



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC MAIL

romero4oregon@gmail.com

Paul.pj.romero@gmail.com

Mrs. Lynette D. Boniface, Treasurer
Romero for Senate
1601 Gem Drive
P.O. Box 713
Roseburg, OR 97471

April 7, 2021

RE: MUR 7749
Romero for Senate
and Lynette Boniface, as treasurer

Dear Ms. Boniface:

On June 24, 2020, the Federal Election Commission ("Commission") notified Romero for Senate and you, in your official capacity 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 and the Committee at that time. On March 17, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission voted to dismiss allegations that Romero for Senate and you, in your official capacity as treasurer, 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. The Commission reminds you of the disclaimer requirements for public communications made by federal candidates and principal and authorized campaign committees, specifically that if the communication, including any solicitation, is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either, the disclaimer must clearly state that the communication has been paid for by such authorized political committee. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

Romero for Senate
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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,

A handwritten signature in black ink, appearing to read 'J. S. Jordan', with a stylized flourish at the end.

Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: MUR 7749

Respondent: Romero for Senate
and Lynette Boniface, as treasurer
(the "Senate Committee")
Friends of Paul J Romero, Jr
and Wade Kelley Barrett, as treasurer
(the "House Committee")
Paul J. Romero, Jr.

Complaint Receipt Date: June 22, 2020

Response Date: July 31, 2020 (Romero and the House Committee);
August 4, 2020 (the Senate Committee)

Alleged Statutory/ 52 U.S.C. §§ 30101(2); 30102(f), (g); 30103(d); 30104(a), (b); 30120
Regulatory Violations: 11 C.F.R. §§ 101.1; 102.1; 104.3; 110.11

The Complaint alleges that Romero has concealed the source of funding and expenditures for his campaigns as a congressional candidate in Oregon in the 2016 primary, and Senate candidate in Oregon in the 2020 primary.¹ The Complaint further alleges that Romero and the Senate Committee have failed to file required disclosure reports; failed to include proper disclaimers on the campaign website, Facebook page, and yard signs; and conducted fundraising for the Senate campaign using a variety of committee names that are not registered or affiliated with Romero for Senate.² The images attached to the Complaint show one yard sign that lacks a disclaimer, and two Senate Committee signs with disclaimers stating that a separate Committee paid for them.³ The

¹ Compl. at 1-2 (June 22, 2020). Romero for Senate is registered with the FEC as the principal campaign committee for Romero's 2020 Senate campaign. Friends of Paul J. Romero, Jr. registered with the FEC as the principal campaign committee for Romero's 2016 campaign for Oregon's second Congressional District. Romero lost the 2020 Republican Senate primary, and lost the 2016 Republican primary for Oregon's second congressional district.

² *Id.* The Complaint alleges that the alternate unregistered committee names include: "Friends of Paul Romero," "Friends of Paul Romero for Senate," "Romero U.S. Senate" and "Paul Joseph Romero, Jr. for Congress, U.S. Senator, Oregon." *Id.*

³ Compl. at 27, 30-31. The two Senate Committee signs with disclaimers state "Paid for by Friends of Paul Romero for Senate," however this committee name is not registered with the Commission as either an authorized or unauthorized committee connected to Romero, the House Committee, or the Senate Committee, and no committee by this name appears to exist. The images attached to the Complaint also indicate that the campaign's website at

Response from Romero, on behalf of the House Committee and himself, asserts that neither of Romero's campaigns for the U.S. House in 2016 and 2018 exceeded \$5,000 in receipts.⁴ The Senate Committee's Response asserts that because it did not raise over \$5,000 before the filing date for the 2019 Year-End Report, it was not required to file a report for that period, and it reported this information in a Miscellaneous Report Form 99 filed with the FEC at that time.⁵ The Senate Committee's Response further states that it has since disclosed all contributions and disbursements through June 30, 2020.⁶

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

www.romero4oregon.com did not contain a sufficient disclaimer, Compl. at 16-25. A recent review of that website shows that it now bears a disclaimer reading "Paid for by Friends of Romero," which is not the registered name of either the House or Senate Committees, but bears a strong similarity to the name of the House Committee. ROMERO FOR CONGRESS <https://www.romero4oregon.com> (last visited November 3, 2020). Similarly, the Senate Committee's website lists a mailing address instructing mail to be sent to Friends of Paul J Romero, Jr., which is the name of the House Committee. CONTACT | ROMERO FOR CONGRESS <https://www.romero4oregon.com/contact> (last visited November 3, 2020).

⁴ Romero Resp. at 1 (July 31, 2020). The Romero Response specifies that in 2016 the total raised was approximately \$3,500 and in 2018 the total was less than \$3,000. *Id.* Commission records do not indicate any filings by Romero or the House Committee for the 2018 election cycle, however information from the Oregon Secretary of State confirms Romero lost the 2018 Republican primary for Oregon's second congressional district. <https://sos.oregon.gov/elections/Documents/results/May-2018-results.pdf> (last visited November 3, 2020). The Response does not address the amount of disbursements made by the House Committee in 2016 or 2018.

⁵ Senate Committee Resp. at 1 (August 4, 2020).

⁶ *Id.* The Commission's records show that the Senate Committee filed a Form 99 for the 2020 April Quarterly period (*see* Romero for Senate Miscellaneous Report (Form 99) (April 16, 2020), and a pre-primary report disclosing receipts and disbursements between August 30, 2019 and April 29, 2020 (*see* Romero for Senate 2020 Pre-Primary Report, May 7, 2020).

Commission action after application of these pre-established criteria. Given that low rating, the Senate Committee's Miscellaneous Report stating that it had not crossed the reporting threshold, the subsequent campaign finance reports filed by the Respondents, and likely technical nature of the disclaimer violations, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁷ We also recommend that the Commission close the file as to all Respondents, remind the Respondents of the requirements for sufficient and accurate disclaimers, and send the appropriate letters.

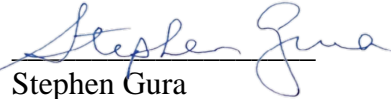
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

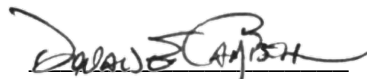
12.09.20

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).