



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

June 29, 2022

**By Email Only**

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Stephen M. Gelé, Esq.  
Smith & Fawer, LLC  
201 St. Charles Ave., Suite 3702  
New Orleans, LA 70170

RE: MUR 7824  
Letlow for Congress, *et al.*

Dear Mr. Gelé:

On October 27, 2020, the Federal Election Commission notified your clients, Letlow for Congress and Scott Franklin in his official capacity as treasurer and Luke Letlow, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 22, 2022, the Commission found, on the basis of the information in the complaint, and information provided on behalf of your clients, that there is no reason to believe your clients violated 52 U.S.C. §§ 30116(a)(1)(A) and 30125(e)(1). Accordingly, the Commission closed its file in this matter.

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 Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Christine C. Gallagher, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

*Ana J. Peña-Wallace*  
by NOM  
Ana J. Peña-Wallace  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

# FEDERAL ELECTION COMMISSION FACTUAL AND LEGAL ANALYSIS

**RESPONDENTS:** Letlow for Congress and Scott Franklin  
in his official capacity as treasurer  
Luke Letlow (deceased)  
Bill Hogan

**MUR:** 7824

## I. INTRODUCTION

10 This matter was generated by a Complaint filed with the Federal Election Commission by  
11 Scotty Robinson, a 2020 candidate for Louisiana’s 5th Congressional District, alleging that Luke  
12 Letlow and his principal campaign committee, Letlow for Congress and Scott Franklin in his  
13 official capacity as treasurer (the “Letlow Committee”), violated the Federal Election Campaign  
14 Act of 1971, as amended (the “Act”), by offering to pay Robinson’s campaign debts, potentially  
15 as much as \$60,000 — \$80,000, if he would agree to withdraw from the race and endorse  
16 Letlow. Specifically, Robinson alleges that Bill Hogan, a Letlow supporter, approached him on  
17 behalf of the Letlow campaign, suggesting that he should drop out of the race and promising that  
18 he, other Letlow supporters, and the Letlow campaign would pay off Robinson’s expenses and  
19 debt. In addition, Robinson submits a text message he received from a local pastor claiming that  
20 “someone from the [Letlow] campaign” approached him and “said [Letlow] would pay all your  
21 expenses if you drop out and endorse him.” The Complaint does not describe a particular  
22 violation of the Act, but appears to be alleging that Respondents offered to make excessive  
23 campaign contributions to Robinson.

24 Respondents deny that anyone from the Letlow campaign or acting on behalf of the  
25 campaign approached Robinson with any such offer to pay Robinson's debts in exchange for  
26 Robinson dropping out of the race. The Letlow Committee asserts that Hogan did not have any  
27 connection with the campaign other than being a donor and that he was not authorized to speak  
28 on its behalf. Hogan states that Robinson was actually the one who approached him about

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1 dropping out of the race and that Robinson asked Hogan for assistance with retiring campaign  
 2 debts in the normal course.

3 As discussed below, the record before the Commission raises factual questions about  
 4 whether Respondents offered Robinson or his committee money to withdraw from an election in  
 5 which he was a candidate. While a solicitation of an excessive contribution or the making of an  
 6 excessive contribution are both squarely prohibited by the Act, an unsolicited, rejected offer of  
 7 an excessive contribution is not directly prohibited by either the provisions governing  
 8 contribution amount limitations or soft money. Therefore, the Commission finds no reason to  
 9 believe that Letlow, the Letlow Committee, and Hogan violated 52 U.S.C. § 30116(a)(1)(A), and  
 10 52 U.S.C. § 30125(e)(1).

## 11 **II. FACTUAL BACKGROUND**

12 On November 3, 2020, Luke Letlow won the primary election for Louisiana's 5th  
 13 Congressional District; he won the general election on December 5, 2020.<sup>1</sup> Letlow died from  
 14 complications related to COVID-19 prior to taking office and, on March 20, 2021, Julia Letlow,  
 15 his wife, won a special election for what would have been her husband's seat.<sup>2</sup> Complainant,  
 16 Scotty Robinson, was one of Letlow's opponents in the November 2020 primary.<sup>3</sup> As described  
 17 below, prior to the primary, Robinson alleges that Letlow and his Committee attempted to "buy

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<sup>1</sup> Official Election Results, U.S. Representative Fifth Congressional District, LA SEC'Y OF STATE, (<https://voterportal.sos.la.gov/graphical>) (last visited May 12, 2021); *see also* Louisiana Election Code, R.S.18:402(B) (1),(2) (stating that primary elections for members of congress are held on the first Tuesday after the first Monday in November of an election year; general elections for members of congress are held on the fifth Saturday after the first Tuesday after the first Monday in November of an election year).

