



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Donald L. McClung, Treasurer
Wooten for Congress
16601 N. 12th Street, Apt. 2075
Phoenix, AZ 85022

JUL -5 2016

RE: MUR 6839

Dear Mr. McClung:

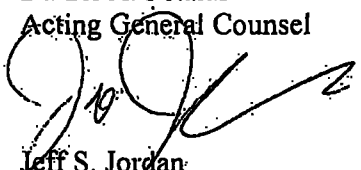
On June 12, 2014, the Federal Election Commission notified Wooten for Congress and you in your official capacity as treasurer (the "Committee"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 28, 2016, based upon the information contained in the complaint, and information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on June 28, 2016.

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. 66,132 (Dec. 14, 2009). A copy of the dispositive General Counsel's Report is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

RECEIVED
SECTION

June 1 9: 56

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM 2016 JUN -1 AM 9: 08
DISMISSAL REPORT

MUR: 6839

Complaint Receipt Date: June 6, 2014

Response Date: June 23, 2014

Respondents: Wooten for Congress
Donald L. McClung as
treasurer (collectively the
"Committee")

EPS Rating:

SENSITIVE

Alleged Statutory/

52 U.S.C. § 30120(a)(1)

Regulatory Violations:

11 C.F.R. §§ 100.26; 110.11(a), (b)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended, and Commission regulations by distributing palm cards that lacked disclaimers stating who paid for them, and business cards with disclaimers that included an incorrect name for the Committee. Any public communication that is paid for and authorized by a candidate's authorized political committee must include a disclaimer stating that the committee paid for the communication, and any public communication authorized by a candidate's committee but paid for by any other person must clearly state that the communication is authorized by the committee and paid for by the individual. Respondents concede that the disclaimer on the business cards, which were allegedly ordered by an inexperienced volunteer, incorrectly stated the Committee's name, and that the palm cards, which were contributed by a campaign supporter, did not include any disclaimer. However, Respondents assert that they took prompt remedial action, including destroying the defective business cards and paying for new materials that included the appropriate disclaimers. According to a receipt attached to the response, the defective palm cards represented an in-kind contribution of approximately \$735.

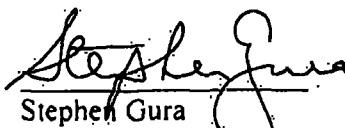
According to the Committee's disclosure reports, it appears that the defective business cards cost approximately \$600, and the corrected business cards cost approximately \$750.

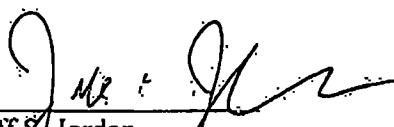
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the 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 other circumstances presented, including the apparent small amount in violation, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Daniel A. Petalas
Acting General Counsel

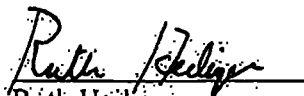
Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

6.1.16
Date

BY: 
Stephen Gura
Deputy Associate General Counsel
Enforcement



Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration



Ruth Heilizer
Attorney
Complaints Examination
& Legal Administration