# POLITICAL LAW GROUP, A CHALMERS LLC

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2014 JUN 16 PH 12: 34 OFFICE OF GENERAL COUNSED

MUR4824

June 05, 2014

Federal Election Commission Office of Complaints Examination And Legal Administration Attn: Frankie Hampton, Paralegal 999 E Street, NW Washington, DC 20436 Email: fhamption@fec.gov

Re: Response to allegations against Eugene Chin Yu, individually, and Eugene Yu for Congress, Inc. in the complaint filed by John E. Stone

# Dear Ms. Hampton:

As you are aware from our previous conversation, this law firm represents Eugene Chin Yu, (hereinafter "Mr. Yu"), and the principal campaign committee, Eugene Yu for Congress, Inc. (hereinafter the "Committee"). While this law firm does not personally represent third-party Donnie Miller, all parties have agreed to be included in this response. (See Designation of Counsel Form). At this time the undersigned parties emphatically deny all allegations of wrongdoing implied or suggested in the complaint filed by John E. Stone (hereinafter the "Complaint") and request that this matter be dismissed. The parties involved take very seriously all matters related to campaign finance compliance and intends to fully cooperate with the Commission in settling this matter as quickly and efficiently as possible.

After speaking with all involved parties and conducting a thorough review of the underlying facts provided by Mr. Yu and the Committee, it is my understanding that at no time did Mr. Yu, the Committee, or any person associated with the Committee intend to purposefully or knowingly violate any Commission rule in the handling of the Committee's finances; neither has Mr. Yu failed to account for the source of the personal funds loaned to the Committee as required by statute.

The relevant facts are as follows:

• On or about February 24 2014, the committee, Eugene Yu for Congress, Inc. was established for the sole purpose of serving as the principal candidate committee for Mr. Yu.

POLITICAL LAW GROUP, A CHALMERS LLC

June 05, 2014 Page 2

- Mr. Yu, Wayne Brown, and Donnie Miller were named officers of the incorporated committee. Wayne Brown was selected by the committee to serve as campaign chairman, and Donnie Miller was selected by the committee to serve as treasurer.
- On or about March 26, 2014, Mr. Yu filed his required financial disclosure report with the Clerk of the House of Representatives. (Exhibit A)
- Over the course of the campaign, and in accordance with applicable regulations, Mr. Yu made several loans from his personal funds to the Committee for the purpose of furthering his campaign. Those loans were documented in the quarterly reports filed with the Commission.
- On or about May 16, 2014, in a desperate last minute attempt to score political points against a primary opponent, a Complaint was filed against Mr. Yu regarding the source of the personal funds he loaned to the Committee. (Exhibit B)

As of this writing, no facts have been presented to show that Mr. Yu used funds other than personal funds in the loans made to his committee. With no more than two news articles filled with conjecture and innuendo, the Complaint filed by Mr. Stone fails to identify specific facts that would indicate Mr. Yu committed any wrongdoing. As documented in the financial disclosure report filed with Clerk of the House, Mr. Yu has personal assets valued at well over \$3,000,000. That amount is clearly greater than the \$736,000 the complaint identifies as the amount personally loaned to the committee.

The Complaint goes on to imply that Mr. Yu's refusal to answer media inquiries related to these false allegations is somehow tantamount to proof of "potential illegalities in the source(s)." That implication is beyond desperate. It is my understanding there is no statutory or regulatory requirement for committees or candidates to indulge every wild-eyed and sensational story the media deems news worthy. A refusal to talk to the media does not serve as an indication of unlawful activity. Furthermore, a contributor in one the articles attached to the Complaint, who is a well respected campaign finance lawyer, notes that based on the media reports and the disclosure report filed by Mr. Yu, he did not know of any facts that would indicate misconduct.

