

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 MUR 6008) **CASE CLOSURE UNDER THE**
 FRIENDS OF TONY BARR) **ENFORCEMENT PRIORITY SYSTEM**
)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 6008 as a low-rated matter. In this case, the Complainant, National Republican Congressional Committee, alleges that Anthony ("Tony") Barr and Friends of Tony Barr (the "Committee") violated the Federal Election Campaign Act ("Act") by failing to file an accurate initial Statement of Candidacy stating whether the candidate intended to spend personal funds during his campaign (FEC Form 2), failing to timely file a Statement of Organization (FEC Form 1) and failing to timely file a 2007 Year-End Report as well as a 2008 Pre-Primary Report. Mr. Barr was a candidate for the U.S. House of Representatives for the 9th District of Pennsylvania.¹

The disclosure reports reveal that Mr. Barr filed his initial Statement of Candidacy on October 29, 2007, and an amended Statement of Candidacy on February 10, 2007, in which he failed to provide the election year. The Reports Analysis Division informed Mr. Barr that

¹ The respondents failed to respond after being offered several opportunities through written notification and oral communications.

he needed to file a second amendment reflecting this missing information, which he did on May 7, 2008. It appears that the Committee should have filed its Statement of Organization on November 8, 2007, but failed to do so until February 11, 2008. As for the 2007 Year-End Report, the Committee would only have been required to file this report once the candidate had received contributions in excess of \$5,000 or made expenditures in excess of \$5,000. See 11 C.F.R. § 100.3(a)(1). In this instance, the Committee had a beginning balance of \$4,277, which did not meet the threshold amount requiring the filing of a 2007 Year-End Report. Conversely, the Committee filed its 2008 Pre-Primary Report on May 7, 2008, approximately 37 days after the original due date of April 10, 2008.

In light of both the technical aspects and relatively *de minimis* amounts associated with the violations, and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. See *Heckler v. Cheney*, 470 U.S. 821 (1985). Additionally, this Office recommends that the Committee, and its treasurer, be admonished for failing to timely file its Statement of Organization and its 2008 Pre-Primary Report, as required by the Act.

RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 6008, admonish the Friends of Tony Barr committee and Elizabeth Barr, as treasurer, close the file, and approve the appropriate letters.

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11/26/08
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