



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 30, 2023

VIA EMAIL

nick@federal-lawyer.com

Nick Oberheiden, Esq.

Oberheiden P.C.

440 Louisiana Street, Suite 200

Houston, TX 77002

RE: MUR 8047
Charles Gray, *et al.*

Dear Dr. Oberheiden:

On August 8, 2022, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (“the Act”). On March 28, 2023, the Commission found, on the basis of the information in the complaint and the information supplied by your clients, that there is (1) no reason to believe that Charles Gray violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by permitting his name to be used to effect contributions in the name of another or 52 U.S.C. § 30116(f) or 11 C.F.R. § 110.9 by knowingly accepting excessive contributions; and (2) no reason to believe that Citizens for Chuck Gray and Jean Kordenbrock in her official capacity as treasurer violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by knowingly accepting contributions made in the name of another or 52 U.S.C. § 30116(f) or 11 C.F.R. § 110.9 by knowingly accepting excessive contributions. Specifically, the Commission found that the source of Charles Gray’s loans to his principal campaign committee were his personal funds. 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 explains the Commission’s findings, is enclosed for your information.

MUR 8047 (Charles Gray, *et al.*)

Nick Oberheiden, Esq.

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If you have any questions, please contact Crystal Liu, the attorney assigned to this matter, at (202) 694-1273.

Sincerely,

Mark Shonkwiler

Mark Shonkwiler
Assistant General Counsel

Enclosure:

Factual and Legal Analysis



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 30, 2023

VIA EMAIL

jan@wyomingradio.com

Jan Charles Gray
PO Box 446
Custer, SD 57730-0446

RE: MUR 8047
Jan Charles Gray

Dear Mr. Gray:

On August 8, 2022, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (“the Act”). On March 28, 2023, the Commission found, on the basis of the information in the complaint and other available information, that there is no reason to believe that you violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by making contributions in the name of another or 52 U.S.C. § 30116(a) or 11 C.F.R. § 110.1(b) by making excessive contributions. Specifically, the Commission found that the source of Charles Gray’s loans to his principal campaign committee were his personal funds. 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 explains the Commission’s finding, is enclosed for your information.

If you have any questions, please contact Crystal Liu, the attorney assigned to this matter, at (202) 694-1273.

Sincerely,

Mark Shonkwiler

Mark Shonkwiler
Assistant General Counsel

Enclosure:
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENTS:** Charles Gray **MUR 8047**
4 Citizens for Chuck Gray and Jean Kordenbrock
5 in her official capacity as treasurer
6 Jan Charles Gray

7 **I. INTRODUCTION**

8 Charles Gray, a 2022 candidate for Wyoming’s at-large congressional district, reportedly
9 loaned \$298,318 of his personal funds to his principal campaign committee, Citizens for Chuck
10 Gray and Jean Kordenbrock in her official capacity as treasurer (the “Committee”).¹ Relying on
11 Gray’s financial disclosure reports to the House of Representatives, which were submitted after
12 the loans were issued, the Complaint argues that Gray lacked adequate income and assets to loan
13 the Committee \$298,318.² The Complaint alleges that Gray’s father, Jan Charles Gray, likely
14 provided the funds as he is an owner of a radio broadcasting station and contributed \$200,000 to
15 an independent expenditure-only political committee (“IEPOC”) that supported Gray.³ The
16 Complaint thus alleges that the candidate loans of \$298,318 were actually contributions from

¹ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00771071&contributor_name=charles+gray&two_year_transaction_period=2022 (last visited Feb. 16, 2023) (reflecting contributions from Gray to the Committee during the 2022 election cycle); Citizens for Chuck Gray, Amended Statement of Organization at 2-3 (Apr. 6, 2021), <https://docquery.fec.gov/pdf/876/202104069443069876/202104069443069876.pdf>; Charles Gray, Statement of Candidacy (Mar. 1, 2021), <https://docquery.fec.gov/pdf/633/202103019429233633/202103019429233633.pdf>.

² Compl. at 1-2 (Aug. 3, 2022); *see also Financial Disclosure Report*, CLERK OF H.R. (May 16, 2022), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10048920.pdf (reflecting Gray’s reported income from January 1, 2021, through April 30, 2022, and assets as of April 30, 2022); *Financial Disclosure Report*, CLERK OF H.R. (Aug. 13, 2021), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2021/10039676.pdf (reflecting Gray’s reported income from January 1, 2020, through July 20, 2021, and assets as of July 20, 2021).

³ Compl. at 2-4; *see also FEC Protect Wyoming Values PAC: Raising*, FEC.gov, <https://www.fec.gov/data/committee/C00777524/?tab=raising> (last visited Feb. 16, 2023) (reflecting that the only receipts received by the IEOPC Protect Wyoming Values PAC were two \$100,000 contributions from Jan Charles Gray).