Finally, the Complaint attempts to impugn the integrity of Mr. Yu and the Committee by suggesting that a discrepancy involving an excessive contribution earlier in the election cycle was an indication of a "pattern of practice. . . of violating donation rules." This charge is clearly rebutted by the mere fact that earlier in the election cycle upon becoming aware of a reporting error, the Committee amended the necessary reports, made the appropriate refunds, took remedial action to prevent similar occurrences, and sent a sus susponte submission documenting the infraction to the Commission. (Exhibit C). That violation was the result of political novices who at the time of the violation were unaware of the requirements of the law. At no time did their actions amount to a willful, wanton or reckless disregard of the FECA or the rules of the Commission.

POLITICAL LAW GROUP, A CHALMERS LLC

June 05, 2014 Page 3

In an effort to come to an amicable conclusion to this matter, the Committee and undersigned parties are willing to submit additional documentation to support the assertion that the Complaint should be dismissed.

Please feel free to contact me regarding the Commission's final position on this matter and the penalty, if any, that accompanies their decision.

Date

Sincerely,

Jennifer McNeely Attorney for Bugene Yu for Congress, Inc.

Eugene Yu for Congress, Inc. Date

Date **Eugene Chin Yu** 6-13-14

Donnie Miller, Treasurer

cc: Douglas Chalmers

# Exhibit A





RECEIVED FEDERAL ELECTION COMMISSION

May 16, 2014

2014 HAY 19 PM 2: 45

OFFICE OF GENERAL

Office of General Counsel Federal Election Commission 999 E Street, N.W., Washington, D.C. 20463

COU;ISEL MUR# 682

**RE: Complaint of Federal Campaign Law Violations by Eugene Yu for U.S. Congress** 

#### **Complainant:**

John E. Stone Committee to Elect John Stone 2803 Wrightsboro Road Suite 15-351 Augusta, GA 30909

# Complaint:

Eugene Yu has failed to account for the source of his \$736,000 loan to Eugene Yu for U.S. Congress as reported to the Federal Election Commission in his March 31, 2014 report, as evidenced by his Candidate Financial Disclosure Report filed on March 26, 2014 with the Clerk of the U.S. House of Representatives.

# Facts of the Case:

According to reliable media reports, Mr. Yu has not reported financial assets of sufficient quantity to personally loan his campaign \$736,000, nor any source of secondary loans or personal gifts to allow this amount of contribution to his own campaign. He is also refusing to answer media inquiries on this matter, indicating potential illegalities in the source(s) of this massive injection of campaign funds in the closing weeks of the Georgia Republican Primary. This discrepancy follows two previous violations of Federal Election Law this election cycle, with both instances involving donation limit violations, indicating a pattern of practice of Eugene Yu for U.S. Congress of violating donation rules.

**Summary:** The infusion of \$240,000 in cash by Eugene Yu for U.S. Congress in the final weeks of the Georgia Republican Primary has resulted in a barrage of campaign activity by Eugene Yu for Congress that would otherwise have not been possible. If that infusion of cash is in violation of federal campaign law the certification of the May 20 Primary results could be in question.

# TIME IS OF THE ESSENCE:

The magnitude of these violations are such that could alter the results of the May 20 Republican Primary Elections if allowed to stand. The Commission is urged to act on these matters with urgency.

> John Stone for Congress 2803 Wrightsboro Road, Suite 15-351, Augusta, Georgia 30909 (912) 335-3139



I look forward to your timely respon

John E. Stone Candidate Committee to Elect John Stone 2803 Wrightsboro Road, Suite 15-351 Augusta, GA 30909

# Attachments:

Financial Disciosure Report, March 26, 2014 Federal Election Report, September 30, 2013 Federal Election Report, March 31, 2014 Federal Election Report, April 30, 2014 Associated Press, Russ Bynum, March 10, 2014 Morris News Service, Walter Jones, May 10, 2014

### NOTE:

Original and three copies submitted May 16 via USPS certified next day mail, electronic copies submitted May 16.

I attest, under penalty of perjury, that Mr. John & Store personally appeared before me on May 16, 2014.

