



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 25 2018

Robin Dusek

Chicago, IL 60614

RE: MUR 7377

Dear Mr. Dusek:

The Federal Election Commission reviewed the allegations in your complaint received on May 3, 2018. On July 24, 2018, 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 Wolf 2018 and Benjamin Thomas Wolf in his individual and official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 24, 2018. 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).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "J. Jordan", is written over the typed name of the Assistant General Counsel.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7377

**Respondents: Wolf 2018 and Benjamin
Thomas Wolf, as Treasurer
("the Committee"),¹
Benjamin Thomas Wolf**

Complaint Receipt Date: May 3, 2018

Response Date: June 20, 2018

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. §§ 30104(b), 30120(a)(1), (d)(1)(B)
11 C.F.R. §§ 100.52(d), 104.3(a)(3)(ii),
110.11(c)(3)**

The Complaint alleges that Wolf made an undisclosed \$1,000 contribution to the Committee by purchasing software with personal funds to be used by the Committee, and that the Committee's television ads failed to contain a clear written statement that Wolf approved the ad.² The Response states that the software was for Wolf's personal use and that all of the Committee's television ads displayed the required written statement for at least four seconds. The referenced ads do not appear to contain either a written or oral statement approving the communications.³

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 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

¹ Benjamin Thomas Wolf was a 2018 candidate for the U.S. House of Representatives in Illinois's Fifth District. Wolf 2018 was his principal campaign committee, which was terminated on April 22, 2018, 11 days before the Complaint was filed.

² We note that the television ad available at the link in the Complaint fails to include either an unobscured, full-screen, view of Wolf stating that he has approved the communication or a voice-over by Wolf stating that he has approved the communication, accompanied by a clearly identifiable photographic or similar image of him, as required by 52 U.S.C. § 30120(d)(1)(B) and 11 C.F.R. § 110.11(c)(3).

³ The Complaint implies that several ads were not in compliance with the Act or Commission regulations, but only contains three links to the same ad run by the Committee. See <https://www.youtube.com/watch?v=pxvCg16Rxp8>.

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, the unlikelihood the general public would have been confused as to who was responsible for the television ads,⁴ and the fact that the Committee has terminated, 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. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

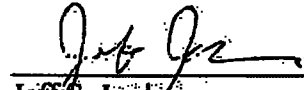
Lisa J. Stevenson
Acting General Counsel

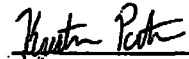
Kathleen M. Guith
Associate General Counsel

June 29, 2018
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Kristina M. Portner
Attorney

⁴ The content of the ad indicates that the public would not be confused as to whether Wolf approved it. The ad opens and closes with Wolf's campaign logo, Wolf talks directly to the camera for most of the ad, he identifies himself as the candidate, and he asks for the viewer's vote.