

FEDERAL ELECTION COMMISSION

In the matter of:

Herschel Walker
HR Talent, LLC

MUR _____

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington (“CREW”) brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against Herschel Walker and HR Talent, LLC, for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. Newly released email correspondence, authenticated by the Daily Beast, shows that, in 2022, Herschel Walker, a Republican candidate for the U.S. Senate in the 2022 Georgia election, solicited \$700,000 in contributions from Dennis Washington to support his campaign.

3. Those contributions far exceeded the legal limits on contributions.

4. Mr. Walker exhibited an understanding that the solicited contributions exceeded legal limits, noting that only a fraction of the \$700,000 could go directly to Mr. Walker’s joint fundraising committee. He requested that the additional \$624,400 be sent directly to a company he established and controlled called HR Talent, LLC.

5. The released email correspondence indicates Mr. Washington made transfers of approximately \$600,000. FEC records confirm \$64,800 was donated to Mr. Walker’s joint fundraising committee in March 2022, attributed to Mr. Washington and his family. The email correspondence and reporting confirm that Mr. Washington sent an additional \$535,200 to HR Talent. The emails also confirm that the purpose of these transfers was to influence Mr. Walker’s

federal election. Mr. Washington has also asserted, through a spokesperson, that the funds were returned to him when he learned they were deposited in a non-political account.

6. Irrespective of any refund, by soliciting and directing contributions in excess of federal limits, Mr. Walker violated the FECA and FEC regulations. Indeed, given Mr. Walker's apparent familiarity with the legal limits (as exhibited by the structure of his solicitation), Mr. Walker's violation was knowing and willful. By receiving a contribution in excess of federal limits, HR Talent, LLC, a company established and controlled by Mr. Walker, violated the FECA and FEC regulations.

Complainants

7. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials, to ensuring the integrity of government officials, protecting our political system from corruption, and reducing the influence of money in politics. CREW is dedicated to empowering voters to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

8. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way that CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal and state office and those who support or oppose such candidates and publicizes those who violate federal campaign finance laws through its website, press releases, and other methods of distribution. CREW also

files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serve CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

9. In order to assess whether an individual, candidate, political committee, or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees and others must file pursuant to the FECA, 52 U.S.C. §§ 30103, 30104; 11 C.F.R. §§ 104.1–22, 109.10. CREW is hindered in its programmatic activity when an individual, candidate, political committee, or other regulated entity fails to disclose or provides false information in reports required by the FECA.

10. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated disclosure reports are the only source of information CREW can use to determine if an individual, candidate, political committee, or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all disclosure reports required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

Respondents

11. Herschel Walker was a candidate for the Republican nomination for the U.S. Senate in the 2022 Georgia Senate elections. Herschel Walker, FEC Form 2 Statement of Candidacy (Feb. 19, 2022), <https://bit.ly/3nAUc4L>. Mr. Walker won the Republican nomination for the seat in May 2022. Georgia Secretary of State, Results (June 6, 2022),

<https://bit.ly/415FAbt>. Mr. Walker eventually lost the election for the Senate seat in a December run-off election. Georgia Secretary of State, Results (Dec. 19, 2022), <https://bit.ly/44xnjqk>.

12. HR Talent, LLC is a limited liability company first incorporated under the laws of Delaware under the name Renaissance Man Medical, LLC, and registered to do business in Georgia. See *Application for Amended Certificate of Authority of a Foreign Entity* (Jan. 15, 2014), <https://bit.ly/3HBf6aH> (changing name to HR Talent, LLC from Renaissance Man Marketing, LLC, signed by Herschel Walker), *Application for Amended Certificate of Authority* (Aug. 25, 2005), <https://bit.ly/3ntWZN8> (changing name to Renaissance Man Marketing, LLC from Renaissance Man Medical, LLC, signed by Herschel Walker). The LLC was first incorporated by Mr. Walker. *Application for Certificate of Authority of Foreign Limited Liability Company* (Apr. 5, 2002), <https://bit.ly/418Uei9> (showing Mr. Walker's signature on forms). On information and belief, Mr. Walker also controls HR Talent, LLC.