Brandy H Mcalexander Brandy H McAlexander Commission expires 2.4.2017

John Stone for Congress 2803 Wrightsboro Road, Suite 15-351, Augusta, Georgia 30909 (912) 335-3139

Filing ID #10000245



FINANCIAL DISCLOSURE REPORT

Clerk of the House of Representatives • Legislative Resource Center • B-106 Cannon Building • Washington, DC 20515

# FILER INFORMATION

Name:	Eugene Chin Yu
Status:	<b>Congressional Candidate</b>
State/District:	GA12

# FILING INFORMATION

Filing Type:	Candidate Report
Filing Year:	2014
Filing Date:	03/26/2014

# SCHEDULE A: ASSETS AND "UNEARNED" INCOME

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Bartram Road Building/Land	Л	\$1,000,001 - \$5,000,000	Rent	\$50,001 - \$100,000	\$50,001 - \$100,000
LOCKTON: Augusta/Richmond Con DESCRIPTION: 10,000 sq ft commer	••••				
Enspert Inc.	JT	\$100,001 - \$250,000	None		•
DESCRIPTION: Korean Public Compi	any Stock				•
Green County Land	JT	\$250,001 - \$500,000	None		•
LOCATION: Greensboro/Greens Con	nty, GA, US	}			1
Insprit Inc.	Л	\$1,000,001 - \$5,000,000	None		
DESCRIPTION: Korean Public Comp	ny Stock				
Peachtree St. Condo	JT	\$250,001 - \$500,000	None		
LOCATION: Atlanta/Fulton County,	ga, US				1
Wells Fargo	JT	\$15,001 - \$50,000	Interest	\$1 - \$200	\$1 - \$200
4- ' <del></del>				5	

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Asset	Owner	Value of Asset	Income	Income	Income
1			Type(s)	Current Year to Filing	Preceding Year
l					

# SCHEDULE C: EARNED INCOME

None disclosed.

# SCHEDULE D: LIABILITIES

Owner	Creditor	Date Incurred	Туре	Amount of Liability
JТ	Suntrust Bank	Sept 2002	Home Mortgage	\$15,001 - \$50,000
Л	Suntrust Bank	Sept 2002	Condo Mortgage	\$15,001 - \$50,000
n -	Walls Fargo Bank	April 2013	Home Equity Loan	\$15,001 - \$50,000

# SCHEDULE E: POSITIONS

Position	Name of Organization
a second a second se	المراجعين المراجعين المراجع الم
President	Federation of Korean Association USA
فيرجعهم البياد فبدائك بالمحمور ويوجعهم والمحمو	الوراب المحافظ المحافظ المحافظ والمحافظ والمحافظ والمحافظ والمحافظ والمحافظ والمحافظ والمحافظ المحافظ ا

# SCHEDULE F: AGREEMENTS

None disclosed.

# SCHEDULE J: COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

None disclosed.

# EXCLUSIONS OF SPOUSE, DEPENDENT, OR TRUST INFORMATION

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Etlics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benafiting you, your spouse, or dependent child?

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

#### COMMENTS

# CERTIFICATION AND SIGNATURE

17: I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Eugene Chin Yu, 03/26/2014

