



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 26 2019

Maureen Daly

Brooklyn, NY 11209

RE: MUR 7554

Dear Ms. Daly:

The Federal Election Commission reviewed the allegations in your complaint received on December 10, 2018. On July 24, 2019, based upon the information provided in the complaint, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Team Gayot, and Nancy Marks, in her official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 24, 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 black ink, appearing to be "J. Jordan", with the initials "IKP" written to the right.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7554

Respondents: Team Gayot
and Nancy Marks,
as treasurer (the "Committee")¹

Complaint Receipt Date: December 10, 2018

Response Date: N/A

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)(8);
11 C.F.R. §§ 104.3(d), 104.11(a)-(b)**

The Complaint alleges that the Committee has failed to report certain outstanding debts in its campaign finance reports for services provided by Gotham Strategies, LLC.² The Committee did not respond to the Complaint.³

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

¹ Lutchi Gayot was a candidate for U.S. House in New York's ninth congressional district in 2018. He lost in the November 6, 2018, general election with 10.3% of the vote.

² Compl. at 1 (December 10, 2018). The Complaint attached an invoice to the campaign in the amount of \$2,750, dated April 18, 2018. *Id.* at 3.

³ To date, the Committee has not reported the debt as disputed or otherwise.

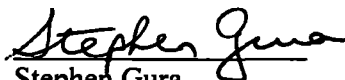
low dollar amount at issue,⁴ we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend that the Commission close the file and send the appropriate letters.


Lisa J. Stevenson
Acting General Counsel


Charles Kitcher
Acting Associate General Counsel

6.27.19
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

⁴ The amount of alleged debt in this matter does 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 7).

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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