

February 2013, eight months prior to registering his campaign committee, then Sheriff Thomas Brown appears to have raised and/or spent in excess of \$5000.00 on his campaign for election to the U.S. Congress in Georgia's fourth District. The failure to file a Statement of Candidacy within 15 days of raising or spending \$5000.00 or more, or to file a Statement of Organization within 10 days thereof, constitute violations of FEC rules.

For the following reasons I suspect that during the month of February 2013, Thomas Brown paid for a telephone poll that was conducted throughout Georgia's 4th Congressional District, using funds contributed to the Thomas Brown for Sheriff Campaign committee that was governed by State of Georgia Campaign contribution and expenditure rules, which significantly differ from the Federal rules.

Since at least early January 2013, Thomas Brown was openly seeking public support to run for Congress in Georgia's Fourth Congressional District. In early to mid-February 2013, it is believed that a telephone poll was conducted throughout the Fourth District.

This telephone poll sought to gauge the popularity of then DeKalb County Sheriff Thomas Brown, against DeKalb County Commissioner Lee May, former DeKalb County District Attorney Gwen Keyes Fleming, and the current 4th Congressional District Representative, Congressman Hank Johnson. It is believed that the poll tested Thomas Brown's name recognition and popularity in Gwinnett, Rockdale and Newton counties, three counties that lie outside of DeKalb County and which, along with DeKalb County, make up Georgia's Fourth Congressional District. As Sheriff of DeKalb County, Mr. Brown should have had no interest in his name recognition in surrounding counties.

In that period, former DeKalb County District Attorney Gwen Keyes Fleming was living in Washington, D.C., having accepted a job with the Obama administration. It thus appears that former D.A. Keyes Fleming would have had no interest in commissioning a poll to gauge her support and name recognition throughout the Fourth District of Georgia.

At the time the poll was conducted, Congressman Hank Johnson had been recently re-elected, and he denied commissioning the poll. He also noted that within days of the poll's commencement, Commissioner Lee May telephoned him to deny any involvement in commissioning the poll. Thomas Brown had also just won re-election as Sheriff of DeKalb County, with almost a full four years to serve before being up for re-election.

Since Lee May and Congressman Johnson denied commissioning the poll, and Gwen Keyes Fleming had moved away from the state, it is logical to conclude that Thomas Brown would have been the only one of the four subjects of the poll, to benefit from knowing the poll results.

**Payments to political polling firm HEG in January and February 2013 from Thomas Brown for Sheriff Account**

The Thomas Brown for Sheriff campaign committee filed a campaign finance report with the Georgia Ethics Commission on July 1, 2013, disclosing contributions and expenditures during the period from Jan. 1, 2013-June 30, 2013. **(Attachment 3)** Said report shows two expenditures of \$6000.00 each on