRST ALLIANCE INC.”¹² The Complaint alleges that the Committee used this incorrect disclaimer until June 2022.¹³ The Response disputes the allegation that the disclaimer was incorrect but states that the Committee “added additional disclosures to multiple webpages around the first of June, 2022 after [it] looked at other PACs to learn best practices.”¹⁴

Fourth, the Complaint alleges that the Committee has failed to accurately report its receipts and disbursements.¹⁵ Specifically, it alleges that the Committee failed to report receipts from a fundraiser; provided inaccurate purpose descriptions for disbursements; and should have reported a negative ending cash-on-hand based on the Complaint’s calculation of its receipts and disbursements.¹⁶ The Committee’s Response states that it reported all contributions received from the fundraising event at issue.¹⁷ Additionally, the Committee states that it followed

⁹ *Id.*, Ex. B.

¹⁰ Education First Alliance PAC Resp. at 1.

¹¹ Compl. at 2.

¹² *Id.*, Ex. G at 9-11.

¹³ *Id.* at 2.

¹⁴ Education First Alliance PAC Resp. at 2.

¹⁵ Compl. at 1-2.

¹⁶ *Id.* at 1-2, Exs. B-D, F.

¹⁷ Education First Alliance PAC Resp. at 2.

guidance from the Reports Analysis Division (“RAD”) for its reports.¹⁸ Finally, the Committee states that its “Treasurer has reviewed all our FEC submissions and cannot determine the nature of the complainant’s allegations.”¹⁹

Fifth and finally, the Complaint alleges that the Committee accepted an excessive contribution when it disclosed a \$10,000 contribution from an individual named J. Patrick Gavaghan.²⁰ The Committee initially responded that the “PAC is a 527 Org. and, thus, donors have no donation limit.”²¹ Gavaghan’s Response claims that the contribution came from a joint account held by his wife and himself.²² He clarified that he and his wife intended to contribute \$5,000 each to the Committee.²³ The response attaches a copy of the check from a joint account for J. Patrick Gavaghan and Anne Ferbee-Gavaghan signed by J. Patrick Gavaghan only.²⁴

A subsequent Response on behalf of Committee and Rachmuth requested that the Commission dismiss the allegations in the Complaint because the Committee should not have registered with the Commission.²⁵ The supplemental Response states that the Committee “has

¹⁸ *Id.* at 1.

¹⁹ *Id.*

²⁰ Compl. at 3, Ex. K.

²¹ Education First Alliance PAC Resp. at 3.

²² Gavaghan Resp. at 1 (Aug. 17, 2023).

²³ *Id.* at 1.

²⁴ *Id.*, Attach. A.

²⁵ Education First Alliance PAC and Rachmuth Supp. Resp. at 1-2 (Sept. 19, 2023) (“At the time, the founders mistakenly believed that all organizations intending to support candidates were ‘political action committees’ without understanding the distinction between ‘political committees’ and ‘political action committees’ under North Carolina law. In addition, the founders mistakenly believed that because EFA intended to impact elections, any elections, it had to register with the Federal Election Commission.”).

not solicited for the purpose of supporting or opposing Federal candidates nor has it spent any funds on supporting Federal candidates.”²⁶

III. LEGAL ANALYSIS

A. Personal Use

The personal use restrictions apply to authorized candidate committees.²⁷ Here, because the Committee is a nonconnected committee,²⁸ the Commission dismisses the allegation.

B. Commingling of Committee Funds

The Act and Commission regulations require that all funds of a political committee must be “segregated from and may not be commingled with the personal funds of any individual.”²⁹ The Commission has found reason to believe that writing Committee checks to oneself constitutes commingling.³⁰ The Complaint alleges that funds “flowed” to Rachmuth and a company she owned, noting a series of Committee disclosures of reimbursements to Rachmuth, which it characterizes as being indicative of a misappropriation of Committee funds.³¹

Other than establishing that payments from the Committee to Rachmuth and Education First Defenders LLC occurred, the Complaint does not provide any specific information to suggest that payments made to Rachmuth or Education First Defenders LLC were the result of

²⁶ *Id.* at 1-2. Additionally, the Response provides in Exhibit 3 examples of fundraising solicitations that “reference matters solely with North Carolina, specifically education related matters. There are references to legislative action, matters of concern at specific local school boards in North Carolina and local and State school policies.” *Id.* at 2 & Ex. 3.

²⁷ 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2(e).

²⁸ Education First Alliance PAC, Statement of Organization at 2.

²⁹ 52 U.S.C. § 30102(b)(3); 11 C.F.R. § 102.15.

