



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2019 JUL 26 PM 12:14

**SENSITIVE**

Nancy Marks, Treasurer  
Team Gayot  
47 Flintlock Drive  
Shirley, NY 11967

JUL 25 2019

RE: MUR 7554  
Team Gayot  
and Nancy Marks, as treasurer

Dear Ms. Marks:

On December 12, 2018, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 24, 2019, based upon the information contained in the complaint, the Commission decided to dismiss allegations that Team Gayot, and you, in your official capacity as treasurer, 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

160047440091

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

**MUR:** 7554

**Respondents:** Team Gayot  
and Nancy Marks,  
as treasurer (the "Committee")<sup>1</sup>

**Complaint Receipt Date:** December 10, 2018

**Response Date:** N/A

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30104(b)(8);  
11 C.F.R. §§ 104.3(d), 104.11(a)-(b)**

The Complaint alleges that the Committee has failed to report certain outstanding debts in its campaign finance reports for services provided by Gotham Strategies, LLC.<sup>2</sup> The Committee did not respond to the Complaint.<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 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

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<sup>1</sup> Lutchi Gayot was a candidate for U.S. House in New York's ninth congressional district in 2018. He lost in the November 6, 2018, general election with 10.3% of the vote.

<sup>2</sup> Compl. at 1 (December 10, 2018). The Complaint attached an invoice to the campaign in the amount of \$2,750, dated April 18, 2018. *Id.* at 3.

<sup>3</sup> To date, the Committee has not reported the debt as disputed or otherwise.

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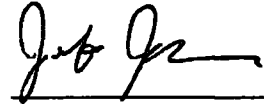
low dollar amount at issue,<sup>4</sup> we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>5</sup> We also recommend that the Commission close the file and send the appropriate letters.


Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel

6.27.19  
Date

BY:   
Stephen Gura  
Deputy Associate General Counsel

  
Jeff S. Jordan  
Assistant General Counsel

  
Donald E. Campbell  
Attorney

<sup>4</sup> The amount of alleged debt in this matter does not reach a referral threshold for either the Office of General Counsel or the Office of Alternative Dispute Resolution. See 2017-2018 RAD Review and Referral Procedures (Standard 7).

<sup>5</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).