



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

James Schwartz  
Steve Chabot for Congress  
3030 Harrison Avenue  
Cincinnati, OH 45211

FEB 08 2019

RE: MUR 7485

Dear Mr. Schwartz:

On August 23, 2018, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On February 7, 2019, based upon the information contained in the complaint, the Commission decided to dismiss allegations that Steve Chabot 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 Kristina Portner, the attorney assigned to this matter, at (202) 694-1518.

Sincerely,

Lisa J. Stevenson  
Acting 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: 7485**

**Respondents: Steve Chabot for Congress and  
James Schwartz, as Treasurer,  
Steve Chabot<sup>1</sup>**

**Complaint Receipt Date: August 21, 2018**

**Response Date: No Response Received**

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30120(d)(1)(B)(ii)  
11 C.F.R. § 110.11(c)(3)(iii)**

Complainant alleges that one of Respondents' television ads failed to include a written disclaimer stating that Chabot had approved the ad.

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 and the unlikelihood the general public would have been confused as to whether the television ad was authorized by Chabot,<sup>2</sup> we recommend that the Commission dismiss the Complaint consistent with

<sup>1</sup> Chabot was a 2018 candidate for the U.S. House of Representatives in Ohio's First District. Steve Chabot for Congress is his principal campaign committee.

<sup>2</sup> Although the television ad omitted the required written authorization statement, the ad included video of Chabot orally stating that he approved it and a written disclaimer stating that the Committee paid for the ad. See "Day One," available at <https://www.youtube.com/watch?v=7UP-N4MnvNk> (last visited November 30, 2018).

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

12.20.18  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
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Assistant General Counsel

Kristina Portner  
Kristina M. Portner  
Attorney

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WASHINGTON, D.C. 20463

Steve Chabot

Cincinnati, OH 45211

FEB 11 2019

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