³⁰ *See* F&LA at 7, MUR 7225 (Wu) (respondent treasurer commingled committee and personal funds when he wrote checks to himself and to his businesses).

³¹ *See* Compl. at 1, Ex. B.

misappropriation.³² The Committee’s Response states that the reimbursements to Rachmuth were for “purchases directly related to PAC business put on [her] credit card.”³³ Additionally, the Committee disclosed purposes for these expenses on its regular reports.³⁴ Finally, the Response states that Education First Defenders LLC performs “graphic design, research, strategy, and other things related to consulting” and it performed these services for the Committee.³⁵ Therefore, the Commission dismisses the allegation that Rachmuth and the Committee violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling committee funds with personal funds.³⁶

C. Disclaimer Requirements

Commission regulations require a disclaimer on all publicly available websites of political committees stating the full name of the Committee and clarifying whether it is authorized by a candidate or authorized committee of a candidate.³⁷

³² See *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00806554&recipient_name=Rachmuth&two_year_transaction_period=2022&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022 (last visited Aug. 15, 2024) (reflecting nine disbursements by the Committee to Rachmuth totaling \$12,232.04 for the 2022 election cycle); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00806554&recipient_name=Education+First+Defender&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2021&max_date=12%2F31%2F2022 (last visited Aug. 15, 2024) (reflecting three disbursements totaling \$7,000 by the Committee to Education First Defenders LLC); Compl. at 1, Exs. B, E.

³³ Education First Alliance PAC Resp. at 2.

³⁴ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00806554&two_year_transaction_period=2022&two_year_transaction_period=2024&min_date=01%2F01%2F2021&max_date=12%2F31%2F2024 (last visited May 20, 2024) (reflecting disbursements by the Committee during the time it has been registered).

³⁵ Education First Alliance PAC Resp. at 2.

³⁶ Cf. F&LA at 1-2, MUR 6026 (Jan Churchill) (finding no reason to believe a treasurer commingled funds by reporting payments to herself for salary and travel reimbursements where she asserted that the payments were for legitimate purposes and the Complaint failed to otherwise establish that the payments were impermissible).

³⁷ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11 (a)(1), (b)(3).

In this matter, the Complaint identifies an online web solicitation that uses the disclaimer “PAID FOR BY EDUCATION FIRST ALLIANCE INC.”³⁸ This disclaimer did not provide the Committee’s full name because it omitted the word “PAC” from the Committee’s name and also failed to clarify that the Committee is not authorized by a candidate or authorized committee.

Nevertheless, the disclaimer and other information on the website allow an individual to identify the organization that made it.³⁹ Additionally, the Committee states that it “added additional disclosures to multiple webpages around the first of June, 2022 after [it] looked at other PACs to learn best practices.”⁴⁰ The Commission has previously exercised its prosecutorial discretion in dismissing cases where a political committee failed to include a correct disclaimer, but information in the advertisement identified who was responsible for it.⁴¹

Accordingly, the Commission exercises its prosecutorial discretion⁴² and dismisses the allegation that the Committee violated 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a)(1), (b)(3) by failing to include the correct disclaimer on its website.

D. Reporting Requirements

The Act and Commission regulations require political committees to report the name and address of each person that make a contribution aggregating more than \$200 per calendar year.⁴³ Additionally, the Act and Commission regulations require political committees to report the

³⁸ Compl., Ex. G at 9-11.

³⁹ *Id.*

⁴⁰ Education First Alliance PAC Resp. at 2.

⁴¹ *E.g.*, F&LA at 10-12, MUR 6004 (“Friends of Andrew Concannon aka [sic] Concannon for Congress” *et al.*); Gen. Counsel’s Rpt. (“GCR”) at 1-2, MUR 7518 (Campaign to Elect Josh McCall, *et al.*) (EPS Dismissal) & Cert. ¶ 1 (Dec. 17, 2018), MUR 7518; GCR at 1-2, MUR 7956 (Cody for Oregon, *et al.*) (EPS Dismissal) & Cert. ¶ 1 (Jan. 12, 2023), MUR 7956 (Cody for Oregon, *et al.*).

⁴² *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

⁴³ 52 U.S.C. § 30104(b)(3)(a); 11 C.F.R. § 104.3(a)(4)(i).

