

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 8323

Respondents: Team Kennedy and Ellie Cox in her
official capacity as treasurer
IMPG Advocates, Inc.
Paul A. Rossi

Complaint Receipt Date: October 2, 2024

Response Dates: October 24, 2024; December 4, 2024



**Alleged Statutory and
Regulatory Violations:**

52 U.S.C. §§ 30104; 30116(a)(1)(A), (f); 30118(a)
11 C.F.R. §§ 104.3; 114.2

The Complaint alleges that Team Kennedy and Ellie Cox in her official capacity as treasurer, the principal campaign committee for 2024 presidential candidate Robert F. Kennedy, Jr., (the “Committee”),¹ violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by knowingly accepting and failing to report excessive and/or prohibited corporate in-kind contributions in the form of unpaid legal and communication services from Paul A. Rossi and IMPG Advocates, Inc. (“IMPG”) or else, if these services were not in-kind contributions, failing to report the debt incurred by not paying for those services.²

In response, the Committee denies the allegations and states that because Rossi never billed the campaign for his services (despite the Committee entering a payment agreement with Rossi and reaching out to him several times to encourage him to send a bill),³ his services fall

¹ Team Kennedy, Amended Statement of Organization at 1-2 (July 23, 2024), <https://docquery.fec.gov/pdf/392/202407239665718392/202407239665718392.pdf>.

² Compl. at 2-3, 11-15 (Oct. 2, 2024).

³ Team Kennedy Resp., Ex. 3 ¶¶ 7-8 (Declaration of Robyn Ross) (Oct. 24, 2024).

1 within the volunteer services exemption, and therefore his services do not constitute a
2 contribution.⁴ In support, the Committee argues that its agreement with Rossi provides that
3 Rossi can volunteer without the value of the work being considered a donation.⁵ The Committee
4 also asserts that because Rossi's services were for ballot access litigation, they were not provided
5 for the purpose of influencing a federal election and for that reason do not constitute a
6 contribution within the meaning of the Act.⁶ Finally, the Committee argues that because it
7 contracted with Rossi individually rather IMPG, even if the legal services did amount to a
8 contribution, it would not have knowingly accepted a corporate contribution or loan.⁷

9 In a separate response, Rossi and IMPG indicate that Rossi now intends to remit an
10 invoice to the Committee for his services at the conclusion of the representation in accordance
11 with his normal billing procedure.⁸ Rossi argues that because counsel can volunteer their time to
12 presidential candidates, he was not required to remit an invoice for payment to the Committee at
13 all, and the Committee was not required to report a debt until receiving an invoice.⁹

14 Based on its experience and expertise, the Commission has established an Enforcement
15 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
16 assess whether particular matters warrant further administrative enforcement proceedings. These
17 criteria include (1) the gravity of the alleged violation, taking into account both the type of
18 activity and the amount in violation; (2) the apparent impact the alleged violation may have had

⁴ *Id.* at 2-3.

⁵ *Id.* at 2; *id.*, Ex. 2 at 10 (Team Kennedy Consultant Agreement).

⁶ *Id.* at 3-4.

⁷ *Id.* at 4-5.

⁸ Rossi Resp. at 1-2, ¶¶ 8-9 (Dec. 4, 2024). Neither the Complaint nor the Responses provide adequate information to determine the value of the legal and other services that Rossi provided to the Committee.

⁹ *Id.* ¶¶ 10-12.

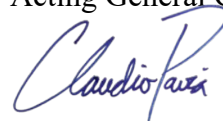
1 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent
2 trends in potential violations and other developments in the law. This matter is rated as a low
3 priority for Commission action after application of these pre-established criteria. Given that low
4 rating, we recommend that the Commission dismiss the Complaint consistent with the
5 Commission's prosecutorial discretion to determine the proper ordering of its priorities and use
6 of agency resources.¹⁰ We also recommend that the Commission close the file effective 30 days
7 from the date the certification of this vote is signed (or on the next business day after the 30th
8 day, if the 30th day falls on a weekend or holiday), and send the appropriate letters.

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13 February 25, 2025

14 Date

Lisa J. Stevenson
Acting General Counsel

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BY:



Claudio J. Pavia
Deputy Associate General Counsel



Mark Shonkwiler
Assistant General Counsel



Kenneth C. Daines
Attorney

¹⁰ See *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).