



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Allen Weh  
Rebecca Sanchez, Treasurer  
Allen Weh for Senate  
3700 Rio Grande Blvd., Suite 1  
Albuquerque, NM 87107

JUN 15 2017

RE: MUR 6897

Dear Mr. Weh and Ms. Sanchez:

On November 4, 2014, the Federal Election Commission notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. Based upon information contained in the complaint, as well as information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close the file in this matter. Accordingly, the Commission closed its file in this matter on June 7, 2017. A copy of the Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed for your information.

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).

If you have any questions, please contact Wanda D. Brown, 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  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Allen E. Weh MUR 6897  
Allen Weh for Senate,  
and Rebecca Sanchez, as treasurer

**I. INTRODUCTION**

This matter was generated by a Complaint filed by Daniel Sena on behalf of Udall For Us All ("Complainant") on October 31, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Allen E. Weh, 2014 candidate for U.S. Senate from New Mexico,<sup>1</sup> and Allen Weh for Senate and Rebecca Sanchez in her official capacity as treasurer (collectively the "Committee"). It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

The Complainant alleges that the Committee's 2014 April and July Quarterly reports, and its 2014 Pre-Primary Report, disclosed 80 disbursements totaling over \$70,000, apparently made to the candidate to reimburse him for airfare costs, but did not disclose in a memo entry the ultimate payee.<sup>2</sup> The Complaint further contends that because the Committee failed to properly disclose the ultimate payee for airfare expenses, it is not possible to determine whether the

<sup>1</sup> Weh lost the 2014 general election. He is not currently a candidate for federal office.

<sup>2</sup> *Id.* at 3, Attach. 1.

1 Committee has complied with the regulations regarding travel on non-commercial aircraft,  
2 including aircraft owned by Weh's company, CSI Aviation.<sup>3</sup>

3 The Committee responds that it amended all 2014 disclosure reports to include memo  
4 entries disclosing the ultimate payee for all of the disbursements to the candidate for air travel  
5 costs.<sup>4</sup>

6 The Act and the Commission's regulations require authorized committees to report the  
7 full name and address of each person to whom they make expenditures or other disbursements  
8 aggregating more than \$200 per election cycle, along with the date, amount, and purpose of the  
9 payment.<sup>5</sup> In addition, a memo entry identifying the ultimate payee is required for any  
10 reimbursement of expenses (other than travel and subsistence expenses) if the individual's  
11 payments to the vendor on behalf of an authorized committee aggregate more than \$200 in an  
12 election cycle.<sup>6</sup> When the reimbursement is for travel advances that exceed \$500, a memo entry  
13 is required for each payment to a specific vendor by that individual on behalf of the authorized  
14 committee if total payments to that vendor by the political committee (or by the individual on  
15 behalf of the committee) aggregate more than \$200 in an election cycle.<sup>7</sup> Each memo entry must

<sup>3</sup> *Id.* at 4; *see* 11 C.F.R. § 100.93.

<sup>4</sup> Resp. (Jan. 23, 2015).

<sup>5</sup> 52 U.S.C. § 30104(b)(5) and (6); 11 C.F.R. §§ 104.3(b)(2)(i), (4)(i), (vi); *see also* 11 C.F.R. § 104.9(a) and (b).

<sup>6</sup> *FEC Record: Regulations, Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements*, 78 Fed. Reg. 40625 (July 8, 2013) and 11 C.F.R. §§ 104.3(b)(4)(i) and 104.9.

<sup>7</sup> *Id.*

1 include the name and address of the vendor, as well as the date, amount and purpose of the  
2 payment.<sup>8</sup>

3 A review of the Commission's records reveals that the Committee amended its 2014  
4 disclosure reports on January 22, 2015, to include most, but not all payee information. In  
5 addition, based on the Committee's amended reports, there is no information to suggest that the  
6 Committee violated the Commission's regulations related to non-commercial travel.<sup>9</sup> Therefore,  
7 in furtherance of the Commission's priorities, relative to other matters pending on the  
8 Enforcement docket, and in light of the Committee's corrective actions, the Commission  
9 exercised its prosecutorial discretion and dismissed the matter.<sup>10</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> 11 C.F.R. § 100.93.

<sup>10</sup> *Heckler v. Chaney*, 470 U.S. 821 (1985).