



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

February 25, 2021

**VIA EMAIL**

Kathryn E. Hensley, Treasurer  
National Active and Retired Federal Employees  
Association Political Action.com (NARFE-PAC)  
606 North Washington Street  
Alexandria, VA22314  
rapter@narfe.org

RE: MUR 7691

Dear Ms. Hensley:

On March 2, 2020, 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 February 17, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that National Active and Retired Federal Employees Association Political Action.com (NARFE-PAC) 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 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:** 7691

**Complaint Receipt Date:** February 3, 2020

**Latest Response Date:** April 14, 2020

**EPS Rating:**

**Respondents:** Friends of Don Beyer and Katherine Buchanan, as Treasurer, (“Committee”)  
The Voices of the American Federation of Government Employees and Jeffrey Cox, as Treasurer (“Voices PAC”),  
National Active and Retired Federal Employees Association Political Action Committee and Kathryn Hensley, as Treasurer (“NARFE-PAC”)

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. §§ 30103(b)(2), 30125(e)(1)(A)  
11 C.F.R. §§ 102.2(a), 300.61**

The Complaint alleges that the Voices PAC, an independent expenditure only committee, made and the Committee accepted \$3,000 in prohibited contributions.<sup>1</sup> Complainant also asserts that the Voices PAC and NARFE-PAC are connected committees, but did not disclose these relationships on their respective statements of organization.<sup>2</sup>

The Committee denies that it accepted a contribution from Voices PAC. It explains that it misidentified the contributor in its reports, the contributions were from a separate segregated fund with a similar name, not Voices PAC, and it has amended its reports.<sup>3</sup> Voices PAC denies that it made a contribution to the Committee, and asserts that it has no connection to NARFE-PAC.<sup>4</sup>

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<sup>1</sup> Compl. at 4 (Feb. 3, 2020).

<sup>2</sup> Supp. Compl. at 1-2 (Feb. 28, 2020).

<sup>3</sup> Friends of Don Beyer Resp. at 1-2, Ex. A (Apr. 6, 2020). The Committee’s response attached canceled checks that corroborate that the contributor was American Federation of Government Employees PAC, not Voices PAC. *Id.*

<sup>4</sup> Voices PAC Resp. at 1 (Apr. 6, 2020).

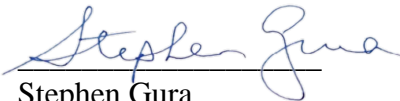
NARFE-PAC similarly denies that it is an affiliated committee/organization to the Voices PAC, and asserts that its Statement of Organization is accurate.<sup>5</sup>

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, Friends of Don Beyer's assertion that it misreported the source of the contributions, its remedial actions, and the speculative nature of the other allegations contained in the Complaint, 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 as to all respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel

August 11, 2020  
Date

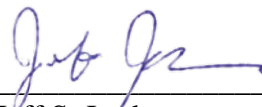
BY:   
Stephen Gura  
Deputy Associate General Counsel

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<sup>5</sup> NARFE-PAC Resp. at 1 (Mar. 19, 2020).

EPS Dismissal Report—MUR 7691 (Friends of Don Beyer, *et al.*)

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Jeff S. Jordan  
Assistant General Counsel



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Kristina M. Portner  
Attorney