



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

January 2, 2025

**VIA UPS DELIVERY AND ELECTRONIC MAIL**

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Alan R. Ostergren, Esq.  
Alan R. Ostergren, P.C.  
500 East Court Avenue, Suite 420  
Des Moines, IA 50309

RE: MUR 8264  
David Pautsch for Congress

Dear Mr. Ostergren:

This is in reference to the complaint filed with the Federal Election Commission on May 22, 2024, concerning David Pautsch for Congress. Based on that complaint, and after considering the circumstances of this matter and information in a response, the Commission determined to dismiss this matter and close the file effective January 2, 2025.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, 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:** 8264

**Respondents:** David Pautsch for Congress and  
David Pautsch in his official  
capacity as treasurer

**Complaint Receipt Date:** May 22, 2024

**Response Date:** June 6, 2024

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**Alleged Statutory/  
Regulatory Violations:**

52 U.S.C. § 30120(a)  
11 C.F.R. § 110.11(c)

The Complaint alleges that David Pautsch for Congress and David Pautsch in his official capacity as treasurer (the “Committee”),<sup>1</sup> the principal campaign committee of David Pautsch, a candidate for Iowa’s 1st Congressional District in the 2024 election cycle,<sup>2</sup> produced and distributed public communications without adequate disclaimers,<sup>3</sup> in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).

The Complaint asserts that on May 10, 2024, the Committee made recorded telephone calls with a recording of the candidate identifying himself by name, identifying himself as a candidate, requesting that listeners vote for him and visit “goldstardad.net,” without stating that he approved the communication or that the Committee paid for the communication.<sup>4</sup> The Complaint states that

<sup>1</sup> David Pautsch for Congress, Statement of Organization at 2 (Nov. 3, 2023), <https://docquery.fec.gov/pdf/910/202311140300454910/202311140300454910.pdf>.

<sup>2</sup> David Pautsch, Statement of Candidacy at 1 (Nov. 3, 2023), <https://docquery.fec.gov/pdf/917/202311140300454917/202311140300454917.pdf>.

<sup>3</sup> Compl. at 1-2 (May 22, 2024).

<sup>4</sup> *Id.* The URL stated twice in the communication, “goldstardad.net,” is, as of the date of this Report, still accessible and redirects viewers to the Committee’s website.

1 the Committee posted an apology on Facebook the same day regarding the timing of the calls which  
2 were made in the middle of the night, thus acknowledging that the Committee made the calls.<sup>5</sup>

3 In Response, the Committee states that the communication in question was the result of a  
4 computer server malfunction which sent a draft of the communication, not the final recording, and  
5 distributed the recording overnight rather than during the evening.<sup>6</sup> The Committee estimates that  
6 approximately 400-450 telephone calls were made.<sup>7</sup>

7 Based on its experience and expertise, the Commission has established an Enforcement  
8 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
9 assess whether particular matters warrant further administrative enforcement proceedings. These  
10 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity  
11 and the amount in violation; (2) the apparent impact the alleged violation may have had on the  
12 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in  
13 potential violations and other developments in the law. This matter is rated as low priority for  
14 Commission action after application of these pre-established criteria. Given that low rating and the  
15 unlikelihood that the general public would have been confused as to whether the Committee paid for  
16 the communications at issue that contained identifying information, as well as the apparent low  
17 amount at issue, we recommend that the Commission dismiss the Complaint, consistent with the  
18 Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of  
19 agency resources.<sup>8</sup> We also recommend that the Commission close the file effective 30 days from

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<sup>5</sup> *Id.* at 2.

<sup>6</sup> Resp. at 1 (June 6, 2024).

<sup>7</sup> *Id.*

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

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EPS Dismissal Report  
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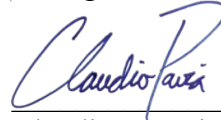
the date of certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

November 19, 2024

Date

Lisa J. Stevenson  
Acting General Counsel

BY:



Claudio J. Pavia  
Deputy Associate General Counsel



Wanda D. Brown  
Assistant General Counsel



Gordon King  
Attorney