

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 8130

**Respondents:** Angela Canny Thornton  
Joseph Brungardt

**Complaint Receipt Dates:** 4/19/23, 5/25/23

**Response Dates:** 5/23/23, 9/25/23



**Alleged Statutory/**

**Regulatory Violations:** 52 U.S.C. §§ 30102(g)-(h), 30103, 30124(b)  
11 C.F.R. §§ 102.2, 103.3, 110.16(b)

The Complaint arises out of an internal governance dispute within the Libertarian Party of Michigan Executive Committee, Inc. (the “State Party Committee”), a state party committee affiliated with the National Libertarian Party (“National Party Committee”).<sup>1</sup> There is a dispute as to whether Angela Canny Thorton and Joseph Brungardt, among others, are authorized representatives of the State Party Committee.<sup>2</sup> Complainant is the Chair of the National Party Committee, who alleges that Thornton and Brungardt are not authorized representatives and violated the fraudulent misrepresentation provision of Federal Election Campaign Act of 1971, as amended (the “Act”), when Thorton filed an Amended Statement of Organization listing herself as treasurer and Thorton and Brungardt solicited funds on behalf of the State Party Committee.<sup>3</sup> The Complaint further alleges that Respondents did not deposit the contributions they raised into the State Party Committee’s designated bank accounts.<sup>4</sup>

<sup>1</sup> Libertarian Party of Michigan Executive Committee, Inc., Amended Statement of Organization (Sept. 7, 2024); <https://docquery.fec.gov/pdf/914/202409079675374914/202409079675374914.pdf>; *see generally* Compl. (Apr. 19, 2023); Suppl. Compl. (May 25, 2023).

<sup>2</sup> Compl. at 1-2; Suppl. Compl. at 1-2; Resp. at 2-3 (May 23, 2023); Suppl. Resp. at 1-2 (Sept. 25, 2023).

<sup>3</sup> Compl. at 1-2.

<sup>4</sup> *Id.* at 2.

1           The Response denies the allegations and states that both Thornton and Brungardt have  
2 legitimate claims as officers of the State Party Committee, asserting that they were duly elected  
3 during the July 2022 candidate nominating convention, at which time Thornton was elected as  
4 treasurer and Brungardt as Chair.<sup>5</sup> According to its disclosure reports, the State Party Committee  
5 received \$8,000 in contributions during the 2022 election cycle and \$6,907.42 so far during the  
6 2024 election cycle.<sup>6</sup>

7           Based on its experience and expertise, the Commission has established an Enforcement  
8 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
9 assess whether particular matters warrant further administrative enforcement proceedings. These  
10 criteria include: (1) the gravity of the alleged violation, considering both the type of activity and  
11 the amount in violation; (2) the apparent impact the alleged violation may have had on the  
12 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends  
13 in potential violations and other developments in the law. This matter is rated as low priority for  
14 Commission action after application of these pre-established criteria. Given that low rating and  
15 the apparent low dollar amount at issue, we recommend that the Commission dismiss the  
16 complaint consistent with the Commission's prosecutorial discretion to determine the proper  
17 ordering of its priorities and use of agency resources.<sup>7</sup> We also recommend that the Commission

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<sup>5</sup> Resp. at 2-3.

<sup>6</sup> Libertarian Party of Michigan Executive Committee, Inc., FEC Summary Data, <https://www.fec.gov/data/committee/C00403907/?tab=summary&cycle=2022#total-raised> (2022 election cycle); FEC Summary Data, <https://www.fec.gov/data/committee/C00403907/?tab=summary&cycle=2024#total-raised> (2024 election cycle).

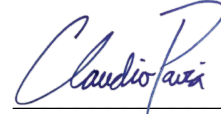
<sup>7</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). Allegations involving fraudulent misrepresentation are often activated for further analysis in line with Commission priorities. Here, the Complaint does not allege conduct by a third-party to deceive contributors but rather an internal governance dispute that is currently being litigated in state and federal court. See *Comerica Bank v. Libertarian Party of Mich. Exec. Comm., Inc., et al.*, No. 23-000557 (Mich. Washtenaw County Cir. Ct. 2023); see also *Libertarian Nat'l Comm., Inc., v. Michael J. Saliba, et al.*, No. 23-11074 (E.D. Mich. 2023), *aff'd in part, vacated in part*, No. 23-1856 (6th Cir. 2024). Under these circumstances, including


close the file as to all Respondents 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.

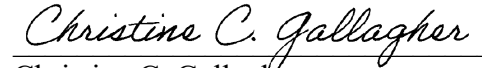
October 25, 2024  
Date

Lisa J. Stevenson  
Acting General Counsel

BY:

  
Claudio J. Pavia  
Deputy Associate General Counsel

  
Wanda D. Brown  
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Christine C. Gallagher  
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the minimal amount in violation, we recommend that the Commission dismiss this Complaint via the Enforcement Priority System process.