

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7481

Respondents: Matt Rosendale for Montana
and Errol Galt, as Treasurer
("the Committee")¹

Complaint Receipt Date: August 20, 2018

Response Date: September 24, 2018

EPS Rating:

Alleged Statutory 52 U.S.C. § 30116(a)(1)(A), (2)(A), (f)

Regulatory Violations: 11 C.F.R. §§ 103.3(b)(3); 110.1(b), (3)(i), (3)(ii), (k); 110.2(b);
116.11(b)

The Complaint alleges that the Committee accepted 34 excessive contributions and improperly allocated portions of those contributions to the 2018 primary because the contributions appear to have exceeded the Committee's 2018 primary debt obligations. The Committee asserts that the contributions were not excessive or improperly allocated, and were instead lawfully redesignated to retire its outstanding debts. The Committee also acknowledges that it accepted one excessive contribution, and asserts that the excessive portion has now been refunded.²

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

¹ Matt Rosendale was a 2018 candidate for the U.S. Senate from Montana. Matt Rosendale for Montana is his principal campaign committee. Cabell Hobbs, the Committee's Assistant Treasurer, was notified of the complaint.

² These issues, including the redesignations and excessive contribution, do 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 5).

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 and the remedial efforts taken by the Committee, 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.³ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

4/12/19

Date

BY: Charles Kitcher
Charles Kitcher
Acting Associate General Counsel

Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel

Adrienne C. Baranowicz
Adrienne C. Baranowicz
Attorney

³ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).