

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7499

Respondents: Cristina McNeil for Congress
and Susan Eastlake, as Treasurer
("the Committee")¹

Complaint Receipt Date: September 17, 2018

Response Date: October 10, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30104(b)(5)(A), (b)(5)(8);

Regulatory Violations:

11 C.F.R. §§ 104.3(b), (d), 104.11(a)-(b)

The Complainant alleges that the Committee failed to pay a \$500 fee for website consulting and design services that were rendered to the Committee by a third party, Gunning Telecom, LLC.² The Committee states in its Response that it had accepted an offer from Marvin Gunning of Gunning Telecom, LLC, to help with the campaign's website, and was not aware at the time that Gunning intended to charge a fee.³ The Response indicates there was a delay in receiving an invoice from Gunning, and the Committee stated that as soon as it receives the invoice it would report that amount as an outstanding debt on its next campaign finance report.⁴ The Committee has since disclosed the debt and its repayment.⁵

¹ Cristina McNeil won the May 15, 2018, primary election, and lost in the November 6, 2018, general election for Idaho's First Congressional District.

² Compl. at 1 (September 17, 2018). The Complainant, Ron "Pete" Peterson, states that the website services were performed by his friend, Marvin Gunning, President and CEO of Gunning Telecom, LLC. There is no indication that Peterson has a formal connection with Gunning Telecom, LLC. Rather, according to the Respondents, Peterson was a former volunteer for the Committee who was released from his position. Resp. at 1 (October 10, 2018).

³ Resp. at 1. Respondents state that Gunning told the Committee he was not filing a complaint against McNeil or the Committee, and that he knows of nothing that warranted a complaint. *Id.* at 2.

⁴ *Id.* at 1-2.

⁵ Reports filed with the Commission after the Response show the Committee reported a \$525 outstanding debt to Gunning Telecom Consulting, LLC on its next campaign finance report, *see* Cristina McNeil for Congress 2018 October Quarterly Report at 23, and reported a disbursement of \$525 to Gunning Telecom Consulting, LLC on the following campaign finance report, *see* Cristina McNeil for Congress Amended 2018 Post-General Report at 17.

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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 Committee's swift remedial action, 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 respondents and send the appropriate letters.

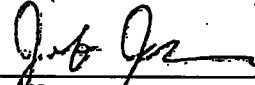
4/19/19


Date

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

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