

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 NOV -5 AM 11:02

BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of)
)
Joseph Henry Cantrell, Jr., Joseph Henry) MUR 6302
Cantrell, Jr., Joe for Congress and J.H.)
Cantrell, Jr., as treasurer (Case Closure)
EPS)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 03, 2010, the Commission decided by a vote of 6-0 to dismiss MUR 6302, close the file, and approve the appropriate letters, as recommended in the General Counsel's Report dated October 22, 2010.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 4, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

10044282579



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV 1 2010

VIA FIRST CLASS MAIL

Joseph Henry Cantrell, Jr., Treasurer
Joseph Henry Cantrell Jr., Joe for Congress
5032 Chamuckla Highway
Pace, FL 32571

RE: MUR 6302

Dear Mr. Cantrell:

On June 8, 2010, the Federal Election Commission notified Joseph Henry Cantrell Jr., Joe for Congress ("Committee") and Joseph Henry Cantrell, Jr., as treasurer, of a complaint filed against you alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act"). On November 4, 2010 based upon the information contained in the complaint, and information provided by you, the Commission decided to dismiss the complaint and close its file in this matter.

The Commission encourages you and the Committee to review the General Counsel's Report, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy of the dispositive General Counsel's Report is enclosed for your information and future reference. The Commission reminds you and the Committee, pursuant to 2 U.S.C. §§ 432(e), 433(a) and 434(a), concerning the timely submission of required filings, to take steps to ensure that your conduct is in compliance with the Act and Commission regulations. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

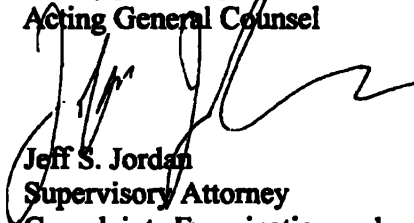
Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

10044282583

If you have any questions, please contact Frankie D. Hampton, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel



BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

10044282584



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FIRST CLASS MAIL

NOV 17 2010

Joseph Henry Cantrell, Jr.
5032 Chumuckla Highway
Pace, FL 32571

RE: MUR 6302

Dear Mr. Cantrell:

On June 8, 2010, the Federal Election Commission notified you of a complaint filed against you alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act"). On November 4, 2010 based upon the information contained in the complaint, and information provided by you, the Commission decided to dismiss the complaint and close its file in this matter.

The Commission encourages you to review the General Counsel's Report, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. A copy of the dispositive General Counsel's Report is enclosed for your information and future reference. The Commission reminds you, pursuant to 2 U.S.C. §§ 432(e), 433(a) and 434(a), concerning the timely submission of required filings, to take steps to ensure that your conduct is in compliance with the Act and Commission regulations. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

10044282586

If you have any questions, please contact Frankie D. Hampton, the paralegal assigned to this matter, at (202) 694-1650.

Sincerely,

Christopher Hughey
Acting General Counsel



BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

10044282587

10044282588

BEFORE THE FEDERAL ELECTION COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

In the matter of)

MUR 6302)
JOE CANTRELL)
JOSEPH HENRY CANTRELL JR.)
JOE FOR CONGRESS AND)
JH CANTRELL JR., AS TREASURER)

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY
SYSTEM

CELA

2010 SEP 22 AM 9:48

RECEIVED
FEDERAL ELECTION
COMMISSION

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters, compared to other high-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6302 as a low-rated matter.

In this matter, the complainant, Brian Tucker, asserts that Joe Cantrell and Joe Cantrell's unregistered principal campaign committee, failed to file both a Statement of Candidacy on a FEC Form 2 and a Statement of Organization on a FEC Form 1, within fifteen days of making expenditures in excess of \$5,000.¹ See 2 U.S.C. §§ 432(e), 433 and 11 C.F.R. §§ 101.1, 102.2. The complainant attaches an image of an April 27, 2010 check from "Campaign Account of Joe Cantrell," made payable to the Secretary of State of Florida, for "Qual. Fees for Cong." in the amount of \$6,960. The complaint, dated May 12, 2010, states that the candidate has not yet filed either of the aforementioned forms.