Factual Allegations

13. On March 1, 2022, Herschel Walker, a candidate for the U.S. Senate in the 2022 election, emailed an agent for Dennis Washington to solicit and direct the distribution of about \$600,000 in contributions to Team Herschel's People's Champion Committee, Walker's joint fundraising committee.

From: HERCHEL WALKER [REDACTED]
Sent: Tuesday, March 1, 2022 9:39 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: Wire Instructions for Team Herschel's People's Champion Committee

The wiring instruction for the \$64,800 is below. You can send the information to [REDACTED]
[REDACTED]

This email is from an external sender. If you don't know who it is from and if you were not expecting it, DO NOT click any links or input your information. Report this email using the Report Phishing Tool in Outlook.

The \$535,200 can be wired to H R Talent at:

First National Bankers
Bank Birmingham, AL
Routing # [REDACTED]
Further Credit Bank of Wrightsville
Account # [REDACTED]
Final Credit H R Talent
Account # [REDACTED]

You can send the information to [REDACTED] at:
[REDACTED]

Thanks Herschel

Roger Sollenberger, Emails Reveal 'Jaw-Dropping' Herschel Walker Money Scandal, Daily Beast (May 4, 2023), <https://bit.ly/3p1Eccq> ("Figure 1"); *see also id.* (emails were "verified as authentic by a person with knowledge of the exchanges").

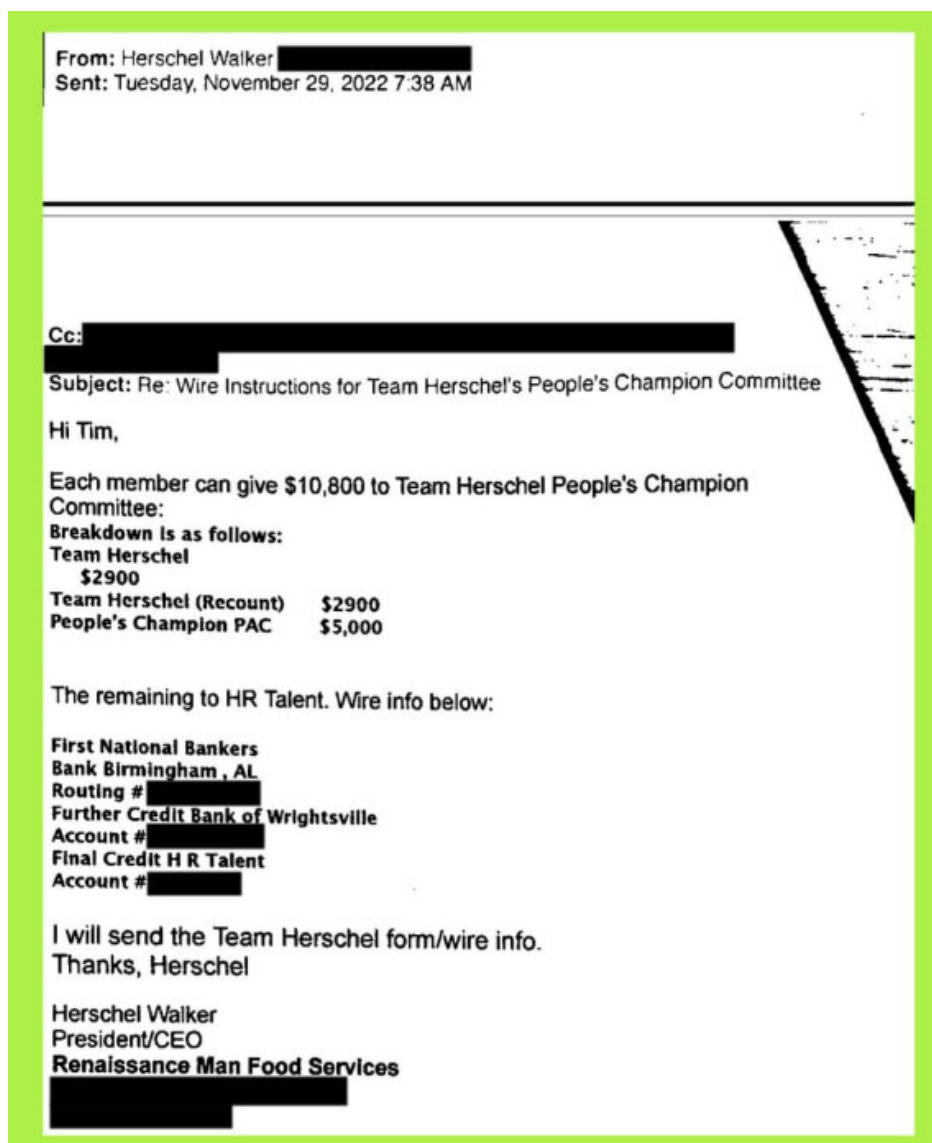
14. That amount far exceeds the statutory limits on contributions to this joint fundraising committee, even when understood as a solicitation of an aggregate contribution from

