



the time of the sponsored Facebook posts, and the posts were not intended as an expense for the candidate's 2016 Committee.<sup>4</sup> Finally, the Committee admits that it inadvertently failed to report purposes for five of the nine disbursements on its 2018 July Quarterly Report, and it corrected these omissions on the Committee's Second Amended 2018 July Quarterly Report.

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 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 Committee's amended reports, and the modest amounts 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. *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

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<sup>4</sup> The Committee further asserts that after Kern registered as a candidate, the Committee filed amended reports reflecting the Facebook costs.

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Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Kristina Portner  
Kristina M. Portner  
Attorney

1004710004