<sup>2</sup> Greg Hilburn, *Louisiana Congressman-Elect Luke Letlow dies from COVID Complications at 41*, MONROE NEWS STAR, (Dec. 29, 2020), <https://www.thenewsstar.com/story/news/2020/12/29/louisiana-congressman-elect-luke-letlow-dies-covid/4082977001/>; Official Election Results, U.S. Representative Fifth Congressional District, LA SEC'Y OF STATE, (<https://voterportal.sos.la.gov/graphical>) (last visited May 12, 2021).

<sup>3</sup> Compl. at 1 (Oct. 21, 2020).

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1 me out" of the race, but that he denied their offer.<sup>4</sup> Respondents deny making any such offer and  
 2 argue that, even if true, the allegations would not result in a violation of the Act because there  
 3 was no receipt or expenditures of campaign funds.<sup>5</sup>

4 The Complaint alleges that, on September 1, 2020, Bill Hogan, CEO of Century Next  
 5 bank, a donor and supporter of Letlow, asked Robinson whether Robinson would consider  
 6 backing out of the race.<sup>6</sup> Robinson alleges that Hogan told him: "I would almost personally  
 7 guarantee you that I, other donors, and the Letlow campaign would easily be able to raise \$60k,  
 8 \$70k, or even \$80k to help pay off any expenses or debt."<sup>7</sup> Robinson states that he told Hogan  
 9 that he was not interested in dropping out.<sup>8</sup> Robinson states that, on September 3, 2020, Hogan  
 10 phoned him to relay a message from Adam Terry, a political consultant, that "[Letlow] would  
 11 absolutely be interested in me backing out of the race, paying any debts I have, and my  
 12 endorsement."<sup>9</sup> Terry allegedly told Robinson the deal would include a "\$50,000 or even

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

<sup>5</sup> *Id.* Letlow for Congress Resp. at 1 (Dec. 14, 2020) (the Letlow Committee and Letlow filed a joint response); Franklin Resp. at 1 (Dec. 14, 2020) (Franklin, the treasurer, filed a separate response that mostly recasts the Letlow Committee's and Letlow's Response); Hogan Resp. at 2-3 (Nov. 10, 2020).

<sup>6</sup> Compl. at 1 (noting that Century Next bank is the location of Robinson's campaign depository). Scotty Robinson for Congress, Amended Statement of Org. at 4 (Apr. 5, 2020).

<sup>7</sup> *Id.* At the time of this conversation, the most recent disclosure report filed by Robinson's authorized committee showed campaign debts in the amount of \$58,000. Scotty Robinson for Congress 2020 Pre-Primary Report at 2; Schedule C, 34-36 (July 16, 2020) (covering Apr. 1 — July 4, 2020). The next disclosure report filed after the conversation, showed campaign debts in the amount of \$26,379.50. Scotty Robinson for Congress 2020 October Quarterly Report at 2; Schedule C, 26-27; Schedule D, 28 (Oct. 15, 2020) (covering July 5 — Sept. 30, 2020).

<sup>8</sup> Compl. at 1.

<sup>9</sup> *Id.*

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1    \$100,000 job.”<sup>10</sup> Again, the Complaint states that Robinson told Hogan that he was not  
 2    interested.<sup>11</sup>

3                The Complaint states that Robinson uploaded a video on Facebook on September 8,  
 4    2020, “and told this story, but [] left out the names.”<sup>12</sup> Hogan apparently saw the video and sent  
 5    Robinson a text to “apologize if I created a situation that was uncalled for,” stating, in part: “The  
 6    only person that I talked to was [Terry] and he said that the only person he was going to talk to  
 7    was Luke to see if he would do right. . . . It might be beneficial for us to agree on what was said  
 8    in our conversations last week.”<sup>13</sup> The Complaint asserts that, in a prior election, Robinson was  
 9    similarly contacted by an intermediary for Letlow who offered him a job if he were to agree to  
 10   not run for the same seat as Letlow.<sup>14</sup>

