

**FEDERAL ELECTION COMMISSION**

October 19, 2023

By Emailtroy@politicalfinancialmanagement.com

Troy Brewer
95 White Bridge Road
Suite 207
Nashville, TN 37205

RE: MUR 8143
(formerly RR 22L-25)
Dr. Manny for US Senate and
Troy Brewer in his official capacity
as treasurer

Dear Mr. Brewer:

On October 17, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Dr. Manny for US Senate and Troy Brewer in his official capacity as treasurer in settlement of a violation of 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e), provisions of the Federal Election Campaign Act of 1971, as amended and the Commission's regulations. Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1618.

Sincerely,

Kimberly D. Hart
Kimberly D. Hart
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 8143
 Dr. Manny for US Senate and)
 Troy Brewer in his official)
 capacity as treasurer)

CONCILIATION AGREEMENT

This matter was initiated pursuant to information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Dr. Manny for US Senate and Troy Brewer in his official capacity as treasurer (the "Committee" or "Respondent") violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent is the principal campaign committee for Dr. Manny Sethi, a candidate in the 2020 Tennessee Republican primary election for United States Senate. The

Committee's treasurer is Troy Brewer. On August 6, 2020, Sethi lost the Tennessee primary election.

2. During the 2020 election cycle, the Federal Election Campaign Act of 1971, as amended, (the "Act") and Commission regulations limited an authorized committee to accepting a total of \$2,800 per election from any individual and \$5,000 from a multicandidate committee. 52 U.S.C. §§ 30116(a)(1)(A), (a)(2)(A), (f); 11 C.F.R. §§ 110.9, 110.1(a)-(b). An authorized committee could not contribute more than \$2,000 to another authorized committee. 52 U.S.C. § 30102(e)(3)(B). A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election. 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2, 110.1, 110.2. The Commission's regulations permit a candidate or his authorized committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(1).

3. If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See id.* § 102.9(e)(3). The committee must do so within 60 days of the date that the committee has actual notice of the need to redesignate, reattribute, or refund the contributions, such as the date the candidate loses the primary or withdraws from the campaign. *See id.* §§ 110.1(b)(3)(i), (b)(5); 110.2(b)(3)(i), (b)(5); 103.3(b)(3).

4. Respondent accepted contributions designated for the 2020 general election totaling \$58,765.66, prior to the primary election, but failed to redesignate, reattribute or

refund the contributions within 60 days after the candidate's August 6, 2020, loss in the Tennessee primary election.

V. Respondent violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e) by failing to timely refund, reattribute, or redesignate general election contributions, which resulted in excessive contributions.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Nineteen Thousand Dollars (\$19,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).
2. Respondent will amend the Committee's disclosure reports to disclose as debts on its Schedule D (Debts and Obligations) the aggregate of \$58,765.66 in excessive contributions that could not be refunded and include memo text to list each specific contribution requiring a refund. Respondent will consult with the Commission's Report Analysis Division to ensure proper disclosure.
3. Respondent will cease and desist from violating 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire Agreement.

IX. Respondent shall have no more than 30 days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

Charles
Kitcher

Digitally signed by
Charles Kitcher
Date: 2023.10.19
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BY:

Charles Kitcher
Associate General Counsel
for Enforcement

10/19/23

Date

FOR THE RESPONDENT:

 Treasurer
Troy Brewer
Treasurer

8-1-23

Date