



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 2018

Meredith Murray
2213 Ranch Road 620 N, Suite 105
Austin, TX 78734

Re: ADR 861
AM racing LLC

Dear Meredith Murray:

On August 28, 2017, the Federal Election Commission ("FEC" or "Commission") notified AM racing LLC of a referral regarding certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and take no further action against the AM racing LLC. In its memorandum to the Commission, dated May 22, 2018, this office stated:

Summary and Analysis of Case: RAD referred AM Racing LLC (Respondent) for failing to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$77,082.00 disclosed in the 2016 Year-End Report. On October 20, 2016, Respondent filed a 24-Hour Report disclosing \$77,082.00 in total independent expenditures by both fax and e-mail, but did not include a Schedule 5-E to support the amount disclosed.

Respondent contends there was no intent to violate the FECA, and that it believed a Form 5 was filed in accordance with the instructions provided by the FEC. The Respondent, a racing team, used its own resources to mark a vehicle used in a race held on October 22, 2016. Respondent indicates that the team did not receive any funds from contributors or make any payments to outside vendors in order to make this communication. The expenditure was reported in the media on October 6, 2016, including language indicating that the ad was paid for by AM Racing.¹ The Form 5 filed by Respondent was published on the FEC's website on October 21, 2016, listed as both a 24-Hour Report and a Miscellaneous Report (Form 99).

Due to Respondent's inexperience with filing, the attempt to properly disclose the expenditure, and the availability of the information surrounding the expenditure to the

¹ <https://www.speedwaydigest.com/index.php/news/camping-world-truck-series-news/34296-austin-wayne-self-am-racing-talladega-bound-with-trump>

public, the ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985).

Accordingly, the Commission closed its file in this matter on May 30, 2018.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondent(s) and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

If you have any questions regarding this matter please be in touch. My telephone number is 202-694-1661.

Sincerely,

Krista J. Roche

Krista J. Roche, Director,
Alternative Dispute Resolution Office