1 Gray's father, made in the name of another, and that these contributions exceed the individual
2 contribution limit.⁴

3 In a joint response from Gray and the Committee, Gray represents that the source of the
4 funds underlying the loans was a 2017 liquidation of a trust, which predated the time period
5 covered by the House financial disclosure reports relied on by the Complaint, and a 2021
6 inheritance from his grandfather, Siegfried C. Ringwald, who died on December 19, 2020.⁵
7 Citing the House Ethics Committee's instruction guide on filing financial disclosure reports,
8 Gray states that he did not report the inheritance on the financial disclosure reports because
9 inheritances are not required to be reported.⁶ The instruction guide also provides that interest-
10 free loans owed to the candidate are not required to be reported.⁷

11 Because there is no evidence contrary to Gray's assertion that the source of the loans was
12 a liquidation of a trust and an inheritance from his grandfather, and the House financial
13 disclosure reports relied on by the Complaint are not required to include inheritances or interest-
14 free loans owed to the candidate and only reflect Gray's assets after he already made the loans to
15 the Committee, the Commission finds: (1) no reason to believe that Gray violated 52 U.S.C.
16 § 30122 or 11 C.F.R. § 110.4 by permitting his name to be used to effect contributions in the
17 name of another or 52 U.S.C. § 30116(f) or 11 C.F.R. § 110.9 by knowingly accepting excessive

⁴ Compl. at 4.

⁵ Charles Gray & Citizens for Chuck Gray Resp. at 2-3 (Oct. 20, 2022) (hereinafter "Resp."). Jan Charles Gray did not submit a response.

⁶ Resp. at 3 (citing *Financial Disclosure Statements and Periodic Transaction Reports*, H.R. COMM. ON ETHICS at 29 (2021), https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions_0.pdf).

⁷ *Financial Disclosure Statements and Periodic Transaction Reports*, H.R. COMM. ON ETHICS at 22, 24 (2021), https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions_0.pdf.

1 contributions; (2) no reason to believe that the Committee violated 52 U.S.C. § 30122 or
2 11 C.F.R. § 110.4 by knowingly accepting contributions made in the name of another or
3 52 U.S.C. § 30116(f) or 11 C.F.R. § 110.9 by knowingly accepting excessive contributions; and
4 (3) no reason to believe that Jan Charles Gray violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4
5 by making contributions in the name of another or 52 U.S.C. § 30116(a) or 11 C.F.R. § 110.1(b)
6 by making excessive contributions.

7 **II. FACTUAL BACKGROUND**

8 From approximately March 1, 2021, to September 14, 2021, Gray was a candidate for
9 Wyoming's at-large congressional district.⁸ Gray subsequently ran for Wyoming's Secretary of
10 State and was elected to that position on November 8, 2022.⁹

11 The Committee's disclosure reports provide that, between February 21, 2021, and
12 June 30, 2021, Gray loaned \$298,318 of his personal funds to the Committee.¹⁰ The bulk of the
13 loans consists of a \$125,000 loan dated March 31, 2021, and a \$165,000 loan dated June 30,
14 2021.¹¹ Gray did not charge interest on any of the loans.¹²

15 On August 13, 2021, Gray disclosed to the Clerk of the House of Representatives that, in
16 2020, he had an income of \$31,120 to \$31,920, and that from January 1, 2021, to July 20, 2021,

⁸ Charles Gray, Statement of Candidacy (Mar. 1, 2021), <https://docquery.fec.gov/pdf/633/202103019429233633/202103019429233633.pdf>; Resp. at 3 (explaining that Gray announced his candidacy on March 4, 2021, and suspended his campaign on September 14, 2021).

⁹ *Wyoming Secretary of State Election Results*, N.Y. TIMES (Nov. 9, 2022), <https://www.nytimes.com/interactive/2022/11/08/us/elections/results-wyoming-secretary-of-state.html>.

¹⁰ Citizens for Chuck Gray, 2022 October Quarterly Report at 9-20 (Oct. 15, 2022), <https://docquery.fec.gov/pdf/735/202210159532683735/202210159532683735.pdf> (reflecting the loans the Committee owes to Gray, none of which have been paid back).

¹¹ *Id.* at 18-20.

¹² *Id.* at 9-20. Gray made 10 other loans to the Committee from February 16, 2021, to June 30, 2021, totaling \$8,318. *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?committee_id=C00771071&two_year_transaction_period=2022&cycle=2022&line_number=F3-13A&data_type=processed (last visited Feb. 16, 2023) (reflecting the loans Gray made to the Committee).

