



FEDERAL ELECTION COMMISSION
Washington, DC

October 13, 2021

VIA CERTIFIED AND ELECTRONIC MAIL
RETURN RECEIPT REQUESTED

Ben Shelton, Designated Agent
Brooks for Senate
1116 Lawrence Avenue
Madison, TN 37115

RE: MUR 7762

Dear Mr. Shelton:

The Federal Election Commission reviewed the allegations in your complaint received on July 16, 2020. On September 27, 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 Brooks for Senate and Dr. LaQuilla Nabors, as treasurer; Natisha Brooks; Carmen Stephens; Jaden Falls; and Tonoa Foster-Freeman, and close its file in this matter. Accordingly, the Commission closed its file in this matter on September 27, 2021. A copy of the General Counsel's Report, 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* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

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

Roy Q. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

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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4 Lisa J. Stevenson
5 Acting General Counsel
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8 Charles Kitcher
9 Associate General Counsel
10

11 08.03.21

12 _____
13 Date

14 BY: Stephen Gura
15 Stephen Gura
16 Deputy Associate General Counsel

17 Roy Q. Lockett
18 Roy Q. Lockett
19 Acting Assistant General Counsel
20

21 Donald E. Campbell
22 Donald E. Campbell
23 Attorney
24

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