2014 COMMENTEEPINFORMATION	C00547158	CANDIDATE INFORMATION	
Name: EUGENE YU FOR US SENATE		Yv. Eugene Chin	ID: <u>H4GA1205</u>
Address: PO BOX 2000, EVANS, GA 30809		Office: H - House	
Treasurer Name: Donnis Miller		State: GA, District: 12	
Type: H - House			
Designation: P+ Principal Campaign Committee Of A C	andidate		
Party: Republican Party			
	ELMANGIAL SUPINARY OF	UGENEIVITHORIUSISENATE	
	From: 05/15/2013	To: 04/30/2014 😨	
I. RECEIPTS			
Remixed Individual Contributions	\$164,175		
Uniternized Individual Contributions	\$6,785		
Total Individual Contributions	\$150,951		
Party Committees Contributions	\$0		
Other Committees Contributions	<b>\$</b> 0		
Cendidate Contributions	<b>\$</b> 0		Receipts
TO TAL CONTRIBUTIONS	\$160,951		
Transfers from Authorized Committees	\$0		Remixed Individual
Cundidate Lorne	\$736,148	64.	en oituántno.
Other Loans	\$0		Expenditures
IOTAL LOANS	\$756,148		Unkemized Individual
Offsets to Operating Excenditures	\$7,200	BD675	Contributions
Other Receipte	\$0	19.03	Candidate Loans
TOTAL RECEIPTS	\$904,309	$\sim$	
II. DISBURSEMENTS			
Cogniting Expenditures	\$729,447		
Fransfers To Authorized Committees	\$0		
Candidate Loan Repayments	\$14,200		
Other Loan Repayments	<b>\$</b> 0		
TOTAL LOAN REPAYMENTS	\$14,200		
individusi Refunde	\$51,000	ni	sbursements
Political Party Refunds	\$0		
the Committee Refunds	\$550		🖬 Individual Refunds
TOTAL CONTRIBUTION REFUNDS	\$51,550		Operating Expenditures
Other Disburgements	\$0		E Candidate Loan
POTAL DISBURSEMENTS	\$786,197		Repayments
II. CASH SUMMARY			Ø Other
Beginning Cash On Hand	\$0	90683	
Ending Cash On Hand	\$89,414		
Net Contributions	\$109,412		
Net Operating Expenditures	\$713,247		•
Debts/Loans Owed By	\$281,358		
Debta/Loans Owed To	\$0		

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FINANCIAL SUMMARY - 2004 Fre-Pridery	
From: 04/01/2014 To: 04/30/2014	
I. RECEIPTS	\$1,829 🛆
Itemized Individual Contributions	\$1,009
Uniternized Individual Contributions	\$829
Total Individual Contributions	\$1,829
Party Committees Contributions	\$Ø
Other Committees Contributions	\$0
Candidate Contributions	\$0
TOTAL CONTRIBUTIONS	\$1,829
Transfers from Authorized Committees	\$ <b>D</b>
Candidate Loans	\$0
Other Loans	\$0
TOTAL LOANS	\$D
Offsets to Operating Expenditures	\$0
Other Receipts	\$0
TOTAL RECEIPTS	\$1,829
II. DISBURSEMENTS	<u>\$148,311</u> a
Operating Expenditures	\$144,311
Transfers To Authorized Committees	\$0
Candidate Loan Repayments	\$4,000
Other Loan Repayments	\$0
TOTAL LOAN REPAYMENTS	\$4,000
Individual Refunds	\$0
Political Party Refunds	\$0
Other Committee Refunds	\$0
TOTAL CONTRIBUTION REFUNDS	\$0
Other Disbursements	\$0
TOTAL DISBURSEMENTS	\$148,311
III. CASH SUMMARY	\$89,414 🛆
Beginning Cash On Hand	\$235,896
Ending Cash On Hand	\$89,414
Net Contributions	\$1,829
Net Operating Expenditures	\$144,311
Debts/Loans Owed By	\$281,358
Debts/Loans Owed To	\$0

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# FINANCIAL SUMMARY - 2014 April Quarterly