1 he had an income \$19,624 to \$29,623.¹³ Gray also disclosed that, as of July 20, 2021, he had a
2 total of \$146,006 to \$416,000 in assets.¹⁴ No other transactions were disclosed.

3 Subsequently, on May 16, 2022, Gray disclosed to the Clerk of the House of
4 Representatives that, in 2021, he had an income of \$14,305 to \$24,304, and that from January 1,
5 2022, to April 30, 2022, he had an income of \$16,150 to \$26,149.¹⁵ Gray also disclosed that, as
6 of April 30, 2022, he had a total of \$147,006 to \$430,000 in assets.¹⁶ No other transactions were
7 disclosed.

8 In the Response, however, Gray states that he received two sums of money totaling
9 \$800,000 from his grandfather, Siegfried C. Ringwald, who passed away on December 19, 2020,
10 and that these were the source of the loans he made to the Committee.¹⁷ Specifically, Gray
11 received approximately \$250,000 from a family trust liquidated in 2017 that was set up by his
12 grandfather in 2017 or earlier, which predated the time period covered by the House financial
13 disclosure reports, and that this was the source of the \$125,000 loaned to the Committee on
14 March 30, 2021.¹⁸ Subsequently, between May 28, 2021, and June 1, 2021, Gray received
15 approximately \$550,000 from the liquidation of his grandfather's testamentary estate according
16 to his grandfather's will, and this was the source of the \$165,000 loaned to the Committee on

¹³ *Financial Disclosure Report*, CLERK OF H.R. (Aug. 13, 2021), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2021/10039676.pdf (reflecting Gray's reported income from January 1, 2020, through July 20, 2021, and assets as of July 20, 2021).

¹⁴ *Id.*

¹⁵ *Financial Disclosure Report*, CLERK OF H.R. (May 16, 2022), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10048920.pdf (reflecting Gray's reported income from January 1, 2021, through April 30, 2022, and assets as of April 30, 2022)

¹⁶ *Id.*

¹⁷ Resp. at 2-3; see Tammy McDuff, *Dean of Long Beach City College and President of Cerritos College*, LA MIRADA LAMPLIGHTER 2020 (Jan. 1, 2021), http://lmlamplighter.com/wp-content/uploads/2021/01/LM_1_01_21_w.pdf (only one page was available) (reflecting that Mr. Ringwald passed away on December 19, 2020).

¹⁸ Resp. at 2.

1 June 30, 2021.¹⁹ Gray states that he did not disclose the inheritance that he received in 2021 on
2 the House financial disclosure reports because inheritances are not required to be reported
3 according to the House Ethics Committee.²⁰

4 III. LEGAL ANALYSIS

5 A. The Commission Finds No Reason to Believe that the Underlying Source of 6 the Candidate Loans were not Gray's Personal Funds

7 During the 2021-2022 election cycle, individuals were limited to making \$2,900 in
8 contributions to each candidate per election.²¹ An exception to this rule is that a candidate may
9 make unlimited contributions to his or her own principal campaign committee from his or her
10 personal funds.²² Personal funds include, among other things, assets that the candidate had
11 “legal right of access to or control over” and either “[l]egal and rightful title” or “[a]n equitable
12 interest” when the individual became a candidate,²³ and income received during the election
13 cycle of the candidacy, including “[b]equests to the candidate.”²⁴ In addition, when making a
14 contribution, “[n]o person shall make a contribution in the name of another person or knowingly

¹⁹ *Id.* at 3.

²⁰ *Id.* (citing *Financial Disclosure Statements and Periodic Transaction Reports*, H.R. COMM. ON ETHICS at 29 (2021), https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions_0.pdf). Gray also states that “he personally consulted with House Ethics personnel who confirmed for him that this inheritance was not reportable.” *Id.*

²¹ 52 U.S.C. § 30116(a)(1), (f); 11 C.F.R. §§ 110.1(b)(1), 110.9; *Contribution limits for 2021-2022*, FEC.GOV, <https://www.fec.gov/updates/contribution-limits-2021-2022/> (last visited Feb. 16, 2023).

²² 11 C.F.R. § 110.10; *see also Buckley v. Valeo*, 424 U.S. 1, 54 (1976) (holding that the Act’s “restriction on a candidate’s personal expenditures is unconstitutional” as to his own campaign).

²³ 11 C.F.R. § 100.33(a).

²⁴ *Id.* § 100.33(b)(3). Income received during the election cycle of the candidacy that is also considered personal funds include salary and earned income from bona fide employment; income from stocks or investments or liquidation of such stocks or investments; income from trusts established before the beginning of the election cycle; income from trusts established by bequest after the beginning of the election cycle of which the candidate is a beneficiary; gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and gifts from lotteries and similar legal games of chance. *Id.* § 100.33(b).

