



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 23, 2022

VIA ELECTRONIC MAIL ONLY

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Arden Buck
P.O. Box 1685
Nederland, CO 80466-1685

RE: MUR 7592

Dear Mr. Buck:

On April 11, 2019, the Federal Election Commission notified you of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time. Upon further review of the allegations contained in the complaint, the Commission, on January 27, 2022, voted to dismiss the allegation that you violated 52 U.S.C. § 30116(a) by making excessive contributions and close the file. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

If you have any questions, please contact Thaddeus H. Ewald, the attorney assigned to this matter, at (202) 694-1650 or tewald@fec.gov.

Sincerely,

Mark Shonkwiler

Mark Shonkwiler
Assistant General Counsel

Enclosure:
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Arden Buck

MUR 7592

I. INTRODUCTION

The Complaint alleges that Arden Buck made an excessive contribution to Justice Democrats PAC (“JD”) in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”). Buck contributed \$7,500 to JD in 2018 — \$2,500 in excess of the applicable \$5,000 annual limit. For the reasons discussed below, the Commission exercises its prosecutorial discretion and dismisses the allegation that Buck made an excessive contribution to JD.¹

II. FACTUAL BACKGROUND AND ANALYSIS

Justice Democrats PAC filed its Statement of Organization with the Commission on January 9, 2017, and was a multicandidate political committee in the 2018 election cycle.² The Complaint asserts that Buck contributed \$7,500 to JD in 2018, exceeding the applicable \$5,000 annual limit.³ Buck did not submit a Response to the Complaint.

Under the Act, an individual may not make a contribution to a multicandidate committee during any calendar year in excess of \$5,000.⁴ The Complaint alleges, and Commission reports reflect, that Buck made an excessive contribution to JD. Buck contributed \$7,500 to JD in 2018,

¹ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

² Justice Democrats, Statement of Organization (Jan. 9, 2017); *Justice Democrats: About This Committee*, FEC.GOV, <https://www.fec.gov/data/committee/C00630665/?tab=about-committee&cycle=2018> (last visited Nov. 23, 2021) (describing JD as a qualified PAC); *see also* Compl. at 4 (Apr. 4, 2019) (describing JD as a “nonqualified political committee”).

³ Compl. at 45-46.

⁴ 52 U.S.C. § 30116(a)(1)(C); 11 C.F.R. § 110.1(d).

1 \$2,500 in excess of the applicable limit.⁵ However, Commission reports reflect that JD has
2 refunded the excessive portion of Buck's contributions: \$2,500 on May 5, 2019.⁶ In light of the
3 limited nature of Buck's excessive contribution, and the subsequent reimbursement of that
4 amount,⁷ the Commission exercises its prosecutorial discretion and dismisses the allegation that
5 Arden Buck violated 52 U.S.C. § 30116(a) by making an excessive contribution to JD.⁸

⁵ Justice Democrats PAC, Amended 2018 April Quarterly Report at 20, 21 (Sept. 27, 2018) (\$1,000 contribution on Jan. 24, 2018, \$4,000 contribution on Mar. 7, 2018, and \$2,500 contribution on Mar. 30, 2018); Compl. at 45.

⁶ Justice Democrats PAC, 2019 Mid-Year Report at 1534 (July 31, 2019).

⁷ Cf. Factual & Legal Analysis ("F&LA") at 3-4, MUR 7066 (Hillary for America, *et al.*) (exercising prosecutorial discretion to dismiss \$845 in excessive contributions from one individual not timely refunded); F&LA at 7-8, MUR 6438 (Art Robinson for Congress, *et al.*) (exercising prosecutorial discretion to dismiss one \$2,400 and one \$600 excessive contributions that were refunded).

⁸ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).