From: 01/01/2014 To: 03/31/2014

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I. RECEIPTS	\$326,015 🛆
temized Individual Contributions	\$36,027
Initemized Individual Contributions	\$1,630
Total Individual Contributions	\$37,657
Party Committees Contributions	\$0
Other Committees Contributions	\$0
Candidate Contributions	\$D
TOTAL CONTRIBUTIONS	\$37,657
Fransfers from Authorized Committees	\$0
Candidate Loans	\$288,358
Other Loans	\$0
TOTAL LOANS	\$288,358
Offsets to Operating Expenditures	\$0
Other Receipts	\$0
TOTAL RECEIPTS	\$326,015
II. DISBURSEMENTS	<u>\$141,964</u>
Operating Expenditures	\$138,414
Transfers To Authorized Committees	\$0
Candidate Loan Repayments	\$3 <u>,</u> 000
Other Loan Repayments	
TOTAL LOAN REPAYMENTS	\$3,000
individual Refunds	\$0
Political Party Refunds	\$0
Other Committee Refunds	\$550
TOTAL CONTRIBUTION REFUNDS	\$550
Other Disbursements	\$0
TOTAL DISBURSEMENTS	\$141,964
III. CASH SUMMARY	\$235,896 <b>△</b>
Beginning Cash On Hand	\$51,845
Ending Cash On Hand	\$235,896
Net Contributions	\$37,107
Net Operating Expenditures	\$138,414
Debts/Loans Owed By	\$285,358
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FINANCIAL SUMMARY - 2013 Year-End	
From: 10/01/2013	To: 12/31/2013
I. RECEIPTS	\$330,767 🛆
Itemized Individual Contributions	\$36,250
Uniternized Individual Contributions	\$3,727
Total Individual Contributions	\$39 <b>,</b> 977
Party Committees Contributions	\$0
Other Committees Contributions	\$0
Candidate Contributions	\$0
TOTAL CONTRIBUTIONS	\$39,977
Transfers from Authorized Committees	\$0
Candidate Loans	\$290,790
Other Loans	\$ <del>0</del>
TOTAL LOANS	\$290,790
Offsets to Operating Expenditures	\$0
Other Receipts	. <b>\$0</b>
TOTAL RECEIPTS	\$330,7 <del>6</del> 7
II. DISBURSEMENTS	<u>\$278,922</u> A
Operating Expenditures	\$228,922
Transfers To Authorized Committees	\$0
Candidate Loan Repayments	\$0
Other Loan Repayments	.\$0
TOTAL LOAN REPAYMENTS	\$ <b>0</b>
Indívídual Refunds	\$50,000
Political Party Refunds	\$0
Other Committee Refunds	\$0
TOTAL CONTRIBUTION REFUNI	DS \$50,000
Other Disbursements	<b>\$0</b>
TOTAL DISBURSEMENTS	\$278,922
III. CASH SUMMARY	\$51,845 <b>△</b>
Beginning Cash On Hand	\$0
Ending Cash On Hand	\$51,845
Net Contributions	-\$10,022
Net Operating Expenditures	\$228,922
Debts/Loans Owed By	\$29 <b>0,7</b> 90
Debts/Loans Owed To	\$0

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From: 05/15/2013       To: 09/30/2013         I. RECEIPTS       \$245,698         Itamized Individual Contributions       \$60,898         Uniterrized Individual Contributions       \$600         Total Individual Contributions       \$81,498         Party Committees Contributions       \$0         Other Committees Contributions       \$0         Candidate Contributions       \$0         ToTAL CONTRIBUTIONS       \$81,498         Transfers from Authorized Committees       \$0         Candidate Loans       \$0         Cher Loans       \$0         Offsets to Operating Expenditures       \$157,000         Offsets to Operating Expenditures       \$245,698         IL DISBURSEMENTS       \$245,698         IL DISBURSEMENTS       \$217,000         Candidate Loan Repayments       \$7,200         Other Receipts       \$0         Tortal RECEIPTS       \$217,000         IL DISBURSEMENTS       \$27,200         Candidate Loan Repayments       \$0         Tortal LOAN REPAYMENTS       \$7,200         Individual Refunds       \$0         Tortal LOAN REPAYMENTS       \$1,000         Polical Party Refunds       \$0         Tortal CONTRIBUTION REFUNDS	FINANCIAL SUMMARY - 2013 October Quarterly	
Itemized Individual Contributions\$80,898Uniterrized Individual Contributions\$600Total Individual Contributions\$0Perty Committees Contributions\$0Other Committees Contributions\$0Candidate Contributions\$0TorTAL CONTRIBUTIONS\$81,498Transfers from Authorized Committees\$0Cher Committees\$0Cher Committees\$0Candidate Loans\$157,000Other Loans\$157,000Offsets to Operating Expenditures\$7,200Offsets to Operating Expenditures\$0TOTAL RECEIPTS\$245,698IL DISBURSEMENTS\$217,000Other Loan Repayments\$0Tortal LOAN REPAYMENTS\$1,000Other Loan Repayments\$0Operating Expenditures\$208,800Transfers To Authorized Committees\$0Candidate Loan Repayments\$1,000Other Loan Repayments\$1,000Other Committee Repayments\$0TOTAL LOAN REPAYMENTS\$1,000Other Committee Refunds\$0TOTAL CONTRIBUTION REFUNDS\$1,000Other Disbursements\$0TOTAL DISBURSEMENTS\$217,000III. CASH SUMMARY\$28,697Beginning Cash On Hand\$28,697Reginning Cash On Hand\$28,697Net Contributions\$80,498Net Operating Expenditures\$201,600Debts/Loans Owed By\$149,600	From: 05/15/2013 To: 09/30/2013	
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# Augusta candidate Eugene Yu took \$50,000 in prohibited donations

