



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

VIA ELECTRONIC MAIL

Erica Danette Smith
Erica for Us
P.O. Box 1236
Gaston, NC 27832
senatorerica@gmail.com

March 7, 2024

RE: MUR 8102

Dear Ms. Smith:

On January 19, 2023, the Federal Election Commission notified Erica for Us and you in your capacity as treasurer, as well as you in your individual capacity, of a Complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On March 6, 2024, based on the information provided in the Complaint, the Commission determined to exercise its prosecutorial discretion to dismiss the allegations contained in the Complaint. Accordingly, the Commission closed its file in this matter. A copy of the General Counsel's Report, 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 Justine A. di Giovanni, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8102

Respondents: Erica for Us and Erica D. Smith in her
official capacity as treasurer
Erica Danette Smith

Complaint Receipt Date: Jan. 13, 2023

Response Dates: None

EPS Rating:

**Alleged Statutory and
Regulatory Violations:**

52 U.S.C. § 30104(b)(8)
11 C.F.R. § 104.3(d)
11 C.F.R. § 104.11

The Complaint alleges that Erica Dannette Smith, a candidate for the U.S. House of Representatives in North Carolina’s First District during the 2022 election cycle, and Erica for Us and Erica D. Smith in her official capacity as treasurer (the “Committee”), Smith’s principal campaign committee, violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to continuously report a debt until it was extinguished.¹ According to the Complaint, filed by the owner of Progressives Consulting, LLC, the Committee incurred four debts aggregating \$9,446.91 for accounting and compliance services rendered by Progressives Consulting, LLC, that were invoiced between October 31, 2021, and January 31, 2022.² The Complaint asserts that, as of the date of the Complaint, January 13, 2023, the Committee has not paid any of the four invoices for rendered services.³ The Committee originally reported only the first of these unpaid invoices in the amount of \$2,825 on its 2021 Year-End, 2022 April Quarterly, 2022 Pre-Primary, and 2022 July Quarterly Reports, and did not report the debt on its 2022 October Quarterly Report though it had

¹ Compl. at 1-2 (Jan. 13, 2023).

² *Id.* The Complaint attaches a copy of its consulting services agreement with the Committee, as well as communications with the Committee and invoices for the services rendered. *Id.*, Attachs.

³ *Id.* at 2.

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

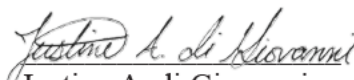
13 BY:



14 Claudio J. Pavia
15 Deputy Associate General Counsel
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17 Wanda Brown
18 Assistant General Counsel
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20 Justine A. di Giovanni
21 Attorney
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⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).