FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

May 5, 2025

VIA EMAIL
kpekau@keithpekau.com
Keith Pekau
10640 Bonnie Glen Place
Orland Park, IL 60462

RE: MUR 8124
Keith Pekau

Dear Mr. Pekau:

On April 5, 2023, April 26, 2023, and August 3, 2023, the Federal Election Commission notified you of a complaint and its supplements and amendments, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. Copies of the complaint, supplements, and amendments were forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by respondents, the Commission, on April 2, 2025, voted to dismiss this matter effective May 5, 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).

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,

Anne B. Robinson
Assistant General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

[redacted] **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

EPS Rating: 0

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

The Complaint alleges that Keith for Mayor (the "Mayoral Committee"), Keith Pekau's state committee, made a prohibited and excessive in-kind contribution to his principal campaign committee, Pekau for Congress and Cynthia Katsenes in her official capacity as treasurer (the "Federal Committee"), in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), by transferring a Facebook account and its almost 2,000 followers.[1] The Amended Complaint also alleges that Pekau and certain Trustees of the Village of Orland Park, Cynthia Nelson Katsenes, Michael Milani, Sean Kampas, and Joni Radazewski (the "Trustees"), solicited 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).

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

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

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[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).

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 ordering of its priorities and use of agency resources.[7] 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

March 24, 2025
Date

BY: Claudio Pavia
Claudio J. Pavia
Deputy Associate General Counsel

Anne B. Robinson
Assistant General Counsel

Camilla Jackson Jones by ABR
Camilla Jackson Jones
Attorney

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