By Russ Bynum

### Associated Press

Monday, March 10, 2014

SAVANNAH, Ga. — Running his first race for Congress, Eugene Yu found a generous supporter in his friend and fellow Augusta businessman Wayne B. Brown. Last summer and fall, Brown and his company gave the Republican candidate \$54,500 for his campaign.

The problem is that's far more cash than the \$5,200 limit one person can legally give a single candidate seeking federal office. Yu had to refund \$50,000 of the money given to his U.S. Senate campaign. He abandoned that race to run for a U.S. House seat in eastern Georgia.

"This is the first time I'm running in an election," Yu said in a phone interview Monday. "If anything, it was an honest mistake."

Fundraising reports filed with the Federal Election Commission show Yu's campaign waited three months to disclose the prohibited contributions. Instead, the campaign reported most of the cash as a \$45,000 personal loan.

"It looks more sketchy because it raises a question of whether or not the candidate was trying to conceal the contribution," said Sheila Krumholz, the executive director of the Center for Responsive Politics, a nonprofit and nonpartisan organization that tracks money in politics. "He took this large sum of money and passed it off as money from his own pocket."

Both the candidate and his donor said they weren't trying to deceive anybody. They said Brown owed Yu money for his share of a real-estate investment, and the money was deposited into the candidate's campaign account to help his largely self-funded race.

"Eugene had already paid for the property so I was reimbursing him for my share," Brown wrote in an e-mail Monday. "Since it was his money, it was deposited in the campaign account as a contribution from him which is correct but not transparent."

A political newcomer, the 58-year-old Yu of Evans remains an active player in the 2014 elections even after exiting his Senate campaign. Last week, Yu signed up for a five-way primary race for the GOP nomination to oppose Democratic Rep. John Barrow in Georgia's 12th District.

Yu's campaign could face fines if FEC auditors find there were fundraising violations. The FEC gives candidates grace periods of up to 60 days to refund or otherwise make right excessive or prohibited contributions.

Yu's campaign had most of its money from Brown for longer than that. The FEC doesn't disclose the status of investigations until they're resolved.

Yu came to the area as a teenager when his South Korean parents immigrated here. He's a former military policeman and ex-sheriff's deputy who's now retired from his now-defunct company that refurbished military trucks returning from overseas deployments. Yu also served as president of a major Korean-American lobbying association before launching his first political campaign last year.

Yu's newcomer status made him a longshot in the race for Georgia's open Senate seat, where the crowded Republican field includes three sitting congressmen. But Yu also poured more than \$447,000 of his own money into the Senate race. A continued willingness to self-finance could make him tough to ignore, even as a latecomer, in the GOP primary for Barrow's seat.

Still, Yu hasn't been terribly successful raising money from supporters. In the last six months of 2013, the

candidate raised just \$121,475 from outside donors. The \$50,000 Yu ended up returning, after reporting the money as prohibited contributions, equaled 41 cents of every dollar he raised.

