



FEDERAL ELECTION COMMISSION
Washington, DC

October 13, 2021

VIA ELECTRONIC MAIL

Tonoa Foster-Freeman

Gallatin, TN 37066

RE: MUR 7762

Dear Ms. Foster-Freeman:

On July 22, 2020, 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 September 27, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that you violated provisions of the Act. The Commission then closed its file in this matter. 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

Enclosure:
General Counsel’s Report

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,

22 and campaign staffers Jaden Falls and Tonoa Foster-Freeman received and used campaign
23 contributions that they failed to timely forward to then-treasurer Sean Lester.² Further, the
24 Complaint alleges that the Committee failed to accurately and timely disclose receipts and
25 disbursements, including \$2,500 in contributions raised by students at Brooks's home-school
26 institute, and disbursements totaling \$3,500 made to Hertz Automobile Rental Company.³ The
27 Complaint also alleges that Brooks "falsely impersonated a federal campaign" by hiring Carmen
28 Stephens as her campaign's webmaster, revising the campaign's website, and establishing a new
29 PayPal account for the campaign in July 2020 because she did so without getting permission from
30 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).

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Id. at 7.

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 MUR 7762 (Brooks for Senate, *et al.*)
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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.

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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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Charles Kitcher
Associate General Counsel

08.03.21

Date

BY:

Stephen Gura
Stephen Gura
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Attorney

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