



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

May 31, 2024

VIA ELECTRONIC AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Spencer M. Ritchie
210 East Capitol Street, Suite 2200
Jackson, MS 39201-4099
spencer.ritchie@formanwatkins.com

RE: MUR 8184
Dan Eubanks for Mississippi, *et al.*

Dear Mr. Ritchie,

This is in reference to the complaint you filed with the Federal Election Commission on October 25, 2023, Dan Eubanks for Mississippi and Dan Eubanks in his individual capacity and official capacity as treasurer. After considering the circumstances of this matter, the Commission determined to dismiss this matter and voted to close the file on May 1, 2023, effective May 31, 2024.

The General Counsel's Report, which more fully explains the Commission's findings is enclosed. 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).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8184

Respondents: Dan Eubanks for Mississippi and Dan Eubanks in his official capacity as treasurer
Dan Eubanks

Complaint Receipt Date: October 25, 2023

Response Date: October 30, 2023

Alleged Statutory and Regulatory Violations: 52 U.S.C. §§ 30101(2); 30104(a), (b)
11 C.F.R. §§ 100.3(a); 104.1; 104.3; 104.5(a)

The Complaint alleges that Dan Eubanks for Mississippi and Dan Eubanks in his official capacity as treasurer (the “Committee”), the principal campaign committee¹ for Dan Eubanks, a 2024 U.S. Senate candidate in Mississippi,² and Eubanks himself violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to file any disclosure reports with the Commission as of the date of the Complaint, October 25, 2023.³ The Complaint argues that because the Committee filed a Statement of Organization on April 7, 2023, it was required to begin filing disclosure reports, starting with a 2023 July Quarterly Report.⁴

The Response by Eubanks and the Committee states that the Committee did not file disclosure reports because the Committee had not reached the \$5,000 reporting threshold, and

¹ Dan Eubanks for Mississippi, Statement of Organization at 1 (Apr. 7, 2023), <https://docquery.fec.gov/pdf/063/202304079579733063/202304079579733063.pdf>.

² Dan Eubanks, Statement of Candidacy at 1 (July 5, 2023), <https://docquery.fec.gov/pdf/981/202307059582435981/202307059582435981.pdf>.

³ Compl. at 2 (Oct. 25, 2023).

⁴ *Id.* The 2023 October Quarterly Report, due October 15, 2023, would also have been due as of when the Complaint was filed. 11 C.F.R. § 104.5(a)(1)(i); see 2023 *Quarterly reports*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2023-reporting-dates/2023-quarterly-filers/> (last visited Apr. 12, 2024).

MUR 8184 (Dan Eubanks for Mississippi, *et al.*)

EPS Dismissal Report

Page 2 of 3

notes that the Committee reached out to the Report Analysis Division (“RAD”) to confirm that no filings were necessary in this situation.⁵ Subsequently, the Committee filed its first disclosure report on January 31, 2024, a 2023 Year-End Report.⁶ The Report disclosed all activity from when the Committee initially registered with the Commission, showing total receipts of \$31,775 and total disbursements of \$8,279.84.⁷ Based on information disclosed in the report, the Committee exceeded \$5,000 in itemized contributions on October 1, 2023, during the reporting period for the 2023 Year-End Report.⁸

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, the apparent low dollar amount involved, and the disclosure of receipts and disbursements by the Committee, we recommend that the Commission dismiss the Complaint consistent with

⁵ Resp. at 1 & Attach. (Oct. 30, 2023) (email from Tankia Robertson, RAD Analyst, FEC, to Dan Eubanks, Treasurer, Dan Eubanks for Mississippi (Oct. 18, 2023)).

⁶ Dan Eubanks for Mississippi, 2023 Year-End Report at 1 (Jan. 31, 2024), <https://docquery.fec.gov/pdf/464/202401319618341464/202401319618341464.pdf>.

⁷ *Id.* at 3-4.

⁸ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00837278&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2023 (last visited Apr. 12, 2024) (reflecting all itemized contributions on the Committee’s 2023 Year-End Report for the 2023 calendar year).

1 the Commission's prosecutorial discretion to determine the proper ordering of its priorities and
2 use of agency resources.⁹ We also recommend that the Commission close the file as to all
3 Respondents effective 30 days from the date of certification of this vote (or on the next business
4 day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate
5 letters.

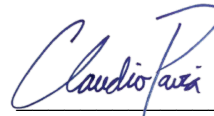
6
7 Lisa J. Stevenson
8 Acting General Counsel
9

10
11 Charles Kitcher
12 Associate General Counsel for
13 Enforcement
14

15 April 17, 2024

16
17 Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel
for Enforcement

20
21 *Wanda D. Brown*

22
23 Wanda Brown
24 Assistant General Counsel
25

26
27 *Kevin Fortkiewicz*

28 Kevin Fortkiewicz
29 Attorney

⁹ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).