



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA CERTIFIED MAIL
AND ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

July 29, 2020

Ivan Assenov
Scale Campaign
3168 Beckie Dr. SW
Wyoming, MI 49418
ivan@scalecampaign.com

RE: MUR 7633
Tom Norton for Congress
and Jeff Fuss, as Treasurer

Dear Mr. Assenov:

The Federal Election Commission has considered the allegations contained in your complaint dated August 1, 2019. On July 21, 2020, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Tom Norton for Congress and Jeff Fuss, as Treasurer, and closed its file in this matter. 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 within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016), effective September 1, 2016.

The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in blue ink, appearing to read "Jeff S. Jordan".

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7633

Respondent: Tom Norton for Congress
and Jeff Fuss as Treasurer¹
("the Committee")

Complaint Receipt Date: August 7, 2019

Response Date: N/A²

Complaint Supplement Receipt Date: November 13, 2019

Response Date: N/A

Alleged Statutory **52 U.S.C. § 30104(a), (b)(4)-(6), (8);**
Regulatory Violations: **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

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>.

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

1 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
2 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
3 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
4 potential violations and other developments in the law. This matter is rated as low priority for
5 Commission action after application of these pre-established criteria. Given that low rating and the
6 lower dollar amount at issue, we recommend that the Commission dismiss the Complaint consistent
7 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and
8 use of agency resources.⁵ We also recommend that the Commission close the file as to all
9 Respondents and send the appropriate letters.

10 Lisa J. Stevenson
11 Acting General Counsel

12 Charles Kitcher
13 Acting Associate General Counsel

14 12/20/19

15 _____
16 Date

17 BY: Stephen Gura by JGS
18 Stephen Gura
19 Deputy Associate General Counsel

20 Jeff S. Jordan
21 Jeff S. Jordan
22 Assistant General Counsel

23 Donald E. Campbell
24 Donald E. Campbell
25 Attorney
26

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