Mr. Washington and members of his family to the two entities supported by Walker's joint fundraising committee. *Id.*

15. Accordingly, Mr. Walker directed Mr. Washington's agent to send the excessive amount, \$535,200, to a company Mr. Walker established and controlled: HR Talent, LLC. *Id.*

16. FEC records confirm Walker's joint fundraising committee received the \$64,800 from Mr. Washington and his family in March 2022, as Walker requested. Team Herschel People's Champion Committee, Amended Apr. 15 Quarterly Report at 24–27.

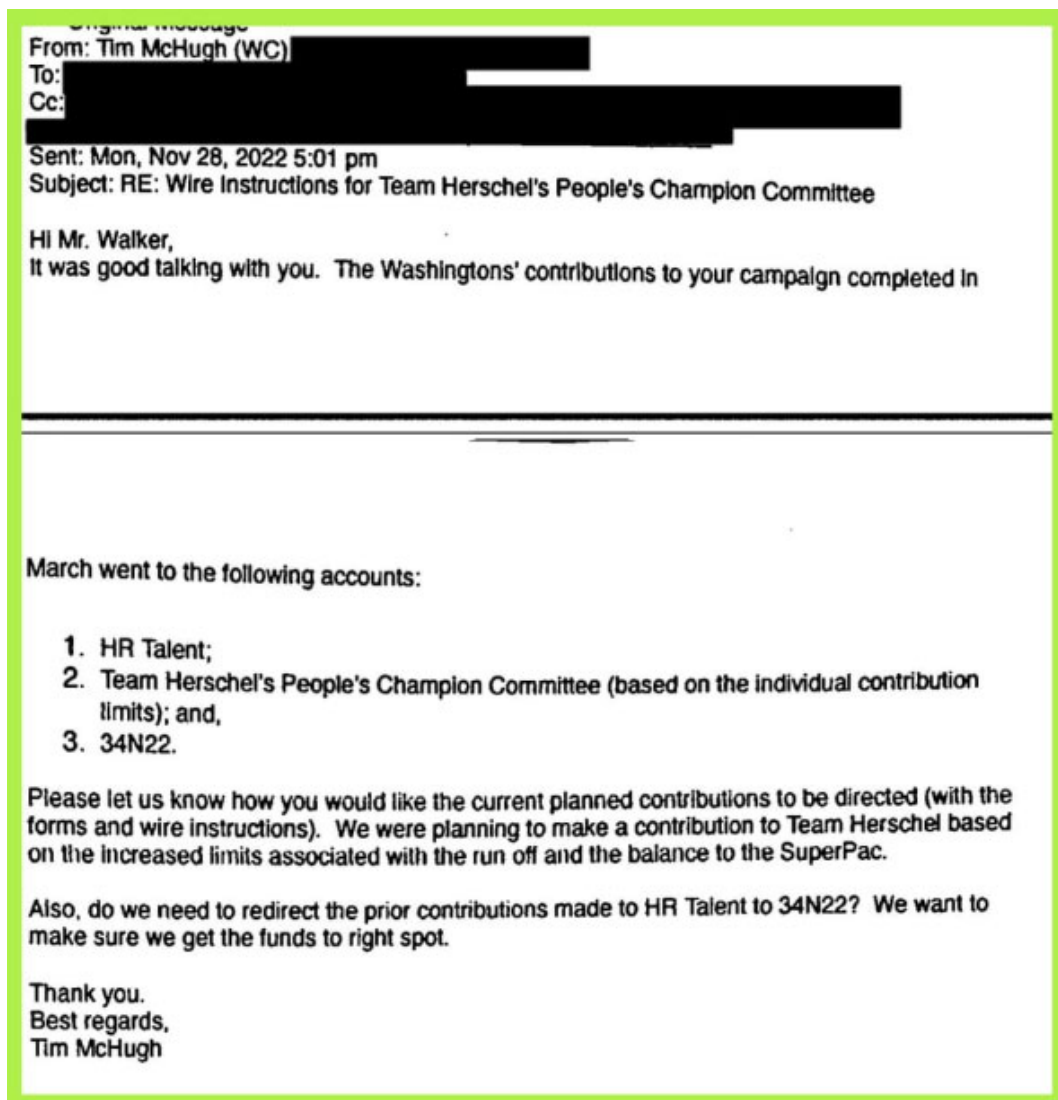
17. Later, in November, Mr. Walker again emailed Mr. Washington's agent to specify that another contribution should be divided among Walker's joint fundraising committee and HR Talent, with the amount in excess of the federal contribution limits going to HR Talent.