1 name and address of each person to whom they make expenditures or other disbursements
 2 aggregating more than \$200 per calendar year, as well as the date, amount, and purpose of such
 3 payments.⁴⁴ Finally, the Act and Commission regulations require political committees to report
 4 a beginning cash-on-hand and the calculation of the ending cash-on-balance based on the activity
 5 reported by the political committee for each reporting period.⁴⁵

6 In this matter, the Complaint alleges that the Committee failed to correctly report its
 7 cash-on-hand, receipts, and disbursements.⁴⁶ First, the Complaint alleges that the Committee
 8 failed to report contributions resulting from the purchase of tickets to a fundraising event.⁴⁷
 9 However, the tickets for the event were only \$30, and therefore an individual ticket would not
 10 need to be itemized, assuming the ticket purchaser's aggregate contributions did not otherwise
 11 exceed the threshold.⁴⁸ Second, the Complaint alleges a cash-on-hand discrepancy, but it
 12 appears that the Complaint's calculation is incorrect.⁴⁹ Third, the Complaint alleges that 12

⁴⁴ 52 U.S.C. § 30104(b)(5), (6); 11 C.F.R. § 104.3(b)(3)(i); Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements, 78 Fed. Reg. 40,625, 40,626 (July 8, 2013) (addressing disclosure of ultimate payees with respect to reimbursements to individuals); *FEC-Purposes of Disbursements*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/purposes-disbursements/> (last accessed Aug. 15, 2024) (providing a non-exhaustive list of inadequate and adequate purposes).

⁴⁵ 52 U.S.C. § 30104(b)(1), (7); 11 C.F.R. § 104.3(a)(1).

⁴⁶ Compl. at 1-2.

⁴⁷ *Id.* at 2, Ex. I.

⁴⁸ Compl., Ex. I. *See* 52 U.S.C. § 30104(b)(3)(a); 11 C.F.R. § 104.3(a)(4)(i).

⁴⁹ Compl., Ex. F. The Complaint calculates in Column E the difference between Line 31 and Schedule B of the July Quarterly Report to be \$12,636.24. However, the Complaint incorrectly included memo entry transactions in the calculation, causing the Complaint to conclude that the Committee has disbursed more funds than was actually reported by the Committee. This error caused the Complaint to incorrectly conclude that the Committee should be reporting a negative ending cash-on-hand balance. *See* Education First Alliance PAC, 2022 July Quarterly Report at 10-21 (July 15, 2022) (reflecting 27 disbursements totaling \$12,890.56 that have the memo item box selected on the report); *see also* FEDERAL ELECTION COMM'N, CAMPAIGN GUIDE: NONCONNECTED COMMITTEES at 122 (2008), <https://www.fec.gov/resources/cms-content/documents/policy-guidance/nongui.pdf> (defining a memo entry as "Supplemental or explanatory information on a reporting schedule. The dollar amount of a memo entry is not included in the total figure for the schedule. A memo entry is often used to disclose additional information about an itemized transaction that is included in the total receipts or disbursements for the current report or a previous report").

disbursements made to Education First Defenders LLC and to Sloan Rachmuth, totaling \$19,232.04, had unclear purpose descriptors.⁵⁰ The Response on behalf of the Committee provides a table, which explains which memo entries containing purposes correspond to disbursements for reimbursements.⁵¹ The Commission has dismissed similar matters regarding inadequate purposes involving a low amount in violation as an exercise of prosecutorial discretion.⁵² Accordingly, the Commission exercises its prosecutorial discretion and dismisses the allegation that the Committee violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a), (b) with respect to the allegation that it failed to properly report transactions.⁵³

E. Excessive Contributions

The Act limits contributions to non-authorized, non-party committees to \$5,000 in a calendar year.⁵⁴ When a political committee receives a contribution that on its face exceeds the limits or which exceeds the limits when aggregated with other contributions from the same contributor, the Commission's regulations require the committee to refund, redesignate, or reattribute the excessive amount within 60 days from the date of receipt.⁵⁵ A joint contribution occurs when any contribution is made by more than one individual and includes the signature of each contributor in writing.⁵⁶ Additionally, a political committee may reattribute within 60 days an excessive contribution if the written instrument contains the name of more than one individual

⁵⁰ Compl., Exs. B - D.

⁵¹ Education First Alliance PAC Resp., Ex. A.

⁵² *See, e.g.*, F&LA at 6, MUR 7974 (Aarika for Congress) (*Heckler* dismissal for inadequate purposes reported on transactions totaling \$4,618.78).

⁵³ *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

⁵⁴ 52 U.S.C. § 30116(a)(1)(C).

⁵⁵ 11 C.F.R. § 103.3(b)(3).

⁵⁶ 11 C.F.R. § 110.1(k)(1).

