



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 21, 2021

VIA EMAIL

Charles Spies
Dickinson Wright
1825 Eye Street N.W. Suite 900
Washington, D.C. 20006
cspies@dickinsonwright.com

RE: MUR7622
Common Sense USA
and Sloane Skinner Carlough, as treasurer

Dear Mr. Spies:

On July 24, 2019, the Federal Election Commission (“Commission”) notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On August 6, 2020, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Common Sense USA and Sloane Skinner Carlough, in her official capacity as treasurer, violated provisions of the Act. The Commission then closed its file in this matter. This letter was not sent to you earlier due to an administrative oversight. 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 Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7622

Respondents: Judson Sapp for Congress
and Nancy Watkins, as Treasurer;
Citizens for Common Sense
USA and Sloane Skinner
Carlough, as Treasurer
Judson Sapp

Complaint Receipt Date: July 22, 2019

Response Date: August 7, 2019 and September 9, 2019

EPS Rating:

Alleged Statutory

52 U.S.C. §§ 30116(a)(7), 30125(e)(1)

Regulatory Violations:

11 C.F.R. §§ 109.20, 109.21(a), 300.2(c)

The Complaint alleges that Citizens for Common Sense USA (“Citizens”) was established, financed, maintained, and controlled by a federal candidate, Judson Sapp, and coordinated communications with Judson Sapp for Congress.¹ In particular, Complainant alleges that Judson Sapp contributed approximately 96% of Citizens’ contributions when he was a federal candidate and that each of Citizens’ expenditures supported Judson Sapp’s candidacy.² Respondents, relying on an affidavit from a legal assistant, assert that due to a technical reporting error, Judson Sapp was listed as the contributor to Citizens instead of the actual contributor Judson “Jud” Sapp, who is the candidate’s father.³ Furthermore, Respondents state that Citizens was not established, financed, maintained, and controlled by Judson Sapp and did not coordinate with Judson Sapp for Congress.⁴

¹ Compl. at 2 (July 22, 2019).

² *Id.* at 1.

³ Citizens for Common Sense USA Resp. at 1-2, Ex. 1 (Goodson Affidavit) at 1 (Aug. 7, 2019); Judson Sapp for Congress Resp. at 2-5 (Sept. 9, 2019). *See also* Citizens for Common Sense USA, Amended 2018 October Quarterly Report at 7-8 (filed July 16, 2019). Respondents assert that the candidate Judson Sapp has never made a contribution to Citizens. Citizens for Common Sense USA Resp. at 2; Judson Sapp for Congress Resp. at 2.

⁴ *Id.*

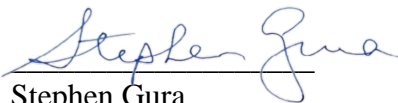
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the 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, the technical nature of the violation, and Citizens' amended disclosure report, 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.

Lisa J. Stevenson
Acting General Counsel

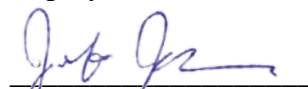
Charles Kitcher
Acting Associate General Counsel

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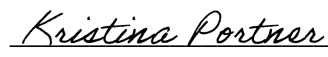
Date

BY: 

Stephen Gura
Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Attorney