



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Craig Keith

MAY - 8 2019

Ft. Wayne, IN 46815

RE: MUR 7487

Dear Mr. Keith:

The Federal Election Commission reviewed the allegations in your complaint received on August 27, 2018. On May 1, 2019, 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 Courtney Tritch, and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 1, 2019. 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 dark ink, appearing to read "Lisa J. Stevenson", is written over the typed name.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7487

Respondents: Courtney Tritch

Complaint Receipt Date: August 27, 2018

Response Date: September 12, 2018

Alleged Statutory
Regulatory Violations:

52 U.S.C. §§ 30104(b)(3)(A), 30101(13)
11 C.F.R. §§ 104.3(a)(4)(1), 100.12

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The Complaint asserts that Courtney Tritch made multiple contributions in 2017, which listed her employer as both "Courtney Tritch Consulting," and as unemployed.¹ The Complaint asserts that the Commission should therefore launch an investigation into Tritch's contributions and employment because of these apparent discrepancies.² Tritch responds that she submitted a check to Donnelly for Indiana in a donation envelope on March 25, 2017, as her first contribution, and that this was correctly reported with Courtney Tritch Consulting as her employer.³ Tritch states her subsequent contributions were made electronically and that she listed Courtney Tritch Consulting as her employer in each transaction, which is corroborated by her ActBlue receipts.⁴ She further states that for unknown reasons all but one of the contributions reported by ActBlue listed her employer as unemployed.⁵

¹ Compl. at 1 (Aug. 27, 2018).

² *Id.* The Complaint attaches printouts of Tritch's candidate profile on her campaign website, a candidate profile on votesmart.org, and her LinkedIn profile, each listing Courtney Tritch Consulting as Tritch's current employer. Committee and candidate reports filed with the FEC show eleven contributions from Tritch in the 2017-2018 election cycle, totaling \$399.80: two listing her employer as Courtney Tritch Consulting, and nine listing her employer as "not employed" or "none." Two contributions were reported by Donnelly for Indiana; the others were reported by ActBlue, and were earmarked for five separate committees. Only one contribution for \$250 exceeded the \$200 threshold for itemizing contributors.

³ Resp. at 1 (September 12, 2018). Commission records indicate this contribution was for \$250.

⁴ *Id.* Tritch attached receipts of all the contributions she made through ActBlue, and each receipt but one — which she describes as being in error — lists her employment as Courtney Tritch Consulting. Tritch speculates that there may have been a "glitch" with ActBlue that resulted in her information changing between her receipts and the FEC reports.

⁵ *Id.*

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 low dollar amount, and the apparent lack of a violation by Tritch, 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.⁶ We also recommend that the Commission close the file as to all the respondents and send the appropriate letters.

4/18/19
Date

Lisa J. Stevenson
Acting General Counsel
BY: Charles Kitcher by Jeff S. Jordan
Charles Kitcher
Acting Associate General Counsel
Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel
Donald E. Campbell
Donald E. Campbell
Attorney

⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).