1 unless instructions accompanied by the written instrument do not allow it or reattributing the
2 amount would cause an excessive contribution for that individual.⁵⁷

3 The Committee’s 2022 April Quarterly Report disclosed a \$10,000 contribution from
4 “Pat Gavigan.”⁵⁸ An individual contributing \$10,000 to a nonconnected political committee
5 results in a \$5,000 excessive contribution.⁵⁹ Additionally, the Complaint alleges that the
6 Committee misidentified the contributor’s name, which is J. Patrick Gavanhan.⁶⁰

7 The Committee responded that “PAC is a 527 Org. and, thus, donors have no donation
8 limit.”⁶¹ Also, a supplemental Response states that the Committee “has not solicited for the
9 purpose of supporting or opposing Federal candidates nor has it spent any funds on supporting
10 Federal candidates” and that the founders mistakenly registered with the Commission.⁶²
11 However, the Committee registered with the Commission as a nonconnected committee and did
12 not register as an independent expenditure-only committee, and therefore the \$5,000 contribution
13 limit applies to it.⁶³ Gavanhan responded that he did not make an excessive contribution because
14 the check was written from a joint account for him and his wife.⁶⁴ He clarified that he and his

⁵⁷ 11 C.F.R. §§ 103.3(b)(3); 110.1(k)(3)(ii)(B)(1).

⁵⁸ Education First Alliance PAC, 2022 April Quarterly Report at 6 (May 5, 2022),
<https://docquery.fec.gov/cgi-bin/fecimg/?202205059502582412>.

⁵⁹ 52 U.S.C. § 30116(a)(1)(C).

⁶⁰ Compl. at 3.

⁶¹ Education First Alliance PAC Resp. at 3.

⁶² Education First Alliance PAC and Rachmuth Supp. Resp. at 1-2.

⁶³ Education First Alliance PAC, Amended Statement of Organization at 2 (June 28, 2022),
<https://docquery.fec.gov/cgi-bin/fecimg/?202206289517763441> (The Committee checks box f that it
“supports/opposes more than one federal candidate, and is NOT a separate segregated fund or party committee (i.e.,
nonconnected committee)); Instructions for FEC Form 1 and Related Schedules at 2,
<https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm1i.pdf> (“A committee that intends to
raise unlimited amounts to make independent expenditures, but will not make contributions, checks box g”).

⁶⁴ Gavanhan Resp. at 1.

wife intended to contribute \$5,000 each to the Committee.⁶⁵ Nevertheless, the check is only signed by J. Patrick Gavaghan.⁶⁶ Additionally, the Committee did not reattribute the amount over the contribution limit to his wife within the necessary timeframe.⁶⁷

The Commission exercises its prosecutorial discretion and dismisses the allegation.⁶⁸ The available information indicates that Gavaghan intended the donation to be a joint contribution, but the check omitted his wife's signature.⁶⁹ Although the Committee did not take the corrective action required in this circumstance, the amount in violation is low and the Committee would have been permitted to presumptively redesignate upon receiving the check,⁷⁰ since the check was from a joint account of Gavaghan and his wife.⁷¹ Given the technical nature of the violation and the low amount in violation, the Commission dismisses the allegation that the Committee knowingly accepted an excessive contribution in violation of 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 and dismisses the allegation that Gavaghan violated 52 U.S.C. § 30116(a) and 11 C.F.R. § 110.1(b) by making an excessive contribution.

⁶⁵ *Id.*

⁶⁶ *Id.*, Attach. A.

⁶⁷ See 11 C.F.R. § 110.1(k)(3)(ii)(B)(1).

⁶⁸ *Heckler v. Cheney*, 470 U.S. 821, 831 (1985). This approach is consistent with prior Commission action. See GCR at 1, MUR 7985 (Lee Watts for Congress, *et al.*) (EPS Dismissal) & Cert. ¶1 (Jan. 12, 2023), MUR 7985 (Lee Watts for Congress, *et al.*) (matter involving complaint of \$900 excessive contribution); GCR at 1, MUR 8035 (Jim Banks for Congress, Inc., *et al.*) (EPS Dismissal) & Cert. ¶1 (Jan. 12, 2023), MUR 8035 (Jim Banks for Congress, Inc., *et al.*) (dismissing, as an exercise of prosecutorial discretion, \$5,400 contribution for primary election).

⁶⁹ 11 C.F.R. § 110.1(k)(1); Gavaghan Resp., Attach. A.

⁷⁰ See 11 C.F.R. §§ 103.3(b)(3); 110.1(k)(3)(ii)(B)(1).

⁷¹ 11 C.F.R. § 110.1(k)(3)(ii)(B)(1).