11               In Response, Hogan asserts that Robinson “grossly distorted and exploited” their  
 12   communications regarding the election.<sup>15</sup> He contends that, on September 1, 2020, it was  
 13   Robinson who stated that he was struggling to keep his campaign alive and was looking for “exit  
 14   strategies” to pay off campaign debt and make him a viable candidate in the future.<sup>16</sup> According  
 15   to Hogan, the two discussed ways to raise funds to pay Robinson’s campaign debt, and Robinson  
 16   expressly asked Hogan to approach others about his desire to drop out of the race and to find

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<sup>10</sup>               *Id.*

<sup>11</sup>               *See id.* The next day, September 4, 2020, Hogan sent Complainant a text message: “If you decide to move forward, [Terry] suggests an in person meeting to work out details and solidify commitments. I’m not pushing and just want what’s best for all concerned.” *Id.* at 1; *id.*, Attach. at 1 (screenshot of text message from Hogan to Robinson, sent on Sept. 4, 2020, at 8:04 AM EST).

<sup>12</sup>               Compl. at 1. The Commission does not have access to the video, which according to Hogan has been taken down. Hogan Resp. at 2.

<sup>13</sup>               *Id.*; *id.*, Attach. at 2 (screenshot of text message from Hogan to Robinson, sent on Sept. 8, 2020, at 5:52 PM EST).

<sup>14</sup>               Compl. at 2.

<sup>15</sup>               Hogan Resp. at 1.

<sup>16</sup>               *Id.*

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1 ways to help pay off his campaign debt.<sup>17</sup> Pursuant to Robinson's alleged instructions, Hogan  
 2 states that he contacted Terry, who was not affiliated with the Letlow campaign, to discuss the  
 3 notion that Robinson was considering dropping out.<sup>18</sup> Hogan further asserts that at no time did  
 4 he speak with Letlow or the Letlow Committee about Robinson's alleged desires to drop out of  
 5 the race or pay off his campaign debts.<sup>19</sup> Letlow and the Letlow Committee similarly deny that  
 6 Hogan or Terry were acting on their behalf.<sup>20</sup>

7 Separate from his contacts with Hogan, on September 5, 2021, the Complaint asserts that  
 8 Robinson received a text message from Tommy Lester, a local pastor from Monroe, Louisiana,  
 9 that read: "Talked to someone from the Luke [Letlow] campaign the other day (he knows I'm in  
 10 your corner) he said he would pay all your expenses if you drop out and endorse him. He was  
 11 sure you would be offended. I just thought I'd pass it along."<sup>21</sup> Lester also sent a follow-up text:  
 12 "I think they wanted me to work on you. But I said I wouldn't get involved."<sup>22</sup> Robinson states  
 13 that he does not know who asked Lester to reach out to him and that he asked Lester a question  
 14 to confirm that it was not Hogan.<sup>23</sup> In Response, Letlow and the Letlow Committee state that,

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<sup>17</sup> *Id.* ("Mr. Hogan and Mr. Robinson . . . discussed how funds might be raised to retire his campaign debt and allow him to exit the race. Mr. Robinson expressly authorized Mr. Hogan to approach others to discuss his interest in dropping out of the race if he could find a way to retire his campaign debt."). There is no indication from Hogan's Response that Robinson himself solicited an excessive contribution.

<sup>18</sup> *Id.* at 2.

<sup>19</sup> *Id.*

<sup>20</sup> Letlow for Congress Resp. at 1-2 (stating that Hogan's only connection to the Letlow Committee is that he was a donor and that Terry is a political consultant but did not work for the Letlow Committee).

<sup>21</sup> Compl., Attach. at 3 (screenshot of text message from Lester to Robinson, sent on Sept. 5, 2020, at 1:07 PM EST).

<sup>22</sup> *Id.* (screenshot of text message from Lester to Robinson, sent on Sept. 5, 2020, at 1:07 PM EST).

<sup>23</sup> Compl. at 2 (explaining that he asked Lester whether the person who approached him was from the city where Hogan is from). Robinson states that he did not ask further questions of Lester to identify the person from the Luke campaign, "out of respect for Mr. Lester and his occupation." Compl. at 2.

