

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7755
Cory Gardner; Cory Gardner for Senate)
and Lisa Lisker in her official capacity as)
treasurer; Moet Hennessy USA, Inc., in)
lieu of Krug Champagne (Maison Krug),)
LVMH Moet Hennessy; Louis Vutton,)
Inc.; LaForce Company)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 02, 2021, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-5 to:
 - a. Dismiss the allegation that Moët Hennessy USA, Inc. in lieu of Krug Champagne (Maison Krug) violated 52 U.S.C. §§ 30118(a) or 30121(a)(1) by making a prohibited in-kind contribution to Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer.
 - b. Dismiss the allegation that Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. §§ 30118(a) or 30121(a)(2) by accepting a prohibited in-kind contribution from Moët Hennessy USA, Inc. in lieu of Krug Champagne (Maison Krug).
 - c. Dismiss the Complaint as to LaForce Company.
 - d. Dismiss the allegation that Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. § 30114(b) by converting campaign funds to personal

Federal Election Commission
Certification for MUR 7755
December 2, 2021

Page 2

use pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

- e. Dismiss the allegation that Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to adequately disclose the payee of certain disbursements.
- f. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated January 29, 2021.
- g. Approve the appropriate letters.
- h. Close the file.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Broussard, Cooksey, Dickerson, Trainor, and Walther dissented.

2. Decided by a vote of 5-1 to:

- a. Dismiss the allegation that Moët Hennessy USA, Inc. in lieu of Krug Champagne (Maison Krug) violated 52 U.S.C. §§ 30118(a) or 30121(a)(1) by making a prohibited in-kind contribution to Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer.
- b. Dismiss the allegation that Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. §§ 30118(a) or 30121(a)(2) by accepting a prohibited in-kind contribution from Moët Hennessy USA, Inc. in lieu of Krug Champagne (Maison Krug).
- c. Dismiss the Complaint as to LaForce Company.
- d. Dismiss the allegation that Cory Gardner and Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. § 30114(b) by converting campaign funds to personal use.
- e. Dismiss the allegation that Cory Gardner for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to adequately disclose the payee of certain disbursements.

Federal Election Commission
Certification for MUR 7755
December 2, 2021

Page 3

- f. Approve the Factual and legal Analysis, as recommended in the First General Counsel's Report dated January 29, 2021, subject to the edits last circulated by Chair Broussard's Office on December 1, 2021 at 11:46 a.m., and further subject to the deletion of footnote 56.
- g. Approve the appropriate letters.
- h. Close the file.

Commissioners Broussard, Cooksey, Dickerson, Trainor, and Walther voted affirmatively for the decision. Commissioner Weintraub dissented.



December 8, 2021

Date

Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2021.12.08 11:39:46 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission