

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8228

Respondents: Marc for US Inc. and Lisa Lisker in her
official capacity as treasurer¹
Molinaro for Dutchess
Marcus J. Molinaro

Complaint Receipt Date: Mar. 11, 2024

Response Date: May 1, 2024

[REDACTED]

Alleged Statutory/Regulatory Violations: 52 U.S.C. §§ 30104(b)(3), 30125(e)(1)-(2)
11 C.F.R. §§ 104.3(a)(4), 110.3(d), 300.61, 300.62

The Complaint alleges that Marcus J. Molinaro, former County Executive for Dutchess County, New York, and 2022 and 2024 candidate for the U.S. House of Representatives in New York’s Nineteenth District, as well as Marc for US Inc. and Lisa Lisker in her official capacity as treasurer (the “Federal Committee”), Molinaro’s principal campaign committee, and Molinaro for Dutchess (the “State Committee”), Molinaro’s committee for election as county executive, violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by making, accepting, and failing to report prohibited in-kind contributions totaling “around \$10,000” from the State Committee to the Federal Committee.² The Complaint alleges that the State Committee made impermissible in-kind contributions to the Federal Committee totaling “around \$10,000” in the form of \$2,604.70 in various payments for campaign literature and print ads made for the Federal Committee’s benefit from October 2021 to April 2022,³ and then went on to make similarly impermissible in-kind contributions to the Federal Committee during the 2022 and 2024 election

¹ At the time of the events at issue here, Nicolas W. Joseph was the treasurer of Marc for US Inc. See Marc for US Inc., Statement of Organization at 1 (Sept. 17, 2021), <https://docquery.fec.gov/pdf/449/202109179466713449/202109179466713449.pdf>. Lisa Lisker became treasurer on March 9, 2023. Marc for US Inc., Amended Statement of Organization at 1 (Mar. 9, 2023), <https://docquery.fec.gov/pdf/749/202303099578979749/202303099578979749.pdf>.

² Compl. at 5 (Mar. 11, 2024).

³ *Id.*

1 cycles in the form of payments for “cell phones, meals, postage, and a post-box rental, subscriptions
2 and other office-related expenses, and transportation and gas expenses.”⁴ The Complaint alleges
3 that because Molinaro was not a state or local candidate when the State Committee made the
4 disbursements, “the only logical explanation” was that they were in-kind contributions to the
5 Federal Committee.⁵

6 Molinaro, the Federal Committee, and the State Committee submitted a joint Response,
7 supported by the sworn statement of the former treasurer of the State Committee and Federal
8 Committee.⁶ The former treasurer attests that each of the disbursements detailed in the Complaint
9 were for *bona fide* state expenses associated with Molinaro’s role as a state candidate and
10 officeholder, and expenses related to winding down the State Committee.⁷

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

⁴ *Id.*

⁵ *Id.*

⁶ Resp. (May 1, 2024); *id.*, Ex. A [hereinafter Joseph Decl.].

⁷ Resp. at 2; Joseph Decl. ¶¶ 3-4.

MUR 8228 (Marc for US Inc., *et al.*)
EPS Dismissal Report
Page 3 of 3

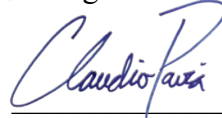
priorities and use of agency resources.⁸ We also recommend that the Commission close the file effective 30 days from the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

December 11, 2024

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Gordon King
Attorney

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