



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 5, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John L. Brant Jr.

San Antonio, Texas 78230

RE: MUR 7642

Dear Mr. Brant:

The Federal Election Commission reviewed the allegations in your complaint received on September 6, 2019. On April 20, 2021, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Cynthia Brehm for San Antonio City Council, District 8, Cynthia Brehm, and Hail Alanazi, and close its file in this matter. Accordingly, the Commission closed its file in this matter on April 20, 2021. A copy of the Factual and Legal Analysis, 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).

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* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in cursive script that reads "Jeff Jordan".

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Cynthia Brehm for San Antonio MUR 7642
 City Council, District 8
 Cynthia Brehm
 Hail Alanazi

I. INTRODUCTION

This matter was generated by a Complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (“the Act”) and Commission regulations. The complaint alleges that Cynthia Brehm accepted a \$500 donation from a Saudi citizen in connection with her campaign for a seat on the San Antonio City Council. Brehm acknowledges that she accepted the donation, but asserts that she relied upon guidance from the San Antonio City Clerk’s Office and has offered to return the donation. Given the specific circumstances, including the modest amount at issue, the Commission exercises its prosecutorial discretion and dismisses the allegation that Cynthia Brehm for San Antonio City Council, District 8, Cynthia Brehm, and Hail Alanazi violated 52 U.S.C. § 30121. The Commission expects Cynthia Brehm for San Antonio City Council, District 8 to refund the donation and cautions the Respondents against future similar violations.

II. FACTUAL AND LEGAL ANALYSIS

Brehm, a candidate for a seat on the San Antonio City Council, acknowledges accepting a \$500 donation from Hail Alanazi, a citizen of Saudi Arabia.¹ She admits that she knew that Alanazi was from Saudi Arabia when he told her he wanted to make the donation.² Brehm

¹ Resp. at 1 (Oct. 14, 2019); Compl. at 1, Ex. C (Sept. 6, 2019).

² Resp. at 1. She also admits knowing that Alanazi was in the Saudi Air Force. *Id.*

1 asserts that she contacted the San Antonio City Clerk’s Office before accepting the donation, and
 2 was informed that the city code did not prohibit foreign national contributions.³ Brehm also
 3 states that she was unaware of the Act’s prohibition against accepting donations from foreign
 4 nationals or that the prohibition applied to local elections.⁴

5 The Federal Election Campaign Act of 1971, as amended (“Act”), and Commission
 6 regulations prohibit any “foreign national” from “directly or indirectly” making a contribution or
 7 donation of money or any other thing of value, or an expenditure, independent expenditure, or
 8 disbursement, in connection with a federal, state, or local election.⁵ The Act’s definition of
 9 “foreign national” includes an individual who “is not a citizen of the United States or a national
 10 of the United States . . . and who is not lawfully admitted for permanent residence[.]”⁶

11 The Act further provides that no person shall knowingly solicit, accept, or receive a
 12 prohibited foreign national contribution or donation.⁷ The term “knowingly” is defined as
 13 having “actual knowledge” that the source is a foreign national, or being aware of “facts that
 14 would lead a reasonable person to conclude that there is a substantial probability that” or “facts
 15 that would lead a reasonable person to inquire whether” the source is a foreign national.⁸

16 The information is undisputed that Alanazi made, and Brehm and her Committee
 17 knowingly accepted, a prohibited foreign national donation. In light of Brehm’s assertion that

³ *Id.*

⁴ *Id.*

⁵ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

⁶ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

⁷ 52 U.S.C. § 30121(a)(2).

⁸ 11 C.F.R. § 110.20(a)(4).

MUR 7642 (Cynthia Brehm for San Antonio City Council, District 8, *et al.*)

Factual and Legal Analysis

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1 she relied upon guidance provided by the San Antonio City Clerk's office,⁹ and the small amount
2 of the donation (in total and as a percentage of funds raised), the Commission exercises its
3 prosecutorial discretion and dismisses the allegation that Cynthia Brehm for San Antonio City
4 Council, District 8, Cynthia Brehm, and Hail Alanazi violated 52 U.S.C. § 30121.¹⁰ The
5 Commission expects Cynthia Brehm for San Antonio City Council, District 8 to refund the
6 donation and cautions the Respondents against future similar violations.

⁹ In a similar prior matter, the Commission exercised its prosecutorial discretion to dismiss allegations involving state candidates who accepted foreign national contributions in reliance upon guidance provided by a state government office that such contributions would not violate state law. Factual & Legal Analysis at 4, MURs 6931 and 6933 (Leo Ledohowski) (Commission dismissed allegations that state candidates accepted over \$5,000 in contributions from a foreign national when the state candidates relied on guidance provided by a state government office and refunded the contribution after being notified of the complaints).

¹⁰ *See Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).