Sollenberger, Emails Reveal ‘Jaw-Dropping’ Herschel Walker Money Scandal (“Figure 2”). Mr. Walker explained the breakdown of the contribution to the joint fundraising committee, exhibiting an understanding of the contribution limits on each committee.

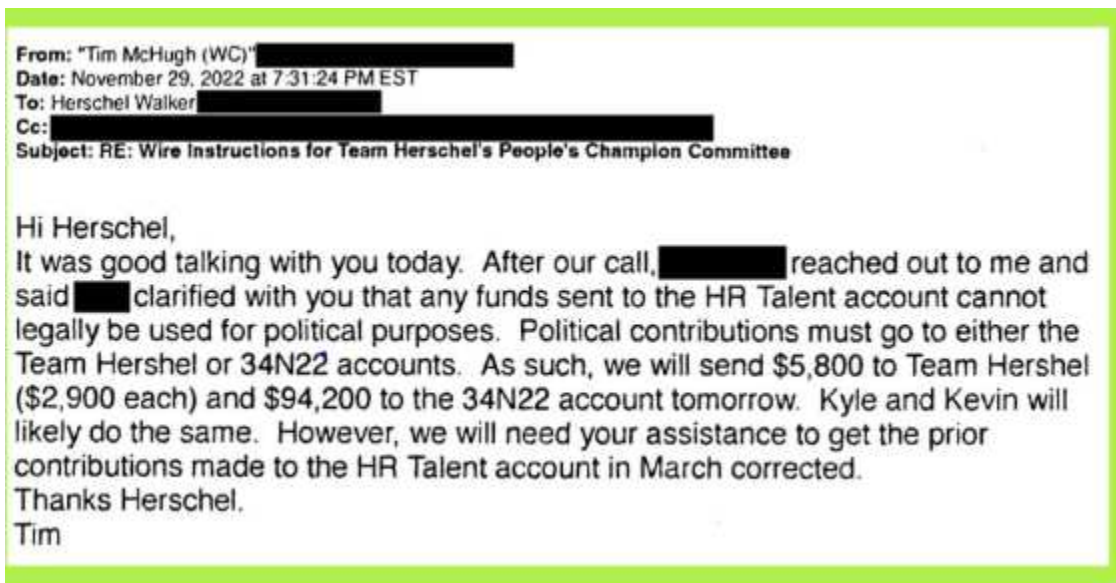
18. In responding emails, Mr. Washington’s agent confirmed funds were in fact transferred in March to three accounts: Walker’s joint fundraising committee, Walker’s company HR Talent, and to a super PAC supporting Mr. Walker, 34N22. Mr. Washington’s agent also

confirmed the March transfers were intended to be “contributions” to support Mr. Walker’s campaign. Mr. Washington’s agent.



