



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

August 30, 2024

VIA ELECTRONIC MAIL AND UPS

tom@politicalcommunicationsinc.com

Thomas E. Montgomery III
95 Professional Center Pkwy, A100
San Rafael, CA 94903

RE: MUR 8219

Dear Mr. Montgomery:

This is in reference to the complaint you filed with the Federal Election Commission on February 20, 2024. Upon further review of the allegations contained in the complaint, and information supplied by the response, the Commission, on July 24, 2024, voted to dismiss this matter effective August 30, 2024. 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).

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).

If you have any questions, please contact Tiferet Unterman, the attorney assigned to this matter, at (202) 694-1284.

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: 8219

Respondent:

Tief Gibbs Jensen 4 Congress 2024 and Staci Goede in her official capacity as treasurer

Complaint Receipt Date: February 20, 2024

Response Date: April 5, 2024

**Alleged Statutory and
Regulatory Violations:** 52 U.S.C. § 30120
11 C.F.R. § 110.11

The Complaint alleges that Tief Gibbs Jensen 4 Congress 2024 and Staci Goede in her official capacity as treasurer (the “Committee”), the principal campaign committee of Tief Gibbs Jensen, 2024 candidate for California’s 2nd Congressional District,¹ violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by distributing door hangers in support of Jensen’s campaign, which failed to include the required disclaimer.²

The Committee filed a Response with a sworn Declaration by its treasurer, Staci Goede, acknowledging that the door hangers failed to include required disclaimers.³ The Response and Declaration contend, however, that Jensen eventually noticed the missing disclaimers and then notified the campaign’s volunteers to stop distribution and destroy the remaining door hangers.⁴

¹ Tief Gibbs Jensen, Statement of Candidacy (May 9, 2023), <https://docquery.fec.gov/pdf/181/202305099581426181/202305099581426181.pdf>; Tief Gibbs Jensen 4 Congress 2024, Statement of Organization (May 9, 2023), <https://docquery.fec.gov/pdf/092/202305099581426092/202305099581426092.pdf>. Jensen lost the primary election held on March 5, 2024. California Secretary of State, Statement of Vote at 79 (Mar. 5, 2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/complete-sov-updated.pdf>.

² Compl. at 1-2 (Feb. 20, 2024).

³ Resp. at 1-2 (Apr. 5, 2024); Goede Decl. ¶ 6 (Apr. 5, 2024).

⁴ Resp. at 1; Goede Decl. ¶¶ 6-7.

27 Additionally, the Response asserts that although the door hangers did not contain the required
28 disclaimer language, they did, however, include “Jensen’s website, her email address, and her
29 phone number,” thereby limiting any confusion as to who might have paid for the door hangers.⁵
30 Regarding the scope of the missing disclaimers, the Response and Declaration state that the
31 campaign purchased 2,000 doorhangers for \$335.25 and, as mentioned above, not all of the door
32 hangers were ultimately distributed although the specific number is unknown.⁶ Finally, the
33 Response and Declaration assert that the failure to include the disclaimers was an oversight and
34 contend that the Committee otherwise adhered to the disclaimer requirements during the campaign.⁷

35 Based on its experience and expertise, the Commission has established an Enforcement
36 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
37 assess whether particular matters warrant further administrative enforcement proceedings. These
38 criteria include: (1) the gravity of the alleged violation, considering both the type of activity and the
39 amount in violation; (2) the apparent impact the alleged violation may have had on the electoral
40 process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential
41 violations and other developments in the law. This matter is rated as low priority for Commission
42 action after application of these pre-established criteria. Given that low rating, the low dollar
43 amount at issue, remedial efforts undertaken by the Respondent, and the unlikelihood that the
44 general public would have been confused as to whether Respondent paid for the door hangers, we
45 recommend that the Commission dismiss the complaint consistent with the Commission’s

⁵ Resp. at 1.

⁶ *Id.* at 1; Goede Decl. ¶¶ 2, 7-8; *see also* Tief Gibbs Jensen 4 Congress 2024 Pre-Primary Report at 16 (Feb. 22, 2024) (reflecting \$335.25 payment to Vista Print for “Printing”), <https://docquery.fec.gov/pdf/523/202402229622211523/202402229622211523.pdf>.

⁷ Goede Decl. ¶¶ 8, 10.

prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁸ We also recommend that the Commission close the file effective 30 days from the date of certification of this vote (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

Charles Kitcher
Associate General Counsel

July 12, 2024

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel

Wanda Brown

Wanda D. Brown
Assistant General Counsel

Tiferet Unterman

Tiferet Unterman
Attorney

⁸ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).