

**FEDERAL ELECTION COMMISSION**

**FIRST GENERAL COUNSEL'S REPORT**

MUR 8284

DATE COMPLAINT FILED:	July 9, 2024
DATE OF NOTIFICATIONS:	July 15, 2024
LAST RESPONSE RECEIVED:	July 29, 2024
DATE ACTIVATED:	Oct. 24, 2024
EXPIRATION OF SOL:	Jan. 1, 2028 - Mar. 31, 2029
ELECTION CYCLE:	2024

**COMPLAINANT:** Foundation for Accountability and Civic Trust

**RESPONDENTS:** GWEN PAC and Brenda Moore in her official capacity as treasurer  
Gwen Moore

<b>RELEVANT STATUTES AND REGULATIONS:</b>	52 U.S.C. § 30104(i)(8)(B) 52 U.S.C. § 30114(a), (b) 11 C.F.R. § 100.5(e)(6) 11 C.F.R. § 113.1(g)
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**INTERNAL REPORTS CHECKED:** Disclosure Reports

**FEDERAL AGENCIES CHECKED:** None

## I. INTRODUCTION

The Complaint in this matter alleges that U.S. Representative Gwen Moore and her leadership PAC, Giving Willingly Empowering Nationally PAC and Brenda Moore in her official capacity as treasurer (“GWEN PAC”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by being a “scam PAC.”<sup>1</sup> The Complaint asserts that at least 79% of GWEN PAC’s 2024 election cycle spending has been for operating expenditures and that only 5% of

<sup>1</sup> The Complaint presents essentially the same allegation from the same complainant who filed the complaint against GWEN PAC in MUR 8164. In such circumstances, the Office of General Counsel ordinarily will treat the more recent filing as an amended complaint or a supplement. However, in this matter, the Commission did not receive the Complaint until after it had already voted to dismiss the same allegation and close the file in MUR 8164.

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1 GWEN PAC's total expenditures have been for contributions. The Response denies that GWEN  
 2 PAC is a scam PAC.

3 We recommend that the Commission dismiss the allegation that Gwen Moore and GWEN  
 4 PAC violated 52 U.S.C. § 30114 by converting leadership PAC funds to personal use.

5 **II. FACTUAL BACKGROUND**

6 GWEN PAC is the leadership PAC of U.S. Representative Gwen Moore.<sup>2</sup> Gwen Moore  
 7 is GWEN PAC's honorary chair, and Gwen Moore's sister, Brenda Moore, is the treasurer.<sup>3</sup> Its  
 8 self-declared mission is to "support and elect progressive Democratic candidates for public  
 9 office."<sup>4</sup> GWEN PAC filed as a multicandidate committee on July 18, 2010.<sup>5</sup>

10 The Complaint alleges that GWEN PAC is a scam PAC because it spent the  
 11 overwhelming majority of its funds on operating expenses rather than on supporting candidates  
 12 and causes.<sup>6</sup> The Complaint states that for the 2024 election cycle thus far, only 5% of GWEN  
 13 PAC's spending went to support political committees or political organizations (\$14,500 out of  
 14 \$288,023.82).<sup>7</sup> The Complaint also claims that 79% of GWEN PAC's 2024 cycle disbursements  
 15 were for operating expenditures, with "virtually all" of its most recent disbursements being for  
 16 "consulting services, office supplies, restaurants, groceries and alcohol, travel, gifts, and

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<sup>2</sup> Giving Willingly Empowering Nationally (GWEN) PAC, Statement of Organization (Aug. 29, 2023), <https://docquery.fec.gov/pdf/589/202308299596851589/202308299596851589.pdf>.

<sup>3</sup> *Id.*; *The Chair*, GWENPAC GIVING WILLINGLY EMPOWERING NATIONALLY, <https://www.gwenpac.com/the-chair/> (last visited Nov. 19, 2024).

<sup>4</sup> *About*, GWENPAC GIVING WILLINGLY EMPOWERING NATIONALLY, <https://www.gwenpac.com/about-us/#top> (last visited Nov. 19, 2024).

<sup>5</sup> Giving Willingly Empowering Nationally (GWEN) PAC, Notification of Multicandidate Status (July 18, 2010), <https://docquery.fec.gov/pdf/466/10990930466/10990930466.pdf>.

