BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Vernon Jones for Congress et al.

MUR 6047

STATEMENT OF REASONS OF

Vice Chairman MATTHEW S. PETERSEN and

COMMISSIONERS CAROLINE C. HUNTER and DONALD F. MCGAHN

In this matter, we voted to approve the Office of General Counsel’s recommendation and, for the purpose of 2 U.S.C. § 437g(a)(8), attach the General Counsel’s Report.

5/20/09

Date

MATTHEW S. PETERSEN
Vice Chairman

CAROLINE C. HUNTER
Commissioner

DONALD F. MCGAHN
Commissioner
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 6047

VERNON JONES FOR GEORGIA

AND PATRICIA MOORE AS TREASURER

CASE CLOSURE UNDER THE ENFORCEMENT PRIORITY SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System matters may be dismissed where the Commission has determined that pursuing the allegations in a complaint are an inefficient use of Commission resources and warrants the exercise of its prosecutorial discretion to dismiss the case.

In this case, the complainant, Edward Hula, alleges that the Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer ("Committee"), violated the Federal Election Campaign Act ("Act"), as amended, by failing to include adequate disclaimers on its campaign advertisements the Committee used throughout the state of Georgia. Specifically, the complaint includes photographs taken of what appears to be the Committee’s signs and photocopies of purported e-mails created by the Committee, neither of which appear to have the required disclaimers under 2 U.S.C. § 441d(a)(1).

The Committee acknowledged that it failed to include the appropriate disclaimers on its advertisements. The Committee explained that this was the candidate’s first bid for federal office and the Committee was not aware that its failure to include disclaimers violated the Act. Additionally, the Committee stated that the oversight was unintentional.
In considering the lack of experience of the Committee along with the nature of the allegations, 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. Chaney, 470 U.S. 821 (1985). Additionally, this Office recommends that the Committee and treasurer be cautioned that failing to include the appropriate disclaimers on the Committee's campaign materials may have potentially violated 2 U.S.C. 441d(a)(1).

RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 6047, send a cautionary notification to Vernon Jones for Congress and Patricia Moore, in her official capacity as treasurer, close the file, and approve the appropriate letter.

Thomasenia P. Duncan
General Counsel

BY:

Gregory R. Baker
Special Counsel
Complaints Examination & Legal Administration

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration

Attachment:
General Counsel's Note: It appears as though the Committee lost its treasurer in July of 2008 and did not obtain a new treasurer until September 2008. The new treasurer has explained that the Committee was inexperienced and claims the missing disclaimers were unintentional.