

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 8253

**Respondents:** Turn AZ Blue PAC and  
Thomas Datwyler, treasurer  
Thomas C. Datwyler

**Complaint Receipt Date:** April 29, 2024

**Response Date:** June 25, 2024



**Alleged Statutory and  
Regulatory Violations:**

52 U.S.C. §§ 30101(4); 30101(17); 30103(a); 30104  
11 C.F.R. §§ 100.5; 100.16; 102.1; 104.1; 100.22

The Complaint alleges that Turn AZ Blue PAC (“TAB PAC”), an entity that is not registered with the Commission or the state of Arizona and Thomas C. Datwyler, TAB PAC’s alleged treasurer,<sup>1</sup> violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to register as a political committee after making independent expenditures in excess of \$1,000 during the 2024 election cycle, and by failing to file independent expenditure reports.<sup>2</sup> In support, the Complaint points to public Federal Communications Commission (“FCC”) filings showing that TAB PAC ran advertisements on several Phoenix, Arizona television stations against Marlene Galán-Woods, a candidate in the primary election for Arizona’s First Congressional District.<sup>3</sup> These filings show that TAB PAC spent approximately \$945 to run the

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<sup>1</sup> Datwyler’s name appears on a form filed in connection with an advertisement purchased by TAB PAC. Resp., Ex. 1 (“Datwyler Aff.”), Ex. B at 3 (June 25, 2024).

<sup>2</sup> Compl. at 2, 4 (Apr. 29, 2024).

<sup>3</sup> *Id.* at 2-3.

advertisements.<sup>4</sup> Additionally, separate FCC filings show that TAB PAC placed orders to spend an additional \$1,350 for advertisements that were apparently also opposing Galán-Woods.<sup>5</sup>

In Response, Datwyler provides an affidavit indicating he had never heard of TAB PAC until receiving the Complaint, and that he has never had any involvement with TAB PAC.<sup>6</sup> TAB PAC did not submit a response.

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 a low priority for Commission action after application of these pre-established criteria. Given that low rating, as well as the low amount in violation, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>7</sup> 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

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<sup>4</sup> See Fed. Commc'ns Comm., Political Files, Turn AZ Blue PAC Invoices, KTVK (2024), <https://publicfiles.fcc.gov/tv-profile/KTVK/political-files/2024/non-candidate-issue-ads/turn-az-blue-pac/invoice/5e61b9fc-7ccd-a55d-e6d0-3ff733a0f203>; Fed. Commc'ns Comm., Political Files, Turn AZ Blue PAC Invoices, KPHO-TV (2024), <https://publicfiles.fcc.gov/tv-profile/KPHO-TV/political-files/2024/non-candidate-issue-ads/turn-az-blue-pac/invoice/964d9ab9-045d-e7ba-2f09-eb8d42d5c46a>.

<sup>5</sup> See Fed. Commc'ns Comm., Political Files, Turn AZ Blue PAC Orders, KPNX (2024), <https://publicfiles.fcc.gov/tv-profile/KPNX/political-files/2024/non-candidate-issue-ads/turn-az-blue-pac/orders/6821287e-d995-f452-30bc-05ce2bb42e7f>; Resp., Datwyler Aff., Ex. B at 3 (identifying Galán-Woods as candidate referred to in advertisements).

<sup>6</sup> Resp., Datwyler Aff. ¶¶ 6, 10-12.

<sup>7</sup> See *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

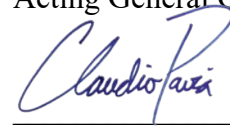
business day after the 30th day, if the 30th day falls on a weekend or holiday), and send the appropriate letters.

March 27, 2025

Date

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