MUR765900013



FEDERAL ELECTION COMMISSION Washington, DC 20463

VIA ELECTRONIC MAIL Joshua Foxworth, Treasurer Joshua Foxworth for Congress 2284 Longspur Lane League City, TX 77573 foxworthfortexas@protonmail.com July 24, 2020

RE: MUR 7659

Dear Mr. Foxworth:

On November 6, 2019, the Federal Election Commission ("Commission") notified Joshua Foxworth for Congress and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. A copy of the complaint was forwarded to you at that time. On July 15, 2020, based upon the information contained in the complaint and information provided by you, the Commission voted to dismiss allegations that Joshua Foxworth for Congress, and you, 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 Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson Acting General Counsel

BY: Jeff S. Jordan Assistant General Counsel

Enclosure: General Counsel's Report

$\frac{1}{2}$	BEFORE THE FEDERAL ELECTION COMMISSION		
3	ENFORCEMENT PRIORITY SYSTEM		
4	DISMISSAL REPORT		
5 6 7 8	MUR: 7659	Respondent:	Joshua Foxworth for Congress and Joshua Foxworth, as treasurer (the "Committee")
9			(the committee)
10 11 12 13 14	Complaint Receipt Date: November 4 Response Date: December 9, 2019	ł, 2019	
14 15 16 17	Alleged Statutory/ Regulatory Violations:		52 U.S.C. § 30120(a), (c) 11 C.F.R. § 110.11(a)(1), (b)(1), (c)(2),
17	The Complainant alleges that a campaign flyer supporting Joshua Foxworth, a House		
19	candidate in Texas, was placed on his front door, but failed to include a required disclaimer. ¹ The		
20	Complaint also alleges that Foxworth's campaign website does not contain a disclaimer. ²		
21	Foxworth, responding for the Committee, admits that he mistakenly failed to include a		
22	disclaimer on his campaign flyer, and that as soon as he became aware of the missing disclaimer he		
23	stopped all activity and contacted the Commission. ³ Foxworth further states that he would not use		
24	any remaining flyers unless he is able to either stamp or reprint them with a disclaimer, and he		
25	intends to order new flyers that will include a disclaimer. ⁴		
26	Based on its experience and expertise, the Commission has established an Enforcement		
27	Priority System using formal, pre-determined scoring criteria to allocate agency resources and		

¹ Compl. at 1-2, 5 (November 4, 2019). Foxworth filed a Statement of Candidacy for Texas's 14th congressional district on September 27, 2019, and the Committee filed a Statement of Organization on October 3, 2019.

² Id.

³ Resp. at 1 (December 9, 2019). Foxworth also states that this is his first campaign and he is the only person working on the Committee. *Id*.

⁴ *Id.* The Response does not address the allegation that the website lacked a disclaimer, but the Committee's website currently displays the disclaimer "Paid for by Joshua Foxworth for Congress" at the base of the home page. *See* <u>http://www.foxworthforcongress.com/</u> (last visited January 27, 2020).

EPS Dismissal Report MUR 7659 (Joshua Foxworth for Congress) Page 2 of 2

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assess whether particular matters warrant further administrative enforcement proceedings. These 1 2 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 3 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in 4 5 potential violations and other developments in the law. This matter is rated as low priority for 6 Commission action after application of these pre-established criteria. Given that low rating, the quick remedial efforts taken by the Respondents concerning the flyers, and the fact the campaign 7 8 website now includes a disclaimer, we recommend that the Commission dismiss the Complaint 9 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 as 10 to all respondents and send the appropriate letters. 11 12 13 Lisa J. Stevenson 14 Acting General Counsel 15 Charles Kitcher 16

1/31/2020
BY:
Stephen Gura by the second secon

Donald E. Campbell Attorney

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