

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8124

Respondents: Pekau for Congress and Cynthia Katsenes in her official capacity as treasurer
Keith Pekau
Keith for Mayor
People Over Politics
Cynthia Nelson Katsenes
Michael Milani
Sean Kampas
Joni Radazewski

Complaint Receipt Dates: March 30, 2023; April 20, 2023; July 28, 2023; August 2, 2023

Response Dates: April 21, 2023; May 31, 2023; July 18, 2023; August 15, 2023; August 21, 2023

Alleged Statutory and Regulatory Violations: 52 U.S.C. §§ 30104(a)-(b), 30116(f), 30118(a), 30125(e)(1)(A)
11 C.F.R. § 100.52(d)(1), 110.1(b)(1), 110.3(d), 300.61, 300.62

23 The Complaint alleges that Keith for Mayor (the “Mayoral Committee”), Keith Pekau’s
24 state committee, made a prohibited and excessive in-kind contribution to his principal campaign
25 committee, Pekau for Congress and Cynthia Katsenes in her official capacity as treasurer (the
26 “Federal Committee”), in violation of the Federal Election Campaign Act of 1971, as amended
27 (the “Act”), by transferring a Facebook account and its almost 2,000 followers.¹ The Amended
28 Complaint also alleges that Pekau and certain Trustees of the Village of Orland Park, Cynthia
29 Nelson Katsenes, Michael Milani, Sean Kampas, and Joni Radazewski (the “Trustees”), solicited
30 city contractors to participate in a golf outing fundraiser for the Federal Committee, resulting in

¹ Compl. at 2-3 (Mar. 30, 2023); Supp. Compl. at 2-4 (Apr. 20, 2023).

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1 the impermissible solicitation and receipt of in-kind corporate contributions.² Finally, the
2 Complaint alleges People Over Politics, a local political committee registered in the state of
3 Illinois, should have registered and reported as a political committee with the Commission,
4 because the Federal Committee used the phrase “People Over Politics” on its website and public
5 communications, which the Complaint alleges resulted in an in-kind contribution from People
6 Over Politics to the Federal Committee.³

7 The Response submitted on behalf of Pekau, the Federal Committee, and People Over
8 Politics (the “Joint Response”) asserts that the Facebook account is owned not by the Mayoral
9 Committee, but by the candidate, and therefore no transfer between the Mayoral and Federal
10 Committees occurred, and denies that anyone acting on behalf of the Committee solicited
11 corporate contributions asserting that the emails attached to the Complaint are inaccurate (the
12 Joint Response provides copies of the original emails which include warnings among Pekau
13 supporters to abide by federal campaign finance law).⁴ Finally, the Joint Response argues that
14 the phrase “People Over Politics” is a common slogan unrelated to the group People Over
15 Politics.⁵ The Trustees submitted a separate response (the “Trustees Response”) denying that
16 they used Orland Park resources to send or receive communications regarding the golf
17 fundraiser.⁶

² Amended Compl. at 2 (July 28, 2023); Second Supp. Compl. at 1, Attach. (Aug. 2, 2023). The Village of Orland Park is an incorporated village in Illinois for which Pekau serves as mayor.

³ Compl. at 4.

⁴ See Joint Resp. at 3-4 (Apr. 21, 2023); Supp. Joint Resp. at 1 (May 31, 2023); *see also* Second Supp. Joint Resp. at 1, Ex. 1 (Aug. 15, 2023). The Mayoral Committee’s Response asserts that the Joint Responses is “sufficient for Keith for Mayor as well.” Keith for Mayor Resp. at 1 (July 18, 2023).

⁵ Joint Resp. at 2.

⁶ Trustees Resp. (Aug. 21, 2023).

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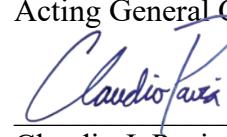
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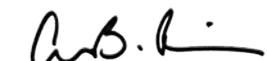
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1 Based on its experience and expertise, the Commission has established an Enforcement
2 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
3 assess whether particular matters warrant further administrative enforcement proceedings. These
4 criteria include (1) the gravity of the alleged violation, taking into account both the type of
5 activity and the amount in violation; (2) the apparent impact the alleged violation may have had
6 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
7 trends in potential violations and other developments in the law. This matter is rated as low
8 priority for Commission action after application of these pre-established criteria. Given that low
9 rating, and apparent low dollar amount at issue, we recommend that the Commission dismiss the
10 Complaint, consistent with the Commission's prosecutorial discretion to determine the proper
11 ordering of its priorities and use of agency resources.⁷ We also recommend that the Commission
12 close the file effective 30 days after the date the certification of this vote is signed (or on the next
13 business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the
14 appropriate letters.

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18
19 March 24, 2025
20 Date

21 BY:

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⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).