Sollenberger, Emails Reveal ‘Jaw-Dropping’ Herschel Walker Money Scandal (“Figure 3”). Mr. Washington’s agent also confirmed that the funds transferred to HR Talent were provided to influence the federal election, asking if they should be redirected from HR Talent to the super PAC. *Id.*

19. Mr. Washington reiterated this point in his next email, stating that an unknown individual informed him and Mr. Walker that funds sent to HR Talent “cannot legally be used for political purposes” and, as such, made a request that the “prior contributions to the HR Talent Account in March [be] corrected.”



Sollenberger, Emails Reveal ‘Jaw-Dropping’ Herschel Walker Money Scandal (“Figure 4”). In line with this understanding, Mr. Washington’s agent said he would transfer another \$5,800 to Mr. Walker’s joint fundraising committee and \$94,200 to the super PAC, 34N22. *Id.*

20. Notwithstanding Mr. Washington’s contribution of \$535,200 to HR Talent and the stated intent that those funds be directed to 34N22, the funds were not in fact transferred to the super PAC. Although Mr. Washington contributed \$500,000 to 34N22 in March 2022 around the time of these emails, *see* 34N22, April 15 Quarterly Report at 13, reporting confirms that this was a separate transaction and made in addition to the \$535,200 sent to HR Talent, *see* Sollenberger, Emails Reveal ‘Jaw-Dropping’ Herschel Walker Money Scandal (“A super PAC representative confirmed that the \$500,000 came from Washington directly. And according to a

person with direct knowledge of the events, that \$500,000 didn't come out of the \$535,200—they were two separate transactions.”). Rather, Mr. Washington told the Daily Beast that the \$535,200 was returned to him after he made a request for a refund when he learned the funds were deposited in a “non-political account.” Roger Sollenberger, Donor Confirms Massive Campaign Payment to Herschel Walker’s Company, Daily Beast (May 4, 2023), <https://bit.ly/3LYiPlp>.

Count I

21. The FECA and FEC regulations limit the amounts a candidate for federal office, and an entity established or controlled by such a candidate, may solicit as contributions. *See* 52 U.S.C. § 30125(e)(1) (“A candidate ... or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates ... shall not ... solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office ... unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.”); 11 C.F.R. § 300.61 (same); *see also* 11 C.F.R. § 300.2(m) (defining “to solicit”); 11 C.F.R. § 300(n) (defining “to direct” to include “guide”) .

22. From March 2022 to November 2022, the federal contribution limits were \$2,900 per individual per election to a candidate committee and \$5,000 per year to a political committee. *See* FEC, *Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold*, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021); 52 U.S.C. § 30116.

23. In March 2022, Herschel Walker’s joint fundraising committee distributed contributions to two separate committees: Team Herschel, Inc., Walker’s principal campaign committee, and People’s Champion PAC, Mr. Walker’s leadership PAC. Herschel People’s

Champion Committee, FEC Form 1, (Statement of Organization) (Oct. 21, 2021), <https://bit.ly/3LVFbnH>; Team Herschel Inc, FEC Form 1 (Statement of Organization) (Feb. 19, 2022), <https://bit.ly/3HFVe6i>; People's Champion PAC, FEC Form 1 (Statement of Organization) (Feb. 19, 2022), <https://bit.ly/3p8ilAc>.

24. Accordingly, at least until a run-off election was declared, any individual's contribution to the joint fundraising committee (assuming contributions were made to provide support in both the primary and a later general election and the donor had made no prior contributions) was limited to \$10,800. Consequently, the FECA and FEC regulations limited Mr. Walker, and HR Talent as an entity he established and controlled, to \$10,800.

