



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

May 5, 2021

Cynthia Brehm  
Cynthia Brehm for San Antonio City Council, District 8

San Antonio, TX 78257

RE: MUR 7642

Dear Ms. Brehm:

On September 11, 2019, 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 April 20, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Cynthia Brehm for San Antonio City Council, District 8 and you violated provisions of the Act. The Commission then closed its file in this matter. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission's decision, is enclosed.

The Commission expects Cynthia Brehm for San Antonio City Council, District 8, to refund the donation from Hail Alanazi. The Commission cautions that it is unlawful for Cynthia Brehm for San Antonio City Council, District 8, and you to solicit, accept, or receive a contribution or donation of money or other thing of value from a foreign national in connection with a federal, state, or local election.

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 cursive script that reads "Jeff S. Jordan".

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.<sup>1</sup> She admits that she knew that Alanazi was from Saudi Arabia when he told her he wanted to make the donation.<sup>2</sup> Brehm

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

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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[.]”<sup>6</sup>

11 The Act further provides that no person shall knowingly solicit, accept, or receive a  
 12 prohibited foreign national contribution or donation.<sup>7</sup> 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.<sup>8</sup>

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

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

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

<sup>7</sup> 52 U.S.C. § 30121(a)(2).

<sup>8</sup> 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,<sup>9</sup> 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.<sup>10</sup> 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.

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<sup>9</sup> 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).

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