



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

January 17, 2025

VIA UPS-SIGNATURE REQUESTED

Tyler Henningsen

Washington, DC 20002

RE: MUR 8237
Dan Frei for Congress

Dear Mr. Henningsen:

This is in reference to the Complaint you filed with the Federal Election Commission (the "Commission") on April 4, 2024, concerning Dan Frei for Congress and Elizabeth Curtis in her official capacity as treasurer (the "Committee"). After considering the circumstances of this matter, the Commission determined to dismiss this matter and voted to close the file, effective January 17, 2024. The EPS Dismissal 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).

If you have any questions, please contact Jacob McCall, the attorney assigned to this matter, at (202) 694-1650 or jmccall@fec.gov.

Sincerely,

Wanda D. Brown

Wanda Brown
Assistant General Counsel

Enclosure
EPS Dismissal Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8237

Respondent: Dan Frei for Congress and Elizabeth Curtis in her official capacity as treasurer

Complaint Receipt Date: Apr. 4, 2024

Response Date: Apr. 18, 2024

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Alleged Statutory and 52 U.S.C. § 30120(a)(1)
Regulatory Violations: 11 C.F.R. § 110.11(a)-(c)

The Complaint alleges that Dan Frei for Congress and Elizabeth Curtis in her official capacity as treasurer (the “Committee”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to include proper disclaimers on yard signs.¹ The Committee admits that it failed to include disclaimers on the signs but asserts that it has since updated its communications by adding stickers with the required disclaimer.² In addition, the Committee also states that it “drafted a press release to own the mistake and to request that anyone who has a sign without the required disclosure contact the campaign to receive a sticker.”³ Finally, the Committee has confirmed that all future signs will have the proper disclaimer.⁴

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

¹ Compl. at 1 (Apr. 4, 2024).

² Resp. at 1 (Apr. 18, 2024).

³ *Id.*

⁴ *Id.* During the 2024 election cycle, as of the date of this Report, the Committee reports expenses totaling \$16,574.75 for printing, sign installation, and sign materials. *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00866749&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Dec. 6, 2024) (reflecting the Committee’s disbursements on signs).

MUR 8237 (Dan Frei for Congress)

EPS Dismissal Report

Page 2 of 2

1 assess whether particular matters warrant further administrative enforcement proceedings. These
2 criteria include (1) the gravity of the alleged violation, taking into account both the type of
3 activity and the amount in violation; (2) the apparent impact the alleged violation may have had
4 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
5 trends in potential violations and other developments in the law. This matter is rated as low
6 priority for Commission action after application of these pre-established criteria. Given that low
7 rating, the apparent low dollar amount at issue, and the Committee's remedial actions, we
8 recommend that the Commission dismiss the Complaint, consistent with the Commission's
9 prosecutorial discretion to determine the proper ordering of its priorities and use of agency
10 resources.⁵ We also recommend that the Commission close the file as to all Respondents
11 effective 30 days after the date the certification of this vote is signed (or on the next business day
12 after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

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17 December 10, 2024
18 _____

19 Date
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Lisa J. Stevenson
Acting General Counsel

BY:



Claudio J. Pavia
Deputy Associate General Counsel

Wanda D. Brown

Wanda Brown
Assistant General Counsel

Jacob McCall

Jacob McCall
Attorney

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).