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1 without knowing the identity of the alleged Letlow campaign official who approached Lester,  
 2 they cannot sufficiently address the allegation.<sup>24</sup>

3 **III. LEGAL ANALYSIS**

4 The Act limits the amount an individual may contribute to a candidate’s authorized  
 5 committee per election (\$2,800 during the 2020 election cycle) and limits the amount a candidate  
 6 committee may contribute to another candidate committee per election (\$2,000 during the 2020  
 7 election cycle).<sup>25</sup> Likewise, the Act prohibits any candidate or committee from knowingly  
 8 accepting an excessive contribution.<sup>26</sup> A contribution is any gift, subscription, loan, advance, or  
 9 deposit of money or anything of value made by any person for the purpose of influencing any  
 10 election for federal office.<sup>27</sup>

11 The Act’s soft money provision provides that any “candidate, individual holding Federal  
 12 office, agent of a candidate or an individual holding Federal office, or an entity directly or  
 13 indirectly established, financed, maintained or controlled by or acting on behalf of one or more  
 14 candidates or individuals holding Federal office,” shall not solicit, receive, direct, transfer, or  
 15 spend funds in connection with an election for federal office, unless the funds are subject to the  
 16 Act’s “limitations, prohibitions, and reporting requirements.”<sup>28</sup>

17 The underlying facts regarding whether Respondents offered Robinson a sum of money  
 18 to drop out of the congressional race are in dispute. However, there is no need to resolve the

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<sup>24</sup> Letlow for Congress Resp. at 1-2.

<sup>25</sup> 52 U.S.C. § 30116(a)(1)(A); *see also* 11 C.F.R. § 110.1(b); Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 84 Fed. Reg. 2,504, 2,505 (Feb. 7, 2019) (adjusting certain limitations for the 2019-2020 election cycle).

<sup>26</sup> 52 U.S.C. § 30116(f), *see also* 11 C.F.R. § 110.9.

<sup>27</sup> 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

<sup>28</sup> 52 U.S.C. § 30125(e)(1); *see also* 11 C.F.R. § 300.52.

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1 factual allegations in order to consider violations within the Commission's jurisdiction. Even  
2 assuming *arguendo* that Respondents did offer to pay funds to Robinson, as alleged, Robinson  
3 states that he denied the offer and, thus, did not receive any funds. Commission regulations state  
4 that a contribution "shall be considered to be made when the contributor relinquishes control  
5 over the contribution" and "[a] contributor shall be considered to relinquish control over the  
6 contribution when it is delivered by the contributor to the candidate, to the political committee,  
7 or to an agent of the political committee."<sup>29</sup> Here, the parties appear to agree that no such  
8 relinquishment or delivery occurred, and thus no money contribution to Robinson was made.

9 Whereas the Act and Commission regulations prohibit any person from making an  
10 excessive contribution,<sup>30</sup> and prohibit candidates, their agents, and entities directly or indirectly  
11 established, financed, maintained or controlled by or acting on behalf of one or more candidates  
12 from soliciting, receiving, directing, transferring, or spending funds in connection with an  
13 election that are not subject to the amount limitations,<sup>31</sup> these provisions do not specifically  
14 prohibit any person from offering to make an excessive contribution.<sup>32</sup>

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<sup>29</sup> 11 C.F.R. § 110.1(b)(6).

<sup>30</sup> 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1.

<sup>31</sup> 52 U.S.C. § 30125(e)(1); 11 C.F.R. § 300.52.

<sup>32</sup> The Commission notes that, in the context of foreign national contributions, 52 U.S.C. § 30121(a)(1)(A) prohibits a foreign national from making an "express or implied promise to make a contribution or donation."

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1       Therefore, the Commission finds no reason to believe that Respondents violated

2    52 U.S.C. § 30116(a)(1)(A), and 52 U.S.C. § 30125(e)(1).<sup>33</sup>

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<sup>33</sup>       As mentioned above, Respondent Letlow passed away in December 2020, after Letlow and the Letlow Committee filed their Response. The Commission has generally not pursued deceased respondents in enforcement matters. *See, e.g.*, Second Gen. Counsel's Rpt. at 7 & Cert. ¶ 1 (Apr. 27, 2012), MUR 6249 (KCUMB/Karen Pletz) (taking no further action as to primary respondent because she was deceased); Closing Ltr. From Margaret Toalson, Attorney, FEC, to Warren Gotcher, Esq., (W.H. Layden) (June 30, 2004) (notification that the Commission closed the file as to McAlester Industrial Credit Company and Layden, President, because Layden died sometime after the Commission's reason-to-believe finding); First Gen. Counsel's Rpt. at n. 5 (June 25, 2007), MUR 5922 (Richard Morrison Congressional Committee) (refraining from making reason-to-believe findings as to Sheri Morrison who was deceased). In any event, because the Commission finds no reason to believe as to Letlow, there is no cause for the Commission to take further action against a deceased respondent here.