BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7633

Respondent: Tom Norton for Congress and Jeff Fuss as Treasurer[1] ("the Committee")

Complaint Receipt Date: August 7, 2019
Response Date: N/A[2]
Complaint Supplement Receipt Date: November 13, 2019
Response Date: N/A

EPS Rating:

Alleged Statutory Regulatory Violations: **52 U.S.C. § 30104(a), (b)(4)-(6), (8); 11 C.F.R. §§ 104.3(b), (d); 104.11(a)-(b) , 116.10(a)**

The Complainant, the former campaign manager for the Committee, alleges that he and other vendors issued invoices totaling $16,574.88 to the campaign that were not paid and were not included in reports filed with the Commission.[3] The Supplement states that the Complainant has filed three small claims actions against the Committee, and has received a default judgment for two of the claims, with the third still pending.[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 assess whether particular matters warrant further administrative enforcement proceedings. These

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[1] Norton is a 2020 candidate for Michigan's Third Congressional District.

[2] The Committee did not respond to either the Complaint or the Supplement to the Complaint.

[3] Compl. at 1-4 (August 7, 2019). The Complaint specifies that the total of unreported invoices from the Complainant's company is $10,574.88, and that additional unreported invoices from other parties total $6,000. Reports filed with the Commission indicate the Committee has disbursed $4,319 to the Complainant's company and, thus, may have reported some, but not all, of the allegedly unreported transactions. *See, e.g.*, Tom Norton for Congress 2019 July Quarterly at 10-13, available at https://docquery.fec.gov/pdf/110/201907159150994110/201907159150994110.pdf. The amount of undisclosed disputed debt does not reach a referral threshold for either the Office of General Counsel or the Office of Alternative Dispute Resolution. *See* 2017-2018 RAD Review and Referral Procedures (Standard 7).

[4] Compl. Supp. at 1-3 (November 13, 2019).

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 low priority for Commission action after application of these pre-established criteria. Given that low rating and the lower dollar amount at issue, 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.[5] We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
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12/20/19
Date

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