In response, Mr. Cantrell submitted both his FEC Form 2 Statement of Candidacy, designating Joseph Henry Cantrell Jr., Joe for Congress [sic], and JH Cantrell, Jr. in his official

¹ Although the complainant specifically alleges that these forms were not filed within fifteen days of making \$5,000 in expenditures, Commission regulations provide that the FEC Form 2 shall be filed within fifteen days of becoming a candidate and the FEC Form 1 shall be filed within ten days of the designation of the principal campaign committee. 11 C.F.R. §§ 101.1, 102.2.

1 capacity as treasurer ("Committee"), as his principal campaign committee, and the Committee's
2 FEC Form 1 Statement of Organization, both dated June 17, 2010. Mr. Cantrell's response did
3 not include any further information or explanation. A review of the Commission's Report Image
4 Database reflects that a Statement of Candidacy and a Statement of Organization were filed on
5 June 17, 2010, while the Committee's July Quarterly Report was filed on July 27, 2010.

6 It appears that Mr. Cantrell became a candidate no later than April 7, 2010, when he
7 expended \$11,000 of his own funds in connection with his candidacy.² Based on the April 7th
8 date, Mr. Cantrell should have filed an FEC Form 2 Statement of Candidacy within fifteen days,
9 or by April 22, 2010, and the Committee should have filed its FEC Form 1, Statement of
10 Organization, within ten days thereafter, or by May 2, 2010. See 2 U.S.C. §§ 432(e), 433 and
11 11 C.F.R. §§ 101.1, 102.2. Thus, it appears that Mr. Cantrell's FEC Form 2 Statement of
12 Candidacy and the Committee's FEC Form 1 Statement of Organization were not filed timely.
13 Mr. Cantrell and the Committee have since made the required filings. Additionally, it appears
14 that the Committee's July Quarterly Report, due July 15, 2010, and received on July 27, 2010,
15 was also untimely filed.

16 In light of the fact that Mr. Cantrell, and his Committee, have now filed FEC Forms 1
17 and 2, coupled with the Committee's low level of activity, and in furtherance of the
18 Commission's priorities and resources, relative to other matters pending on the Enforcement
19 docket, the Office of General Counsel believes that the Commission should exercise its
20 prosecutorial discretion and dismiss this matter. See *Heckler v. Chaney*, 470 U.S. 821 (1985).
21 Additionally, this Office intends on reminding Joe Cantrell and Joseph Henry Cantrell Jr. Joe for
22 Congress and JH Cantrell, in his official capacity as treasurer, of the requirements under 2 U.S.C.

² The Federal Election Campaign Act of 1971, as amended ("the Act") defines "candidate" as an individual who seeks election to federal office. 2 U.S.C. § 401(2). An individual is deemed to seek nomination when he has received contributions or made expenditures in excess of \$5,000. *Id.* The Committee's 2010 July Quarterly Report discloses that Mr. Cantrell loaned his committee \$11,000 on April 7, 2010.

10044282589

1 §§ 432(e), 433(a) and 434(a), concerning the timely submission of required disclosure reports
2 with the Federal Election Commission.

3 **RECOMMENDATIONS**

4 The Office of General Counsel recommends that the Commission dismiss MUR 6302,
5 close the file, and approve the appropriate letters. Additionally, this Office recommends that the
6 Commission remind Joe Cantrell and Joseph Henry Cantrell Jr. Joe for Congress and JH
7 Cantrell, in his official capacity as treasurer, of the requirements under 2 U.S.C.

8 §§ 432(e), 433(a) and 434(a), concerning the timely submission of required disclosure reports
9 with the Federal Election Commission.


10044282590

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33


9/22/10
Date

Christopher Hughey
Acting General Counsel

BY:



Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration



Margaret Ritzert
Attorney



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 17 2010

Brian Tucker

Pensacola, Florida 32514

RE: MUR 6302

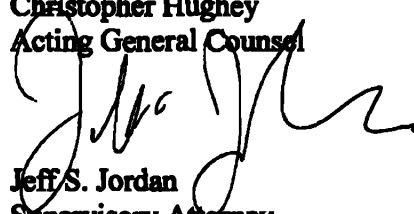
Dear Mr. Tucker:

The Federal Election Commission reviewed the allegations in your complaint received on June 1, 2010. On November 3, 2010, based upon the information provided in the complaint, and information provided by the respondent, the Commission decided to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 4, 2010.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the dispositive General Counsel's Report is enclosed for your information. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g (a)(8).

Sincerely,

Christopher Hughey
Acting General Counsel

BY: 
Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure
General Counsel's Report

10044282581