

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR:** 7549

**Respondents:** Henry Martin for Congress  
and Mike Shryock, as Treasurer<sup>1</sup>

**Complaint Receipt Date:** November 20, 2018

**Response Date:** November 30, 2018

**EPS Rating:**

**Alleged Statutory**

**52 U.S.C. § 30104(a)-(b)**

**Regulatory Violations:**

**11 C.F.R. §§ 104.1(b); 104.3(a)(1), (3), (b)(2)**

The Complaint alleges that the Committee (1) failed to file a 2017 October Quarterly Report since its 2018 Year-End Report covers the period of August 1, 2017, to December 31, 2017, (2) failed to accurately report its cash on hand at the beginning of the reporting period in its 2018 April Quarterly Report, 2018 July Quarterly Report, 2018 Pre-Primary Report, and 2018 October Quarterly Report, and (3) failed to accurately report its election cycle-to-date totals in its 2018 April Quarterly Report, 2018 July Quarterly Report, 2018 Pre-Primary Report, and 2018 October Quarterly Report because they do not include previously reported expenditures.<sup>2</sup> Respondents admit that they made mistakes by submitting individual reports, with improper coverage dates, as opposed to continuous reports and by using bank account balances instead of report balances.<sup>3</sup>

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<sup>1</sup> Henry Martin was a 2018 candidate for the U.S. House of Representatives in Missouri's Sixth District, and Henry Martin for Congress is his principal campaign committee.

<sup>2</sup> Compl. at 1-2 (Nov. 20, 2018).

<sup>3</sup> Resp. at 1 (Nov. 30, 2018).

The Committee noted in its response that it has been in contact with its assigned analyst in the Reports Analysis Division. *Id.* To date, however, the Committee has not amended the disclosure reports at issue in this matter, although it has recently filed a 2019 April Quarterly Report.

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 Commission action after application of these pre-established criteria. Given that low rating and the modest amounts and technical nature of the 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. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file and send the appropriate letters.

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July 19, 2019  
Date

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