<sup>6</sup> Compl. at 4-6 (July 9, 2024).

<sup>7</sup> *Id.* at 4. The Complaint considers calendar year 2023 and 2024 the 2024 election cycle. *Id.* at 4 n.9.

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1 rideshare services.”<sup>8</sup> The Complaint does not specify a provision of the Act that GWEN PAC  
 2 allegedly violates by spending a small portion of its funds to advance its stated mission but rather  
 3 makes a general argument that GWEN PAC is acting fraudulently.

4 The Response denies that GWEN PAC is a scam PAC.<sup>9</sup> While acknowledging that the  
 5 Department of Justice has prosecuted persons associated with political committees for fraud, the  
 6 Response argues that GWEN PAC fails to meet the FBI’s definition of a scam PAC because it is  
 7 engaged in “legitimate fundraising and political activity.”<sup>10</sup> The Response also argues that  
 8 neither the Act nor Commission regulations address the concept of a scam PAC and that the  
 9 Commission has never established a minimum percentage that leadership PACs must spend on  
 10 contributions to any type of political committee.<sup>11</sup> The Response further questions the  
 11 Complaint’s reliance on the percentage of funds spent on contributions, noting that leadership  
 12 PAC spending as a general matter is varied, and may include spending more funds on operating  
 13 expenditures in “off-years” than election years.<sup>12</sup>

14 **III. LEGAL ANALYSIS**

15 The Act and Commission regulations define a “leadership PAC” as a political committee  
 16 that is directly or indirectly established, financed, maintained, or controlled by a candidate for  
 17 federal office or an individual holding federal office, but which is not an authorized committee of  
 18 the candidate or individual and which is not affiliated with an authorized committee of the

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8 *Id.* at 4-5.

9 *Id.* at 3.

10 *Id.* at 4 (quoting FBI, *Election Crimes and Security – Scam PACs*, <https://www.fbi.gov/how-we-can-help-you/safety-resources/scams-and-safety/common-scams-and-crimes/electioncrimes-and-security> (defining “scam PAC” as “fraudulent political action committee[] designed to reroute political contributions for personal financial gain.”)).

11 *Id.* at 5

12 *Id.* at 4-5 (citing chart at exhibit 2).

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1 candidate or individual.<sup>13</sup> Although a leadership PAC may be associated with a particular  
 2 candidate, a leadership PAC is not legally affiliated with the candidate's principal campaign  
 3 committee and is treated as a non-connected committee.<sup>14</sup>

4       A leadership PAC can qualify as a multicandidate committee. A multicandidate  
 5 committee is a political committee that (1) has been registered with the Commission for at least  
 6 six months; (2) has received contributions from more than 50 persons; and (3) has made  
 7 contributions to at least five federal candidates.<sup>15</sup> A committee shall certify to the Commission  
 8 that it has satisfied the criteria for becoming a multicandidate committee by filing an FEC Form  
 9 1M (Notification of Multicandidate Status) with the Commission within 10 days of the date that  
 10 the committee meets these criteria.<sup>16</sup> Once qualified as such, a multicandidate committee may  
 11 give a candidate up to \$5,000 per election and can receive up to \$5,000 per calendar year per  
 12 contributor.<sup>17</sup> A multicandidate committee that makes a contribution is required to notify the  
 13 recipient in writing of its status as a multicandidate committee.<sup>18</sup>

14       The Act and Commission regulations prohibit two types of fraudulent conduct, they  
 15 prohibit: (1) a candidate or their employees or agents from fraudulently misrepresenting  
 16 themselves or any committee or organization under their control from speaking, writing or  
 17 otherwise acting on behalf of another candidate or political party committee on a matter which is  
 18 damaging to such other candidate or political party; and (2) any person from fraudulently

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<sup>13</sup>       52 U.S.C. § 30104(i)(8)(B); 11 C.F.R. § 100.5(g)(4).

<sup>14</sup>       11 C.F.R. § 100.5(g)(4); *Final Rules and Explanation and Justification on Leadership PACs*, 68 Fed. Reg. 67013 (Dec. 1, 2003).

<sup>15</sup>       52 U.S.C. § 30116(a)(4); 11 C.F.R. § 100.5(e)(3).

<sup>16</sup>       11 C.F.R. § 102.2(a)(3).