1 permit his name to be used to effect such a contribution, and no person shall knowingly accept a
2 contribution made by one person in the name of another person.”²⁵

3 Furthermore, candidates for the House of Representatives are required to file financial
4 disclosure reports with the Clerk of the House of Representatives.²⁶ According to the House
5 Committee on Ethics, candidates are not required to disclose, in the assets section of the report,
6 loans owed to the candidate if no interest is being charged.²⁷ In addition, candidates are not
7 required to disclose, in the transactions section of the report, bequests or inheritances.²⁸ Thus, a
8 candidate may loan his principal campaign committee the proceeds from a bequest or inheritance
9 without disclosing either event on a financial disclosure report.

10 Here, the available facts indicate that the source of the funds underlying the \$298,318 in
11 candidate loans to the Committee were from Gray’s personal funds. According to the Response,
12 Gray received \$250,000 in 2017 from the liquidation of a trust.²⁹ Gray then received \$550,000
13 between May 28, 2021, and June 1, 2021, from the liquidation of his grandfather’s testamentary
14 estate according to his grandfather’s will.³⁰ Because the liquidation of the trust occurred before
15 Gray became a candidate, and Gray’s receipt of the \$550,000 was pursuant to a bequest, both are
16 considered his personal funds.³¹ Although Gray did not report receiving a \$550,000 inheritance

²⁵ 52 U.S.C. § 30122; *see also* 11 C.F.R. § 110.4(b).

²⁶ 5 U.S.C. § app. 4 § 101(c).

²⁷ *Financial Disclosure Statements and Periodic Transaction Reports*, H.R. COMM. ON ETHICS at 22 (2021), https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions_0.pdf (“Loans to a campaign committee must be disclosed if interest is being charged, including those situations where the interest is being passed through the filer to a bank or other financial institution”); *id.* at 24 (providing that “[d]ebts owed to you for which you are not charging interest” are not required to be disclosed).

²⁸ *Id.* at 29.

²⁹ Resp. at 2.

³⁰ *Id.* at 3.

³¹ *See* 11 C.F.R. § 100.33(a), (b)(3).

1 from his grandfather in either his August 13, 2021, or May 16, 2022 House financial disclosure
2 reports,³² he was not required to do so according to the guidance issued by the House Ethics
3 Committee.³³ To the extent that Gray's assets as disclosed did not appear to encompass the
4 \$298,318 he loaned to the Committee, the assets as reported only reflect Gray's assets after he
5 made the loans.³⁴ Moreover, the loans were not required to be disclosed on the House financial
6 disclosure reports as he did not charge the Committee any interest.³⁵

7 Because the available evidence indicates that Gray used his personal funds to loan the
8 Committee \$298,318, and there is no evidence to the contrary, the Commission finds: (1) no
9 reason to believe that Gray violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by permitting his
10 name to be used to effect contributions in the name of another or 52 U.S.C. § 30116(f) or
11 11 C.F.R. § 110.9 by knowingly accepting excessive contributions; (2) no reason to believe that
12 the Committee violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by knowingly accepting
13 contributions made in the name of another or 52 U.S.C. § 30116(f) or 11 C.F.R. § 110.9 by
14 knowingly accepting excessive contributions; and (3) no reason to believe that Jan Charles Gray
15 violated 52 U.S.C. § 30122 or 11 C.F.R. § 110.4 by making contributions in the name of another
16 or 52 U.S.C. § 30116(a) or 11 C.F.R. § 110.1(b) by making excessive contributions.

³² *Financial Disclosure Report*, CLERK OF H.R. (May 16, 2022), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2022/10048920.pdf (reflecting Gray's reported income from January 1, 2021, through April 30, 2022, and assets as of April 30, 2022); *Financial Disclosure Report*, CLERK OF H.R. (Aug. 13, 2021), https://disclosures-clerk.house.gov/public_disc/financial-pdfs/2021/10039676.pdf (reflecting Gray's reported income from January 1, 2020, through July 20, 2021, and assets as of July 20, 2021).

³³ *Financial Disclosure Statements and Periodic Transaction Reports*, H.R. COMM. ON ETHICS at 29 (2021), https://ethics.house.gov/sites/ethics.house.gov/files/documents/FINAL%202021%20FD%20Instructions_0.pdf.

³⁴ *Supra* note 32. In addition, Gray reported having a total of \$146,006 to \$416,000 in assets as of July 20, 2021, which could encompass the \$298,318 in loans that he made to the Committee.

³⁵ *Supra* notes 10, 27.