Brown owns an Augusta company, WayneWorks, that manages a range of business ventures from real estate to custom embroidery services to exotic charter-boat vacations. Yu says he and Brown have been friends for 15 years or more. Spending reports show Brown is also the campaign's landlord, renting Yu space at his company's office park for \$100 a month.

Yu's fundraising reports show Brown gave his Senate campaign \$4,900 in July. Brown's wife chipped in another \$5,200. Both contributions were within legal limits. Yu's campaign disclosed them in its quarterly report filed Oct. 14.

The same fundraising report says Yu loaned the campaign \$202,000 of his own money during the same quarter from July through September. Three months later, his campaign filed an amended report that reduced the amount of Yu's personal loan by \$45,000.

What happened to that money? It showed up in the amended report as previously undisclosed contributions from Brown and his company. Brown gave the campaign \$30,000 in two different payments in August and September - putting him well past the legal donation limit. A \$15,000 contribution attributed to WayneWorks was received by Yu's campaign Aug. 19. Corporations are prohibited from giving money to individual candidates.

Yu's last Senate fundraising report, filed Jan. 30, shows Brown gave the campaign a final \$5,000 in October – bringing the total amount of prohibited money to \$50,000. The same report says Yu refunded the money on Nov. 18, nearly two months before any of the excessive donations were disclosed to federal regulators.

#### Back to Top

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# Source of Yu funds remain a mystery

By Waiter C. Jones Mosris News Service Priday, May.9, 2014 8:07 PM Last updated Saturday, May 10, 2014 12:05 AM ATLANTA - The source of funds.

ATLANTA — The source of funds that U.S. House candidate Eugene Yu has funneled into his campaign remain a mystery, and his campaign is not returning requests for comment.

Yu, who is in second place in the Republican race in the 12th District according to the latest poll, had loaned his campaign more than \$736,000 as of April 30. But he did not list that much in liquid assets on his personal financial disclosure, and the income from his investments are a fraction of that amount.

After declaring bankruptcy in 2007, he might not be the model applicant for a bank, although he did list bank mortgages on his home and an Atlanta condo. The residence already had a second mortgage before he started his Senate campaign and later switched to the U.S. House race in the 12th District.

"I hope that Mr. Yu will operate with full disclosure and explain how he was able to loan his campaign over \$700,000," said William Perry, the executive director of the government-watchdog advocacy Common Cause of Georgia.

Yu, reached by phone Thursday, referred all financial questions to his campaign chairman, Wayne Brown. Brown has not returned messages left Thursday and Friday at the campaign; at his corporation, WayneWorks LLC; or at the telephone number Yu supplied for him.

WayneWorks gave \$15,000 to the campaign in August even though federal law prohibits congressional candidates from accepting corporate donations. The campaign cashed the check instead of refusing it, even though it is in the same building as the company.

Federal election rules say that if a corporate gift is received, the campaign must refund it within 30 days of discovery, but the Yu campaign exceeded that period and appeared to have used the funds based on expenditures and the cash on hand at the time.

"They should have known that it was an illegal, corporate contribution," said Bryan Tyson, a campaign attorney with Strickland, Brockington & Lewis.

The campaign lists its address as the corporate offices of WayneWorks but reported only token "rent and postage" for it, even though federal candidates must pay the fair-market rate to corporate landlords to avoid accepting discounted rent as a contribution.

Brown personally contributed more than the legal limit to the campaign, and the campaign was slow in refunding him, according to his campaign reports filed with the Federal Election Commission.

Yu's financial disclosure included no more than \$50,000 in cash in a money market account.

"I think it is reason to be skeptical. If you don't have liquid assets and all of a sudden you have liquid assets," Tyson said.

Campaign finance lawyer Stefan Passantino, the head of the political law team at McKenna Long & Aldridge, notes that Yu is not required to update his personal financial disclosure form because he filed it less than 12 months ago. So there is no reason for him to disclose any personal loans he might have gotten or the source until next year.

"I don't know any facts that would indicate there was wrongdoing here," he said.

Yu has an office building on Bertram Road that he rents for \$100,000 yearly at most. The value of the building

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is between \$1 million to \$5 million on the federal forms, which don't require more precise figures.

He lists stock in two companies, one of which has effectively folded. The other was listed at no more than \$250,000.

"I don't really consider that a lot of assets," said Kent Balch, a veteran financial planner with First Fidelity Financial Group. "His ace in the hole could be that building. If he could sell it at any given moment, somebody might lend on that."

Repaying it could be difficult because a 5-year loan at current rates on that amount would total 60 percent more than he lists as income from the rent and his other investments.

If Yu got a loan, it could only be for personal reasons and not simply to fuel the campaign through the back door, according to Tyson. The same with anyone making an outright gift to him personally, although there is no limit on what a candidate can lend or give to his or her own campaign.

The motives for making a loan or gift directly to a candidate could spur the curiosity the Department of Justice's Public Integrity Section, which is charged with policing what are known as straw donors. Those could be put to rest if Yu has written arrangements or documentation of long-standing personal connections to his funding source.

Back to Top

# Exhibit B

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Filing ID #10000245



# FINANCIAL DISCLOSURE REPORT

Clerk of the House of Representatives • Legislative Resource Center • B-106 Cannon Building • Washington, DC 20515

# **FILER INFORMATION**

Name:	Eugene Chin Yu
Status:	<b>Congressional Candidate</b>
State/District	GA12

# **FILING INFORMATION**

Filing Type:	<b>Candidate Report</b>
Filing Year:	2014
Filing Date:	03/26/2014

# SCHEDULE A: ASSETS AND "UNEARNED" INCOME

Asset	Owner	Value of Asset	Income Type(s)	Income Current Year to Filing	Income Preceding Year
Bertram Road Building/Land	JT	\$1,000,001 ~ \$5,000,000	Rent	\$50,001 - \$100,000	\$50,001 - \$100,000
LOCATION: Augusta/Richmond Court DESCRIPTION: 10,000 sq ft commerce					1 : :
Enspert Inc.	JT	\$100,001 - \$250,000	None		
Description: Korean Public Company Stock					
Green County Land	ŢŢ	\$250,001 - \$500,000	Noņe		
LOCATION: Greensboro/Greene County, GA, US					
Insprit Inc.	JT	\$1,000,001 - \$5,000,000	None		
DESCRIPTION: Korean Public Company Stock					
Peachtree St. Condo	ŢТ	\$250,001 - \$500,000	None		
LOCATION: Atlanta/Fulton County, GA, US					
Wells Fargo	JT	\$15,001 - \$50,000	Interest	\$1 - \$200	\$1 - \$200

Asset	<b>Owner Value of Asset</b>	Income Type(s)	Income Current Year to Filing
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# SCHEDULE C: EARNED INCOME

None disclosed.

# SCHEDULE D: LIABILITIES

Owner	Creditor	Date Incurred	Туре	Amount of Liability
JT	Suntrust Bank	Sept 2002	Home Mortgage	\$15,001 - \$50,000
JT	Suntrust Bank	Sept 2002	Condo Mortgage	\$15,001 - \$50,000
'JT	Wells Fargo Bank	April 2013	Home Equity Loan	\$15,001 - \$50,000

Income

**Preceding Year** 

# SCHEDULE E: POSITIONS

Position	Name of Organization
President	Federation of Korean Association USA

# SCHEDULE F: AGREEMENTS

None disclosed.

# SCHEDULE J: COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

None disclosed.

# **EXCLUSIONS OF SPOUSE, DEPENDENT, OR TRUST INFORMATION**

Trusts: Details regarding "Qualified Blind Trusts" approved by the Committee on Ethics and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or dependent child? Yes 
No

Exemption: Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?

# COMMENTS

# **CERTIFICATION AND SIGNATURE**

F I CERTIFY that the statements I have made on the attached Financial Disclosure Report are true, complete, and correct to the best of my knowledge and belief.

Digitally Signed: Eugene Chin Yu, 03/26/2014