

1 not paid that debt, nor the remaining three invoices.⁴ After the Committee was notified of the
2 Complaint, it amended its disclosure reports to reflect the unpaid debt of \$9,446.91 owed to
3 Progressives Consulting, LLC.⁵ Neither Smith nor the Committee filed a Response.

4 Based on its experience and expertise, the Commission has established an Enforcement
5 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
6 assess whether particular matters warrant further administrative enforcement proceedings. These
7 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
8 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
9 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
10 potential violations and other developments in the law. This matter is rated as low priority for
11 Commission action after application of these pre-established criteria. Given that low rating, and the
12 apparent low dollar amount involved, we recommend that the Commission dismiss the Complaint
13 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its

⁴ *Id.*; see Erica for Us, Original 2021 Year-End Report, sched. D at 374 (Jan. 31, 2022), <https://docquery.fec.gov/pdf/185/202201319486460185/202201319486460185.pdf> (reporting unpaid balance of \$2,825 owed to Progressives Consulting, LLC); Erica for Us, Original 2022 April Quarterly Report, sched. D at 464 (Apr. 15, 2022), <https://docquery.fec.gov/pdf/820/202204159499994820/202204159499994820.pdf> (same); Erica for Us, Original 2022 July Quarterly Report, sched. D at 278 (July 15, 2022), <https://docquery.fec.gov/pdf/758/202207159521877758/202207159521877758.pdf> (same); Erica for Us, Original 2022 October Quarterly Report, sched. D (Oct. 15, 2022), <https://docquery.fec.gov/pdf/595/202210159532738595/202210159532738595.pdf> (reflecting no outstanding debt to Progressives Consulting, LLC).

⁵ See Compl. Notif. Letter (Jan. 19, 2023) (Erica for Us); Erica for Us, Amended 2021 Year-End Report, sched. D at 379 (June 21, 2022), <https://docquery.fec.gov/pdf/219/202206219517750219/202206219517750219.pdf> (reflecting unpaid balance of \$2,825 owed to Progressives Consulting, LLC); Erica for Us, Amended 2022 April Quarterly Report, sched. D at 464 (May 11, 2023), <https://docquery.fec.gov/pdf/014/202305119581438014/202305119581438014.pdf> (reflecting unpaid balance of \$9,446.91); Erica for Us, Amended 2022 July Quarterly Report, sched. D at 278 (May 11, 2023), <https://docquery.fec.gov/pdf/614/202305119581438614/202305119581438614.pdf> (same); Erica for Us, Amended 2022 October Quarterly Report, sched. D at 19 (May 11, 2023), <https://docquery.fec.gov/pdf/589/202305119581436589/202305119581436589.pdf> (same). The Committee has continued to report the unpaid debt through its most recent disclosure report as of the writing of this Report. See Erica for Us, 2023 Year-End Report, sched. D at 9 (Feb. 1, 2024), <https://docquery.fec.gov/pdf/216/202402019619623216/202402019619623216.pdf>.

1 priorities and use of agency resources.⁶ We also recommend that the Commission close the file as
2 to all Respondents and send the appropriate letters.

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4 Lisa J. Stevenson
5 Acting General Counsel
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8 Charles Kitcher
9 Associate General Counsel
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11 February 26, 2024

12 Date


13 BY:



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⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).