



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

February 7, 2025

VIA EMAIL

Neil Reiff
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.
1099 Vermont Ave. NW, Ste. 250
Washington, DC 20005
reiff@sandlerreiff.com

RE: MUR 8284 (GWEN PAC, *et al.*)

Dear Mr. Reiff:

On July 15, 2024, the Federal Election Commission (the "Commission") notified your clients Gwen Moore and GWEN PAC and Brenda Moore, in her official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you on your clients' behalf, the Commission, on January 8, 2025, voted to dismiss the allegation that Gwen Moore and GWEN PAC and Brenda Moore, in her official capacity as treasurer, violated 52 U.S.C. § 30114(b) by converting contributions to personal use. Also on January 8, 2025, the Commission voted to close the file effective today.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Christopher Curran, the attorney assigned to this matter, at (202) 694-1362.

Sincerely,

Aaron Rabinowitz

Aaron Rabinowitz
Assistant General Counsel

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: GWEN PAC and Brenda Moore in her official capacity as treasurer
Gwen Moore **MUR:** 8284

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.” 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 GWEN PAC’s total expenditures have been for contributions. The Response denies that GWEN PAC is a scam PAC.

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

II. FACTUAL BACKGROUND

GWEN PAC is the leadership PAC of U.S. Representative Gwen Moore.¹ Gwen Moore is GWEN PAC’s honorary chair, and Gwen Moore’s sister, Brenda Moore, is the treasurer.² Its

¹ Giving Willingly Empowering Nationally (GWEN) PAC, Statement of Organization (Aug. 29, 2023), <https://docquery.fec.gov/pdf/589/202308299596851589/202308299596851589.pdf>.

² *Id.*; *The Chair*, GWENPAC GIVING WILLINGLY EMPOWERING NATIONALLY, <https://www.gwenpac.com/the-chair/> (last visited Nov. 19, 2024).

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Factual and Legal Analysis

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1 self-declared mission is to “support and elect progressive Democratic candidates for public
2 office.”³ GWEN PAC filed as a multicandidate committee on July 18, 2010.⁴

3 The Complaint alleges that GWEN PAC is a scam PAC because it spent the
4 overwhelming majority of its funds on operating expenses rather than on supporting candidates
5 and causes.⁵ The Complaint states that for the 2024 election cycle thus far, only 5% of GWEN
6 PAC’s spending went to support political committees or political organizations (\$14,500 out of
7 \$288,023.82).⁶ The Complaint also claims that 79% of GWEN PAC’s 2024 cycle disbursements
8 were for operating expenditures, with “virtually all” of its most recent disbursements being for
9 “consulting services, office supplies, restaurants, groceries and alcohol, travel, gifts, and
10 rideshare services.”⁷ The Complaint does not specify a provision of the Act that GWEN PAC
11 allegedly violates by spending a small portion of its funds to advance its stated mission but rather
12 makes a general argument that GWEN PAC is acting fraudulently.

13 The Response denies that GWEN PAC is a scam PAC.⁸ While acknowledging that the
14 Department of Justice has prosecuted persons associated with political committees for fraud, the
15 Response argues that GWEN PAC fails to meet the FBI’s definition of a scam PAC because it is

³ *About, GWENPAC GIVING WILLINGLY EMPOWERING NATIONALLY*, <https://www.gwenpac.com/about-us/#top> (last visited Nov. 19, 2024).

⁴ Giving Willingly Empowering Nationally (GWEN) PAC, Notification of Multicandidate Status (July 18, 2010), <https://docquery.fec.gov/pdf/466/10990930466/10990930466.pdf>.

⁵ Compl. at 4-6 (July 9, 2024).

⁶ *Id.* at 4. The Complaint considers calendar year 2023 and 2024 the 2024 election cycle. *Id.* at 4 n.9.

⁷ *Id.* at 4-5.

⁸ Resp. at 3.

engaged in “legitimate fundraising and political activity.”⁹ The Response also argues that neither the Act nor Commission regulations address the concept of a scam PAC and that the Commission has never established a minimum percentage that leadership PACs must spend on contributions to any type of political committee.¹⁰ The Response further questions the Complaint’s reliance on the percentage of funds spent on contributions, noting that leadership PAC spending as a general matter is varied, and may include spending more funds on operating expenditures in “off-years” than election years.¹¹

III. LEGAL ANALYSIS

The Act and Commission regulations define a “leadership PAC” as a political committee that is directly or indirectly established, financed, maintained, or controlled by a candidate for federal office or an individual holding federal office, but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual.¹² Although a leadership PAC may be associated with a particular candidate, a leadership PAC is not legally affiliated with the candidate’s principal campaign committee and is treated as a non-connected committee.¹³

⁹ *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.”)).

¹⁰ *Id.* at 5

¹¹ *Id.* at 4-5 (citing chart at exhibit 2).

¹² 52 U.S.C. § 30104(i)(8)(B); 11 C.F.R. § 100.5(g)(4).

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

A leadership PAC can qualify as a multicandidate committee. A multicandidate committee is a political committee that (1) has been registered with the Commission for at least six months; (2) has received contributions from more than 50 persons; and (3) has made contributions to at least five federal candidates.¹⁴ A committee shall certify to the Commission that it has satisfied the criteria for becoming a multicandidate committee by filing an FEC Form 1M (Notification of Multicandidate Status) with the Commission within 10 days of the date that the committee meets these criteria.¹⁵ Once qualified as such, a multicandidate committee may give a candidate up to \$5,000 per election and can receive up to \$5,000 per calendar year per contributor.¹⁶ A multicandidate committee that makes a contribution is required to notify the recipient in writing of its status as a multicandidate committee.¹⁷

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

¹⁴ 52 U.S.C. § 30116(a)(4); 11 C.F.R. § 100.5(e)(3).

¹⁵ 11 C.F.R. § 102.2(a)(3).

¹⁶ *Id.* §§ 110.1(d), 110.2(b).

¹⁷ *Id.* § 110.2(a)(2).

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

1 regulations also provide that no person shall willfully and knowingly participate in or conspire to
2 participate in such conduct.¹⁹

3 The Commission’s decision in MUR 8164 (GWEN PAC, *et al.*) — which involved a
4 complaint by the same complainant making essentially the same allegation against GWEN PAC
5 that is at issue in this matter — resolves this case. There, the Commission stated that “[n]o
6 provision of the Act or Commission regulations regulates the percentage of funds of a leadership
7 PAC that may be devoted to operating expenditures.”²⁰ The Commission concluded in MUR 8164
8 that the alleged conduct (*i.e.*, the majority of GWEN PAC’s reported disbursements being for
9 operating expenditures) “is not prohibited by the Act or Commission regulations.”²¹ The
10 Complaint’s allegation with respect to the percentage of GWEN PAC’s spending on operating
11 expenditures does not constitute a violation of the Act or Commission regulations. Therefore, the
12 Commission dismisses the allegation that Gwen Moore and GWEN PAC violated 52 U.S.C.
13 § 30114 by converting leadership PAC funds to personal use

¹⁹ 52 U.S.C. § 30124(a)(2), (b)(3); 11 C.F.R. § 110.16(a)(2), (b)(2).

²⁰ F&LA at 1, MUR 8164 (GWEN PAC, *et al.*)

²¹ *Id.* at 4 (citing F&LA at 1-2, 6, MUR 6641 (CAPE PAC, *et al.*)).