25. By soliciting or directing the transfer of \$600,000 from Mr. Washington in March, 2022, or even from the six members in Mr. Washington's family from whom the \$64,800 contribution to Mr. Walker's joint fundraising committee was attributed, Mr. Walker, a federal candidate, solicited and directed a contribution far in excess of the federal contribution limits.

26. Similarly, HR Talent, an entity established and controlled by Mr. Walker, received a contribution far in excess of the federal contribution limits. *See* Figs. 1, 3, 4. Mr. Walker played a significant role in the formation of HR Talent, signing its incorporation papers, and signing papers permitting it to do business in Georgia. *See Application for Amended Certificate of Authority of a Foreign Entity* (Jan 15, 2014); *Application for Amended Certificate of Authority* (Aug. 25, 2005); *Application for Certificate of Authority of Foreign Limited Liability Company* (Apr. 5, 2002); *see also* 11 C.F.R. § 300.2(c) (providing test for entities "established, finance[ed], maintain[ed], or control[ed]" by candidate, including whether the "sponsor ... had an active or significant role in the formation of the entity").

27. In addition, by soliciting or directing the transfer of \$100,000 from Mr. Washington in November 2022, or even from the six members in Mr. Washington's family from whom the \$64,800 contribution to Mr. Walker's joint fundraising committee was attributed, Mr. Walker solicited and directed a contribution far in excess of the federal contribution limits, particularly as the Washingtons had already made maximum contributions to the joint fundraising committee to cover both the primary and general election, and were only able to contribute an additional \$2,900 per individual to support Mr. Walker in the run-off election. *See* Figs. 2, 4.

28. The email correspondence between Mr. Washington's agent and Mr. Walker confirms that the purpose of these transfers was to influence federal elections. *See* Figs. 3, 4; *see also* Sollenberger, Donor Confirms Massive Campaign Payment to Herschel Walker's Company (quoting statement from Mr. Washington's spokesperson that transfers were "political contributions"). Accordingly, the transfers are "contributions" limited under federal law. *See* 52 U.S.C. § 30101(8)(A); 11 C.F.R. § 100.52.

29. Accordingly, Mr. Walker and HR Talent, LLC violated 52 U.S.C. § 30125(e) and 11 C.F.R. § 300.61.

30. Furthermore, Mr. Walker's email correspondence demonstrates that he understood the federal limits on campaign contributions and that he crafted the transfers to evade those limits. *See* Figs. 1, 2. Accordingly, Mr. Walker's violations of the law were knowing and willful, and thus Mr. Walker may be subject to criminal penalties under the Act. *See* 52 U.S.C. § 30109(d).

Conclusion

31. WHEREFORE, Citizens for Responsibility and Ethics in Washington requests that the FEC conduct an investigation into these allegations; declare the respondents to have violated the FECA and applicable FEC regulations; impose sanctions appropriate to these violations, and take such further action as may be appropriate, including referring this matter to the Department of Justice for criminal prosecution should the investigation reveal that criminal laws were violated.

 05/05/2023

ON BEHALF OF COMPLAINANT
Noah Bookbinder
President
Citizens for Responsibility and Ethics
in Washington
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Verification

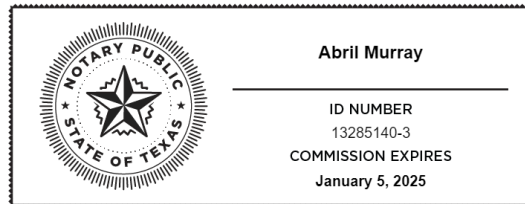
Citizens for Responsibility and Ethics in Washington hereby verifies that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.

Noah Bookbinder
Noah Bookbinder

Sworn to and subscribed before me this 5th day of May, 2023

Abril Murray

Notary Public STATE OF TEXAS
COUNTY OF HARRIS



Notarized online using audio-video communication