BEFORE THE FEDERAL ELECTION COMMISSION ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT			
			MUR 8102
Complaint Receipt Date: Jan. 13 Response Dates: None	, 2023		
EPS Rating:			
Alleged Statutory and Regulatory Violations:	52 U.S.C. § 30104(b)(8) 11 C.F.R. § 104.3(d) 11 C.F.R. § 104.11		
The Complaint alleges that Erica Dannette Smith, a candidate for the U.S. House of			
Representatives in North Carolina's First District during the 2022 election cycle, and Erica for Us			
and Erica D. Smith in her official capacity as treasurer (the "Committee"), Smith's principal			
campaign committee, violated the Federal Election Campaign Act of 1971, as amended (the "Act"),			
by failing to continuously report a debt until it was extinguished. ¹ According to the Complaint,			
filed by the owner of Progressives Consulting, LLC, the Committee incurred four debts aggregating			
\$9,446.91 for accounting and compliance services rendered by Progressives Consulting, LLC, that			
were invoiced between October 31, 2021, and January 31, 2022. ² The Complaint asserts that, as of			
the date of the Complaint, January 13, 2023, the Committee has not paid any of the four invoices for			
rendered services. ³ The Committee originally reported only the first of these unpaid invoices in the			
amount of \$2,825 on its 2021 Year-End, 2022 April Quarterly, 2022 Pre-Primary, and 2022 July			
Quarterly Reports, and did not report the debt on its 2022 October Quarterly Report though it had			
	ENFO MUR 8102 Complaint Receipt Date: Jan. 13 Response Dates: None EPS Rating: Alleged Statutory and Regulatory Violations: The Complaint alleges that Representatives in North Carolina and Erica D. Smith in her official of campaign committee, violated the I by failing to continuously report a filed by the owner of Progressives \$9,446.91 for accounting and comp were invoiced between October 31 the date of the Complaint, January rendered services. ³ The Committee	ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT MUR 8102 Respondents: Erica for Us and Erica D. Smith in her Official capacity as treasurer Erica Danette Smith Complaint Receipt Date: Jan. 13, 2023 Erica Danette Smith Response Dates: None Erica Danette Smith EPS Rating: S2 U.S.C. § 30104(b)(8) 11 C.F.R. § 104.3(d) 11 C.F.R. § 104.3(d) 11 C.F.R. § 104.11 The Complaint alleges that Erica Dannette Smith, a candidate for the U.S. House of Representatives in North Carolina's First District during the 2022 election cycle, and Erica for Us and Erica D. Smith in her official capacity as treasurer (the "Committee"), Smith's principal eampaign committee, violated the Federal Election Campaign Act of 1971, as amended (the "Act" by failing to continuously report a debt until it was extinguished. ¹ According to the Complaint, filed by the owner of Progressives Consulting, LLC, the Committee incurred four debts aggregatin \$9,446.91 for accounting and compliance services rendered by Progressives Consulting, LLC, that were invoiced between October 31, 2021, and January 31, 2022. ² The Complaint asserts that, as o the date of the Complaint, January 13, 2023, the Committee has not paid any of the four invoices for rendered services. ³ The Committee originally reported only the first of these unpaid invoices in the amount of \$2,825 on its 2021 Ycar-End, 2022 April Quarterly, 2022 Pre-Primary, and 2022 July	

¹ Compl. at 1-2 (Jan. 13, 2023).

 $^{^2}$ Id. The Complaint attaches a copy of its consulting services agreement with the Committee, as well as communications with the Committee and invoices for the services rendered. Id., Attachs.

³ *Id.* at 2.

MUR810200023

MUR 8102 (Erica for Us, *et al.*) EPS Dismissal Report Page 2 of 3

1	not paid that debt, nor the remaining three invoices. ⁴ After the Committee was notified of the			
2	Complaint, it amended its disclosure reports to reflect the unpaid debt of \$9,446.91 owed to			
3	Progressives Consulting, LLC. ⁵ Neither Smith nor the Committee filed a Response.			
4	Based on its experience and expertise, the Commission has established an Enforcement			
5	Priority System using formal, pre-determined scoring criteria to allocate agency resources and			
6	assess whether particular matters warrant further administrative enforcement proceedings. These			
7	criteria include (1) the gravity of the alleged violation, taking into account both the type of activity			
8	and the amount in violation; (2) the apparent impact the alleged violation may have had on the			
9	electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in			
10	potential violations and other developments in the law. This matter is rated as low priority for			
11	Commission action after application of these pre-established criteria. Given that low rating, and the			
12	apparent low dollar amount involved, we recommend that the Commission dismiss the Complaint			
13	consistent with the Commission's prosecutorial discretion to determine the proper ordering of its			

Id.; see Erica for Us, Original 2021 Year-End Report, sched. D at 374 (Jan. 31, 2022), <u>https://docquery.fec.gov/pdf/185/202201319486460185/202201319486460185.pdf</u> (reporting unpaid balance of \$2,825 owed to
Progressives Consulting, LLC); Erica for Us, Original 2022 April Quarterly Report, sched. D at 464 (Apr. 15, 2022), https://docquery.fec.gov/pdf/820/202204159499994820/202204159499994820.pdf (same); Erica for Us, Original 2022
July Quarterly Report, sched. D at 278 (July 15, 2022), https://docguery.fec.gov/pdf/758/202207159521877758/202207159521877758/202207159521877758/202207159521877758/202207159521877758/202207159532738595/202210159532738595.pdf (reflecting no outstanding debt to Progressives Consulting, LLC).

⁵ See Compl. Notif. Letter (Jan. 19, 2023) (Erica for Us); Erica for Us, Amended 2021 Year-End Report, sched. D at 379 (June 21, 2022), <u>https://docquery.fec.gov/pdf/219/202206219517750219/202206219517750219.pdf</u> (reflecting unpaid balance of \$2,825 owed to Progressives Consulting, LLC); Erica for Us, Amended 2022 April Quarterly Report, sched. D at 464 (May 11, 2023), <u>https://docquery.fec.gov/pdf/014/202305119581438014/202305119581438014/202305119581438014.pdf</u> (reflecting unpaid balance of \$9,446.91); Erica for Us, Amended 2022 July Quarterly Report, sched. D at 278 (May 11, 2023), <u>https://docquery.fec.gov/pdf/614/202305119581438614/202305119581438614.pdf</u> (same); Erica for Us, Amended 2022 October Quarterly Report, sched. D at 19 (May 11, 2023), <u>https://docquery.fec.gov/pdf/589/20230511 19581436589/202305119581436589.pdf</u> (same). The Committee has continued to report the unpaid debt through its most recent disclosure report as of the writing of this Report. *See* Erica for Us, 2023 Year-End Report, sched. D at 9 (Feb. 1, 2024), <u>https://docquery.fec.gov/pdf/216/202402019619623216/202402019619623216.pdf</u>.

MUR 8102 (Erica for Us, *et al.*) EPS Dismissal Report Page 3 of 3

- 1 priorities and use of agency resources.⁶ We also recommend that the Commission close the file as
- 2 to all Respondents and send the appropriate letters.

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