



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC MAIL

July 29, 2020

Tom Norton for Congress
Jeff Fuss, Treasurer
4208 Petis Ave.
Ada, MI 48301
jeffuss@reagan.com

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

Dear Mr. Fuss:

On August 12, 2019, the Federal Election Commission ("Commission") notified Tom Norton for Congress and you, in your official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 21, 2020, based upon the information contained in the complaint and available information, the Commission decided to dismiss allegations that Tom Norton for Congress and you, in your official capacity as treasurer, violated provisions of the Act. The Commission then closed its file in this matter. A copy of 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 Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). 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).