

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: MUR 7762

Respondents: Brooks for Senate
and Dr. LaQuilla Nabors, as treasurer¹
(the “Committee”)
Natisha Brooks
Carmen Stephens
Jaden Falls
Tonoa Foster-Freeman

Complaint Receipt Date: July 16, 2020

Response Dates: October 20, 2020; October 27, 2020

**Alleged Statutory/
Regulatory Violations:**

**52 U.S.C. §§ 30104(b), 30102(b);
11 C.F.R. §§ 103.3(b), 102.8, 102.9**

The Complaint alleges that Natisha Brooks, a 2020 candidate for Senate from Tennessee, and campaign staffers Jaden Falls and Tonoa Foster-Freeman received and used campaign contributions that they failed to timely forward to then-treasurer Sean Lester.² Further, the Complaint alleges that the Committee failed to accurately and timely disclose receipts and disbursements, including \$2,500 in contributions raised by students at Brooks’s home-school institute, and disbursements totaling \$3,500 made to Hertz Automobile Rental Company.³ The Complaint also alleges that Brooks “falsely impersonated a federal campaign” by hiring Carmen Stephens as her campaign’s webmaster, revising the campaign’s website, and establishing a new PayPal account for the campaign in July 2020 because she did so without getting permission from her campaign’s then-treasurer.⁴

¹ Brooks for Senate and Dr. LaQuilla Nabors in her official capacity as treasurer is Brooks’s authorized campaign committee. Neither the Committee nor the candidate responded to the Complaint.

² Compl. at 2, 4-7 (July 16, 2020).

³ *Id.* at 7.

⁴ *Id.* at 4.

1 In separate responses, Falls and Foster-Freeman refute the allegations and assert that no
2 person illegally collected any campaign donations through the creation of a new website or PayPal
3 account.⁵ Falls and Foster-Freeman further assert that the candidate never attempted to hide any
4 expenses.⁶ Stephens responded that her role was limited to updating the campaign website, and that
5 she had no involvement with campaign funds.⁷

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

⁵ The Falls and Foster-Freeman Responses assert that the former website had to be closed, and the Complainant subsequently gave the new webmaster Stephens the login credentials to create the new website, and therefore a new PayPal link was set for donations. Foster-Freeman Response at 1 (October 20, 2020); Falls Response at 1 (October 27, 2020).

⁶ *Id.* Falls and Foster-Freeman further clarify what appear to be internal miscommunications between Complainant and campaign staff. *Id.*

⁷ Stephens Response at 1 (October 27, 2020).

⁸ The Complaint alleges that the candidate, Falls, and Foster-Freeman received and illegally used a campaign donation. The alleged donation involves an anonymous donation of \$20 for gas, which was allegedly underreported as a \$10 contribution and attributed to Foster-Freeman. Compl. at 5-6.

1 agency resources.⁹ We also recommend that the Commission close the file as to all Respondents
2 and send the appropriate letters.

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5 Acting General Counsel
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8 Charles Kitcher
9 Associate General Counsel
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11 08.03.21

12 _____
13 Date

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⁹ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).