



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUG 20 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Bast

PO Box 2477
Silver Bay, NY 12874-2477

RE: MUR 7596

Dear Mr. Bast:

The Federal Election Commission reviewed the allegations contained in your complaint received on April 22, 2019. On August 15, 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 Committee to Elect Tedra Cobb and David Katz, in his official capacity as treasurer, and Tedra Cobb, and close its file in this matter. Accordingly, the Commission closed its file in this matter on August 15, 2019. A copy of the General Counsel's Report, which more fully explain 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 Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016), effective September 1, 2016.

The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7596

Respondents: Committee to Elect Tedra Cobb
and David Katz,
as treasurer (the "Committee");
Tedra Cobb¹

Complaint Receipt Date: April 22, 2019

Response Date: June 7, 2019

Alleged Statutory/ 52 U.S.C. §§ 30101(8)(B)(i), (iv), 30104(b), 30116(a), 30118(a);
Regulatory Violations: 11 C.F.R. §§ 100.52(d)(1), 100.74, 100.79, 100.93(d), 104.13(a)

The Complaint alleges that the Committee received an excessive and potentially prohibited corporate in-kind contribution from unknown sources who provided two vehicles for the Committee's use without charge.² The Committee asserts that it was not required to report the use of the vehicles as in-kind contributions because the activity is excepted from the definition of "contribution."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

¹ Cobb was a candidate for New York's 21st Congressional District in 2018. She lost in the November 6, 2018, general election with 42.4% of the vote. Cobb is a candidate for the same seat in 2020.

² Compl. at 1 (April 22, 2019). The Complaint also alleges that the use of the vehicles should have been disclosed as in-kind contributions on the Committee's campaign finance reports. *Id.* at 1-2.

³ Resp. at 1-3 (June 7, 2019). Respondents state that two sets of volunteers provided transportation on behalf of the Committee to conduct get-out-the-vote activities, and that neither set of volunteers spent more than \$1,000 for transportation expenses on behalf of the campaign. *Id.*

1 potential violations and other developments in the law. This matter is rated as low priority for
2 Commission action after application of these pre-established criteria. Given that low rating and the
3 low dollar amount of the activity, we recommend that the Commission dismiss the Complaint
4 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its
5 priorities and use of agency resources.⁴ We also recommend that the Commission close the file and
6 send the appropriate letters.

7 Lisa J. Stevenson
8 Acting General Counsel
9

10 Charles Kitcher
11 Acting Associate General Counsel
12

13
14
15 7.30.19
16 Date

17 BY: Stephen Gura
18 Stephen Gura
19 Deputy Associate General Counsel

20 Jeff Jordan /by KP
21 Jeff S. Jordan
22 Assistant General Counsel
23

24 Donald E. Campbell
25 Donald E. Campbell
26 Attorney
27

⁴ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).