



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AUG 20 2019

James C. Lamb  
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.  
1090 Vermont Ave, NW, Suite 750  
Washington, DC 20005

RE: MUR 7596  
Committee to Elect Tedra Cobb  
and David Katz, as treasurer  
Tedra Cobb

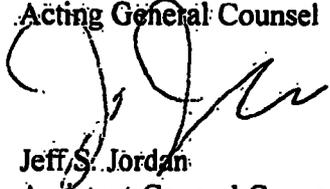
Dear Mr. Lamb:

On April 25, 2019, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On August 15, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Committee to Elect Tedra Cobb and David Katz, in his official capacity as treasurer, and Tedra Cobb, 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.

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,

Lisa J. Stevenson  
Acting General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel

Enclosure:  
General Counsel's Report

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**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR: 7596**

**Respondents:** Committee to Elect Tedra Cobb  
and David Katz,  
as treasurer (the "Committee");  
Tedra Cobb<sup>1</sup>

**Complaint Receipt Date:** April 22, 2019

**Response Date:** June 7, 2019

**Alleged Statutory/** 52 U.S.C. §§ 30101(8)(B)(i), (iv), 30104(b), 30116(a), 30118(a);  
**Regulatory Violations:** 11 C.F.R. §§ 100.52(d)(1), 100.74, 100.79, 100.93(d), 104.13(a)

The Complaint alleges that the Committee received an excessive and potentially prohibited corporate in-kind contribution from unknown sources who provided two vehicles for the Committee's use without charge.<sup>2</sup> The Committee asserts that it was not required to report the use of the vehicles as in-kind contributions because the activity is excepted from the definition of "contribution."<sup>3</sup>

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

<sup>1</sup> Cobb was a candidate for New York's 21st Congressional District in 2018. She lost in the November 6, 2018, general election with 42.4% of the vote. Cobb is a candidate for the same seat in 2020.

<sup>2</sup> Compl. at 1 (April 22, 2019). The Complaint also alleges that the use of the vehicles should have been disclosed as in-kind contributions on the Committee's campaign finance reports. *Id.* at 1-2.

<sup>3</sup> Resp. at 1-3 (June 7, 2019). Respondents state that two sets of volunteers provided transportation on behalf of the Committee to conduct get-out-the-vote activities, and that neither set of volunteers spent more than \$1,000 for transportation expenses on behalf of the campaign. *Id.*

1 potential violations and other developments in the law. This matter is rated as low priority for  
2 Commission action after application of these pre-established criteria. Given that low rating and the  
3 low dollar amount of the activity, we recommend that the Commission dismiss the Complaint  
4 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its  
5 priorities and use of agency resources.<sup>4</sup> We also recommend that the Commission close the file and  
6 send the appropriate letters.

7 Lisa J. Stevenson  
8 Acting General Counsel  
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10 Charles Kitcher  
11 Acting Associate General Counsel  
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13  
14  
15 7.30.19  
16 Date

17 BY: Stephen Gura  
18 Stephen Gura  
19 Deputy Associate General Counsel

20 Jeff Jordan /by KP  
21 Jeff S. Jordan  
22 Assistant General Counsel

23  
24 Donald E. Campbell  
25 Donald E. Campbell  
26 Attorney  
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<sup>4</sup> Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).