<sup>17</sup>       *Id.* §§ 110.1(d), 110.2(b).

<sup>18</sup>       *Id.* § 110.2(a)(2).

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1 misrepresenting themselves as speaking, writing, or otherwise acting for or on behalf of any  
 2 candidate or political party for the purpose of soliciting contributions.<sup>19</sup> The Act and Commission  
 3 regulations also provide that no person shall willfully and knowingly participate in or conspire to  
 4 participate in such conduct.<sup>20</sup>

5 The Commission's decision in MUR 8164 (GWEN PAC, *et al.*) — which involved a  
 6 complaint by the same complainant making essentially the same allegation against GWEN PAC  
 7 that is at issue in this matter — resolves this case. There, the Commission stated that “[n]o  
 8 provision of the Act or Commission regulations regulates the percentage of funds of a leadership  
 9 PAC that may be devoted to operating expenditures.”<sup>21</sup> The Commission concluded in MUR 8164  
 10 that the alleged conduct (*i.e.*, the majority of GWEN PAC's reported disbursements being for  
 11 operating expenditures) “is not prohibited by the Act or Commission regulations.”<sup>22</sup> The  
 12 Complaint's allegation with respect to the percentage of GWEN PAC's spending on operating  
 13 expenditures does not constitute a violation of the Act or Commission regulations. Therefore, we  
 14 recommend that the Commission dismiss the allegation that Gwen Moore and GWEN PAC  
 15 violated 52 U.S.C. § 30114 by converting leadership PAC funds to personal use.

16 **IV. RECOMMENDATIONS**

17 1. Dismiss the allegation that Gwen Moore and GWEN PAC and Brenda Moore in  
 18 her official capacity as treasurer violated 52 U.S.C. § 30114 by converting  
 19 leadership PAC funds to personal use;  
 20  
 21 2. Approve the attached Factual and Legal Analysis;  
 22  
 23 3. Approve the appropriate letters; and  
 24

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<sup>19</sup> 52 U.S.C. § 30124(a)(1), (b)(1); 11 C.F.R. § 110.16(a)(1), (b)(1).

<sup>20</sup> 52 U.S.C. § 30124(a)(2), (b)(3); 11 C.F.R. § 110.16(a)(2), (b)(2).

<sup>21</sup> F&LA at 1, MUR 8164 (GWEN PAC, *et al.*)

<sup>22</sup> *Id.* at 4 (citing F&LA at 1-2, 6, MUR 6641 (CAPE PAC, *et al.*)).

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1           4.     Close the file.  
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Date

Lisa J. Stevenson  
Acting General Counsel



Claudio J. Pavia  
Deputy Associate General Counsel for  
Enforcement

Aaron Rabinowitz

Aaron Rabinowitz  
Assistant General Counsel

Christopher S. Curran

Christopher S. Curran  
Attorney

Attachment:

1. Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** GWEN PAC and Brenda Moore in her official capacity as treasurer  
Gwen Moore

## I. INTRODUCTION

10 The Complaint in this matter alleges that U.S. Representative Gwen Moore and her  
11 leadership PAC, Giving Willingly Empowering Nationally PAC and Brenda Moore in her official  
12 capacity as treasurer (“GWEN PAC”), violated the Federal Election Campaign Act of 1971, as  
13 amended (the “Act”), by being a “scam PAC.” The Complaint asserts that at least 79% of GWEN  
14 PAC’s 2024 election cycle spending has been for operating expenditures and that only 5% of  
15 GWEN PAC’s total expenditures have been for contributions. The Response denies that GWEN  
16 PAC is a scam PAC.

17 The Commission dismisses the allegation that Gwen Moore and GWEN PAC violated  
18 52 U.S.C. § 30114 by converting leadership PAC funds to personal use.

## 19 II. FACTUAL BACKGROUND

20 GWEN PAC is the leadership PAC of U.S. Representative Gwen Moore.<sup>1</sup> Gwen Moore  
21 is GWEN PAC's honorary chair, and Gwen Moore's sister, Brenda Moore, is the treasurer.<sup>2</sup> Its

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<sup>8</sup>       Resp. at 3.

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<sup>10</sup> *Id.* at 5

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<sup>18</sup>       52 U.S.C. § 30124(a)(1), (b)(1); 11 C.F.R. § 110.16(a)(1), (b)(1).

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